CHANGING PATTERNS OF MARRIAGE AND FAMILY IN ENGLAND FROM THE LATE MEDIEVAL TO THE EARLY MODERN AGES

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Approval of the Graduate School of Social Sciences

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ABSTRACT

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This thesis analyzes the changing patterns of the institutions of family and marriage in England. The period covers the late medieval ages to the early modern ages until the middle of the eighteenth century, *1753*, which represents the acceptance of an important Act on marriage by the English Parliament that ended ambiguities on the law of marriage. This study attempts to investigate the family institution and marriage practices of England, which represented a different character from other European countries throughout the period. Many important historical factors occurred throughout the period, which influenced the family structure and marriage practices such as the Reformation. Within this framework, throughout this thesis, the religious, political, economic and social factors that paved the way for transition in family and marriage will be analyzed.

ÖZ

GEÇ ORTAÇAĞ'DAN ERKEN MODERN ÇAĞ'A İNGİLTERE'DE AİLE VE EVLİLİĞİN DEĞİŞİMİ

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Bu tez, İngiltere'de evlilik ve aile kurumlarında meydana gelen değişimleri ele almaktadır. Dönem geç Ortaçağ'dan başlayıp erken Modern Çağ'da, onsekizinci yüzyılın ortalarına, 1753 yılına kadar olan süreyi ele almaktadır. 1753 yılı İngiliz Parlementosu'nun, evlilik hukukun üzerindeki belirsizlikleri ortadan kaldıran önemli bir kanunu kabul ettiği yılı göstermektedir. Bu çalışma, ele alınan dönem boyunca diğer Avrupa ülkelerinden farklı bir karakter sergileyen, İngiliz aile kurumunun ve evlilik adetlerini incelemeye çalışmaktadır. Dönem boyunca, aile yapısını ve evlilik adetlerini etkileyen -Reformasyon gibi- pek çok tarihsel etken oluşmuştur. Bu çerçevede, bu tez boyunca *evlilik ve aile*'de meydana gelen değişimlere yol açan dini, siyasi, ekonomik ve sosyal etkenler incelenecektir.

Anahtar Kelimeler: İngiltere, evlilik, aile, değişim, 8. Henri, Geç Ortaçağ, Erken Modern, Reformasyon.

For my Parents,
Emine-Ali İhsan Uludüz...

ACKNOWLEDGEMENTS

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Date: Signature:

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INTRODUCTION

"Society is a process. It is never static" is a phrase used by Keith Wrightson in *English Society 1580- 1680*. This phrase expresses the theme of this work in a very brief way. Societies do change according to time, place and conditions. They were not indifferent to the world surrounding them, as it is also true for the opposite. Religious, economic and political aspects of change intermingled in this process of society.

England is a different country at all times from the rest of Europe socially, politically and economically. It is also different in its complicated structures of marriage and family during the Middle Ages and early modern period. Marriage and family had certain functions in English society, which had changed only gradually. They were affected by the major developments of the period such as the Reformation and also affected by many. Marriage as a social institution was not in the concern of only the individuals who contracted it but also a great importance was given by the state and the church to it. Families were established by marriages constituted a position of basic units for production and consumption, which played great role in giving a shape to the society's modes of organization.

I have chosen the gentry and nobility as the social classes of this study, since their attitudes and approaches were different from the rest of the society. In terms of politics and economy, gentry and nobility were the powerful social class in England.

Status played a great role among the selected classes – not very surprisingly in a feudal society, hierarchy, alliances and patronage system were the crucial facts of life. All relationships were hierarchical; the superior in one relationship was the inferior in another. Family functioned as educational, political and religious centre of the English upper class and marriages were mostly seen as instruments for taking a step forward in the hierarchical scale, which also had the function of providing family more fortune and strong alliances. These perceptions and manners changed during the course of time legally, religiously, socially, economically and politically. There were also, of course, many enduring facts that continued in terms of marriage and family patterns when we came to the early modern ages. Many questions can be asked when writing a comparative study about society like; how did this transition take place? Why did it happen? What kind of a form did marriage and family take? Were there any continuing manners and rules after the change?

Throughout the centuries concerned – both in the Middle Ages and the early modern period- the church and state had interests in family and marriage practices. The reason for this interest is that family was seen as a useful device for social control and as Rosemary O'Day puts it for 'economic stability'.[1] The central control of the state was weak, thus inner control within the family and household was essential in this sense especially during the late medieval ages. The family could act as a supervisor for its members and their actions in a society or it could act as an institution that produced for the well being of its members, therefore, acted as the basic economic unit of a society whose economic activities were fundamentally based on agriculture.

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[1] Rosemary O'Day, *The Family and Family Relationships 1500 – 1900: England, France and the United States of America*, (London: MacMillan Press, 1994), p. 30.

England was going through a period of transition in terms of many of its institutions and structures such as the change in its religious structure and the shifts in monarchical power or the transitions in the economic structure of the country. The change in the economic activities of England by means of growing productivity, increasing importance of trade and banking, consequently the growth of cities like London affected the family lives and relations of the gentry and aristocracy. The household units of upper class and landowners began to be moved from countrysides to great cities; especially to London because it was becoming the core of political, social and economic activities. The period was also important for its enormous political and social fluctuations. The Reformation, which affected many aspects of family life and marriage institutions, took place in a different way in England than the rest of Europe. England has significance also for it being the country where the Industrial Revolution began since the period this study concerns, was witnessing the first signs of the Industrial Revolution. Political upheavals and ambiguities also marked this transition period. England was the first country to try and execute a monarch, Charles I. In fact, parliament and rights of individuals were more considered in England since the Middle Ages than continental Europe. England is the country of Magna Charta and the execution of a monarch did not simply mean an upheaval or victory in a struggle but it was more about the protection of the Parliament and rights against an absolute monarch who did not understand well the composition of his country. He took too seriously the idea of the divinity of royal rights and paid for this with his life. In order to understand social relations among the society and change in these relations, we have to examine the political, ideological, economic and religious background of these relations.

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In England family and household differed from each other. The household was composed of non-related co-residents in a family such as the servants, temporary resident friends, lodgers or kin. Household compositions and structures changed with the early modern period and service relations among the gentry and the aristocracy began to loose its importance with economic and political transitions and dissolution of the feudal system. These changes led to the growth of individualism within the English society that reflected its direct effect on marriage and family.

Within this framework, demography was an essential instrument in trying to compare a society within two different periods of time, in terms of the fact that demography provides us with valuable evidences when examining marriage customs or family lives of a society. Marrying age of the English varied throughout the selected period according to population growth, economic, religious and political circumstances. The number of servants of a household, remarriage or celibacy rates and number of divorces – not in the sense we use the term today; divorce was a completely exceptional pattern with very complicated rules and regulations – are all important in understanding English society and how the political, religious and social structures of this society affected each other?[2]

Marriage was mostly arranged and looked as if it was a matter of business in the Middle Ages, although love was not totally absent even it was rare. In early modern England, almost every historian accepts that a rise in 'companionate marriage' – historians of family and marriage like Lawrence Stone and Alan MacFarlane used the term - was marked. As Alan MacFarlane in *Marriage and Love in England 1300-1840* puts it, as '…the central advantage of marriage was the mutual society and

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[2] Alan MacFarlane, *Marriage and Love in England: Modes of Reproduction 1300- 1840*, (Oxford & Cambridge: Basil Blackwell Publishers, 1993), p. 157.

companionship, the identity of interests in an otherwise competitive and individualistic world – in other words true friendship'. The experience of romantic love was also widespread during the early modern period differing from the Middle Ages. We can read the passion of Dudley Ryder to Sally Marshall whom he was courting in 1716:

> … I think I never was more deeply in love in my life … I am far form having a mean opinion of Mrs. Marshall. I admire her extremely, her beauty, good nature and good sense … If I was as much beloved, perhaps I should not be so much in love…[3]

But there were also men who considered only material issues even they were free to choose their brides at the same period.

In this study I used diaries, correspondences, court papers and contract examples and also there were some case studies, which were very helpful for a better understanding of the social customs, regulations and individualistic perceptions and attitudes of the subject. As Marc Bloch had mentioned ' in the last analysis it is the human consciousness which is the subject matter of history'[4], therefore sources such as case studies, personal letters or diaries have great importance in the understanding of this consciousness. These sources acted like eyewitnesses of the incidents; how these people perceived the changes? What were their thoughts about marriage and family? What were their feelings? And how much did their personalities contributed to issues, which were mainly under strict control of parents like marriage?

There were many letter collections of many families like the Stonor, Paston, Plumpton, Lisle or Cely correspondences, which were well preserved and published.

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[3] Ralph Houlbrooke (ed.), *English Family Life 1576- 1716: An Anthology from Diaries*, (Oxford & Cambridge: Basil Blackwell Publishers, 1988), p. 49.
[4] Lawrence Stone, *Uncertain Unions Broken Lives: Marriage and Divorce in England 1660- 1857*, (Oxford & New York: Oxford University Press, 1995), p.4.

Letters were written for numerous reasons in the past as it is today. They represent a good deal of personal feelings, information about individuals or society and how people expressed themselves. Some letters were written in a very personal style, some were formal in addressing. The styles of letters changes according to the writer, according to the purpose of writing that letter and its content, but whatever its style, letters represent a significant place as written documents for researchers.

Ralph Houlbrooke points out in his *English Family Life 1576- 1716: An Anthology from Diaries* that the history of the diary keeping can be traced back into the Middle Ages, to chronicles or annals. They were kept first by clerics, but later the task was also undertaken by literate laymen. By the late Middle Ages 'personal chronicles' had emerged, which mostly described the writer's involvement of some events. The term diary was applied to accounts of historic events, which were written by people who were involved in them. The journal of Thomas Beckington's embassy to France in 1442-3, Sir Richard Guildford's account of his pilgrimage to the Holy Land in 1506-7 and a description of the Boulogne campaign of 1544 were among the examples of this type of diaries.

From the late sixteenth century onwards there is an increase in the numbers of historical materials in the forms of diaries, correspondences and other family papers. Alan MacFarlane suggests that the rapid increase in diary keeping after the Reformation period can be the result of 'the changes in education, the shift from an oral to literary culture, of the growing stress on introspection in religious exercises, of the increased interest in household accounting'.[5]

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[5] Alan MacFarlane, *The Family Life of Ralph Josselin: A Seventeenth Century Clergyman*, (London & New York: Cambridge University Press, 1970), p. 5.

At that period, there were many motives for diary keeping; one of the simplest of these motives was to help remembering. Walter Powell kept a diary simply ' to helpe my memorie concerning those things and upon all occasions'.[6] The desire to examine one's soul and to correct behaviours of her/himself in accordance with God's directions was another motive for writing diaries. This approach was very well described in a letter written to Ralph Thoresby by his father, which encouraged Thoresby to keep a diary:

> Take a little journal of anything remarkable every day, principally as to yourself as, suppose, Aug. 2. I was at such a place; (or) I omitted such a duty … I have thought this a good method for one to keep a tolerable decorum in actions, &c. because he is to be accountable to himself as well as to God, which we are too apt to forget.[7]

A whole book on recommendation of diary keeping, entitled *The Journal or Diary of a Thankful Christian,* was published in 1656 which was written by John Beadle which includes instructions of how to keep a diary and what to put in it.[8] However, there is no one diary style; diaries are also as diverse in phrasing and contents as letters. The diarists range in age and sex from a ten-year-old girl, Emily Pepys to women and men of any age. The class also ranged, however it is mostly the gentry and aristocracy who kept diaries until the nineteenth century. In seventeenth century, diaries were dominated by activities of the person who kept it, but feelings begin to take an important part too.[9]

There are several famous diary keepers of England like James Boswell, John Evelyn, Lady Margaret Hoby, Lady Anne Clifford and many others. Ralph Josselin

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[6] *Ibid.*, p. 6

[7] MacFarlane, *Family Life,* p. 6, "*The Diary of Ralph Thoresby*, ed. J. Hunter (2 vols, 1830), vol. I, p. xv".

[8] MacFarlane, *Family Life,* p. 7.

[9] Harriet Blodgett (ed.), The *English Women's Diary*, (London: Fourth Estate Ltd., 1992), p. 5.

has a diverse place among these due to MacFarlane's study of his family life by using his diary. Ralph Josselin was born at Roxwell in Essex on 26 January 1617. He was the first son but third child – this is important in terms of the primogeniture rules in England. His father had provided him with a very good education. He was a devoted Puritan and he served as the Vicar of Earls Colne in Essex until his death in 1683.[10]

Samuel Pepys, perhaps the most famous among the diary keepers and also the one I referred to most. He was born in London on 23 February 1633. He was sent to a grammar school at Huntingdon during the Civil War of 1642 for a while and then lived with his uncle Robert Pepys of Brampton who was the steward of the Mountagus of Hinchingbrooke. Soon after the end of the war Pepys returned to London and was put to school at St. Paul's, which he left in 1651 with an exhibition to Cambridge. After taking his degree in 1654 he entered the service of Edward Mountagu as his secretary and agent in London. In 1655, he married Elizabeth St. Michel, the daughter of a Huguenot refugee. He began to keep his diary in 1660 and he steadily promoted in his career during his life.[11] Samuel Pepys' diary was an attractive one in terms of its style, the writer's narrative ability, its importance in reflecting the attitudes, personal and mental world of the writer, and representing a colourful description of the most significant events of the period.

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[10] MacFarlane, *Family Life*, pp. 15- 17.
[11] Robert Latham (ed.), *The Shorter Pepys*, (London: Bell & Hyman Ltd., 1985), pp. xxi- xxv.

CHAPTER I

FAMILY INSTITUTION IN LATE MEDIEVAL

ENGLAND

In this chapter, I will analyze the social structure of the late medieval England, basically considering the family institution of the time. The chapter analyzes family institution of England through letters written by the members of the gentry and legal records plus court papers of the time. Unlike the sixteenth and seventeenth centuries, great letter writers and diarists were not abundant in the late medieval ages but the fifteenth-century was not completely barren in terms of primary sources. The historian have copious financial and legal records, but most important are the four great letter collections because they are well preserved and significant for illuminating in a very detailed way, the social and political history of the fifteenth-century England; the Pastons, Stonors, Plumptons and Celys. All left records of their families and friends, kings and courtiers, intrigues and business dealings.

Marriage and family institutions of the fifteenth-century England had the function of giving order to the society. Marriage and family formation was seen as instrument

for taking a step forward in the hierarchical development of the individuals.[2] Marriages affected society, and the structure of and social practices pursued by families affected marriage practices. In this chapter, I will also analyze the concepts of household and service relations of the late medieval England.

1.1. Family Institution

Familia was a Latin word used in the Middle Ages to describe the households of lords or ecclesiastical establishments, and included the master, his immediate kin, servants, and other household residents.[3] The husband was the holder of a house and, the wife and the children completed his immediate circle. In the late medieval records, intra-familial relations were specified as "John, son of Richard" or "Matilda, wife of William".[4]

It has been claimed by Ralph Houlbrooke that during the late medieval ages the nuclear family was the basic element in English society as it still is today.[5] However this nuclear family consisted of husband, wife, children and servants. It has been argued that the absence of clearly defined larger groups of relatives caused the individual to focus his/her primary loyalties on his/her elementary family, but this does not mean links with other kin were totally absent both materially and emotionally.[6]

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[2] This view is mentioned in various works on the family structure of the late medieval England such as: Ralph A. Houlbrooke, *The English Family 1450-1700* (London and New York: Longman Press, 1984), Barbara A. Hanawalt, *The Ties That Bound: Peasant Families in Medieval England*, (New York: Oxford University Press, 1986), Jean-Louis Flandrin, trans. by Richard Southern, *Families in Former Times: Kinship, Household and Sexuality*, (Cambridge: Cambridge University Press, 1992), Frances and Joseph Gies, *Marriage and the Family in the Middle Ages,* (New York: Harper & Row Publishers, 1987).
[3] Hanawalt, p. 4.
[4] *Ibid.* p.5.
[5] Houlbrooke, *The English Family,* p.18.
[6] *Ibid., p.18.*

One of the functions of the family was to provide order to the society and the service practice of the time within the family institution fulfilled this function. Husband (and wife in occasion) had certain responsibilities towards both the children and servants, who were in turn, bound to obey him. The authority of a king over his subjects, and authority of a father over his children and servants were considered as of the same nature. Neither authority was based on contract, and both were considered "natural".[7] The king and the father were responsible for their governance to God alone. Normally they acted for the best interests of their family. Many servants did receive rewards from their lords, and all surely hoped to do so. The possibility to gain benefits provided the servant to obey the rules of the house and serve as good as possible to his lord *(father).* The favours were not always in the forms of material rewards, but equally important were the less formal manifestations of favour, such as help in a law case or towards a good marriage. The Earl of Oxford, negotiating a marriage on behalf of his servant Thomas Denys, offered to visit the girl himself if that would help.[8] But, though servants and children might be members of the same "family", the basis of their membership, the extent of their duties to the heads of the households, their claims upon them, and the duration of their residence in the household were completely different.[9] In England, a census conducted in 1381 in Rutland refers to the presence of servants in 20 per cent of dwellings.[10] The main purpose of this practice was educational. The reason why the parents chose to send

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[7] Flandrin, p. 1.
[8] Rosemary Horrox, "*Service"* in *Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England,* ed. by Rosemary Horrox, (Cambridge: Cambridge University Press, 1996), p. 65.
[9] Houlbrooke, *English Family*, p.19.
[10] André Burguiére and François Lebrun, "The One Hundred and One Families of Europe" in *A History of the Family, Volume Two: The Impact of Modernity*, André Burguiére, Christiane Klapisch-Zuber, Martine Segalen and Françoise Zonabend (eds.), (Cambridge: Polity Press 1996), p. 40.

their children to other dwellings for education could be the idea that technical and social apprenticeship required a prolonged initiation of the child in the outside world. This would also help the child to adapt himself/herself to the hardship of the future. Placing children in service schooled them in individualism. It can be argued that these experiences taught the children to separate work relations from parental ones. And another reason for the practice might be that it was believed that the training process of the young child required authority, even brutality so that it was preferred to hand over the duty to someone who was not held back by the emotional ties of fatherhood. An Italian traveler in England in 1500, after discovering this custom, which was alien to his own culture, wrote, 'I think that they do this because they value their own comfort and are better served by strangers than they would be by their own children'.[11]

Children were sometimes placed with distant relatives, but mostly they were placed with neighbours or local friends. This circulation gave rise to other exchange circuits, reciprocal gifts and even produced spouses by the help of the lord as mentioned above, or it was possible to marry someone from the family where one had been placed as a servant.[12] In any case it can be argued that this practice encouraged social ties, which should be constantly renewed and extended at the expense of blood ties, and this practice also pushed the families to become extra-vended instead of turning in on its kinship environment. Another function of the nuclear family was, thus, to open up to the environment thanks again to the practice of placing children and of circulating servants.

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[11] *Ibid.* , p.41.
[12] *Ibid.* , p.44.

However, men's strongest obligation; legal, customary and moral, were to their wives and children. They generally recognized, for example, their moral obligation to leave the bulk of their property to their wives and offspring, to whom it would descend by the laws and customs of inheritance if they did not make dispositions of their own. But, relationships outside the nuclear core should not be considered as unimportant. Each married person belonged to at least two nuclear families during his/her life: family of origin and family by marriage. Ralph A. Houlbrooke suggests that ties with relatives by marriage and maternal kinsfolk were often stronger than those with paternal kindred. The following letter of German Pole can be a good example to support the argument of Houlbrooke. .[13] German Pole's parents died when he was a young boy and later he had married Anne, daughter of Sir Robert Plumpton and below letter reveals the importance he placed on his new family:

> *Let these be delivered to his most honoured father, Sir Robert Plumpton, in the greatest haste.*
> Most honourable and honoured father and mother, in the humblest way I can, I ask to hear of your health and prosperity, which I pray that Almighty Jesus will please to maintain for a long time, to your joy, happiness and comfort. Moreover, my brother William earnestly and humbly asks your favour, and your lady my mother's, asking your daily blessing, which is as welcome to me as to any of your other children, for I have no other father but you, nor any other mother by my lady; for I put my highest trust in you. …Sir, my reason for writing is only to hear of your good health, which is a great joy and comfort to me. And, sir, I humbly ask you and my lady, my mother, to be indulgent to this letter, for it is written in haste, in my own hand, and without the help of anyone else; for I know that you would rather have it by my own hand than anyone else's. …
> You good son and beadchild,
> German Pole.[14]

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[13] Houlbrooke, *English Family*, p.19.
[14] Catherine Moriarty (ed.), *The Voice of the Middle Ages in Personal Letters 1100- 1500*, (Oxford: Lennard Publishing, 1989), p. 238.

Each nuclear family was linked by birth or marriage to a number of others. Personal ties outside the nuclear family were usually concentrated within the circle of grandparents, uncles, aunts, nephews, and nieces though the strength and significance of the relation depended mostly on social status, geography, personal preferences and calculations of mutual advantage.[15]

One of the most important functions of a family was to raise children and thus to provide the continuity of the family institution. It was especially important for the gentry families to have a son in order to continue the name and the strength of the family because of the fact that generally the eldest son of the family was the one who was responsible for the continuation of the family. We can see clearly the importance attached to the birth of an heir in the extract below. This extract was about "the reputed pregnancy of the Countess of Gloucester in 1316, after the death at the battle of Bannockburn on 24 June 1314 of her husband Earl Gilbert de Clare:[16]

> At the next parliament of the lord king, namely at Lincoln on the quindene of St Hilary in the ninth year of his reign, Hugh [le Despenser the younger] came and petitioned for his pourparty etc. recite the reasons stated above. And the said Gilbert [de Tondeby] and Geoffrey [le Scrope] said on behalf of the lord king that no pourparty of the aforesaid lands and tenements should be delivered to the said Hugh, reciting the reasons given above, adding also that the said countess after the death of her late husband the earl at the due time and according to the course of nature felt a living child. This was well known in the parts where she was living. Although the time of the birth of that child, which nature allows to be put off and hampered for divers reasons, may still be delayed, this should not prejudice the aforesaid pregnancy, at least while nature does not put an end to it but supports it, and the lord king ought to protect it in all things. They said that since these matters were well known, as has been said, the said Hugh, if it seemed to him expedient, could and ought to have

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[15] Houlbrooke, *English Family*, p.19

[16] Jennifer Ward (trans. and ed.), *Women of the English Nobility and Gentry 1066- 1500*, (Manchester and New York: Manchester University Press, 1995), p. 67.

> obtained a writ from the lord king's chancery, according to the law and custom of the realm and the course of chancery followed in a case of this kind, to have the belly of the countess inspected by discreet knights and matrons to see whether the countess was pregnant or not, and, if she was, then at what time it was thought she would give birth. …[17]

It can be clearly seen in this extract that to have an heir was something of utmost importance in terms of family realms and privileges for the families of the middle ages. The heir to a great line who failed to continue it was seen as, at best, unfortunate, at worst shamefully negligent.[18] In the landed class, the eldest son who would inherit the house, estate and who would carry on the line after the death of the father, was given the primary importance. Father had to prepare his heir to the duties by setting close relations with him. In 1472 Thomas Mull wrote his brother-in-law a letter, which reveals his feeling that Stonor's relation with his son William, then in his early twenties, was not as close as it should have been. He urged him to call William when they were at home together and to let the young man walk with him and give him "wordes of good comforte".[19] The special symbol of the tie between a father and his heir was usually a letter or a message prepared on the eve of death which had advices directed to the eldest son, generally to take care of his younger brothers and sisters and to love and obey his mother.[20]

Thus, it was encouraged to have children as early as possible. There are some factors, which influence the fertility of a woman. Female fertility may decline with age therefore for this reason it was considered that marrying after puberty is

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[17] *Ibid.,* p.68, c.f. *Rotuli Parliamentorum*, I, p. 354; in Latin.
[18] Houlbrooke, *English Family, ibid.*, p. 127.
[19] *Ibid*., p. 179.
[20] *Ibid*., pp. 178-181.

appropriate especially for women but also for men. It was the case when Margaret Paston wrote to her husband John Paston I, probably in 1463, about a possibility of a marriage of their daughter with a young men 'that is Sir John Cely's son; Sir John is chamberlain to my lady of York, and the son is eighteen years old…'[21] The late marriages were not favoured because of the fact that the longer the marriage postponed, the shorter the fertility period would be. It was also more probable that wife or husband could die before a child was born and to bear children was one of the most important functions of the late medieval marriages among the nobility and gentry in terms of the succession of property, family name and to secure the future of the family.

1.2. Household System and Kinship Ties in Late Middle Ages

1.2.1. Kinship Ties and Inheritance

Kinship relations were of two kinds; the relations that were with those whom you shared blood and that were created by marriages as mentioned above. The first type of relation is called as *consanguineal* and the second as *affinal.* The second type of relations were established both by the person's own marriage and by the marriages of his/her blood relatives. Apart from these two types of relations, a third type existed in medieval times which was called *spiritual kinship* formed between the individual and his sponsors established by baptism and confirmation according to the medieval ecclesiastical law.[22] According to the canon law, all three types of kinship played a determinant role between the two individuals' marriage. Consanguinity excluded marriage between two individuals who were related up to the fourth degree of kinship. Brothers and sisters were related in the first degree, first-degree cousins in

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[21] Ward, *ibid.*, p.20.
[22] Houlbrooke, *English Family,* p.39.

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the second, second degree cousins in the third and third degree cousins in the fourth. Spiritual kinship excluded marriage between those baptised or confirmed on the one hand and their sponsors and the latter's children on the other. And also it banned marriage between the parents of those baptized or confirmed and the sponsors.[23]

The ties between siblings were weakened gradually, especially after the deaths of parents. Marriage created a new area of focus in such circumstances in terms of affinal kinship. Another reason for the weakening relations of the siblings was, probably, the privileged position of the eldest son. That was also because heirs, the eldest sons, usually behaved in a selfish and unthankful way. For example, John Paston I disturbed the provisions that his father wanted to make for his younger sons, William and Clement.[24]

The kinship terminology was important for emphasizing the central role of the nuclear family in all European countries but this was especially evident in England because of the interface of the Norman-French and Anglo-Saxon languages after the conquest of 1066.[25] In Anglo-Saxon terminology separate but related terms were used, as *faeder* for father and father's brother, and *faedera* for mother and mother's sister. The terms used for cousins were also different from the ones for brothers and sisters. After 1066, the terms for kin outside the nuclear family were abandoned in favour of the Norman-French, while the Germanic roots were retained for the closest

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[23] *Ibid.*, p.39.

[24] *Ibid.*, p. 42.

[25] William of Normandy claimed the English crown as successor of the former, half-Norman king, Edward the Confessor (1042-1066). Also, Harold, the English king, maintained that King Edward had designated him as his successor. At the end of September William landed his army on the English south coast and, on 14 October 1066, he defeated Harold at the battle of Hastings. H. G. Koenigsberger, *Medieval Europe 400-1500*, (New York: Longman Inc., 1987), p. 152.

kin; mother, father, son, daughter.[26] The word "cousin", for example, was far wider and more vague in its use than today. A person could call his/her nephews, distant affinal relatives and even grandchildren as "cousin".

Surnames were gradually adopted by most ranks of society during the later Middle Ages. In England gradually gentlemen begun to be known by their first names and surnames and lords also bore their titles, thus, titles like Sir Edward Hyde the first Earl of Clarendon or George Villiers, Duke of Buckingham came into use. These titles passed only to the heir, the eldest son, whereas the younger sons generally had to use their patronymic preceded by their Christian name like Sir James Montagu, the sixth son of Lord Sandwich.[27] The bearer of a well-known name often felt a special solidarity with dead ancestors, which helped the continuity and preservation of the family line and pass the name to descendants with pride. Inheritance of the paternal surname encouraged individuals to perceive themselves as members of their fathers' line. But this fact did not always reflect the only loyalty to the male line. Connections on the mother's side could also be important. Mother's and father's kin were accepted to have had a relationship to each other, which is true also today. These ties could provide appropriate basis for new marriages and thus new relations. Well-known ancestors of female line were also a source of pride[28] as well as the fact that a person could get grants by marrying an heiress or from his mother and the line of his mother whom did not have a male heir. An example to this view is the grant made by Ela, Countess of Salisbury of land from her inheritance to her son Nicholas Longespee at

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[26] Jack Goody, *The European Family: An Historico-Anthropological Essay,* (Oxford: Blackwell Publishing, 2000), p. 60.
[27] Flandrin, p. 13.
[28] Beatrice Gottlieb, *The Family in the Western World from the Black Death to the Industrial Age,* (New York & Oxford: Oxford University Press, 1993), pp. 184 –189.

the end of the thirteenth century. She had given land to his son in return for his homage and service during her widowhood.[29]

It is obvious that even today, belonging to a famous family is often a matter of pride; but at that time in England, the fact of family membership did not bind kinsmen in a loyalty to name. The fact that great bulk of the lands went to the eldest son created a gap between the head of the house and his descendants on the one hand and his younger brothers and their descendants on the other. It has been claimed by Houlbrooke that many landowners treated generously to younger brothers of their own after they inherited the family fortune, but such behavior depended very much on individual affection and choice.[30] The goal of this practice was to preserve the wealth and status of families' male members over time, by limiting the number of claimants on its resources or by reducing the size of some shares. It can be suggested that generally the importance of preserving the continuity of the family and its name and wealth was seen possible only by having a male heir. If the eldest son did not survive the inheritance did not pass to a daughter who can be older than the second son. We can see the proofs of this view in the arrangement, concerning the manors and the castle of Warwick, made by Thomas de Beauchamp, the Earl of Warwick and his eldest son Guy in 1344:

> This is the final concord made in the lord king's court at Westminster in the octaves of Holy Trinity, in the eighteenth year of the reign of Edward III king of England and … in the presence of John de Stonor, Roger Hillary, Richard de Willoughby … concerning the castle of Warwick with its appurtances, and the manors of Warwick, Brailes, Claverdon … concerning all of which a plea of covenant was brought in the same court. According to the agreement, the earl acknowledged the said castles and manors to be the right of

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[29] Ward, p. 115.
[30] Houlbrooke, *English Family,* p.41.

John (de Melbourn) and Roger (de Ledebury) as those, which John and Roger have of the earl's gift. In return for this acknowledgement, fine and agreement, John and Roger have granted to the earl and Guy aforesaid castles and manors with appurtances and have given them to them in the same court to have and to hold to the earl and Guy and the male heirs begotten of Guy's body of the lord king and his heirs by the services due from the said castles and manors forever. If it should happen that guy should die without begetting a male heir, then after the deaths of Guy and the earl the said … shall remain to Thomas, Guy's brother, and the male heirs begotten by him. If it should happen that Thomas should die without begetting a male heir, then after Thomas's death … remain wholly to Reynbrun, Thomas's brother …[31]

As it is clearly seen, no mention of a female heiress was made in the arrangement but it does not mean that this was the rule. Inheritance was patrilineal in general and this was the natural outlook of the period but of course there were exceptions to this generalization. In England, the rule of equal partition among heirs was derived from Celtic customs such as the Welsh "cyfran", the Saxon "gavelkind", and from Norman Law.[32] In Kent, for example, special customs called "gavelkind" prevailed, which allowed the sons shared the land equally.[33] However, from the thirteenth century onwards, the requirements of transmission of fiefs in their entirety had imposed the right of primogeniture on the common law of the realm. This rule of the right of primogeniture derived from the requirements of the feudal system.

Women could also inherit or be given land. In most cases, the land upon marriage was managed and controlled by the husband. For example in the thirteenth century William Peverel had divided the whole barony of Pain Peverel among four sisters. "The eldest was called Matilda de Dovre and she died without an heir of her body.

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[31] Ward, p.108, c.f. Public Record Office, London, CP25 / 1/ 287 / 41, no. 334; in Latin.
[32] Flandrin, p. 76.
[33] Mavis E. Mate, *Women in Medieval English Society,* (Cambridge: Cambridge University Press, 1999), p.19.

And so the inheritance devolved on three sisters and Matilda's share was divided among them."[34] And there were also some examples of measures taken to provide land for women after the fourteenth century, one of them is such '… we have learned by the inquisition that the late John Salisbury knight held on the day he died of the inheritance of Joan his wife who is still living… We therefore order you to withdraw immediately from the manor …'[35] Since the population fell in the wake of the Black Death[36] the number of heiress inevitably expanded. The acquisition of land did not, however, often bring women independence or power. If a woman was married at the time of receiving her inheritance, she was considered to be under legal authority of her husband. If the heiress was not married, her protection was under the control of the lord from whom the land was held.[37] In the absence of male heirs, women could inherit land. Before the Black Death era, on the manor of Halesowen, majority of holdings were transferred to local villagers who were usually from the male line. After the Black Death a higher proportion of holdings were transferred to people who were more distantly related to the deceased tenants and often from the female line.[38]

1.2.2. Household System in Medieval Ages

Household unit was a co-residential community in which parents and children existed in the core. Households were kind of associations, which indicate cultural ideals such as, who should live together, how long and under what terms. It can be

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[34] Ward, p. 101.
[35] *Ibid.*, p. 120.
[36] Through 1347 and 1348 the original Black Death crept across Europe, reaching Britain in 1349. In the English countryside, recorded mortality in some districts ran as high as 65 percent. Many families disappeared. In some cases whole villages were deserted. For example in Halesowen, a manor that included a market town, twelve hamlets, and the lord's demesne farm, the plaque first appeared in May 1349, when 21 male deaths were signaled in the manorial records by the payment of heriots (death duties). It may be assumed that an approximately equal number of women died, and perhaps more children. In June the figure rose to 25 males. Frances and Joseph Gies, p. 227.
[37] Mate, p. 87.
[38] Frances and Joseph Gies, p. 229.

argued that households symbolized the family institution of the medieval England, which I have discussed above. The family implanted in a house, where the head of the house (*the father* most of the time) enjoyed the full ownership and transmitted it from one generation to another, the eldest son. The father, however, involved the heir to the management of the family business during his lifetime, taught how to manage the house, arranged his marriage and thus he had the chance to see his descendants increase and grow up. This type of family was called as the *stem family* by most of the historians according to the description made by Frédérick Le Play.[39] The system, as Le Play believed, assured good care of the land, protecting it from divisions among people and to take good care of people supported by it. Thus, impartible inheritance and the concept of stem family seem to be closely attached to one another. The stem family was organized to preserve and develop the integrity and productivity of the ancestral land. It, typically, included old parents; one married son and their unmarried siblings, and the children of the married son if any.[40] This type of family consisted of those who share the same physical space for eating, sleeping, taking rest, growing up, child-rearing and procreating. But among all of these two functions classically associated with households were the procreation and child-rearing.

As Peter Laslett argued; household system was determined by three main criteria. The criterion of location: people who should be considered as the members of household slept habitually under the same roof. The second was a functional

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[39] Pierre Guillaume Frédéric Le Play, 1806–82, French sociologist, demograpger and economist. As an engineer he traveled through Europe, gathering data on the budgets of working-class families and making detailed studies to determine the relationships of the family and worker to the environment. His use of the social-survey method had a widespread influence on sociologists. Among his books are Les Ouvriers européens [the European workers] (1855), condensed and republished as Réforme sociale en France (1864), and La Constitution de l'Angleterre [the constitution of England] (1875), AnaBritannica Ansiklopedisi, Vol. 14, (Istanbul: Güzel Sanatlar Matbaası A. Ş., 1989), p. 347.

[40] David Herlihy, *Medieval Households,* (Cambridge, Massachusetts and London: Harvard University Press, 1985), pp.131- 138.

criterion: these people shared a number of activities and the third one is kinship criterion: they were related by blood or by marriage.[41] It has been stated by Laslett that the third criterion, that of kinship, was not a general characteristic because some individuals were known to have shared the activities of the household in which they lived though they were not related by blood or marriage to any other member. These were the servants, the visitors, and lodgers.[42] Servants, as afore mentioned, were like the other members of the house, were subjected to the jurisdiction of the head of the household. These people were considered as family members and the will of Elizabeth, Countess of Salisbury, which was written in 1414, could be a good evidence to examine the position of the servants among the gentry and nobility of the late medieval England. In this will the servants were recalled in hierarchical order as the will below indicated:

> I bequeath to Sir Hugh my chaplain a gold vestment, a missal and a breviary, price £ 10, to pray my soul; item, to Sir William Cressy chaplain for the same reason 100; item to Sir John Boklond Chaplain for the same reason 5 marks … Item, I bequeath and leave to Agnes Grene my chief damsel 100 marks for her long service; item [to her] two best robes furred with trimmed minever; item, William Grene esquire for his long service 100 marks … to Thomas Huntele esquire for that reason 100 shillings … To John Holeway yeoman of my chamber 40s; item, to Edward Legh my butler 100s; to Jankyn my blacksmith 4 marks … To Hugh Short clerk 5 marks; to Joan Holeway laundress 20s and a robe lined with black buckram; [to] John Broun poor man of my house 13s 4d.; item, I bequeath to Jonet Newbury a robe of blue cloth furred with minever ...[43]

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[41]Peter Laslett, *"Introduction: The History of the Family"* in *Household and Family in Past Time,* ed. by Peter
   Laslett, with the asst. of Richard Wall, (London and New York: Cambridge University Press, 1972), pp. 23-25.
[42] *Ibid.*, p.25.
[43] Ward, pp. 189-190, c.f. Lambeth Palace Library, London, Register of Henry Chichele, Part1, fo.
   268b; in Latin.

As one can clearly see, the status and hierarchical levels of the servants were designed in the will but actually there is something more interesting; some of the surnames were same. There is no evidence of these people, so we cannot be sure that if they were related in some way before they became a member of the household of the countess or after. It can be argued that households were not only seen as places of procreation and child-rearing for only the masters of the house, but also for the servants, it was a place for marrying, raising children and aging. In this sense I agree with Laslett that people who were not related by kinship, especially the servants, should also be considered as members of a household. As Beatrice Gottlieb stated, 'the concept of household and family tend to overlap', co-residence was often considered more important in defining a family than blood relationships.[44]

The presence of servants and other non-relatives in the household was very typical in the late Middle Ages as it was earlier. Even a small tenant who held land under the kind of customary lease, which included obligations to work on the land of his lord would have a servant or two. Servants tended to move around a lot during the limited number of years in which they were in service. The connection of a particular household was often temporary. The arrangements of changing a household for another could be made by a servant himself or even the servant's lord might arrange another service for a variety of reasons such as:

> *From Edward Plumpton to Sir Robert Plumpton*
> *3 January 1489-90*
> To my only and most honoured master, Sir Robert Plumpton.
> With the humblest and most deserved respects, may it please your lordship …
> Sir, my servant, Robert, is a faithful servant, but he is a big man to ride with my letters, and heavy on the horse, so he is very keen that I should write to your mastership on his behalf.

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[44] Gottlieb, p. 7.

He is an honest man in word and deed, and a good, kind man. If your mastership pleases to take him into your service, I beg you to be a good master to him, and even better by my own request…[45]

The non-relatives in a household were routine even that there was a tendency to lump live-in relatives – orphans, widows, old people – were sometimes taken in and given work in return for up-keeping, but it was not always necessary. Orphans probably also included many young relatives who lost their fathers, and whose mothers remarried, deserted them or died. Some of the children were the illegitimate offsprings of the family head who received them. Then of course, there were some households who took in children and supported them just "for the love of God."[46] Another category was the lodger, a person who was not really part of the household in which he slept and ate, but who could not be said to have a household of his own. They were generally just simple lodgers who paid for their accommodations and worked outside the household.

Concepts of house and household could be separated from each other. House was regarded as only the building where people lived. Household was the unit formed by a marriage and consisted by the nuclear family and the servants lived in it. In addition, subjection to a common authority –head of the house- was the essential element for the existence of a household. In the late Middle Ages even a regular gentlemen might be the lord of two or three manors. He could reside in each of the manors and in fact it was obligatory for him in terms of politics, to show himself in each from time to time in order not to loose the respect of his tenants.[47] When the Lord moved from one of his houses to another, his household also went with him, and

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[45] Moriarty, p. 237.
[46] Herlihy, pp. 149-155.
[47] Maurice Keen, *English Society in the Later Middle Ages 1348- 1500,* (New York: Penguin Books, 1990), p. 161.

so did some of his furniture. It is clear that the level of a man in the scale of aristocracy and gentry regulated his mobilization. The lower scale was more sedentary. In the late Middle Ages there was a gradual tendency of traveling less from one manor to another of the landed classes. After the late fourteenth century, lesser aristocracy began traveling two or three times a year and a gentleman was usually found at a fixed residence. This stabilization caused the house and household became more closely related.[48] The house gained the characteristic of a home more and more as the household became more sedentary.

The house was at the same time a kind of headquarter of a sphere of influence.[49] This was the reason for building striking houses. It was believed to be the residences of lords or gentlemen were the sign of his standing. An important feature of the late medieval houses was the privacy it ensured to its owner and his guests. A poet called Langland regretted the decline in communal living because of these transformations as such in one of his poems:

> Wretched is the hall each day in the week
> Where the lord nor the lady liketh not to sit
> Now hath each rich man a rule to eat by himself
> In a private parlour because of poor men,
> Or in a chamber with a chimney, and leaves the chief
> hall.[50]

In addition of this increasing privacy, the furniture also gradually became more lavish. These furnishings also displayed the standing and the wealth of the household owner. We can see the variations of a furnishing in the will of Matilda Lady St. John composed in 1452. She bestowed her son, Thomas St. John:

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[48] *Ibid*., p.162.
[49] *Ibid*., p.162.
[50] *Ibid.* , p. 164.

… Two silver basins, twelve dishes, four salt-cellars, one bed of red worsted embroidered with parrots, one whole bed of silk, one missal with one chalice and two cruets of silver, great bed of arras with all its equipment, her green tapestry hanging in the chamber with the bankers (bankers were the tapestry coverings for benches), one great mattress with two pieces of fustian (fustian was a strong cloth, made of cotton or a mixture of cotton and flax) and six pairs of linen sheets and another bed of black and white worsted with all its equipments.

She bestowed her other son, John Halsham (probably the young one):

… One little bed of tapestry with little green hangings, one mattress, one pair of blankets and two pairs of linen sheets and a basin with one ewer of silver…"[51]

There is a great deal of household accounts of the late Middle Ages, which provide information about the daily expenditures, and administrative structure of the household. There was usually a separate budget and separate accounts kept for such offices as kitchen, the cellar and the pantry. An example for the daily expense of a gentry household in 1412-13 owned probably by a widow lady was as follows:

Friday 16 December. The lady with her household. Visitors: Sir Richard Waldegrave with his son and servant at 1 meal; Richard Barbour, John Webbe with his son for the whole day.
Pantry: 40 white loaves and 4 black loaves; wine from what remained; ale from stock.
Kitchen: ½ salt fish and 1 dried fish. Purchases: 100 oysters, 2*d*…
Stables: hay from stock for 10 horses of the lady and visitors; 2 bushels of oats for provender for the same.
Sum total of purchases 20*d*.
Number of messes (each mess normally numbered two or four people, at this group was served together at mealtimes; the mess denoted the amount of food served to each group. This information is found in a number of household accounts of the fourteenth and fifteenth century): breakfast, 3;
Dinner, 20; supper, 3. Total: 26 …[52]

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[51] Ward, p. 187.
[52] *Ibid*., p. 181.

It is also clear that household system offered career opportunities for these who were in charge of different divisions like the kitchen or the hall.[53] These accounts provide a lot of information about the daily lives and expenditures of the late medieval gentry and lesser aristocracy. A question can be asked as 'were all these expenses made for the furnishing, building or entertaining really necessary'? The answer should be given, by taking into account the difference in the understanding of the necessities of the medieval English society. All kinds of lives and understanding were different from that of today. For example, the households were also the units of the society within men, women and children dwelt and enjoyed.

The English household was the central institution in the lives of nobility and the gentry. All of the people related to the household – servants, family, cooks… -, their numbers, their cloths, the standard of hospitality (hospitality was regarded as an important social duty throughout the Middle Ages) that household could extend was considered as a demonstration of social prestige. Prestige was essential, it was a real necessity according to the beliefs and living conditions of people who were living in the Middle Ages.

Hunting was very important during the medieval times in the lives of gentry, especially the aristocracy, as it was considered to be the peacetime equivalent of skill in the battlefield. Correspondences pertaining to the time indicate how seriously hunting was regarded and how it was important to take good care of forests and parks. Below there are some examples from the correspondences of the period:

> *From Queen Margaret of Anjou to the Parker of Ware, 1445-1455.*

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[53] Keen, p. 166.

…. We take our pleasure and sport in his park at Ware… protected and looked after with this in mind, with no one else being allowed to go there to hunt, shoot…

From Elizabeth Woodville, Queen of Edward IV, to Sir William Stonor, before 1492.

… By report made unto us at this time, that you have taken upon you now of late to make masteries within our forest and chace of Barnwood and Excill, and there, in contempt of us, uncourteously to hunt and slay our deer within the same, to our great marvel and displeasure; we will you wit that we intend to sue such remedy therein as shall accord with my lord's laws. …[54]

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[54] Moriarty, pp. 231- 232.

CHAPTER II

MARRIAGE IN LATE MEDIEVAL ENGLAND

The word *marriage* may be taken to signify the action, contract, formality, or ceremony by which the marital union is formed or the union itself as an enduring condition. It is usually defined as the legitimate union between husband and wife. "Legitimate" indicates the sanction of some kind of law, natural, evangelical, or civil, while the phrase, "husband and wife", implies mutual rights of sexual intercourse, life in common, and an enduring union. The last two characters distinguish marriage, respectively, from concubinage and fornication.

In order to understand the late medieval English society, one has to examine the nature of its marriage practices among other social activities. The late medieval marriage structure of the English gentry and nobility was very complicated. There were many aspects to a marriage apart from the desires of the couple to marry. Mostly, marriage was regarded as a business in the matter of society, state and church rather than a union established solely for the concern of the two individuals who would perform it. In this part, I will investigate what people of the late medieval England expected from marriage and why marriage was so important for them. I will also evaluate some concepts such as the preliminaries to a marriage, courtship,

marriage arrangements of the time, the influence of the Church (which has to be taken into consideration seriously especially when Middle Ages are considered), divorce and the widowhood.

Medieval marriage patterns represented a continuation of the Roman marriage type, which involved a large percentage of young (age 20 or younger) brides, older (at least 5 years beyond the age of the bride) bridegrooms and a high rate of remarriage after the death of a spouse.[1] Early medieval patterns brought the age of grooms down and closed the gap between the bride and the groom. Age at first marriage was nearly equalized and marriages occurred in their middle twenties. After Black Death of 1348, the marrying age decreased more.[2]

Nevertheless, early marriage was much more common among the nobility and the gentry than the lower classes. The higher a man's social status was, the fewer were the suitable marriages available to his children. Marriage of children was important by means of gaining friends and allies. There was the threat of an unsuitable match after the death of the father (death was common and might strike early in the Middle Ages). This necessity of gaining allies also caused the early marriages of upper classes.[3] The ages at marriage of Margaret of Anjou and King Henry VI of England is a good example for this pattern. Margaret was 15 when she has got married with Henry VI. Another example was the marriage of Margaret Beaufort to Edmund Tudor. Margaret Beaufort was only 12 when she married Edmund Tudor.[4] All the children of the gentry or nobility, however, were not equally confined to such early

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[1] Bernard I. Murstein, *Love, Sex and Marriage through the Ages*, (New York: Springer Publishing Company, 1974), pp. 67 – 70.
[2] Ralph A. Houlbrooke, *The English Family 1450- 1700,* (London and New York: Longman Press, 1984), p. 64.
[3] *Ibid.*, p. 65.
[4] Christopher N. L. Brooke, *The Medieval Idea of Marriage*, (Oxford and New York: Oxford University Press, 1991), p. 12.

marriages. There was a big difference between younger brothers and heirs. Younger sons did not enter feudal wardship. Only 19 per cent of the eldest sons of the British dukes born between 1330 and 1679 remained unmarried at the age of thirty, compared with 42 per cent of their younger brothers.[5] After the recurring cycles of the Black Death in the mid-fourteenth century the marriage age for women rose once again to their early twenties; males, however, continued to marry at around the same age as previously.

Also, a traditional practice involved payments from groom to bride, a reverse dowry system based on the Germanic custom of men (particularly in the common classes) providing bride-money. By the central Middle Ages, this bride-price shifted back to the Roman tradition wherein responsibility of the dowry rested with the bride's family. Commentaries on Gratian's *Decretum* and other papal letters suggested that the dowry be at least four times the *donatio* of the bridegroom in order to contribute to the capital of the new household.[6] William Paston married to Agnes Berry in 1420 who was not only the daughter of a knight but an heiress. As dowry, she brought him one manor and she stood to inherit three more.[7] We can see clearly the importance of dowry in marriage arrangements of the time in various cases. The Paston marriages show a number of arrangements on dowry. When the Paston family were trying to arrange a marriage for John Paston, his brother John II (they bore the

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[5] Houlbrooke, *English Family,* p. 65, c. f., "E. W. Ives, 'Agaynst taking awaye of Women: the Inception and Operation of the Abduction Act of 1487' in E. W. Ives, R. J. Knecht and J. J. Scarisbrick (eds.), *Wealth and Power in Tudor England: Essays presented to S. T. Bindoff,* Athlone Press, London, 1978, p. 21- 44esp.22- 5; T. H. Hollingsworth, ' A Demographic Study of the British Ducal Families', in Glass and Eversley, op. cit., p.374".

[6] David Herlihy, *Medieval Households*, (Cambridge, Massachusetts and London: Harvard University Press, 1985), p.98.

[7] Frances and Joseph Gies*, Marriage and the Family in the Middle Ages*, (New York: Harper & Row Publishers, 1987), p.252.

same name) was making an offer about a young lady named Margery Brews, of whom he had heard through a friend, and who, when they met, made an impression so powerful that John was ready to overlook the smallness of her dowry. Margery was promised 100 pounds by her father, Sir Thomas Brews, and her grandfather would contribute another 50 marks (33 ⅓ pounds) as a wedding gift. The dowry problem, however, had to be settled in spite of the willingness to marry of both sides. Letters followed from Margery to John. She addressed him as her "right well-beloved Valentine", and she wrote that her mother had worked to persuade her father to increase the dowry, but without success, she wrote as:

> … For which I am full sorry. But if you love me, as I trust verily that you do, you will not leave me therefore; for if you had not half the livelihood that you have … I would not forsake you … Wherefore, if you could be content with that [dowry] and my poor person, I would be the merriest maiden on earth.[8]

John was apparently willing, but his mother and brother resisted.[9] Sir Thomas Brews then raised his dowry offer to two hundred marks, and added a trousseau of one hundred marks, plus board and room for the couple for three years after marriage. After this offer John arranged a meeting of the two families at Norwich, urging his mother to lend her good help. Sir Thomas made his offer further, writing Sir John that he would lend the prospective bridegroom one hundred pounds that he had earmarked for the marriage of a younger daughter, with an added twenty pounds, the whole to be repaid " by such easy days as the contract, which I send you herewith specifies."[10] The negotiations went on about the dowry and its details. Things were at a standstill. In June a meeting between the two families was cancelled because of Elizabeth

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[8] *Ibid.* p.261, c. f., "Gairdner, Paston Letters, no. 766 (V. p. 93) (ibid) nos. 897, 898 (V, pp.267-8)".

[9] *Ibid.*, p.261.

[10] *Ibid.,* p.261.

Brew's illness. It was just when affairs looked desperate, an agreement was reached.[11]

The details were disappointingly do not appear in the letters. Late in August the marriage took place, it proved happy and durable.[12]

Ralph A. Houlbrooke suggests that during the period, generally, four main criteria governed the choice of marriage partner. These were ' the advancement of the individual and the family, the ideal of parity, the character of the proposed partner, and personal affection or love.'[13] The most important purpose of a suitable marriage was to gain new, powerful and potentially useful kinsmen. Material substance was always taken into consideration very seriously. As Houlbrooke suggests:

> A father's ability to provide for the rest of his children often depended upon his heir's making the most advantageous match available to him. The connection can be seen quite clearly in a document like the will of Thomas Stonor (d. 1431) who wished the proceeds of the sale of his son's marriage to be used to marry his five daughters.[14]

The ideal of parity between marriage partners was also taken into consideration; not always but at least it took part in taking the marriage decision. The similarity of ages was widely thought important. Most important of all was parity of rank. It was thought that social disparity between partners would have bad effects on the relationship. This criterion was not carried out strictly for the women, namely the widows who had been freed to choose for themselves and inevitably noblemen often had to marry their daughters to the sons of the greater gentry. However, though gentry and occasionally even noblemen married merchants' daughters for the sake of their dowries, merchants' sons were rarely allowed to marry into the landed classes.[15]

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[11] *Ibid.,* p.262.
[12] *Ibid.*, p. 262.
[13] *Ibid.*, p. 73.
[14] *Ibid.*, p. 74.
[15] *Ibid.*, p. 75.

The personal character of the marriage partners played some part in marriage arrangements. In 1497, Edward Plumpton told his cousin and patron Sir Robert Plumpton that the woman he was courting was *amyable and good, with great wysdome and womanhead*.[16] Love was believed to be essential in marriage but the word 'love' could be used for a number of feelings, ranging from friendship to passionate love. It was, also believed that mutual affection could be develop after the marriage if a good match was established. Affection before marriage was rare but there were also examples of such marriages. The marriage I mentioned above which took place between John Paston and Margery Brews in 1477 could be an example. Margery Brews wrote to John Paston in February 1477:

> *Unto my right well beloved Valentine, John Paston,*
> Right reverend and worshipful and my right beloved
> Valentine, I recommend me unto you, full heartily desiring
> to hear of your welfare, which I beseech Almighty God
> long for to preserve unto his pleasure, and your heart's
> desire.
> And if it pleases you to hear of my welfare, I am not in
> good hele of body, nor of heart, nor shall be till I hear from
> you …
> And if ye command me to keep me true wherever I go,
>   I wis I will do all my might you to love, and never no
> mo…
>   Mine heart me bids evermore to love you,
>   Truly over all earthly thing …[17]

And also, in 1504, a potential candidate for marrying his daughter was recommended to Sir Robert Plumpton. He would be prepared to take less with her than would any men in England of his wealth because of the love and favour he bore for her.[18]

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[16] *Ibid.*, p. 75.

[17] Catherine Moriarty (ed.), *The Voice of the Middle Ages in Personal Letters 1100- 1500*, (Oxford: Lennard Publishing, 1989), p. 209.

[18] Houlbrooke, *English Family,* p. 75.

2.1. The Church and Marriage in Late Medieval England

Marriage was seen as a matter of concern not only to those joined together in it, but also to their parents in the eyes of the Church. The medieval Church insisted on individual consent in marriage, but also recommending parental advice and guidance. From the twelfth century onwards, the canon lawyers viewed the consent of both sides as the crucial core of a valid marriage.[19] The Church supported the right of individuals to renounce marriages, which were made before the ages of consent (twelve for girls, fourteen for boys).[20] The essence of marriage law and doctrine in the twelfth century lay in the reaffirmation of positions already established in earlier times. Consent not consummation made a marriage and children were of its core. The thing, which was new, is the effort of the Church to define and enforce its law of marriage.[21]

Around the 1140, Master Gratian of Bologna[22] wrote his enormous attempt to reconcile the legal practice of canon law with the texts that had survived from the previous millennium. He called his work *Concordia discordantium canonum (The Harmony of Discordant Canons),* but it was soon became known as *The Decretum of Master Gratian of Bologna* or simply the *Decretum.*[23]

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[19] *Ibid.*, p.68.

[20] *Ibid.*, p. 68.

[21] Brooke, *Medieval Idea of Marriage*, *ibid.*, p. 57.

[22] Gratian was believed a Camaldolese monk from the monastery of St. Felix and Nabor in Bologna and taught Church Law at the University of Bologna around the middle of the 12th century and he compiled Church laws ('canons') from all available sources and called the collection *Concordia Discordantium Canonum* (the harmonizing of discordant canons). The collection became known as the *Decretum Gratiani*. Yet, in an examination of the evidence fro Gratian's life, John T. Noonan reduced the known facts about Gratian to three: that he was probably Italian by birth; that he lived in Bologna in much of the 1130s and 1140s; and that he wrote most of the *Decretum* sometime before 1139. AnaBritannica Ansiklopedisi, Vol. 10, (Istanbul: Güzel Sanatlar Matbaası A. Ş., 1989), p. 12.

[23] Frederik Pedersen, *Marriage Disputes in Medieval England,* (London and Rio Grande: The Hambledon Press, 2000), p.1.

This work formed a stage for a transition in the Church's exercise of its jurisdiction. Gratian's work added a new dimension in the exercise of law. The legal practice of the Church had always been seen as built upon the logic of more than a thousand years of legal custom and teaching, but Gratian's *Decretum* showed that it was possible to practice the law based on clear principles as well as on the authority of the Church and its holy books.[24] The explanation and adjustment of the *Decretum's* canons on marriage became one of the most important subjects of the next century. After the publication of *Liber extra* the consolidation of European marriage law was complete and it remained mostly the same until the Reformation.[56] Gratian had lay down two main criteria about marriage. As Frederik Pedersen has suggested;

> The parties who wanted to marry had to be able to make an informed decision to marry and they had to be legally able to contract a marriage. Making an informed decision meant that the parties had to have reached the age of consent – usually twelve for girls and fourteen for boys – and that they had freely consented to the union. The Church realized that the parties could be under some pressure to marry, but as long as no undue force had been exercised to persuade them to marry – as long as the pressure was not of such a kind as to make "a constant man" change his mind – the Church will allow it.[25] That the parties were free to marry meant that they were not related within the degrees forbidden by the Church; that they had not previously contracted a legally valid marriage with someone who was alive at the time of the second marriage; and that they were not ordained in major orders or were professed in final wows.[26]

Thus, as Frederik Pedersen clearly explained Gratian's *Decretum* openly described the rules for a valid marriage on the side of the Church and this work laid a foundation for the practice of law. After Gratian's work much legal discussion carried

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[24] *Ibid.,* p. 1.
[56] *Ibid.*, p.2.
[25] The Latin phrase is; 'metus qui cadere potest in constantem virum' which means that the fear that can fall upon a constant man.
[26] Pedersen, pp. 2 –3.

out on these rules. A new definition was emerged after a century at the university in Paris, which removed the demonstration of consent to marriage from a visible exterior action as understood from *Decretum*.[27] This view supported the idea that presence of witnesses or a priest was not essential and it saw marriage 'solely as a voluntary contract between parties.'[28]

The rules of *Liber extra* saw a rapid spread in Europe, especially in England. Even before the publication of its rules, English Church supported the rules of a marriage established by popes Alexander III and Innocent III and they were among the first to adopt them. The principle of voluntary consent of both parties was first seen in England as early as 1008 in the ecclesiastical codes of Ethelred. In 1215 Thomas Chobham even claimed that neither the presence of witnesses nor the participation of a priest was necessary in his *Thomae de Chobham Summa confessorum*.[29] Following the publication of the *Liber extra* in 1234, regular courts with their own personnel and system developed in England and this led to the availability of cause papers on various subjects as well as marriage cases for us. I will analyze below, one of these cause papers about the rights over land which a woman brought into her marriage and which was transferred into a case concerning the legality of her marriage.

The Church courts, however, did not encourage children to go against their parents' wishes either in making their own matches or breaking those arranged for them. In 1469, for example, the bishop of Norwich examined Margery Paston, who had contracted herself in marriage with the family's bailiff, Richard Calle, in the face

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[27] *Ibid.,* pp. 3-5.

[28] *Ibid.*, p. 5, c. f., "Christopher Lasch, "The Suppression of Clandestine Marriage in England: The Marriage Act of 1753", *Salmagundi*, 26 (1974), pp. 90-109".

[29] *Ibid.*, p. 6.

of her family's opposition. He reminded her birth, kin and friends and he stressed that by loosing their protection she would forfeit all hope of future help from them. He tried to find a defect in their contract but he could not find such an error so he had to ratify the marriage at the end. We have the details of this examination and the attitude of the family towards this marriage by letters of the Pastons. Below a quotation from Margaret Paston (mother of Margery) to John Paston II (Margery's brother) in 10 or 11 September 1469;

> On Friday the bishop sent Asschefeld and others for her (Margery), and they are very sorry about her behaviour. And the bishop spoke to her very plainly, and reminded her of her birth, and of her relations and friends, pointing out that she would have more if she accepted their rule and guidance, and why they would abandon her and not offer any good or help or comfort. He said that he had heard that she loved her status, and that her friends were not pleased with what she wanted to do, and therefore he told her to take very good advice as to how she acted. He said that he wanted to know the words that she had spoken to Calle, as to whether they constituted marriage or not. … and said boldly that if those words did not ensure marriage she would make it surer before she left, because, she said, she thought that she was bound in conscience whatsoever the words were. This wicked speech grieves me … and then the bishop and the chancellor both said that neither I nor any of her friends would receive her. And then Calle was examined on his own, as to whether her words and his agreed, and when and where it had been done. And then the bishop said that he supposed that there might be found other things against him that might prevent the marriage, and therefore he said that he would not be too hasty in giving sentence. He said that he would wait until the Wednesday or Thursday after Michaelmas, and so it has been delayed. They wanted to be married quickly according to her wish, but the bishop stated that he would do as he said …[30]

After this interview Margaret Paston did not accept her daughter in her house and the bishop had to find a place to stay for Margery until the judgment was

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[30] Jennifer Ward (trans. and ed.), *Women of the English Nobility and Gentry 1066- 1500*, (Manchester and New York: Manchester University Press, 1995), pp. 38-39.

pronounced. And at the end the bishop's decision was in the young couple's favour.[31] This letter clearly shows the general attitude of the gentry of the time towards marriage and, also we can see how church interfered. The last decision was given by the Church according to its rules and given words; a betrothal was as binding as matrimony in the eyes of the Church. This is why when Richard Calle addressed Margery as ' Mine own Lady and Mistress, and, before God, very true wife …'in a letter in 1469 before they got married.[32]

Thus a legally valid marriage could be made by the sole consent of the parties, in whatever circumstances. But in order to limit the opportunities for fraud and self-deception, to minimize the uncertainty about the validity of unions, the Church tried to ensure that marriages were made publicly and with ecclesiastical blessing.[33] According to medieval canons, diocesan statutes, and other legal enactments following formalities had to be observed. The couple should initially betroth themselves only by means of a promise to marry. The next step was the threefold publication of the banns of marriage in the parish church of each of the parties on three Sundays or major feasts. This was to allow the discovery of any obstacle, which might prevent the marriage. However, by the end of the Middle Ages it had become established that bishops could grant licenses to marry without the publication of banns. The final step was that the couple was publicly to take each other as man and wife by the exchange of consent at the church door. This last phase had to take place in the presence of witnesses and of a priest.[34] But, it was not until the Council of

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[31] Frances and Joseph Gies, pp. 265- 267.
[32] Moriarty, p. 206.
[33] Martin Ingram, 'Spousals Litigation in the English Ecclesiastical Courts 1350-1640' in *Marriage and Society: Studies in the Social History of Marriage*, ed. by R. B. Outhwaite, (London: Europa Publications Limited, 1981), p. 38.
[34] Ingram, *Spousals Litigation,* pp. 38- 39.

Trent that marriage in church, or at church door, in the presence of a priest was enforced.[35]

The Church had also developed rules for forbidding marriage within four degrees of consanguinity. This meant that many of the nobility and gentry, who were highly interrelated, had to secure a papal dispensation before contracting marriage. An example of dispensation from the marriage between John Earl of Pembroke and Anne daughter of Lord Mauny and Margaret de Brotherton made in 1368;

> Simon (archbishop of Canterbury) to the noble lord of John de Hastings earl of Pembroke and the noble lady Anne, daughter of the noble lord Walter Mauny knight of our and of Cambrai dioceses … The contents of the petition presented to us recently on the part of our beloved son the noble man … contained the information that with the consent of their parents they were once betrothed to one another by words *de futuro*, … were related in one case in the third degree of consanguinity, they cannot contract marriage without obtaining an apostolic dispensation. … Since much good may be hoped to come from this marriage if it takes place, we may think it worthy to provide them with the grace of a fitting dispensation. … If the parents and the majority of the relatives around the third degree of consanguinity of the said earl and Anne give consent, you may grant a dispensation with our authority. … We urge the said earl and Anne diligently, if this dispensation is granted to them by you, to bestow in alms 1,000 gold florins towards the repair of the church of the monastery of St. Paul in Rome of the order of St. Benedict. … [36]

The Church's rule forbidding marriage within seven degrees of consanguinity, found in the late eleventh century, proved to be unworkable and these four degrees were specified in the Fourth Lateran Council in 1215.[37] This meant that without dispensation a marriage was not allowed if the parties had a common great great grandparent, as we see in the dispensation of John de Hastings and Anne Mauny. This

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[35] Christopher N. L. Brooke, 'Marriage and Society in Central Middle Ages' in *Marriage and Society: Studies in the Social History of Marriage*, ed. by R. B. Outhwaite, (London: Europa Publications Limited, 1981), p. 29.
[36] Ward, pp. 35-36.
[37] Herlihy, pp. 82-83.

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was not only applied to relations by blood, but to relations by marriage and spiritual relationships as well. The dispensation was essential in order to secure the legitimacy of the children that only the legitimate heir could inherit the possessions of the family, as we know.[38]

It is difficult to give an exact meaning to these rules of the Church and its interference in marriage practices from the twelfth century to the late Middle Ages. I am not sure of the exact reasons of these rules and regulations, they might be ethical, they might be totally religious, they might just interested in the social conditions of the time seeing marriage as a tool for advancement in the hierarchical order of the time and of course, Church did not want to be out of this political and economic arrangements – as we have seen Church have also economic interest in marriage practices as giving dispensations. All of the above mentioned reasons or some of them or some others might played a role in the influence and the role of the Church on marriage, the thing which was certain is that it played a significant role in the late Middle Ages and how did its role change in the eadrly modern eges will be analysed in the fifth chapter of this study.

2.2. Courtship, Matchmaking and Arrangements of Marriage

Two contradictory ideas prevail about marriage in the late Middle Ages. One assumes that people should marry because of love and marriages should be made on the basis of mutual affection as people do now. The other assumes that love did not exist and marriages were arranged completely for reasons of policy. I think both ideas

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[38] Ward, p. 18.

reflect some truth but they failed to take into account the complexity of subject. There was no one such reality for the subject. I am going to try to show cases of both views.

Arranging marriages was an important activity in the Middle Ages. The material benefits of a marriage could be considerable since marriage was one of the occasions when property was distributed. The increased family property descended to an heir who was also expected to further increase it if possible by means of another profitable marriage. There were also intentions other than material interests. The right family connections meant status and influence. Marriage was regarded as an alliance between two families. If a woman married a man of distinction, for example, her parents and even her close kin shared the honour. This is why they wanted to make the choice of the marriage partner instead of for her.[39] Marriage was also seen as a good opportunity to end former enmity.

Courtship had a very long story which goes far back to even the central Middle Ages and which lasts after the late Middle Ages. It is a fact that this pattern exists in every phase of the history of people. It is a known reality for people living in our century even though it differs from culture to culture, courtship prevails and it is much more acceptable and tolerated in our time than the earlier times. The attitudes towards courtship and its rules have also changed during the course of time. I am going to deal with the questions of how was the patterns of courtship of the late medieval gentry and lesser nobility and what was its role in the marriage process of the time.

As Christopher Brooke suggests 'no one doubts that the romantic tradition became fashionable in the twelfth and thirteenth centuries as never before, but its

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[39] Beatrice Gottlieb, *The Family in the Western World from the Black Death to the Industrial Age,* (New York & Oxford: Oxford University Press, 1993), p.52.

relation to marriage was ambivalent.'[40] It was becoming much more used in literary tradition than ever before. In romances, generally, a woman was an object of a quest and of a cult; her knight must do deeds in her honour and serve her as a slave. He must even undergo disgrace on her behalf; we all know the story of Lancelot that he hesitated to climb into the cart in his quest for Guinevere, he offended against knightly gentility in mounting the cart and he was punished for it.[41] The cultural ground of love is evident in one of the most important figures of the time, especially in Chaucer.[42] His novels themes were love and reason, love, fate, and he drove a picture of husband and wife who established a partnership on basis of sharing and companionship.

Apart from the novels and poems of the time, the letter collections also provides source for us. The Plumpton letters suggested a form of affection at least in addressing. In 1502 Robert Plumpton sent a letter to his wife begins as 'To my entirely and right heartily beloved wife, Dame Agnes Plumpton', continues with 'My dear heart …' and ending 'By your own lover Robert Plumpton, Kt.'. Another collection, the Cely letters were mostly dealt with trade but when one brother was trying to encourage another to marry, he recognized the necessity for love; 'I pray God that it

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[40] Brooke, *Marriage and Society,* p. 30.
[41] *Ibid.*, p. 31.

[42] Chaucer, Geoffrey, 1340- 1400, English poet, one of the most important figures in English literature. He was born in London between 1340 and 1344, the son of John Chaucer, a vintner. To Chaucer's final period, in which he achieved his fullest artistic power, belongs his masterpiece, *The Canterbury Tales* (written mostly after 1387). This unfinished poem, about 17,000 lines, is one of the most brilliant works in all literature. The poem introduces a group of pilgrims journeying from London to the shrine of St. Thomas à Becket at Canterbury. To help pass the time they decide to tell stories. Together, the pilgrims represent a wide cross section of 14th-century English life. The pilgrims' tales include a variety of medieval genres from the humorous fabliau to the serious homily, and they vividly indicate medieval attitudes and customs in such areas as love, marriage, and religion. Catholic Encyclopedia, Vol. III, Online available at: www.newadvent.org/cathen/03642b.htm

may be imprinted in your mind to set your heart there.'[43] When examining the Stonor letters, one expects arranged marriages and lack of affection but even though parental rule at that time was generally strict, as I have explained, yet we could see a many signs of family affection in the letters. We have many examples of affectionate addressing of Elizabeth Ryche, who was married for the second time, to William Stonor in 1475. She addressed him as 'Right entirely and best beloved husband' or ' Right reverent and worshipful and entirely best beloved husband' and signed herself as ' by your own wife' or 'your own to my power.'[44] In the Stonor collection there seems to be a letter which was written totally in love; from Thomas Betson to Katherine Ryche, who was Elizabeth Stonor's eldest daughter from her first marriage and who was thirteen years of age at the time of their betrothal and the following letter was written;

> My own deeply beloved cousin Katherine, I seek your favour from my bottom-most heart. You will know that I recently received from you a token, which was and remains very welcome to me and I was very glad to have it; … And if you please, always be a hearty eater of your food, so that you grow up and soon become a woman, which will truly make me the happiest man in the world; for when I remember your favour towards me and the affectionate manner you showed me, the thought of it greatly gladdens my heart …[45]

This letter was delightful and full of affection that it could be shown as a proof of the existence of affectionate marriages (they married later), romantic love and courtship of late Middle Ages, even it was rare and marriage was mostly seen as a matter of business.[46] The interesting thing is that the number of cases where

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[43] Alan MacFarlane, *Marriage and Love in England 1300- 1840*, (Oxford: Blackwell Publishers, 1993), pp. 196-197.
[44] *Ibid*., p.197.
[45] Moriarty, p. 210.
[46] MacFarlane, *Marriage and Love,* p.197.

marriages which had been preceded by extensive negotiations about property were also obviously accompanied by depth of feeling.

Courtship is basically described as the process in which couples have time to know each other and to let love get mature or if something goes wrong between the couples, this process ends with breaking up. This is the general idea what we – the people of twenty-first century – have in our minds about courtship. It was not the same in the Middle Ages if we have to make a generalization – keeping in mind the fact, there are always exceptions to these generalizations.

It has been claimed by most of the writers of the time that courtship was not just the subject of the couple who played it. It was played by a large group of people who were considered because of the fact that among the upper classes of the society marriage was seen as a matter of business which would provide future alliances, status and help. In the words of Beatrice Gottlieb;

> Courtship in the wealthiest and most powerful circles of society was curiously lopsided. The would-be husband seemed to be courting the woman's father rather than the woman herself. Often he too played almost no role, since most of the preliminary steps before a formal betrothal would be taken by members of the two families – not just the fathers of the prospective bride and groom.[47]

The case of John Paston and Margery Brews was confirming this idea. When John Paston was trying to persuade his future wife, he first won the support of her mother Dame Elizabeth and the match's successful completion owed much to her influence with her husband in convincing him to raise the dowry of Margery as we have the evidences from Margery's letters to John.

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[47] Gottlieb, p. 62.

The first feature of courtship in England, which differs it from other cultures, was that the individuals themselves usually initiated it directly or indirectly. In other countries usually there were professional matchmakers who arranged meetings and terms.[48] In England, however, such role of a matchmaker was absent. There were some similar activities among the gentry and nobility but a family friend or kin who tried to find a suitable match for the person who would marry played the role.[49] The second feature of courtship claimed by Alan MacFarlane was its length. When considering the arrangement negotiations, dowry questions, all other settlements, and the church's rules of a valid marriage like publishing of marriage banns, which I have mentioned, it seemed natural that this period could be stretched to one or one and a half years.[50] The marriage process of Margery Brews and John Paston can be a good example to this period. As I have already mentioned the dowry problems and prolonged negotiations of the couple's marriage nearly lasted for a year in that case. The long interval between the decision to marry and the actual marriage was the characteristic of late medieval marriages among the gentry and lesser nobility.[51]

During the process of courtship the exchange of gifts was a continuous practice from Chaucer onwards.[52] One of the most acceptable gifts from a lover was a letter. It is obvious that if marriage is arranged by parents or kin, love letter is unnecessary, yet such letters seemed to have been very widespread in England from at least the fifteenth century onwards. The difference of English system in courtship or even arrangements of marriage which include some more freedom of choice lead us to the

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[48] MacFarlane, *Marriage and Love,* p.294.
[49] *Ibid.*, pp. 294 –295.
[50] *Ibid.*, p.295.
[51] Gottlieb, p. 64.
[52] MacFarlane, *Marriage and Love, ibid.*, p.301, c.f., "BL, Harleian MS 980, fol.144; Halliwel, *Diary of Forman*, 26; Pollard, *Chaucer Works*, 46; Anglicus, *Properties*, i, 308".

point that we might suggest individualistic social system was developed much earlier in England than anywhere in Europe from the late Middle Ages onwards – even though it was a gradual process.

2.3. Economic Arrangements and Marriage Contracts

The final choice of a mate was bound up with the process of working out details. A marriage contract set up the conditions that made it possible for the couple to live on their own, but it could include a wide range of other matters. Bargaining was a complicated subject. The contributions of one side had to match those of the other side and future incidents which could not been foreseen were also dealt with.[53] The core of the bargains was, as we can guess, the dowry. The size of a dowry, however, depended partly on what the other side offered and partly what other non-material assets of the bride had. A beautiful woman or a woman whose social status was higher than the groom's could be excused for a smaller dowry than it was expected.[54] Most of the people thought marriage as an economic relationship. 'The norm was what could be called the "two-person career",'[55] in the words of Beatrice Gottlieb.

It was believed that a good marriage means a marriage with good material prospect. The married couple would expect to have some assets. First, a place to live for the couple, preferably a house of their own. Then, it was also necessary to have the furnishings for the house and clothes for the couple. Next, it was crucial to have prospects of a guaranteed income. This could be an income from land, interest from investments, a profession or maybe trade.[56] And finally, it was desirable to have some

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[53] Gottlieb, p. 53.
[54] *Ibid.,* p. 54.
[55] *Ibid.,* p. 54.
[56] MacFarlane, *Marriage and Love,* p.263.

ready cash in order to afford initial costs, child-rearing, sickness… All these seemed similar to us. These assets are still important in every culture. The difference is that twenty-first century people are not making arrangements of marriage on the basis of these assets now – at least most of them.

In making of these arrangements, marriage contracts were the last phase. Recognizable marriage contracts appeared from the early thirteenth century onwards. The two most fundamental questions addressed in the contracts were; how the bride was to be maintained in the event of her widowhood and how the groom's inheritance was to be guaranteed to him.[57] These questions aroused mostly in the contracts of the marriage of a son and heir to a non-inheriting daughter, which was the most common form of marriage.

The two principle interests, which involved in the contracts, were those of the fathers of bride and groom. The concern of a father when marrying his male heir is obvious. He was evidently seeking to perpetuate his lineage and to realize the advantage represented by the marriage. He was concerned with status and political advantage. He wanted a bride for his heir who would add luster to the family name and bring with her valuable political connections. What the father of a bride required from the marriage for his daughter was more complex. If she was his heiress, he required money apparently. If she was not, he had other demands to make in return for the money portion he would bestow upon her as dowry. He had also the same considerations concerning status and political connection with the groom's father. The marriage of a daughter represented an opportunity just as that of a male heir. It is

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[57] Simon Payling, ' The Politics of Family: Medieval Marriage Contracts' in *The MacFarlane Legacy; Studies in Late Medieval Politics and Society*, ed. by R.H. Britnell and A.J. Pollard, (New York: St. Martin's Press, 1995), p. 21.

known that in late medieval England the marriages of non-inheriting daughters played a crucial role in extending a family's political and social horizons.[57] The father was compensated for the expense of his daughter's marriage by the acquisition of distinguished sons-in-law who added both to his political capital and his worldly repute. The basic point is that if a father was rich enough to afford a suitable marriage for his daughter (or daughters of course), he would do so and he would probably consider it a prudent investment, particularly after the mid-thirteenth century when the money portion came to replace the land portion as a means of dowry. Yet, the father of the bride had also some immediate interests for his daughter like the settlement of land to the couple by the groom's father. In this bargain everything had to be in balance for the parties so in that sense a formal contract was necessary.

These contracts, however, could not be made freely. There were rules governing the descent of land, which were very important in a medieval society. System of feudal tenure bounded the landed society in England by ties of obligation and service.[58] Couples were contracted young in the late medieval England, this was so in order to prevent undesired marriages and also, more importantly, the cash value of the marriage would fall into the hands of the lord in the event of the tenant's early death.[59] The married couples deprived the crown or the lord of the wardship of valuable lands since, when a tenant-in-chief died leaving an underage heir, the crown

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[57] Payling, p.23, c. f., "S.J. Payling, *Political Society in Lancastrian England; The Greater Gentry of Nottinghamshire* , (Oxford, 1991), pp. 80- 1".
[58] *Ibid*., p.23.
[59] *Ibid*., p. 24.

lost the wardship of those lands in which the widow had a joint interest together with the dower lands bestowed on her by common law.[60]

Some examples of late medieval contracts of the English landed nobility and gentry are as follows:

1.   Agreement between John, Lord Northwode and Sir Arnold Savage for the marriage of Northwode's son, Roger to Eleanor, daughter of Savage, before Christmas next (31 August 1372)
      Lord Northwode will settle specified lands on the couple for their lives on condition that, if either he or his step-mother die in life time of either Roger or Eleanor, the couple's estate is to cease. He is also to settle his manor of Nortwode Sheppey on himself for life, with remainder to the couple and their male issue; and the reversion of another manor, expectant on the death of his step-mother, on the couple and their issue. He grants that he will not disinherit Roger, by any feoffment or other deed of any lands which he holds at present in demesne or in reversion expectant on the death of his step-mother, expect a specified manor, which he may give to a younger son in tail male, with reversion to the main Northwode line. He grants that if he contravenes any of these covenants he will pay Savage £200. Savage, for his part, undertakes to pay £200 as his daughter's portion.[61]

2.   Agreement between Margaret, countess of Salisbury and Henry Pole, Lord Montagu, on the one part, and George Hastings, earl of Huntingdon, on the other, for the marriage of the earl's son and heir, Francis, Lord Hastings to Montagu's eldest daughter, Katherine before the feast of Purification next (3 July 1531).
      The earl is to convey to persons nominated by himself and the countess lands worth £900 *per annum* to the following uses. The feoffees are to stand seised of lands worth. i) 200 marks *per annum* to the use of the couple and the groom's issue; ii)150 marks *per annum* to the use of the earl during the life of his step-father and then to the use of the couple and the groom's issue; iii) 650 marks *per annum* after the deaths of the earl and his step father, to the use of the couple and the groom's issue in full recompense of the bride's jointure and dower; iv) 350 marks *per annum* after the deaths of the earl and his step-father and the seven year performance of the will of the earl's mother; to the use of the groom and his issue. The earl is to convey lands worth £800 *per annum* to another set of feoffees to the following uses. The feoffees are to stand seised of lands worth: i) 300 marks *per annum* to use and

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[60] *Ibid.*, p.24.
[61] Payling, *ibid.*, 40, c.f., " B. L. Harleian Ch. 54 C 56 ".

intent that the earl may give lands worth 100 marks *per annum* to each of his three younger sons for their lives with remainder, after the deaths of the earl and his younger sons, to the use of the groom and his issue … For the assurance of the above covenants, the countess will pay the earl 3,000 marks at 500 marks *per annum* ... [62]

As we see in the first example the groom's father settled a joint estate on the couple and their future issue, while the bride's father paid him a sum of money proportional to the size of this jointure. This contract was basically represents the characteristic figures of the late medieval contracts until the sixteenth century. The second contract, which was prepared in the early sixteenth century, clearly exemplified the late medieval conveyancing device.[63] There were two tools of the late medieval conveyancer; the entail and the feoffment-to-use. As in this example, the whole inheritance of the groom's father and these feoffees were not seized solely to his use but rather, for the bulk of inheritance to him for life and then to a variety of entailed uses. In effect, the feoffees, some of whom would have been nominated by the bride's father, became trustees for the implementation of the marriage contract. This entailment uses at marriage contracts is obviously linked by the king's feudal rights in its essence.

2.4. Divorce, Remarriage and Widowhood

The law of the Church in the Middle Ages as we use the term forbade divorce. It was possible, however, on carefully specified grounds to bring actions for

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[62] *Ibid.*, p. 41, c. f., "H. L. Hastings MS. HAP Box VII (1), printed in *The Antiquarian Repertory*, F. Grose ed. IV, 1809, pp. 677 –80 and with many errors in J. Nichols, *History and Antiquities of the County of Leicester,* 4 vols, in parts. 1795 –1815, III, ii. P. 576. The contract was redrawn on 20 June 1532 in almost identical terms: B. L. Harl. Ms. 3881, ff, 33, 33v."
[63] *Ibid.*, p.35.

the annulment of marriage or for separation from *bed and board*. But all the available evidence shows that such cases were uncommon, normally cases concerning the formation of marriage usually constituted the bulk of matrimonial litigation in the English ecclesiastical courts.[64]A large number of them were actions for the enforcement of marriage contracts and most of the disputes were about the validity of marriage or rights on property.[65] In order to understand the subject better, one of the fourteenth century cause papers will be analysed here. The dispute was about the rights over land that a woman brought to her marriage but then the case turned out to be a one, which was concerning the legality of her marriage.

The case was changed in that form because in this way the woman could preserve control over the lands she inherited on her father's death in order to delay or prevent her husband's sale of these lands. The woman had to continue sharing her house with her husband whom she regarded as dangerous and whose violent outbursts were an increasing public scandal from which some of her relatives and friends wished to protect her. She therefore presented the court with a plea for a *divortium a mensa et thoro* (which means divorce from table and bed).[66] This case was given the name of *Romeo and Juliet of Stonegate,* maybe because it was seen as one of the most dramatic cases of the time. In this case, it is known that the woman, Agnes Huntington, was very well provided by her father according to her father's will.

Agnes Huntington had decided to marry John Bristol in 1339. He was not a bad choice financially and socially (his father was a bailiff, served as a member of parliament for the city in 1335 and also a successful business man), but Agnes's

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[64] Ingram, *Spousals Litigation,* p. 36.
[65] Pedersen, p. 25.
[66] *Ibid.*, p. 25.

parents did not approve John Bristol for some reason. It is understood that Agnes was a strong-minded woman considering the age she lived in because she was not easily dissuaded, maybe she was also aware of her rights under the canon law. It was claimed that they spoke the words of consent, which was enough under the canon law, but they could not prove this and at the end Agnes hopes were cancelled by fear of her mother. [67] Agnes then chose Simon Munkton as her new partner and this time she succeeded in proving her marriage which the words of consent was made in front of witnesses, John Marschall and Emma Munkton (she was not related to Simon Munkton).[68] According to Emma, Agnes said:

> Simon, I understood that your father wants to make you enter religion and this cannot happen because you know well that we are engaged to each other and I want to have you and noone else as my man.[69]

The other witness, John Marschall, reported that Agnes and Simon Munkton contracted marriage by exchanging words *de presenti*, thus creating a valid marriage. It is very well understood that Agnes and Simon knew the church's rules of marriage. Simon and Agnes also made sure that their marriage was made known publicly through a church ceremony in 1340.[70] In the years following their marriage, however, their relationship was deteriorating. For example, in 1345 Simon attacked Agnes in their home in Huntington because she would not consent to the sale of lands she had received from her father.[71] Agnes sued for a divorce from Simon in the court of the archbishop's official in York. But as I have already mentioned canon law did not allow divorce in the form it is available today. In the fourteenth century there were

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[67] *Ibid.*, pp. 25-34.
[68] *Ibid.*, p. 34.
[69] *Ibid.*, p. 35.
[70] *Ibid.*, pp. 35-36.
[71] *Ibid.,* p. 36.

only two ways spouses could legally live apart. One was, what today would be characterized as a legal separation, 'a divorce from bed and board' which allowed the partners to live in separate houses but not to remarry. The other was a 'divorce from the bond' (*divortium a vinculo*), an annulment of marriage which left the partners free to marry another partner of their choice. This required the applicant to prove that there was a technical error in the current marriage. During the course of the case Agnes appealed for both a separation and – by changing the story about the marriage to John Bristol – for an annulment of her marriage to Simon. This case lasted for about a year and it was full of assertions, full of witnesses of both sides and full of violence, which were too complex and too long to be examined here. The case, however, is a perfect example of how a medieval woman tried to protect her interests against her husband and her ability to use a legal system. Unfortunately there is no certain evidence about the outcome of the case.[72]

Remarriage was a common practice in the late Middle Ages. Remarriages were not made after divorce as I explained; it was made mostly after the death of a spouse. Many of the secular and ecclesiastical considerations governing first marriages applied also to remarriage.[73] There was, however, one vital difference; the widow was considered as a woman on his own, entitled to take her own independent decisions and actions, and no longer under the control of a father or a husband. According to canon and common law, she was entitled to choose whether to remarry or remain a widow. [74] It was usual for the widow to promise not to remarry without consent of the crown because them and more probable their property was considered important by

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72 *Ibid.*, pp. 37 –58.
73 Gottlieb, p. 64.
74 Ward, p. 19.

the king or the lord. The properties of widows were not only in the interest of the crown or their lord's but it was also in the interest of men, sometimes much younger men than these widows. This was the case when young Henry Kingstonheard of the death of a man who left a wealthy, middle-aged widow, Henry taught in his own words " I will go marry this olde widow and pay my debts. Then when I have buried her will I marry a young wench and get children".[75]

By the middle of the thirteenth century, a widow's common law dower right had come to include a third of all those lands of which her husband seized at any time during their marriage.[76] This rule which was generous to widows was an important factor in determining the structure of landed society, ensuring that a significant part of the kingdom's wealth was always in their hands could only be tolerated because of the tendency of widows to remarry. As Simon Payling asserts ' thus what a family temporarily lost through a widow's dower, it potentially gained through marriage to a dowered widow'.[77] In this direction, George Cely, who was a member of the prominent London merchant family, married Margery who was the widow and sole heir of a London draper, Edmund Rygon, who owned property in Calais and its environs in May 1484.[78]

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[75] Jack Goody, *The Development of the Family and Marriage in Europe*, (Cambridge: Cambridge University Press,1983), p.128.
[76] Payling, p. 25.
[77] *Ibid.*, p. 25.
[78] Moriarty, p. 215.

CHAPTER III

THE FACTORS OF CHANGE IN EARLY

MODERN ENGLAND

Beginning with the early modern ages there had been a lot of changes in England which influenced the institutions of family and marriage and also which those institutions had influenced. The political atmosphere was very turbulent and so did the social one. Many great changes in the English history happened during this era and many had its roots in this age of transformation.

The transformation was almost in every field of life; from economy to religion, from politics to daily life. In this chapter, I am going to deal with these changes briefly in order to understand better the changes which took place in the institution of family and marriage practices of England in the early modern period. What had happened as a means of change? Did these changes and the institutions of family and marriage and the practices of marriage really affected each other? How these transformations were reflected in the social life of England? All these subjects will be analysed within the limits of gentry and lesser nobility social classes as it was in the other chapters. Henry VIII will have an exceptional place in this and following

chapters because of his special role in the political, religious and social areas of the time and his central role in the making of English Reformation, which had a prior importance for this work in terms of the changes it especially brought to marriage practices. It is important for its role in showing how marriage practices became central point of conflict between the King and the Church and also between the state politics and the society. I am going to refer to letters, court papers and mostly to diary collections of the period in this chapter again but I will give priority to diary collections because beginning with early modern period, we have a great source of diary collections which shed light on almost every field of subject for us.

3.1. The Political and Religious Landscape of the Early Modern England

The sixteenth and seventeenth centuries were a period of British history in which crucial transformations occurred in political culture, in social and economic experience and in religious expression. There were also many features of English society in this period, which was enduring, and the change was slow, especially when it was compared to our century. However, major changes occurred in terms of every field of English history, which totally reflected the characteristics of a pre-industrial society.

The British population was slowly recovering from the negative effects of the plagues of the fourteenth century. The population level of the pre-plague era was regained during the sixteenth century and by 1600 England's population was a little over four million.[1] And along with population rise, a steady rise in prices

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[1] Tom Webster, ' The Changing Landscape' in *The Oxford Illustrated History of Tudor & Stuart Britain*, ed. by John Morrill, (Oxford and New York: Oxford University Press, 1996), p. 3.

determined much of the English history in the Tudor and Stuart England. During the period, agriculture was the major form of economy in England, however that period also showed the signs of transition of a country towards industrialization. For example, woolen cloth manufacture was very common as a by-employment and these manufactures were mostly available in urban markets which also led to a new transition in the social structure of England; urbanization.[2] The period was also marked for its significant political and economic conditions but among all those changes, which took place in the period, reformation was probably the most important.

3.2. Henry VIII and the English Reformation

The English reformation was not a specific event, which has a precise date. It was a long and complex process and as it was stated by Powicke; 'the one definite thing that can be said about the Reformation in England is that it was an act of State … The Reformation in England was a parliamentary transaction'.[3] However, English Reformation can not be totally described as an act of state, it was a process and it had various reasons and results like all historical incidents.

Henry VIII was the key figure of the Reformation process in England. I am going to mention his character and his life briefly in order to understand much better his role in this process. Henry VIII became the king of England in 21 April 1509 at the age of 17. His coronation was seen as the beginning of a new age among most of the people. Thomas More (will be executed by the king years later)

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[2] *Ibid.*, pp. 21-25.
[3] A.G. Dickens, *Reformation Studies*, (London: The Hambledon Press, 1982), p. 443, c.f., " F. M. Powicke, The Reformation in England, 1941, pp. I, 34".

wrote a poem that was presented to Henry at his coronation, which had the statement, that: " This day is the end of our slavery, the fount of our liberty; the end of sadness and the beginning of joy."[4] The public feared the dead king, Henry VII, and he had not been widely respected however his son, in clear contrast, was young and energetic. He had imprisoned the two men who were responsible for the harsh financial policies of the dead king and then he declared that he chose the Catherine of Aragon as queen which was a decision seen as chivalrous because the young woman was used by the old king as a pawn in diplomatic affairs and after her husband, Arthur eldest son of Henry VII, died, Henry VII had refused to return Catherine to her parents or to marry her to his second son. As a result, she was like a prisoner and she had won wide admiration during this time.[5] He was a very clever man and it was believed that he could both appreciate the strengths and spot the weaknesses of any argument that was laid before him and on a few occasions when he was deceived by those who advised him, it was his emotions rather than his intellect which overcame.[6] Henry VIII was a conformist who accepted the prevailing values of his age and class. He did not question the existing hierarchical relationship between the sexes or the classes and this might be the reason why he treated ruthlessly towards any groups or individuals who tried to change the current order of things like Catherine of Aragon who refused to be put aside later or Thomas More who did not accept the authority of Henry.[7] As Keith Randell had put it; "It is certain that Henry made no distinction between himself as a person and

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[4] Keith Randell, *Henry VIII and the Government of England*, (London, Sydney & Auckland: Hodder & Stoughton, 1991), p. 9.
[5] *Ibid.*, p. 9.
[6] *Ibid.*, p.15.
[7] *Ibid.*, pp. 16- 17.

himself as a king. To him they were one and the same thing. He was a 24- hour monarch …"[8]

Various developments prepared English people for a religious and ecclesiastical change before Henry VIII broke with Rome. By the early years of the sixteenth century, anticlericalism had reached its peak.[9] There were also other forces at work in England such as the Lollard heresy and its anti-sacramental and anti-ceremonial criticisms were expanded into a wider section of society and laid down the roots of antagonism toward the Church.[10] The sale of masses and pardons had begun to arose resentment among most of the people and the scholastic approach to religion had long been divided and even questioned by the humanist approach by trying to set forth the plain sense the Scriptures against their historical background.[11] As I have mentioned above, The English Reformation was a complex process, it covered numerous headings like; a break from Rome, a movement of secular power against the Church, a suppression of Catholic institutions such as monasteries and chantries and a protestantization of services, clergy and laity.[12]

Above all these, as A.G. Dickens put it; "… while English religion was predominantly Catholic in 1520, it had become predominantly Protestant well before 1600."[13] Even the king, Henry VIII, was one of the most eager Catholic monarchs in Europe. In 1521 he had been awarded as "Defender of Faith" by the

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[8] *Ibid.*, p. 20.
[9] Dickens, p. 444.
[10] *Ibid.*, p.446.
[11] *Ibid.*, pp. 446-447.
[12] Christopher Haigh, 'The Recent Historiography of the English Reformation' in *Reformation to Revolution: Politics and Religion in Early Modern England'*, ed. by Margo Todd, (London & New York: Routledge Press, 1995), p. 14.
[13] Dickens, p. 443.

Pope for writing this book, which criticized Lutheran teaching.[14] So, how did the English Reformation take place and why?

The main cause of the struggle of Henry VIII with Rome was over the validity of his marriage with Catherine of Aragon. It was believed that a monarch's main duty was to secure his dynasty and by 1520s Henry VIII had not have a legitimate heir. He needed the authority of the Pope to pronounce his existing marriage null and void so he argued that his marriage was unacceptable in God's eyes because he was given a special permission by Pope Julius II to marry his brother's widow which was forbidden by certain biblical verses.[15] But if a pope had overruled an early decision, this meant undermining papal authority and also the Pope did not want to alienate the Queen who was the nephew of Charles V, the Holy Roman Emperor, whose troops had recently occupied Rome in 1527.[16] At first, Henry did not plan a Reformation but by 1529 Henry's attempts had clearly failed and this situation brought him to the point that step by step he had to take the law into his own hands. In 1529 he summoned the Parliament, which was known as the Reformation Parliament. He began to threatening the clergy in order to get a divorce without the papal approval and as Doreen Rosman suggests " the more they opposed him, the more the king asserted royal rights over those of the Church".[17] And after considerable debate and also after the death of the William Warham, Archbishop of Canterbury, who was against granting a divorce without papal approval, parliament agree that certain types of cases, including divorce, should be

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[14] Doreen Rosman, *From Catholic to Protestant: Religion and the People in Tudor England*, (London: UCL Press, 1996), p. 22.

[15] *Ibid*., p.23.

[16] Conrad Russell, ' The Reformation and the Creation of the Church of England 1500- 1640' in *The Oxford Illustrated History of Tudor & Stuart Britain*, ed. by John Morrill, (Oxford and New York: Oxford University Press, 1996), p. 271.

[17] Rosman, p. 24.

dealt by English courts not by Roman ones. Henry's first action was to arrange a meeting with the King of France in 1532 in order to secure an alliance against the Emperor and he chose his new Archbishop, Thomas Cranmer. He married to Anne Boleyn in 1533 and the next attempt was to stop Catherine to appeal to Rome against this divorce, therefore an act was passed which was called the Act in Restraint of Appeals of 1533 and which declared independence from Rome.[18]

In 1534, the Parliament passed the Act of Succession in order to confirm the former Queen's reduced rank, to bastardize her daughter and imposed on all adult male subjects an oath to the new dynastic settlement and to the whole effects and contents of this act.[19] Very few refused to comply with the Act, even though the oath itself implied a denial of papal jurisdiction and authority. But a few resisted like the Carthusian monks of the Charterhouse in London and six of them were seriously mistreated and eventually put to death.[20] However, the most notable among those who resisted were Thomas More[21] and John Fisher[22]. Both were

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[18] Russell, pp. 272- 275.

[19] Richard Rex, *Henry VII and the English Reformation*, (New York: St. Martin's Press, 1993), p.20.

[20] D. G. Newcombe, *Henry VIII and the English Reformation*, (London & New York: Routledge Press, 1995), pp. 54-55.

[21] Thomas More was born in London February 7, 1478. He was a prominent judge. He entered parliament in 1504 and married for the first time in 1504 or 1505. He became a close friend with Desiderius Erasmus (1466- 1536) during the latter's visit to England in 1499. In 1510, he was appointed one of the two undersheriffs of London. In this capacity, he gained a reputation for being impartial, and a patron to the poor. During the next decade, More attracted the attention of King Henry VIII. He helped Henry VIII in writing his *Defence of the Seven Sacrements*. More had garnered Henry's favor and was made Speaker of the House of Commons in 1523. He refused to endorse King Henry VIII's plan to divorce Catherine of Aragon. He refused to attend the coronation of Anne Boleyn in June 1533. In 1534, he was one of the people accused of complicity with Elizabeth Barton, the nun of Kent who opposed Henry's break with Rome. And in 1534, More refused to swear the Act of Succession and the Oath of Supremacy and was committed to the Tower of London on April 17. More was found guilty of treason and was beheaded on July 6, 1535. His final words on the scaffold were: "The King's good servant, but God's first." More was beatified in 1886 and canonized by the Catholic Church as a saint by Pope Pius XI in 1935, Catholic Encyclopedia, Vol. XIV, Online available at: www.newadvent.org/cathen/14689c.htm.

[22] St. John Fisher; Cardinal, Bishop of Rochester, and martyr; born at Beverley, Yorkshire, England, 1459 (? 1469); died 22 June 1535. John was the eldest son of Robert Fisher, merchant of Beverley, and Agnes his wife. When the question of Henry's divorce from Queen Catherine arose, Fisher became the Queen's chief supporter and most trusted counsellor. In this capacity he appeared on the

confined to the Tower of London. They were not frightened by this penalty and those who continued to resist drew strength from their example. This situation extremely irritated the King and when in May 1535 the Pope made the entirely empty gesture of elevating Fisher to the office of cardinal, Henry VIII was really outraged. More and Fisher were both executed in 1535. These executions helped to end the opposition; Europe was shocked but no action was taken. There was general regret at their deaths but no rebellion was launched and the opposition disappeared for the moment.[23]

In 1534 the Parliament convened again and with the Act of Supremacy, it returned to the legislative programme, which gave statutory recognition to Henry's new title as Supreme Head of the Church of England. Early in 1535 The Act of Treasons laid down legal penalties for denying royal supremacy.[24] The new Act of Treasons gave Thomas Cromwell[25] the tool he needed for checking opposition by

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Queen's behalf in the legates' court, where he startled his hearers by the directness of his language and most of all by declaring that, like, St. John the Baptist, he was ready to die on behalf of the indissolubility of marriage. This statement was reported to, Henry VIII, who was so enraged by it that he himself composed a long Latin address to the legates in answer to the bishop's speech. In January 1533, Henry secretly went through the form of marriage with Anne Boleyn; Cranmer's consecration took place in March of the same year, and, a week later, Fisher was arrested. In may, 1535, the new pope, Paul III, created Fisher Cardinal Priest of St. Vitalis, his motive being apparently to induce Henry by this mark of esteem to treat the bishop less severely. The effect was precisely the reverse. Henry forbade the cardinal's hat to be brought into England, declaring that he would send the head to Rome instead. In June a special commission for Fisher's trial was issued, and on 17 June he was arraigned in Westminster Hall on a charge of treason, in that he denied the king to be supreme head of the Church. Since the Act of Attainder had deprived him of his bishopric, he was treated as a commoner, and tried by jury. He was declared guilty, and condemned to be hanged, drawn, and quartered at Tyburn, but the mode of execution was changed, and instead he was beheaded on Tower Hill, Catholic Encyclopedia, Vol. VIII, Online available at: www.newadvent.org/cathen/08462b.htm.
[23] Newcombe, pp. 55- 56.
[24] Rex, p.22.
[25] Thomas Cromwell, the son of a cloth worker and alehouse keeper, was born in Putney in 1485. As a young man he lived in Europe and served in the French Army in Italy. On his return to England he worked as a lawyer before joining the service of Thomas Wolsey (Henry VIII's Lord Chancellor and also Archbishop of York, Bishop of Lincoln and Bishop of Durham). In 1530 Henry VIII employed Cromwell as an adviser. Over the next few years he served in a variety of posts including Chancellor of the Exchequer, Secretary of State and Master of the Rolls. He also played a leading role in helping the king become head of the English Church. In 1535 Cromwell was appointed vicar-general. In August 1535, Cromwell sent a team of officials, including Cromwell, to find out

means of judicial fear. By the Act of Supremacy obedience to the sovereign became a religious duty also because the sovereign was also the head of the Church.[26] However, Henry VIII did not believe he had changed his religion and became a Protestant. And as Conrad Russell mentions "Henry had thus set up a sort of double-headed definition of orthodoxy. Anyone who did believe in Pope was a traitor, and anyone who did not in the mass was a heretic."[27] This created an unstable atmosphere in England; some of Henry's counselors continued to uphold Catholic doctrine while supporting royal supremacy, some people hoped for the introduction of a vernacular Bible, but held to the traditional Catholic view in transubstantiation.[28] By asserting authority over the Church in England Henry VIII made further reform demands had to be made just with the approval of him. The king had sympathy with those who sought to eliminate the abuses of the Church. [29]

By the whole dissolution of the monasteries, England seemed to be moving in a more openly direction towards Protestantization. The decision to dissolve monasteries was taken primarily for financial, not moral reasons. It was true that moral standards in the monasteries were low and the common neglect of the real services of the monasteries were like the evidences of this corruption in the monasteries and also these incidents were totally against the purposes of the

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what was going on in the monasteries. After reading their reports Henry VIII decided to close down 376 monasteries. In 1538 Cromwell turned his attention to religious shrines in England. Henry decided that the shrines should be closed down and the wealth that they had created given to the crown. The Pope and the Catholic Church in Rome were horrified when they heard the news that Henry had destroyed St. Thomas Becket's Shrine. On 17 December 1538, the Pope announced to the Christian world that Henry VIII had been excommunicated from the Catholic Church. In 1540 Cromwell was created the Earl of Essex. However, Cromwell's position was undermined by the king's disastrous marriage to Anne of Cleves. Thomas Cromwell was sent to the Tower of London and was executed on 28th July 1540, Roger Lockyer, *Tudor and Stuart Britain 1471 – 1714*, (London &New York: Longman Press, 1985), p. 38.

[26] *Ibid.,* p. 46.
[27] Russell, p. 275.
[28] Rosman, pp. 24 –25.
[29] *Ibid.*, p. 24.

creation of the monasteries, however these faults could have been restored.[30] As

Lockyer suggested " Henry was casting around for new sources of revenue, and the

monasteries were an obvious target."[31] Thomas Cromwell was appointed as Vicar-

General in 1535, with orders to exercise the King's supremacy over the

monasteries. He had been Thomas Wolsey's[32] agent in dissolving twenty-nine

monasteries previously and was therefore well fitted for the task. By the end of

1535 almost all monks had rejected the Pope and accepted the King as head of the

Church. The Observant Franciscans resisted until Henry suppressed their seven

houses in 1534.[33] The fall of the smaller monasteries helped to precipitate the

resistant movements in Lincolnshire and the north of England, known as the

Pilgrimage of Grace in 1536.[34] However, the pilgrimage of Grace also did not proof

more than a demonstration. In the parliamentary session of 1539, Henry reacted to

the demands to put an end to doctrinal uncertainty and persuaded the Parliament to

pass the Act of Six Articles.[35] This act upheld transubstantiation and the mass, the

celibacy of the clergy, private masses and confession, and spelt out the penalty of

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[30] Lockyer, pp. 54-55.
[31] *Ibid.*, p. 55.
[32] Thomas Wolsey was born in late 1472 or 1473. He was the son of an Ipswich butcher and cattle
dealer. For an ambitious and talented boy, not born into the upper ranks of late medieval society, the
Church was the only possible opening and Wolsey soon entered it. By the age of fifteen he was at
Magdalen College, Oxford, where his contemporaries called him the 'Boy- Bachelor', and the
Marquis of Dorset, whose children he had taught at Magdalen College School, befriended him.
Dorset, a nobleman of high birth, was prominent among Henry VII's Councilors and presumably
recommended Wolsey to others of his circle. Henry VII employed Wolsey on several diplomatic
missions and was impressed by his intelligence and his ability. After Henry VII's death, Henry VIII
had appointed Wolsey as bishop of Tournai and in 1514 Wolsey was chosen as the next Archbishop of
York by Henry VIII. In 1515, Wolsey had been made a cardinal. Nine years later, he was appointed
Legatus a latere for life who had the power to intervene in every diocese, overriding the authority of
bishops and archbishops alike. He died in 29 November 1530in Leicester Abbey as a man who had
fallen from power, Lockyer, pp. 17-18.
[33] Lockyer, p. 55.
[34] Sir Maurice Powicke, *The Reformation in England*, (London, New York & Toronto: Oxford
   University Press, 1973), p. 31.
[35] Russell, p. 277.

burning for denial of the mass.[36] The six articles were obviously more close to Catholic doctrine rather than the Protestant. The last years of the reign of Henry VIII were characterized by factionalism and religious ambiguity. Henry remained essentially orthodox but rejected some of the elements of the medieval religion. The Church of England that Henry left behind when he died in 1547 might have been schismatic but it was not Protestant.[37]

3.3. The Reigns of Edward, Mary and Elizabeth in the Reformation Process

Edward, son of Jane Seymour (Henry's third wife) who was nine years old when he inherited the throne in 1547, was surrounded by people who favoured the opportunity of extending the Reformation and it was after that time England moved towards a Protestant direction.[38] Edward's uncle, Edward Seymour, Earl of Hertford and later Duke of Somerset had reigned the country in the name of Edward and he and his advisers followed Protestant policies, for example; abolishment of chantries and the publication of the first English-language Prayer Book and taking down the altars on which the sacrifice of the mass had been offered and replacing them with communion tables.[39] The favour was on the reformers side as Edward lived but he fell fatally ill in 1553 and his heir, Mary Tudor, the daughter of Catherine Aragon, was expected to reverse all his policies.

Mary Tudor came to throne in July 1553 and she reinstated Catholic ceremonies and liturgy, and commanded churches to reinvest in all the accessories of traditional worship. Clergy who had married under legislation passed in

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[36] *Ibid.*, p. 277.
[37] Newcombe, pp. 70-73.
[38] Rosman, p. 29.
[39] Russell, p. 278.

Edward's reign were brought before the courts and deprived of their livings.[40] But she could not have brought a complete restoration because some changes were irreversible like the dissolution of monasteries. In the eyes of many Catholics, the Protestant denial of transubstantiation was the ultimate heresy so Mary put those who persisted in heresy to death, and this course of action earned her the nickname ' bloody Mary'.[41] Mary had also succeeded in marrying Philip II of Spain, heir of the Emperor Charles V but she had two mistaken pregnancies and her reign lasted five years when she was caught by series epidemics, which produced worst mortality in three hundred years.[42]

Elizabeth I (reigned between 1558- 1603), Anne Boleyn's daughter, was the first ruler since the Reformation to be granted the forty years needed to establish a policy and give it the advantage of familiarity. Under Elizabeth the English Church became clearly Protestant. The parishes were sent instructions again for a major reversal of religious practice.[43]

Elizabeth was a Protestant, like her mother Anne Boleyn, and she possessed a flexibility of mind so she was well aware of the need for stability and was anxious to effect religious arrangements that would command widespread acceptance. She required her clergy to wear vestments, which made them look like a Catholic priest and also required them to continue many traditional ceremonies like the making of the sign of the cross in baptism. The object of all these seems to have been to make Catholics to come to Church.[44] The Elizabethan solution was characteristically one of compromise, renouncing fanaticism in favour of national unity and national

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[40] Rosman, , p. 30.
[41] *Ibid.*, p. 32.
[42] Russell, p. 280.
[43] Rosman, pp. 33- 34.
[44] Russell, pp. 280- 281.

independence.[45] In 1559, matters including the discipline, the content of the Prayer Book, the design of the Churches, the Queen and Council settled the choice of ornaments and vestments and such organizational settlements before any bishops were offered to office. The first Elizabethan Convocation of 1563 tried to reform the ceremonial side of the Church and after great official pressure failed by one vote but they were left free in drawing up the thirty-nine articles, which defined the doctrine of the Church. In the last decades of Elizabeth's reign Calvinist ideals began to dominate the Church.[46] Elizabeth's prolonged reign did more than anything else to stop the continuous religious problems that had characterized mid-sixteenth century England.

In all this process of Reformation, Protestantizm firstly, embraced the cultural forms, which already existed and employed them for its own purposes, and then it became more widespread and turned its back to these cultural forms slowly.[47] This ultimate triumph of Protestantism could not easily be achieved as we have seen and this process affected and was affected by many courses of English life such as the English gentry in the Parliament whose role was crucial to many stages of reform like the purchase of the former monastic lands were in the interests of many gentry families in order to secure economic fortunes as well as opportunities for patronage in the Church.[48] And Reformation process also helped to grasp the importance of newly developing towns. The people like Thomas Cromwell saw the value of

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[45] Dickens, p. 455.
[46] Russell, p. 284.
[47] Patrick Collinson, 'Protestant Culture and the Cultural Revolution' in *Reformation to Revolution: Politics and Religion in Early Modern England'*, ed. by Margo Todd,(London & New York: Routledge Press, 1995), p.36.
[48] W. J. Sheils, *The English Reformation 1530 – 1570,* (London & New York: Longman Press), 1989, p. 72.

towns in spreading reformation ideas.[49] As I have mentioned before by this process, with all its effects, England became predominantly Protestant when we came to 1600s.

3.4. The Political State of the Early Modern England after the Reign of Elizabeth

Reformation process was the one of the most important development of the early modern England but there were also crucial developments in the political structure of the country, which also contributed to the social change. Here I am going to mention the important political developments of the period beginning with the death of Elizabeth.

Queen Elizabeth died on 24th March 1603, and her cousin James VI of Scotland was crowned as James I of Britain. James I had been brought up by a Presbyterian, and his succession was greeted hopefully by English Puritans[50] who sympathized with Presbyterian criticisms of the established Church. The son of Mary Queen of Scots, James talked about divine right of monarchy but backed away from real confrontation with parliament over the question. He dissolved the Parliament in 1610 and during the time there was the financial problem, which was inherited from

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[49] Sheils, p. 73.

[50] The Puritans were English reformers of the sixteenth and seventeenth centuries. They wanted to purify or reform the church and establish a middle course between Roman Catholicism and the ideas of the Protestant reformers. This movement had a continuous life within the Church until the Stuart Restoration (1660). They left a legacy of theological writing that is unsurpassed in church history. Puritanism reached North America with the English settlers who founded Plymouth Colony in 1620. Catholic Encyclopedia, Vol. XII, Online available at: www.newadvent.org/cathen/12581a.htm

the reign of Elizabeth that remained unsolved.[51] In 1622, James again dissolved the Parliament without obtaining any supplies. Then Prince Charles went to Madrid in an attempt to marry to the King of Spain's daughter but they returned with a determined mind to make war on Spain after six month's of negotiation. James I had died in 1625 leaving the crown to Charles.

Charles I (1625 – 1649) was a king who took very seriously the theory of divine right and he could not escape confrontation with the Parliament over the questions of money and religion. He was arranged a marriage with Henrietta of France which in return England had to help Louis XIII in suppressing the Protestant stronghold of La Rochelle. There was strong opposition to these policies and the Parliament of 1626 directly attacked the King.[52] Charles continued to collect taxes without the approval of the Parliament so these events caused the declaration of the Petition of Right in the Parliament of 1628. The Petition declared illegal both arbitrary imprisonment and the collection of taxes without Parliamentary consent.[53] Charles continued his actions and the civil war broke out in 1642.

After a series of fights between the powers of the King and the opponents, the New Model Army was formed with its regular pay and strict discipline.[54] The rest of the war was a series of mopping-up operations, culminating in the surrender of Oxford in June 1646 after Charles had given himself up to the Scots. The latter handed him over the English Parliament on 30th January 1647. In 1649, Charles I was executed, although large parts of the population were against it, the monarchy

[51] Christopher Hill, *The Century of Revolution 1603 – 1714*, (New York & London: W. W. Norton & Company), 1980, pp. 6 –7.
[52] *Ibid.*, p.8.
[53] *Ibid.*
[54] Christopher Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution*,(New York & London: Penguin Books, 1991), p.24.

abolished and the republic, the Commonwealth, proclaimed and Oliver Cromwell led the Commonwealth until his death in 1658.[55]

After the death of Cromwell, Charles II, the eldest son of Charles I, returned to England from France where he had taken refuge. An Act of 1st June 1660 declared the Long Parliament of Cromwell fully dissolved and another Act arranged for continuity of judicial proceedings started before the King's return and confirmed all legal decisions of the Interregnum subject to a right to appeal.[56] With Charles II the English Restoration began and when he died in February 1685 leaving no legitimate children, his brother James II succeeded him peacefully. As a military and political operation the restoration was a great success however, the period was not a period of freedoms; for example, there was a censorship policy, which ensured subversive ideas were not published.[57] James II was a Roman Catholic and the policies he pursued frightened almost all factions. In April 1687 James issued a Declaration of Indulgence, which granted liberty of public worship to Protestant and Roman Catholic dissenters. Bishops were ordered to have this Declaration read in every church in the kingdom on two successive Sundays. Seven bishops, led by

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[55] Oliver Cromwell, born in Huntington in 1599, was a strict Puritan with a Cambridge education when he went to London to represent his family in Parliament. He quickly made a name for himself by serving in the Parliament. During the civil war Cromwell proved very capable as a military leader. By the Battle of Marston Moor in 1644, Cromwell's New Model Army had routed Cavalier forces and Cromwell earned the nickname 'Ironsides' in the process. In the meantime, Charles I invited an Irish Catholic Army to his aid; an action for which he was tried for high treason and beheaded after the war. By 1646, England was ruled solely by Parliament, although the King was not executed until 1649. Oliver Cromwell, as Commander-in Chief of the army, he was able to seize ruler ship and served a term as ' Lord Protector'. During the fifteen years in which Cromwell ruled, he drove pirates from the Mediterranean Sea, set English captives free, and subdued any threat from France, Spain and Italy. Cromwell made Great Britain a respected and feared power the world over. Cromwell maintained a large degree of tolerance for rival denominations. He stood for a national church without bishops. The ministers might be Presbyterian, Independent or Baptist. Dissenters were allowed to meet in gathered churches and even Roman Catholics and Quakers were tolerated. He worked for reform of morals and the improvement of education. He strove constantly to make England a genuinely Christian nation and she enjoyed a brief "Golden Age" in her history. He died as Lord Protector in 1658. Online available at: www.olivercromwell.org.
[56] Hill, *Century of Revolution,* p .166.
[57] Hill, *World Turned Upside Down*, p. 18.

Archbishop, petitioned the King to withdraw the order since they thought he had no right to dispense with the statutes, which denied toleration to dissenters. The Bishops were prosecuted and found not guilty.[58] The birth of a son in June who would be raised as a Catholic, led leaders of the English political parties to invite William of Orange to invade England.[59] As William made his preparations for invasion James backed down; he announced that Catholics would remain incapable of sitting in the House of Commons, a Protestant was put in the command of the fleet but it was too late. William had landed with a Dutch army in 1688 and James was allowed to escape to France.[60] This incident was known as the Glorious Revolution and the co-monarchy of King William of Orange and Queen Mary II accepted more constraints than previous monarchs had, and the new constitution created the expectation those future monarchs would also remain constrained by Parliament.

William and his wife Mary, the Protestant daughter of James II, accepted the throne offered them by Parliament and a Bill of Rights stated the limitations on the power of monarch and protected the rights of individuals was declared in 1689. An Act of Toleration also in 1689 gave limited toleration to Protestant dissenters and the Act of Settlement (1701) fixed the succession in the House of Hanover, descendants of James I's daughter, Elizabeth and so religious persecution ended for English citizens.[61]

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[58] Hill, *Century of Revolution*, pp. 170 –171.
[59] *Ibid.*, p. 171.
[60] *Ibid.*, p.171.
[61] *Ibid.*, p.220.

3.5. The Impact of Economy and Social Change

One of the principal determinants of the social changes taking place in early modern England was associated with fluctuations in the levels of population and price. As Barry Coward mentions " The balance between population and available resources is crucial in determining standards of living in any country at any time."[62]

In the course of the sixteenth and seventeenth centuries the population of England doubled. A population of approximately 2.5 million in the 1520s had risen to about 5 million by 1680.[63] However, this general demographic expansion was not distributed equally throughout the country. For example, Staffordshire's population doubled between 1563 and the 1660s, while the Forest of Arden's population in the Warwickshire increased only 50 per cent in the period between 1570 – 1650.[64] In order to explain the causes of the demographic expansion of this period generally, we have to look to the rates of fertility and mortality first of all. For example; the population of England experienced high mortality during the exceptionally acute deaths of 1595 –7 and suffered even more severely as a result of plague in 1603 – 4.[65] Then we should look to the marital customs, which influenced fertility, and to the economic circumstances, which affected all of these. Finally, there is the question of migration. There is no certain proofs of how these factors affected each other or what was their importance on the demographic change. However, generally, it can be argued that a decline in the occurrence and virulence of the

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[62] Barry Coward, *Social Change and Continuity: England 1550 – 1750*, (London & New York: Longman Press, 1997), p. 33.
[63] Keith Wrightson, *English Society 1580 – 1680*, (London, Boston, Sydney & Wellington: Unwin Hyman Ltd., 1982), p. 122.
[64] *Ibid*., p.123.
[65] Martin Ingram, *Church Courts, Sex and Marriage in England 1570 – 1640*, (Cambridge & New York: Cambridge University Press, 1990), p. 79.

plague in the later fifteenth and early sixteenth centuries might have checked the population rise of the sixteenth century and viral diseases in the mid sixteenth century checked growth but a return to comparatively better mortality conditions allowed renewed expansion.[66] Whatever the causes was the fact remains that population rise was a fact for the sixteenth century.

This demographic change brought the change in economy and price as I have mentioned above. There is a direct link between population and wealth, and also the distribution of this wealth in every society and at any time. Because of this link between population and price, it is generally believed that in early modern England there was a 'social polarization', which is argued in Barry Coward.[67] It has been argued that the gap between rich and poor became wider. Some groups of social class like merchants or large farmers had prospered and they gradually drew closer to the large landowners of England. This economic and social polarization was also paralleled by a cultural polarization in which educated upper and land-owning classes had understood the religious and intellectual ideas of the period but the poor remained indifferent.[68]

In the economic field the demographic expansion brought inflation as a major problem. Wages rose less quickly than prices in an overstocked labour market and real wages steadily declined and only after the middle of the seventeenth century they recovered slowly.[69] Another consequence of demographic expansion was a gradual distribution of the English population. People tended to move to areas where they could found the best opportunity for a home and a living; as a result the

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[66] Wrightson, p. 123.
[67] Coward, pp. 33 – 35.
[68] *Ibid.,* p. 34.
[69] Wrightson, p. 125.

populations of many urban centers rose dramatically. The populations of York and Exeter grew by some 50 per cent between the sixteenth and the later seventeenth centuries. London grew from a city of about 50,000 – 60,000 in the 1520s to one of 200,000 in 1600, 400,000 in 1650 and 575,000 by 1700.[70]

Barry Coward states that three types of towns underwent a period of rapid growth and development. The first was 'country' towns, which developed as social and political centers of quite large regions like Durham, Lincoln, Chester, Preston and Salisbury. The second were spa towns like Bath, Harrogate and Hampstead, which expanded along with the fashion for taking their waters. Thirdly, the towns, which developed special economic functions as industrial and harbor towns and ports. The main manufacturing towns were those producing stable products like the textile towns; Manchester, Leeds and Norwich, metal manufacturing towns; Sheffield and Birmingham.[71] The growth of towns after 1650 was also reflected in the development of an urban culture and consciousness. It could be seen in the growth of a cheaper and popular press, theatres and the building of assembly rooms, the popularization of sports like horse racing or cricket.[72]

England is mostly described as first modern society. England during the seventeenth century made a transition from an agrarian, immobile, self-sufficient, traditionalist society, which based on custom, hierarchy and status is asserted to have been replaced by an individualistic, rational, impersonal, mobile, literate and

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[70] *Ibid.*, pp. 126 – 128.
[71] Coward, pp. 77-78.
[72] *Ibid.*, p. 78.

urbanized society within a market economy based on the division of labour, competition and private property rights.[73]

There had been a general trend of growing inflation because of the pressure of the demand, which was increasing by a rising population. These two factors; rising population and price inflation were linked developments lying at the base of the economic crises of the period. Inflation became the root cause of the complaints of men in England.[74] Between about 1500 and 1640 the price of food increased almost sevenfold and industrial prices increased threefold. High food prices stirred improvements in agricultural production and in the marketing system. There was also some industrial development though these developments were slow and complex.

The costs and benefits of these economic alterations were not distributed equally among the population. This view is shared by almost every historian of the period. As Martin Ingram puts forth; "in general, the rich became richer while the plight of the poor worsened and their numbers increased."[75] Keith Wrightson also sharing the same view by mentioning that landlords, the gentry and aristocracy of England were faced with both a threat and opportunity because of the changes occurring in the period.[76] On the one hand, inflation was a threat not only for the poor but also for them. On the other hand, their opportunities to use the land sufficiently could make them profit large amounts from both the rising prices and the rising demands for land and the general response of the landed classes was to

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[73] Richard Grassby, *Kinship and Capitalism: Marriage, Family and Business in the English- Speaking World, 1580 – 1740*, (Cambridge & New York: Woodrow Wilson Center Press and Cambridge University Press, 2001), pp.1-2.

[74] Joan Thirsk, *Economic Policy and Projects: The Development of a Consumer Society in Early Modern England*,(Oxford: Clarendon Press),1978, p. 160.

[75] Ingram, *Church Courts,* p. 73.

[76] Wrightson, p.130.

raise the rental income derived from their lands.[77] Farmers who owned or rented substantial amounts of land could increase production and benefit from high prices, yet the poorer sections of the society were struggling to live. Small farmers were often at risk, waged laborers' situation became worse and moreover unemployment increased as population expansion went beyond economic growth.[78] The social groups like the gentry or the yeomanry had best opportunities to prosper because they benefited from low labour costs as employers, while as large-scale producers they profited from rising prices.

These conditions caused many families to climb the social ladder very quickly in the early modern period and led them to change their place in the social order of England.[79] Both in town and country social differentiation and economic inequalities were very marked. The aristocracy and gentry which formed a tiny proportion of the population, were still playing the dominant role in the society, however in the growing town centers a new group of social order, like the merchants and financiers who were getting wealthier than the landed gentry and aristocracy, began to have a more respected status than before even though they still did not have the same place with the gentry and aristocracy in the hierarchical order of England.[80]

When we came to the seventeenth century, the production of consumer goods absorbed an increasing quantity of the nation's economic resources. The first and principle resource used by the new consumer industries and occupations was labour. The source of this labour force was made available by the great increase of

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[77] *Ibid.,* p.130.
[78] Ingram, *Church Courts,* p. 73.
[79] Wrightson, pp. 134-135.
[80] Ingram, *Church Courts,* pp. 70-71.

population after 1500s.[81] Another factor, which is argued to have link with the changing economic structure of England was the change in religion; Protestantism. Many writers discussed this idea for example; Christopher Hill suggests that the fundamental doctrine of Protestantism is justification by faith and the main target they attacked during reformation was justification by works, like telling of beads, giving of candles. Their argument was that these were merely mechanical actions where the heart was not involved and Protestants insisted that each believer should look inward to his own heart; a principle contributed to give Protestantism its basically individualist conception.[82] This principle found its meaning in the social life in various forms and when the sixteenth and seventeenth century businessman looked into his heart, he found that apart from religious faith, there had been a profound respect for the principle of private property. They believed that a good protestant should perform good work to help their neighbour, the community and humanity and they persuaded themselves industry was a good work. Individualism began to grow during the era and it flourished by the Industrial Revolution after then.[83]

England by the seventeenth century was very far from the medieval system. It began to be a maritime empire with a strong navy and for a variety of political and religious reasons I have mentioned England was getting more and more individualistic. After the civil war feudal tenure was destroyed while London and some other cities were growing as commercial and also political centers.[84]

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[81] Thirsk, pp. 158 –159.
[82] Christopher Hill, *Change and Continuity in Seventeenth- Century England*, (Cambridge & Massachusetts: Harvard University Press, 1975), pp. 81–84.
[83] *Ibid*., pp. 94-98.
[84] David Loades, *England's Maritime Empire: Seapower, Commerce and Policy 1490 – 1690*, (London & New York: Longman Press, 2000), p. 250.

Culturally England lay on the age of Renaissance Europe in the early sixteenth century but it was both socially and geographically isolated from the continent. As a result the effects of the Renaissance came slowly and late to England.[85] In the late medieval England large-scale printing did not exist and communication with other countries, especially Italian cities were primitive. This situation gradually changed in the sixteenth century and men like Thomas More began to be influential in England by political and cultural means. More's *Utopia*, for example, is a critique of the practice and the fundamental thinking of his society and he represented one of the finest examples of the Renaissance like his friend Erasmus.[86]

This social transformation showed itself also in education. Different social groups began to afford the education of their children. According to Keith Wrightson there are three aspects of education that promote social change in England. These are, first, the contribution of education to the development of a greater degree of cultural unity among the English ruling class. The second is the gradual integration of literacy into the popular culture of England. Finally, it is the remarkable expansion of the cultural horizons of the common people.[87] The two universities at Oxford and Cambridge were attracting more and more the sons of aristocrats and the gentry who would stay for a year or two. There were also the Inns of Court in London where professional lawyers could be trained but where many more young men would attend as if it was a finishing school.[88] Another important development among these changes was a change in direction of the whole educational outlook. Reformation brought the rule that the new doctrines had to be

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[85] Joel Hurstfield, *Freedom, Corruption and Government in Elizabethan England*, (Cambridge & Massachusetts: Harvard University Press, 1073), pp. 199–200.
[86] *Ibid.*, p.207.
[87] Wrightson, p. 191.
[88] Hurstfield, pp. 218-219.

thought and the Bible was to be read in English in schools and universities alike.[89]

In the universities courses like mathematics, philosophy, astronomy became more important than the theology. These transformations contributed clearly to the growth of a more homogeneous culture among the English gentry and the aristocracy. When one went to lower classes of the social scale, the educational transformation also had equal effects but fairly different nature, however the important point is that a widespread literacy was achieved; some husbandmen, artisans, laborers, servants and women could read and write. Yet, of course, the literacy in towns was much more than the countryside.[90] In the seventeenth century England, we have a society that was different from the one in the late medieval ages even though some of the features remained the same. We can see the roots of imperialism, nationalism, democracy, freedom of thought and individualism in a country, which was giving the signals of becoming a power that began the Industrial Revolution.

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[89] *Ibid*. p. 219.
[90] Wrightson, pp. 193-194.

CHAPTER IV

FAMILY INSTITUTION IN THE EARLY MODERN PERIOD

4.1. General Patterns of Family in the Early Modern Period

Early modern England had witnessed considerable transitions in many fields; from demographic and economic expansion to the increasing effects of growing towns and major political and religious developments. The strong Tudor government strengthened the economic and social developments. The increase of security compared to the Middle Ages contributed to the thinning of blood kinship, which was essential for individual security.[1]

Protestantism is generally claimed to have affected family life both in theory and practice.[2] It had also given the household greater importance in religious life, mainly in prayer and religious instruction. As family life was concerned, the Reformation was a stage of deepened endeavor in a long struggle to inculcate Christian beliefs and attitudes. The christianisation of the family should ideally have improved the level of

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[1] Ralph A. Houlbrooke, *The English Family 1450-1700*, (London and New York: Longman Press, 1984), p. 31.
[2] This idea is accepted almost by every writer like Ralph A. Houlbrooke, Keith Wrightson, Lawrence Stone and Alan MacFarlane.

mutual concern and the sense of a common purpose among its members.[3] However, to make gross generalizations are not appropriate for the institution of family like for communities and individuals. Families also differed in their ability to understand religion. Humanism also affected the family life along with the Reformation. Humanism brought an optimism concerning human character and the nature of human relations according with it. The humanist idea favours earthly affections, an idea differing from the Catholic teachings of the Middle Ages.[4]

Both Protestantism and humanism contributed to the expansion of educational facilities, which took place in England beginning with the sixteenth century. A principal aim of this expansion was to make the individual a better Christian.[5] In the Middle Ages the households mainly played the role of the schools. Parents placed their children in other dwellings for educational reasons in a system of service and patronage at that time as I have mentioned in the first chapter. This system had changed as we can see it clearly in the diaries and letters of the period. Boys usually left home for school utmost at the age of nine or ten and girls would have been sent from home at about the same age. For example, Elias Pledger went to school in London at the age of six or seven and sent his son to school at the age of eight. The girls seem to have been a year or two older when they left home. For example, a female cousin of Oliver Cromwell was sent to school in London at the age of about twelve.[6] Of course, there also instances which showed that children were sometimes sent away to other households to be brought up like in the Middle Ages. Lady

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[3] Houlbrooke, *English Family*, p. 31.
[4] *Ibid.*, p 32.
[5] Barry Coward, *Social Change and Continuity: England 1550- 1750,* (London & New York: Longman Press, 1997), pp. 86 – 87.
[6] Alan MacFarlane, *The Family Life of Ralph Josselin: A Seventeenth- century Clergyman*, (London & New York: Cambridge University Press, 1970), p. 207.

Margaret Hoby was sent to the household of the countess of Huntingdon, for example.[7]

The structure of the family which has been consisted of the husband, wife, servants and children did not alter very much especially until the eighteenth century. In most cases, as in the Middle Ages, the eldest son and his wife and their children spent at least the early years of their married life in the parents' house until they set up their own, however younger sons did not have the same encouragement.[8] According to Lawrence Stone, the early modern family was patriarchal in the sense that the husband and the father had an authority over his wife and children of almost a lord over his subjects.[9] Male authority's superiority was accepted also because of the duties came from religion itself. The wife and husband had different roles in a family that the head of the family had the authority and the wife subordinated this authority. In the high ranks of the society wives were less active in economic matters than the women of lower scale.[10] In the diary of Ralph Josselin, for example, we can see the examples of mutual help between husband and wife in the farm work; as Josselin described, ' when my wife and I pulling down a tree with a rope with our pulling all fell together, but no hurt God bee praised.'[11]

The early modern family was also claimed to be patrilinear and primogenitural. It was patrilinear because it was the male line whose ancestry was traced so carefully by the genealogists and mostly by way of the male line that titles were inherited. It

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[7] *Ibid.*, p. 207, c. f., " *Diary of Lady Margaret Hoby,* 1599 – 1605, ed. Dorothy M. Meads (1930), pp. 5, 202".

[8] Lawrence Stone, *The Crisis of Aristocracy 1558 – 1641*, (Oxford: Oxford University Press, 1965), p. 589.

[9] *Ibid.*, p. 591.

[10] Keith Wrightson, *English Society 1580- 1680*, (London, Boston, Sydney & Wellington: Unwin Hyman Ltd., 1982), pp. 92 – 93.

[11] MacFarlane, *Family Life*, p.109.

was primogenitural in that most of the property went to the eldest son and the younger brothers being sent off with little more than a modest income or life interest in a small estate.[12] This was the same practice in the Middle Ages and there had been no great alterations. Since primogeniture was concerned the discontent of the younger siblings were also the same like it was expressed by Thomas Wilson in 1601:

> He must have all, and all the rest that which the catt left on the malt heape, perhaps some smale annuytye during his life or what please our elder brother's worship to bestowe upon us if wee please him, and my mistress his wife.[13]

Lawrence Stone asserted that there would be a slow readjustment of relations within the family especially after the middle of the seventeenth century. He asserts that the family began to cease to be patriarchal and became affective. By an affective family he meant, as Anne Laurence mentioned, a family where marriages were made for affection between the partners, rather than for economic or dynastic reasons and also where parents developed a real sense of affection for their children.[14] Stone laid his basis for this argument simply by some examples of change during the course of time like changing habit of child nursing. In sixteenth century the upper classes in England had normally put the newborn babies out to a nurse who would care for the baby up to three years but when we came to the early seventeenth century there was a reaction against this practice, presumably not for psychological but nutritional reasons.[15] One of the earliest supporters of breast-feeding was the 9th Earl of

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[12] Stone, *Crisis of Aristocracy*, p. 589.
[13] Houlbrooke, *English Family*, p.42, c. f., " F. J. Fisher (ed.), *The State of England anno dom. 1600, by Thomas Wilson, Camden Society,* 3rd ser., 52 (1936), 24."
[14] Anne Laurence, *Women in England 1500 – 1760. A Social History*, (London: Weidenfeld and Nicolson Ltd., 1994), p.11.
[15] Stone, *Crisis of Aristocracy,* p. 592.

Northumberland, who in 1596 was supporting the idea that 'mother's teats are best answerable to the health of the child' and in 1628 the Countess of Lincoln published a book urging mothers to feed their own children.[16] This practice was claimed to strengthen the emotional ties between the mother and children. The children were beginning to play a more important role in the lives of the family. Before sixteenth century those who died in infancy were not even recorded by the genealogists but by the beginning of the seventeenth century we can clearly see that the memory of these infants was being carefully preserved in the diaries of their parents.[17] How intensely they felt sorrow for a child's death seems to have been connected with the age of the child and the strength of the emotional ties between the parents and the children. We can see the examples of this attitude in the diary of Ralph Josselin. His reaction to the death of Ralph who died at ten days old was such ' was the youngest and our affections not so wonted unto it … to bury it in our thoughts; we lookt on it as a dying child 3 or 4 dayes' but when eight year old Mary died it is very clear that he was suffered by deep sorrow;

> My little Mary very weake, wee feared she was drawing on; feare came on my heart very much, shee is not mine, but the Lord's, and shee is not too good for her father … This morning all our hopes of Maries life were gone; to the Lord I have resigned her and with him I live her … it was a pretious child, abundle of myrrhe, abundle of sweetnes … it lived desired and dyed lamented, thy memory is and will bee sweete unto mee.[18]

Another example shows this time the feelings of a mother, Anne Bathurst (b. 1647 – d.?) about her dead children;

> As they came up, I remembered Two little children, died

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[16] *Ibid.*, pp. 592 – 593.
[17] Stone, *Crisis of Aristocracy,* p. 593.
[18] MacFarlane, *Family Life*, pp. 165 - 166.

> One at fourteen weeks, the other at fourteen days end, and
> imediately as soon as I began to desire it, they came like two
> Bright Sparks, one after another, and entered into this great
> Light and became one with it …[19]

Parent and child relations became more close and important in the early modern ages. The concern of the parent for the child could be seen in the wills of the period, which included statements of concern. Ralph Dennis of Ancroft parish in Northumberland entrusted his son Edmund to his son-in-law in his will of 1612.[20] Husband and wife relations were different. The roles of the spouses did not change very much since the Middle Ages. The wife had to obey the head of the house, her husband. Her principle duty was to obey and then the caring for the house or the children came.[21] A husband should be kind and gentle to his wife and should behave her with care. He had to protect her and teach her the good and the bad. It was agreed among the contemporaries a husband should warn his wife for her faults, but they did not have a common point on where should be the line drawn for the discipline.[22] In the diary of Pepys, his authoritarianism was obvious, of course there are also signs of their enjoying life together but in the below quotation we can see that even very simple things could make him angry to his wife. In 1 March 1667, he wrote:

> Before dinner making my wife to sing; poor wretch, her ear is
> so bad that it made me angry, till the poor wretch cried to see
> me so vexed at her, that I think I shall not discourage her so
> much again but will endeavour to make her understand sounds
> and do her good that way, for she hath a great mind to learn,
> only to please me ...[23]

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[19] Sara Heller Mendelson, 'Stuart Women's Diaries and Occasional Memoirs' in *Women in English Society 1500 – 1800*, ed. by Mary Prior, (London & New York: Methuen, 1985), p.197.

[20] Wrightson, p. 111.

[21] *Ibid.*, p. 111

[22] Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England*, (New York & Oxford: Columbia University Press, 1993), p. 42.

[23] Robert and Linnet Latham (eds.), *A Pepys Anthology: Passages from the Diary of Samuel Pepys*, (London & Sydney: Unwin Hyman Ltd., 1987), p.66.

The growing concept of individualism, which was a result of the changes that I have mentioned in the first part of this chapter, also affected the family institution of the period. In fact England was familiar with the concept of individualism much more than the other countries of the period. It is believed that England was different as a whole from the rest of Europe in the sense that a central and basic feature of English social structure has for long stressed the rights and privileges of the individual against the state or a wider group.[24] The English upper classes especially, the landed elite were used to the principle of individualism particularly in their economic activities. They were accustomed to the market individualism in the treatment of land and agricultural improvement.[25] With the impact of Protestantism, England became more individualistic because the Protestant doctrine taught people to look in themselves and to take action by their free will. Ralph Josselin's diary shows this attitude. Alan MacFarlane suggests that Josselin describes a situation of complete, absolute and exclusive private ownership. He was the only head and owner of the property not even the family. He even threatened his only surviving son by disinheriting him. He wrote;

> John declared for his disobedience no son; I should allow him
> nothing except he took himself to be a servant, yet if he would
> depart and live in service orderly I would allow him 10 li
> yearly: if he so as to become gods son, I should yet own him
> for mine.[26]

This is a crucial difference form the Middle Ages since inheritance was almost in every case an inalienable right. However in this case the right of inheritance is through the gift of Josselin. MacFarlane argues that Josselin's own will and the

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[24] Alan MacFarlane, *The Origins of English Individualism: The Family, Property and Social Transition*,(London: Basil Blackwell Ltd., 1989), p.63.
[25] Lawrence Stone and Jeanne C. Fawtier Stone, *An Open Elite? England 1540 – 1880*, (Oxford & New York: Oxford University Press, 1986), p. 301.
[26] MacFarlane, *Origins of English Individualism*, p. 63.

provision for his children recorded in the diary and manor court rolls of the parish show that there was a fully developed system of individual inheritance, in which each child was given a part at the discretion of the parents.[27]

Individualism was affected by the family institution in England by the way of a school. The English nuclear family encouraged the children to live home as soon as possible and by this way the ties of kinship and neighbourhood solidarity were loosened. In conformity with these developments a sense of privacy and intimacy also grew in English gentry and noble families. Samuel Pepys wrote in his diary about an intimate example of he and his wife shared at their house;

> Lay long with pleasure, talking with my wife – in whom I never had greater content, blessed be God, then now; she continuing with the same care and thrift and innocence (so long as I keep her from occasions otherwise) as ever she was in her life, and keeps the house as well. (2 November 1662)[28]

4.2. Kinship Ties and Inheritance during the Early Modern Period

English people in early modern ages did not have close kin ties and they did not identify their kin according to firm principles or rules. It was an individual choice whether the person thought of his kin as a narrow or wide group of relations and the terms like 'cousin' or 'kinsman' were used imprecisely.[29] However, in the upper levels of the society, in gentry and aristocracy, the kinship ties were much stronger for reasons of their own. The kinship networks provided necessary help in ways of securing favours or jobs and in other ways.

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[27] *Ibid.,* p.64.
[28] Robert and Linnet Latham (eds.), p. 60.
[29] David Hey, *The Oxford Guide to Family History*, (Oxford & New York: Oxford University Press, 1993), p. 123.

Family letters show that a much wider range of kin than the immediate family was approached when assistance was required. At all levels of society, kinsman acted as contacts that could be called upon to find places and secure favours or to achieve loans.[30] There were many examples of requests for especially appointment of posts in the Lisle letter collections such as:

> *From John Grenville to Lord Lisle (16 October 1533)*
> … Furthermore I am instantly desired by my cousin Chidley, a man of law, for to write unto your lordship and to my Lady for to accept a kinsman of his into your service, which is a very tall gentleman and had very good conditions.[31]

Another letter shows a request of promotion and also mentions that the favour would be addressed 'accordingly':

> *Henry Earl of Cumberland to Lord Lisle (17 March 1535)*
> My very good Lord … thanking your lordship of your goodness and favour shewed unto my cousin William Clifford, the bearer hereof, being the King's servant under you in his Grace's town at Calais: requiring your lordship most effectually that if any rooms of promotion shall fortune in your hands there … whereby your lordship shall shew unto me such singular pleasure as I shall be willing and glad at your motion or rquest to requite accordingly…[32]

Kinship links were also valued by the merchant and business community in the early modern period. The potential kindred of any businessman were vast. It included the spouses and children of his own brothers and sisters, the parents and siblings (and their spouses) of his own wife, the spouses of his own children, aunts and uncles and their children (cousins) and so on.[33]

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[30] *Ibid.*, p. 124.

[31] Muriel St. Clare Byrne, *The Lisle Letters*, (Chicago & London: The University of Chicago Press, 1981), Vol. I, pp., 584- 5.

[32] *Ibid.*, Vol. II, p. 426.

[33] Richard Grassby, *Kinship and Capitalism: Marriage, Family and Business in the English-Speaking World 1580 – 1740*, (Cambridge & New York: Woodrow Wilson Center Press and Cambridge University Press, 2001), p. 217.

Unless they were servants or apprentices, the kin did not usually reside in the household. Joint residence occurred rarely from choice and commonly because of death, widowhood, orphanage or migration. Co-residence, furthermore, defined the household rather than the family, which broadened through common activities such as sharing meals.[34] But apart from joint residence, hospitality was an important family duty and pleasure, especially after the second half of the seventeenth century, relatives went on long journeys to visit each other. For example, Elizabeth Pepys, wife of Samuel Pepys, regularly visited with her husband or alone Brampton, Pepys' parents. He wrote in 21 -28 July 1662 "Up early; and by 6 a-clock after my wife was ready, I walked with her to the George and at Holborne conduit, where the Coach stood to carry her and her maid …".[35] Other examples show how Pepys enjoys hospitality and the company of his relatives;

> (September 9, 1664), Up, and to put things in order against
> dinner, I out and bought some things; among others, a dozen of
> Silver Salts. Home and to the office … and then home and at
> noon comes my company – *viz.,* Anth. And Will Joyce and their
> wives – my aunt James newly come out of Wales, and my
> Cosen Sarah Gyles – her husband did not come, … I was merry
> as I could, giving them a good dinner. … [36]

The kinsmen were much excited to give each other advices than material assistance in money or kind. Samuel Pepys took advices (and also gave advices) from his relatives upon many issues. For example, he asked the advice of his cousin, Thomas Pepys in February 1662 over the question of Brampton inheritance " … my

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[34] *Ibid*., p.225.
[35] Robert Latham (ed. and sel.), *The Shorter Pepys*, (London: Bell & Hyman Ltd., 1985), p. 215.
[36] *Ibid*., p. 423.

Cosen tom. Pepys the Executor … and what way there may be to make it up, and I have hopes we may do good of it for all this".[37]

Traditional inheritance customs prevailed in the early modern period from the late medieval ages but according to Keith Wrightson rather flexible adoption was used.[38] Primogeniture was still the common exercise among the English gentry and nobility because of the need to keep together the estate upon which the families depended. In this way property was vested and united in the family, not in the individual. Richard Grassby mentions that a primary reason for the existence of the family as an institution was the need to hold the property of the family and transfer it between generations by way of legitimate heirs that was most of the time the eldest son.[39] But growth of individualism gradually undermined this exercise, which gained speed after the Industrial Revolution. According to Jean-Louis Flandrin, the English 'elité' was influenced from the partitioning inheritance customs of Kent that I have mentioned in the first chapter of my study, and in the course seventeenth and eighteenth centuries, the rules of inheritance began to disappear. He remarks that this was a manifestation of individualism.[40] The case of Ralph Josselin when he threatened his only surviving son with excluding him from his will also contributes this view.

Moreover, after 1540 all freehold property could be devised by will and transfer of property was governed by the rules of common law in case of intestacy. It was still the same among the landed society that sons were mostly favoured over daughters and eldest over younger sons. Widows were entitled to their dower as in the case of the Middle Ages. Ecclesiastical law also favoured partible inheritance and in the

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[37] *Ibid*., p.179.
[38] Wrightson, p. 111.
[39] Grassby, p. 385.
[40] Flandrin, p. 76.

towns, which were getting more and more important centers during the early modern England, like London for example; both sons and daughters inherited by custom equal shares of one-third of all personalty and only one-third, was at the discretion of the testator.[41] In 1706 John Winn insisted that " of all his estate reall and personal his said wife should have 1/3rd part and the other 2/3rds should be equally divided amongst all his children share and share alike" and when Thomas Hansall, in 1711 bestowed property to his eldest son, he provided that "his widow and children should share the proceeds".[42]

4.3. Household System

Average English household size calculated for the early modern times was approximately 4.75 persons per household throughout seventeenth and eighteenth centuries.[43] This number is an average number however the gentry and nobility households were much larger.

According to the calculations made in the village of Goodnestone-next-Wingham, in Kent, in 1676, there were three gentry households and of these three households of the gentry one comprised twenty-three persons; Sir Edward Hall and his wife, their six children and their fifteen domestic servants.[44] The two others were of extremely limited: one was a bachelor living with one servant and the other was a couple with one child and no servant.[45] There is no clear evidence how these gentry

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[41] Grassby, *ibid*., pp. 342 –343.
[42] *Ibid*., p. 346.
[43] Michael Mitterauer & Reinhard Sieder, *The European Family: Patriarchy to Partnership from the Middle Ages to Present,* trans. by Karla Oosterveen and Manfred Hörzinger, (Oxford: Basil Blackwell Ltd., 1982), p.27.
[44] Jean- Louis Flandrin, *Families in Former Times: Kinship, Household and Sexuality*, (Cambridge: Cambridge University Press, 1992), pp. 56–57.
[45] *Ibid*., p. 57.

lived whether like poor peasants or in the manor house with Sir Edward Hall and therefore did not form real independent households.

Large households in the seventeenth and eighteenth centuries were maybe more plentiful in the big towns – another sign shows the importance of growing towns – than the country, contrary to the Middle Ages. The reason of this growing number was the fact that towns as centers of commerce, decision-making and social meeting places since the seventeenth century attracted the powerful families.[46] As a total, approximately the 17,000 families of the aristocracy and the gentry comprised from eight to forty persons.[47] This proves the aristocracy and the gentry maintained dozens of servants in their town houses as in their castles or manor houses.

In this system, the persons who lived in the household had also some hierarchical order. Children and servants were subject to the couple, which headed the household as wife subjected to her husband as I have stated above. The ideal of the orderly family was a powerful one in which the head of the household had to guide children and servants.[48] Some of the responsibilities of the head of the household were even preserved by law; like household heads had to ensure that their families together with the servants came to church each Sunday.[49]

The term servant was applied to the domestic workers as well as the servants which had upper status in the great households drawn from the ranks of the gentry. This practice changed after the Victorian period however it remained almost the same in the early modern period.[50] The term mostly used to describe young, unmarried people who lived with their employees. The age of children left home to enter service

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[46] *Ibid.*, p. 61.
[47] *Ibid.*, p. 61.
[48] Amussen, p. 96.
[49] *Ibid.*, p. 96.
[50] Hey, p.113.

was not exact but averagely about 14. Between 1574 and 1821 servants constituted 13.4 per cent of the population throughout England and the terms of service were specified mostly in an annual hiring contract as it was in the Middle Ages.[51] The majority of male servants were apprentices, bound by formal indenture, or agricultural servants contracted for one year; young women could be found in both these forms of service but they were more likely to be doing domestic work.[52]

The relations of the servants and the heads of the house were similar to those of the parents and children. Both servants and children should have a practical and moral education. The household owners should teach their servants good manner, make sure that they attended to church and correct their faults.[53] Respect and obedience was expected from the servant in return for care, protection and guidance of his/ her master. However, this was not the situation all the time as in the Samuel Pepys's case. He had a lot of troubles with his servants throughout the time; maybe the most striking was his problem with Will – a troublesome boy- on a suspicion that Will was a thief in 1660.[54] Samuel Pepys suspected that Will had stolen a letter containing half a crown Mr. Jenkins had left at the house on 28 August to be sent to his son. Pepys and his wife questioned the young boy the next morning but Will denied the crime but later that day Elizabeth Pepys thought that she had discovered further evidence of his thievery when she found a sixpenny piece that Will had stolen from Will Hewer's (clerk to Pepys in the Navy Office) closet in the place her

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[51] *Ibid.*, p.113–114.
[52] Anthony Fletcher, *Gender, Sex and Subordination in England 1500 – 1800*, (New Haven & London: Yale University Press, 1995), p.212.
[53] Amussen, p. 40.
[54] Ivan E. Taylor, *Samuel Pepys,* (Boston: Twayne Publishers Inc., 1989), pp. 43–44.

husband called "the house of office". Will's bad behaviors continued and they discharged him.[55] He wrote about the incidence as:

> Before I went to the office, my wife and I examined my boy Will about his stealingᵃ of things, as we doubted yesterday; but he denied all with the greatest subtility and confidence in the world. … Home to dinner; and there I find that my wife hath discovered my boy's theft and a great deal more then we imagined. At which I was vexed and entend to put him away. … And there sent for my boy's father and talked with him about his son and had his promise that if I will send home his boy, he will take him notwithstanding his indentures. … And find that my wife hath found out more, of the boy's stealing 6s. Out of W. Ewres closet and hid it in the house of office – at which my heart was troubled.[56]

We understand that he made sure that the contract was invalid before he dispatches Will. His troubles continued with the servants during his lifetime and they changed several servants. They had changed servants even in a month. He described an interview with a maid in 16 October 1661 as;

> This morning came several maids to my wife to be hired; and at last she pitched upon one Nell, whose mother, an old woman, came along with her; but would not be hired under half a year, which I am pleased at their drolenesse. … And in the evening our maid Mary (who was with us upon triall for a month) did take her leave of us, going as we suppose to be married, for the maid liked us and we her; but all she said was that she had a mind to live in a tradesmans house where there was but one maid.[57]

The actual relationship between master and their servants in this period was not always warm. There were many incidents of harsh treatment. In a patriarchal society of God given authority to men, there were always abuses of the servants. There were laws, of course, but they were not efficient.[58]

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[55] *Ibid.*, p. 44.
[56] Robert Latham & William Matthews, The Diary of Samuel Pepys, *vol. I, 1660*, (Berkeley & Los Angeles: University of California Press, 1970), p. 233.
[57] *Ibid.*, *Vol. II, 1661*, p.196.
[58] Fletcher, pp. 213-214.

In the management and supervision of the household, wives were joined with their husbands. Many family decisions were made jointly and even more wives developed their own strategies concerning many family issues; the wife of Stephen Fox made her own plans to rebuild Chiswick House, for example.[59] It is clear from the diaries, letters and household accounts of the period that it was the mistress of the household who purchased the food, fuel and clothing and organized the hospitality and entertainment with the help of the servants. We can see that Lady Margaret Hoby was a very religious woman and she spent most of the day by praying but she also supervised the house affairs. Below there are examples of her daily life that she wrote in 11 and 12 November 1600;

> *The: 11.day* After priuat praier I went about and reed of the bible: after, I helped my mother to washe some fine linan, my Maide france being not able: after, I strung som pearles, and then went to Cast vp som accountes that Concerned my beinge at Malton: and so, sonne after, tooke order for supper, and then wentto priuat examenation and praier: after, to supper & then to bed.
>
> *The. 12: day* After I was readie I was busie to make some readie for Sir Edward Hoby, Mr Docter perkins, and Docter lister, that came to vs to dinner: and so, hauinge praied, I went to dinner: after I was busie about some linan. … [60]

The employment of servants put wives in a position of authority and there are evidences that wives could be also abusive towards servants.[61] Many women diarists recorded their domestic routine. It is understood that early rising was a virtue which was admired, for example, Elizabeth Delaval determined to make do with only " 6 houer's slepe in the 24" as part of her spiritual discipline.[62] The mistresses of the

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[59] Grassby, *ibid*., p.93, c. f., "C. Clay, *Public Finance and Private Wealth* (Oxford, 1978), 263".

[60] Harriet Blodgett, *The Englishwoman's Diary*, (London: Fourth Estate Ltd., 1992), p. 22.

[61] Grassby, p. 95.

[62] Mendelson, p. 189.

households supervised almost every work done by the servants; The Countess of Warwick directed all the domestic affairs of her Essex manor and she was also checking the annual accounts.[63] Most women occupied their spare hours by with needlework, reading and they visited friends and their kin, gossip, attended church (sometimes in extreme measures like in the case of Lady Margaret Hoby), played cards and games.[64] In the quotations from the diary of Mary, Countess Cowper we can see she made a lot of visits and she was also visited during her daily life and there are also some examples of gossips;

> *24 October 1714* I went to the Chapel in the Morning, and when it was done, to the Drawing-room; and the Princess seeing me, called to me …
>
> *17 December 1714* This morning I sent early to Baron Beenstorff, to desire to see him. … I told him what both those Ladies were; that Mrs. Kirk had managed all the Intrigue between Lady Mary Vere and the Duke of Ormond … had an ill Reputation as to herself.
>
> *17 February 1716* Mrs. Woodfrod came to see me … I had told her the Night before my Lord was better …
> The Duchess of Marlborough came in the Evening. I saw her…
>
> She says the Duchess of Roxburgh is the greatest Enemy that either my Lord or I have. The Duchess of Roxburgh is certainly an ill Woman. She does not care what she says of Anybody to wreakher Malice or Revenge.[65]

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[63] *Ibid.,* p.190.
[64] *Ibid.*, p. 190.
[65] Blodgett, pp. 43 –48.

CHAPTER V

MARRIAGE IN EARLY MODERN ENGLAND

5.1. Changing Patterns and Attitudes of Marriage during the Early Modern Period

The numerous incidents which had taken place in England that I have stated in the previous chapter influenced many respects of social life, however mostly the marriage and marriage practices of the early modern period was the one influenced most. Even, marriage itself was one of the fundamental drives behind the Reformation process of England as a means of change. Many changes took place in the institution of marriage in terms of law –ecclesiastical or common-, implementation and in the perceptions of people by the coming of the early modern period.

In Middle Ages the age of consent for marriage was fourteen for boys and twelve for girls. Early marriages were common among the upper classes of society in terms of protecting their property and securing the allies. The high rate of young mortality caused by diseases, wars and bad nourishment of babies led to the tendency of early marriage in order to secure an heir before one of the spouses sudden death. Beginning with the late sixteenth century, the marriage age of women rose about an average of twenty among the upper classes and twenty-two or twenty-three in the

seventeenth century.[1] The marriage age of men was more ambiguous because there was a division between the eldest son as an heir and younger sons. The average of men in the early sixteenth century was about twenty-one, twenty-two in the second part of the sixteenth century and, twenty-six in the seventeenth and early eighteenth centuries.[2] Keith Wrightson gives the data for average age for men more detailed as such; first marriage in the period 1600-49 was 29.1 at Aldenham in Hertfordshire, 29.2 at Bottesford in Leicestershire, 27. 4 at Colyton in Devon and 26.7 at Willingham in Cambridgeshire.[3] However, according to diary evidences there were still much younger marriages throughout the period. Ralph Josselin married on 28 October 1640 when he was twenty and nine months old and his wife Jane Constable was nineteen years and eleven months. Samuel Pepys married when he was twenty-two years old and his bride only fifteen.

There was also a trend towards bachelordom beginning with the late seventeenth century. The causes of this trend were not very clear yet a combination of numerous reasons were believed to root this trend. The increasing atmosphere of tolerance, growing individualism together with the costly marriage settlements and less property to be partitioned among children were some of the reasons. The abolition of nunneries in the mid-sixteenth century caused the daughters of gentry and nobility who were not married to stay at home and this brought an end to the mechanism of avoiding costly marriages of daughters by sending them to nunneries.

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[1] Lawrence Stone, *The Family, Sex and Marriage in England 1500 – 1800*, (London: Penguin Books, 1979), p. 40.

[2] *Ibid.*, p.42.

[3] Keith Wrightson, *English Society 1580- 1680*, (London, Boston, Sydney & Wellington: Unwin Hyman Ltd., 1982), p.68.

It was an almost moral obligation to marry off their daughters to their social equals so the system began, in considerable amounts, to drain the family resources. The eldest son should also be married because he was responsible of carrying the family line. As a result, this system caused the growing bachelordom among the younger sons who were not suppose to marry if there was not any better interest of the family in the marriage.[4]

This tendency towards late marriage and bachelordom ensured that the general fertility rate for the population was low. The postponement of female marriage caused the lessening of the number of children a woman could have in her lifetime. This tendency to lower fertility based on age at marriage was reinforced in England after the seventeenth century by a number of other factors. A large proportion of men and women never married as I have stated above and so they never produced any children – at least legally recognized ones.[5] It was claimed that this was the fundamental reason of ensuring population stability in the eighteenth century.

Early modern – especially the period after 1600s – marriages witnessed a rise of 'companionate' model of marriage in which love and affection became more significant. This idea was the basic argument of Lawrence Stone in his 'The Family, Sex and Marriage in England 1500 –1800'. Romance and the rise of the novel, the ability of children to choose their own partners, political, educational and legal changes all ensured that a new system of marriage would become established.[6] Stone showed the abandonment of the formal modes of address after the eighteenth century between husband and wife, and the adoption of first names as an evidence of the rising of companionate marriages.[7] Fanny Boscawen (1719 – 1805), daughter of

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[4] Stone, *Family, Sex and Marriage.,* p. 38.
[5] Tim Hitchcock, *English Sexualities 1700-1800*, (London: Macmillan Press, 1997), p. 25.
[6] Stone, *Sex and Marriage*., p. 217.
[7] *Ibid*., p. 220.

William Evelyn and Francis Glanvilleof St. Clere and the wife of Admiral Edward Boscawen whom she married in 1742, wrote in her diary about his husband addressing him as 'to my dearest husband'.[8]

The role of the drama was a very important element in the increasing number of the marriages, which were based on love. Shakespeare's treatment of love in many of his plays is generally known which reached its climax in *Romeo and Juliet* and the other early modern dramatists also preoccupied with the subject of love such as *All for Love* of Dryden, *The Provok'd Wife* of Vanbrugh and *The Country Wife* of Wycherley.[9] In poetry, too, love began to replace the mystic subjects of the early period. Ralph Josselin's own marriage can be a good example here. He described the moment when he saw his later wife first as; ' the first Lords day being Oct: 6 my eye fixed with love upon a Mayd, & hers upon mee, who afterwards proved my wife' (1639).[10]

We can also see the growth of affection in the letters and diaries of the period. A perfect example of domestic affection was the Knyvett Letters;

> Sweet heart I am forced yet to send the shadow of myself, the true affection of a substance that loves you above all the world … Thus in haste entreating thee to be merry and the more merry to think thou hast him in thy arms that had rather be with you than in any place under heaven; and so I rest. Thy dear loving husband forever, Tho: Knyvett.[11]

This level of commitment and affection between husband and wife was shown in the seventeenth century letter collections of The Buckinghamshire Verneys'. Sir

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[8] Harriet Blodgett, *The Englishwoman's Diary*, (London: Fourth Estate Ltd., 1992), p.262.
[9] Alan MacFarlane, *Marriage and Love in England 1300- 1840*, (Oxford: Blackwell Publishers, 1993), p. 184
[10] Alan MacFarlane, *The Family Life of Ralph Josselin: A Seventeenth- century Clergyman*, (London & New York: Cambridge University Press, 1970), p. 95.
[11] MacFarlane, *Marriage and Love,* p. 193.

Ralph Verney was deeply sorrow for the loss of his wife and he wrote to Dr. Denton as:

> My mind runs more after Italy; not to delight myself with anything there, for since my dear wife's death I have bid adieu to all that most men count their happiness … Ah, Dr., Dr., her company made every place a paradise unto me, but she being gone, unless god be most miraculously merciful, what good can be expected by your most afflicted and unfortunate servant.[12]

No matter how much affection became important in the making of marriages, the system of dowry was still maintaining its predominant – even becoming more important- place in the marriages of the period among the upper classes of the society. The periods of Civil War and Interregnum had a direct influence on marriage patterns. The policies implemented during the Interregnum subjected royalist families to confiscation and this policy made them more reluctant in paying portions for daughters who would marry.[13] For example, when Sir Peter Osborne died in March 1654, his son Henry refused to pay Dorothy's (his sister) portion at her marriage with William Temple so Temple's father sued him in Chancery.[14] This dowry problem and the economic troubles of the nobility and gentry led to unequal marriages for portions during the period. The Duke of New Castle married Margaret Lucas who was from a minor gentry family and had a portion of £ 2,000.[15]

At the same time, the same problems provided a powerful encouragement to marry for money among the royalist families who wanted to restore their fortunes after 1660. The first marriages after 1660 attempted to use an appropriate occasion to

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[12] *Ibid*., p. 194, c. f. " Verney, Verney Memoirs, ii, 422: ii, 423; iv, 251- 2; iv, 252-3".

[13] John Habakkuk, *Marriage, Debt, and the Estates System: Engish Landownership 1650 – 1950*, (Oxford & New York: Clarendon Press, 1994), p.215.

[14] *Ibid*., p. 215.

[15] *Ibid.*

save the family in this respect. The Bagot family was a good example for this pattern. Bagots of Blithfield were not of the peerage and not possessed of enourmous landed wealth, although they were important figures in Staffordshire county and national life. In this sense, Bagot family, beginning from the end of sixteenth century, always tried to extend their influence and property by means of emphasising kinship, which might be also reached through effective marriages.[16] They achieved the influence and prestige they sought but during the Interregnum, Sir Hervey Bagot, who now succeeded to become the first Baronet of Blithfield, suffered from the policies of the period. His son had twelve sons and five daughters and his grandson's – who was the third Baronet- marriage with Jane; the heir to a major Welsh estate, was not a coincidence.[17]

John Habakkuk suggests that another influence of the Interregnum, which influenced attitudes of marriage among the gentry and nobility, was the increase in the social and political significance of the estate after 1660. This increase caused the revival of attitudes towards marriage, which were common in the fifteenth century; use of marriage as a means of acquiring property. It brought out the element of bargaining as Habakkuk puts it.[18]

The size of the portions increased between the late sixteenth and the late seventeenth centuries but on the other hand due to the increase in the love and companionate marriages, it also lost its importance and marriages with no expectations of dowry gradually began more widespread in England. Many families who were not among the gentry or nobility extended their position and wealth

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[16] Rosemary O'Day, *The Family and Family Relationships 1500 – 1900: England, France and the United States of America*, (London: MacMillan Press, 1994), p.68.
[17] Habakkuk, p. 216.
[18] *Ibid.*, p. 217.

through marriage between 1660 and 1740.[19] The value of any portion mostly related to life expectancy because many wives survived their husbands and thus brought back their portions. When a wife survived her husband and was not named a specific successor, her inheritance had been separately agreed. These settlements were very detailed and formal especially among the upper classes and wealthy families of the society. One purpose of a settlement was to protect not only the wife's interest but also the interests of her family. The husband might formally agree that his wife should hold separate property or that her property would revert to her kin on her death.[20] I will explain the process of economic settlements and the dowry system more comprehensively in the below parts of this chapter.

The rise of companionate marriage also led to an alteration in relations of men and women. In general, the obedience of women to men - whether to a father, brother or a husband- was common, however there were also signs of some kind of 'equality and sharing' in their relations.[21] Early feminist movements' signs began to be felt during this period, although they had no widespread influence on the society. Women – mostly centred in London – began to claim for some rights of equality. These women were mostly driven by the political instabilities and the economic sufferings of the time. Most of the women were of London based lower middle class. For example, women assembled at Westminster in 1649, complaining of the economic crisis and demanding the release of the leaders of Levellers who had been imprisoned

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[19] Richard Grassby, *Kinship and Capitalism: Marriage, Family and Business in the English- Speaking World, 1580 – 1740*, (Cambridge & New York: Woodrow Wilson Center Press and Cambridge University Press, 2001), p. 47.
[20] *Ibid*., pp. 70- 73.
[21] Stone, *Family, Sex and Marriage.*, p. 225.

the Tower of London by Oliver Cromwell.[22] Parliament replied that their husbands were answered and they should 'go home and look after your own business and meddle with your housewifery'.[23] These women however - even though they were few in number- were now rejecting the idea that their husbands represented them. New claims concerning the status and rights of women came into life after the denial of monarchical patriarchy in the state in 1688 and were publicized at the end of the seventeenth century. These women were not totally low class women; most notable among them were Hannah Woolley, Aphra Behn, Mary Astell and Lady Chudleigh. Lady Chudleigh in her poem written in 1703, addressed ' to the Ladies':

> Wife and servant are the same,
> But only differ in the name
>
> When she the word 'obey' has said,
> And man by law supreme has made,
>
> Fierce as an Eastern Prince he grows
> And all his innate rigor shows.
>
> Then shun, oh shun that wretched state
> And all the fawning flatterers hate.
> Value yourselves and men despise:
> You must be proud if you'll be wise.[24]

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[22] The Levellers were a 17th-century English political group. During the English Revolution, the Levellers pushed for an extension of the right to vote and also government reforms based on undeniable individual rights and the principle of governmental power based upon public mandate. The Levellers first figured as a distinct group in 1647, during the conflict between King Charles I and Parliament. The Levellers enjoyed widespread support in the army. The movement was suppressed in 1653, and the political influence of the group faded. The Levellers anticipated the philosophical ideas of the American Revolution in many respects. Their philosophy expressed in a pamphlet by John Lilburne; the Foundations of Freedom, or an Agreement of the People, was presented to Parliament in 1649. The philosophy had three principal tenets: the existence of certain inalterable rights of man beyond the jurisdiction of any government; the idea that governmental authority derived from the people; and the doctrine of separation of powers, directed especially against the contention that the Law makers should be Law executors. The Levellers advocated a representative assembly to meet biannually, based on a redistribution of seats according to density of population, and with the franchise extending to all Englishmen 21 years of age or over and wealthy enough to be "housekeepers". They also urged abolition of capital punishment for all crimes except murder. The Levellers are sometimes confused with the Diggers, a strongly religious and pacifist group that advocated the abolition of private ownership of land, WEA Oxford Levellers Branch, Online Available at: www.levellers.org.uk/Levellers-History.htm.

[23] Stone, *Family, Sex and Marriage.*, p.226.

[24] *Ibid.*, p. 227.

Along with the development of companionate marriage, the education of women also took a more important shape, especially in the eighteenth century. Serious stress on the importance of better eduaction for women was laid at the end of the seventeenth century. This movement was also led by a group of middle-class women with a little help from men like John Locke, William Law and Jonathan Swift who addressed the gentry and men like John Dunton and Daniel Defoe who addressed the bourgeoisie.[25] It was natural, of course, most men who supported a better education for women thought that it would be to the benefit of husbands. John Locke supported the idea that better educated women would be more capable of educating their children for the first eight or ten years. For that reason, he wanted women to be able to ' read English perfectly, to understand ordinary Latin and arithmetic, with some general knowledge of chronology and history'.[26]

In spite of this tendency, many men of gentry and nobility thought that female mind was incapable of education. The Earl of Northumberland was a model for this view and we can understand that he thought girls are by nature could not be educated; he wrote his son Algernon Percy as:

> And this you may observe generally, that woman at very young years are as grave and well fashioned, as ever after, for their outward carriage, making small progress in any learnings after; saving in love, a little craft and a little thriftiness, if they be so addicted out of disposition, handsomeness and trimness being the idol of their hearts, till time write deep wrinkles in their foreheads.[27]

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[25] *Ibid*., p. 228.
[26] *Ibid*., pp. 228- 229.
[27] Anthony Fletcher, *Gender, Sex and Subordination in England 1500 – 1800*, (New Haven & London: Yale University Press, 1995), p. 365.

By the middle of the seventeenth century the importance of education for girls from gentry families was strongly established. It could be both at home with the help of tutors or by sending girls to schools - which were rare- established for them. John Evelyn's acclamation about her daughter Susannah at her marriage summarizes her training process and her father's content about the results of this training:

> She is a good child, religious, discreet, ingenious and qualified with all the ornaments of her sex. She has a peculiar talent in design, as painting in oil and miniature and an extraordinary genius for whatever hands can do with needle. She has the French tongue, has read most of the Greek and Roman authors, using her talents with great modesty; exquisitely shaped and of an agreeable countenance.[28]

Schools for the daughters of the gentry were more concerned with polite accomplishments like dancing, playing musical instruments, singing and foreign languages. Academic subjects like mathematics, theology and classical languages were rarely taught in girls' schools.[29] Girls who learned these subjects were mostly the daughters of learned men, usually clergymen, and mostly taught by their fathers. Elizabeth Singer Rowe (1674- 1737) was the daughter of a nonconformist divine and was taken up by Lord Weymouth, who taught her French and Italian. Another example was the daughters of Sir Thomas More and Damaris Masham (1658- 1708) who was the daughter of Ralph Cudworth a divine and Cambridge Platonist and a friend of John Locke. She educated her son herself and published several works of theology.[30]

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[28] *Ibid.*, p. 372.
[29] Anne Laurence, *Women in England 1500 – 1760. A Social History*, (London: Weidenfeld and Nicolson Ltd., 1994), p. 170.
[30] *Ibid.*, pp. 170- 171.

5.2. The Church, Marriage and the Clandestine Marriage Act of 1753

In order to be legally binding, marriages before 1753 did not have to be performed in church by a clergyman of the Church of England, as I have explained in the second chapter. A verbal contract was sufficient in the eyes of the Church but the common law did not accept unless a subsequent church marriage was recognized. Therefore, many cases were brought to the church courts during the marriage upon the problems of contracted marriages.[31]

In England, it was with the Reformation that publication of marriages became essential. The Reformation changed the English form of marriage very little at first, except in terms of the prohibited degrees of consanguinity for marriages, which were apparently reduced to the Levitical prohibitions in 1540. The degrees designated that marriage was prohibited to relatives closer than first cousins such as brothers and sisters- including half-blood and adoption-, nieces, nephews, uncles or aunts.[32] In 1539 one of Henry VIII's orders forbade priests from marrying. The act of 1540 annulled unconsummated secret contracts and declared that marriages formalized in church invalidated any contract not yet consummated. Moreover, a secret marriage not followed by a church marriage caused to be children as bastards in the eyes of the state, even though church recognizes them.[33] After Henry VIII died, Edward succeeded him and revoked these laws, however he lived shortly as I mentioned before and his sister, Mary who was a Catholic restored the old laws again. Five years

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[31] Lawrence Stone, *Uncertain Unions and Broken Lives: Marriage and Divorce in England 1660-1857*, (Oxford & New York: Oxford University Press, 1995), pp. 20- 22

[32] Jack Goody, *The Development of the Family and Marriage in Europe*, (Cambridge: Cambridge University Press, 1983), p. 152.

[33] Bernard I. Murstein, *Love, sex and Marriage through the Ages*, (New York: Springer Publishing Company, 1974) , p. 190.

later, Elizabeth succeeded Mary and she reinstated the rules that gave permission for marriage to priests and she established a more liberal Protestant practice.[34] Although, marriage laws went under a number of changes in the following period, this last permission for priests to marry did not change, as it was obvious in Josselin's case.

One of the most important issues concerning marriage laws was on the subject of making clandestine marriages invalid during the period. The church canons tried to hinder the parental influence over marriage decisions that should be carried out by mutual consent of the couple according to the traditional law of the church.[35] In 1597 convocation was made and it reasserted the traditional principle that 'consent in marriage is the matter specially to be regarded, and credit of kindred, honour, wealth, contentment and pleasure of friends be rather matters of conveniency than necessity in matrimony'.[36] In 1604 canons over marriage were issued in order to make an attempt to steer between extremes with its provisions. Here, the rule forbidding marriage without parental consent for children under the age of twenty-one was established, but marriages made in breach of these regulations were not declared invalid.[37]

After the outbreak of civil war in 1642, the ecclesiastical courts almost ceased to function and there was no order of how a legal marriage should be conducted. A legislation was passed in 1653 about marriage, which was disputed and unpopular since it was a strongly anti-clerical one. It ordered each parish to elect a 'register', whose job was to keep a record of all marriages and couples to be marry should declare their intentions to the register, to produce a certificate from the register that

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[34] *Ibid*., p. 190.
[35] Martin Ingram, *Church Courts, Sex and Marriage in England 1570 – 1640*, (Cambridge & New York: Cambridge University Press, 1990), pp. 134- 135.
[36] *Ibid.,* p. 135, c.f., "Strype, *Life of Whitgift*, vol. 3, p. 380".
[37] *Ibid.,* p. 136.

there had been no objections and couples under twenty-one to provide proof of parental consent and all other kinds of marriage were declared illegal.[38] However, enforcement of these laws was almost impossible and the result was, as Stone stated, 'chaos'. In 1653 Dorothy Osborne (1627- 95) wrote to her fiancé of the new marriage service, ' in conscience, I believe the old one is better; and for my part I am resolved to stay till that comes in fashion again'.[39] In 1657 parliament after long debates prolonged the existing legislation for another six months, but abolished the clause, which invalidated all forms of marriage other than that laid down in 1653. Now almost every form of marriage seemed to be legal.[40]

The greatest change in the law relating to marriage came in 1753 when a new Marriage Act was passed. Under the terms of this act, which was also known as Hardwicke Act of 1753, no minor was allowed to marry in England and Wales without parental consent as a prime provision. At the same time, the only marriages that were considered as legal again in England and Wales, were those performed by an ordained clergyman at an Anglican church or chapel after the publication of banns or alternatively by Episcopal licence.[41] All other forms of marriage, whether public betrothals or unlicensed marriages by clergymen within the peculiarities that were exempt from Episcopal jurisdiction were no longer considered to be legally binding. The only exceptions to these rules were the marriages of Jews or Quakers[42] whose marital discipline was felt to be within the spirit of the new law.

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[38] Stone, *Uncertain Unions,* p.23.
[39] Laurence, p.43.
[40] Stone, *Uncertain Unions,* p. 23.
[41] Douglas Hay and Nicholas Rogers, *Eighteenth – Century English Society: Shuttles and Swords*, (Oxford & New York: Oxford University Press, 1997), p. 37.
[42] Quakers, the Religious Society of Friends, arose in mid- seventeenth century England, during the religious, social and political upheaval of the English Civil War. It was founded by George Fox (1624 – 1691). The believers claimed that the movement was not intended as a new denomination, but rather as a rediscovery of original Christianity without institutional limitations. With the chance to

Opponents of the 1753 Act claimed that the Act preserved the claims of property over romantic love and that it protected wealth in fewer families. Both arguments were exaggerated but they highlighted the significance of marriage as a distributor of wealth among the propertied class.[43] However, the Act was proved valid and from 1754 onwards the only legal form of marriage was the one conducted in church according to the ecclesiastical canons and recorded in the parish register. Pre-contracts and oral spousals ceased to have any force and the consent of parents or guardians was required for anyone under the age of twenty-one.[44]

Another important feature of the Hardwicke Act of 1753 was that before this date all the efforts of bringing a solution to the problem ended in failure in the Parliament. However, in 1753 all the forces, no matter it was lay, legal or religious, came to a consensus on the Act. 1753 Act also, regulates punishment of clergymen who were convicted of performing clandestine marriages by transportation for fourteen years to America and invalidated any marriage of any kind of a minor without the written consent of parents or guardians.[45]

5.3. Arrangements of Marriage and Courtship

Among the upper classes of English society, which I deal with, the arranged marriages remained common, even there was an increase in the companionate marriages. The marriages of this class were considered as important not also just for the individual or even the family but they were considered as important for the social

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access to the Bible in English, converts to this new view called themselves 'Friends of Truth', considering themselves to be friends of Jesus, after the Gospel of John 15: 14 (" You are my friends if you do what I command you"). David M. Murray-Rust, "Quakers in Brief: An Overview of the Quaker Movement from 1650 to 1990", Online Available at: http://www.people.cryst.bbk.ac.uk/~ubcg09q/dmr/intro.htm
[43] Hay and Rogers, p. 38.
[44] Laurence, p. 43.
[45] Stone, *Uncertain Unions,* p. 33.

and political landscape of a county or a city. Therefore, control of marriages by parents and other kin, or friends was seen essential as a matter of high policy.[46]

The daughters were the ones who suffered from most pressure because they were the ones who were most depended and protected and regarded as an inferior sex. In addition, celibacy seemed less attractive than an unwanted husband considering the conditions of the period and attitude of society.[47] In the sixteenth century parents, sometimes, went so far in their wills as to nominate a particular husband for a daughter. For example, in 1533 Robert Burdon, a Northamptonshire gentleman, made an agreement with a local yeoman, Roger Knollys. Burdon's eldest son was to marry Knollys' eldest daughter at or before the age of 19. If she died he was to marry any other daughter chosen by Knollys; if he died his place was to be taken by the second son and if he also died, by the third.[48]

It was a very long time before a woman's right of veto came to be generally accepted. Even, men like John Evelyn, who was a liberal in his views, thought that parents should choose the partners for their daughters but 'by no meanes constraining them to take such to their husbands as they can not love and willingly obey'.[49] However, most of the time this little freedom of consent that Evelyn suggested was not given to daughters. Margaret Russell consented to a marriage with the Earl of Cumberland more 'on the ground of common good than any particular liking' and she lived her married life with little happiness.[50] Conditions varied from family to family according to the personality of the father and the daughter, and the time. In 1649, for

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[46] Ralph Houlbrooke (ed.), *English Family Life 1576- 1716: An Anthology from Diaries*, (London: Basil Blackwell Ltd., 1988), p. 15.
[47] Lawrence Stone, *The Crisis of Aristocracy 1558 – 1641*, (Oxford: Oxford University Press, 1965), p.594.
[48] *Ibid.*, p.597.
[49] *Ibid.*, p. 597.
[50] Wrightson, p. 73.

example, Bridget Oglander sought to marry a young gentleman of whom her father disapproved, however, upon her 'importunity' and her declared resolve 'to have him whatsoever became of her', her father gave way and consented to the match.[51]

The real shifts of opinion on the arrangements began after the middle of the seventeenth century. After the strict settlements of the church and the Parliament, finally a daughter came into a position to challenge their parents without depriving herself of her marriage portion, - at least in theory. Traditional moral obligations did not let them to defer parental wishes. Most girls for centuries continue to obey their parents that they regarded as their prime Christian duty.[52] Samuel Pepys described an example of marriage arrangement in his diary, which he himself also helped. This was the marriage of the daughter of his patron, Lord Sandwich. He described the event from the very beginning in February 3, 1665 when he visited Lady Sandwich; '... where she discoursed largely to me her opinion of a match, if it could be thought fit by my lord, for my lady Jemimah with Sir G. Carteret's eldest son. But I doubt he hath yet no settled estate in land- but I will inform myself and give her my opinion.'[53] Pepys recorded further discussion of the match with Lady Sandwich in March. Lord Sandwich himself did not mentioned the matter to Pepys until 23 June:

> ... From that discourse my Lord did begin to tell me how much he was concerned to dispose of his children and would have my advice and help; and propounded to match my Lady Jemimah to Sir G. Carteret's eldest son- which I approved of, and did undertake the speaking with him about it as from myself; which my Lord liked. So parted, with my head full of care about this business ...[54]

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[51] *Ibid.*, p. 73.
[52] Stone, *Crisis of Aristocracy,* p.598.
[53] Houlbrooke, *An Anthology,* p. 22.
[54] *Ibid.*, p. 23.

It is obvious that how much importance was laid upon a match, especially when it considers an important person who is in a position of making favours for you. Later the same day Pepys visited Lord Sandwich again to receive further instructions and agreed that an intermediary should first put the idea to Carteret. Pepys suggested Dr. Timothy Clarke, a physician in the royal household and Carteret was the Vice-Chamberlain of him. Pepys went to talk with the doctor the other day and he described the situation as:

> … And there I, in the best manner I could, broke my errand about a match between Sir G. Carteret's eldest son and my Lord Sandwich's eldest daughter- which he (as I knew he would) took with great content … and he did undertake to find out Sir George this morning, and put the business in execution … (After dinner) to Dr. Clerke, and there find that he hath broke the business to Sir G. Carteret and that he takes the thing mighty well. Thence I to Sir G. Carteret at his Chamber … he received it with great respect and content and thanks to me, and promised that he would do what he could possibly for his son, to render him fit for my Lord's daughter …[55]

The other day, in 25 June, Pepys went to Carteret for receiving his and his wife's full content and then he went to Lord Sandwich and told him the news. Lord Sandwich and Sir Carteret decided to meet the next day to 'enter discourse about that business'. Pepys continued that Lord Sandwich would ' … I perceive, entends to give *5000l* with her, and expects about *800l* per annum joynture …'[56] The couples wedding preparations began immediately and the couple to be marry first met in 15 July at Dagenhams at the house Lady Anne Wright who was the sister of Lord Sandwich. Pepys accompanied Philip Carteret to Dagenham and his views about the bridegroom can be best summarized with these words of him: ' … But Lord, what

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[55] Latham (ed.), *The Shorter Pepys*, (London: Bell & Hyman Ltd., 1985), p. 499.

[56] *Ibid.*, p. 500.

silly discourse we had by the way as to matter of love-matters, he being the most awkward man I ever met withal in my life as to that business …'[57] The couple married in 31st July and before that day the couple met two more times and in one of these encounters, Pepys found out a way to ask the girl whether she liked her future husband; '… she answered that she could readily obey what her father and mother had done …'.[58]

This example clearly defines how an upper-class arrangement was made and we understand that the couple were not asked of their opinion at all. They had met only after all the arrangements were made and saw each other for a couple of times before the wedding. Maybe the most explanatory sentence for the arrangement was in the words of as Pepys wrote it; '… we both agreed that my Lord and he, being both men relating to the sea …already good friends, and both virtuous and good families, their alliance might be of good use to us …'.[59] And when he met to Sir G. Carteret in 5th July, they talked about how great match they had done and '… how matters are quite concluded with all possible content between my Lord and him and signed and sealed … with mighty joy on both sides, and the King, Duke, Lord Chancellor, and all mightily pleased …'.[60]

When we come to the arrangement of marriages for sons, this constitutes a different subject. Freedom of choice for eldest sons was a little less controlled than daughters due to the rule of primogeniture. The desire to protect the family property

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[57] *Ibid.*, pp. 503- 504.
[58] *Ibid.*, p. 505.
[59] *Ibid.*, p. 499.
[60] Houlbrooke, *An Anthology,* p. 24.

prompted the father to marry his son and heir during his lifetime to a woman he had chosen for him.[61] As it was with daughters, there was a softening of opinion beginning with the seventeenth century, and in 1613 Henry Earl of Huntingdon was advising against forced marriages; 'I myself was married when a child and could not have chosen so well myself nor been so happy in any woman I know, but because one proves well it must not beget a conclusion.'[62]

Younger sons enjoyed more freedom than their elder brothers since little financial importance attached to their choice. However, this situation brought another problem to the subject that these men – mostly poorly endowed- either did not marry or married late. The treatment of younger children in the eighteenth century marriage settlements became more dependable and certain than in the earlier centuries, and that their provision accounted for a larger proportion of total family resources.[63] Even so, the gap between the eldest son and his siblings remained huge. For example, Lord George Lennox (1737-1815), only brother of Charles, third Duke of Richmond, had a modest inheritance – a small estate on the Isle of Wight and 'a negligible investment in a French construction concern'.[64] And moreover they might have to wait for their fortune longer than their brothers because the eldest son mostly had some income or property settled upon him at his majority or marriage, the others had to wait until their father was dead.

Courtship in early modern England was a common practice – generally men were more free than women- but they were mostly permitted to meet each other under the supervision of someone else's as in the case of Jemimah Sandwich and Philip Carteret. Increasingly in the eighteenth century couples began to meet with more

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[61] Stone, *Crisis of Aristocracy,* p. 599.
[62] *Ibid.,* p. 599.
[63] Habakkuk, p. 136.
[64] *Ibid.*, p. 136.

privacy without any supervision.[65] Sooner or later, however, they were obliged to obtain consent form their parents in general. Most of the, even after the eighteenth century, parents considered appropriate courtship as a step towards an appropriate marriage. John Cannon was an example for more directed courtships of the eighteenth century.

In 1704, John Cannon turned down his parents' choice for marriage (a very good example for the growing individualism of the century) and he fell in love with a servant named Mary Rose who was largely unsuitable. The courtship continued for almost ten years and was broken off when Cannon married another woman.[66] Higher in the social scale, the rules of courtship became more restricted, especially among the aristocracy. If parent or kin arranged marriage, courtship became less necessary for obvious reasons. Letters were also very common devices for courtship, mostly in the ones lasted for long periods. Apart from letters linguistic devices such as singing and poetry were very common practices. John Evelyn advised gentry lovers that ' you must improve all occasions of celebrating her shape and how well the mode becomes her, though it be n'er so fantastical and ridiculous; that she sings like an angel, dances like a goddess, and that you are charmed with her wit and beauty.'[67]

5.4. Divorce, Remarriage and Widowhood

In spite of the Reformation there was not many changes in the process of divorce during the early modern period in England. The Anglican Church established its own

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[65] Stone, *Uncertain Unions,* p. 11.
[66] Hitchcock, p. 32.
[67] MacFarlane, *Marriage and Love,* p. 303.

rules and courts by modifying earlier regulations.[68] After the Reformation, it seemed possible to destroy all ecclesiastical courts and the bulk of their business pass under secular control, however, they continued to exist. They did not have the level of authority as they did before but they controlled important spheres of jurisdiction especially in domestic matters.[69]

Most marital disputes that still came before the ecclesiastical courts generally were related not to the breakdown of marriage but to breaches of promise in setting it up as in the late Middle Ages. Divorce in the modern sense was not recognised also in the early modern ages in England. It was, however, possible to secure an annulment and this was the reason of many cases brought in front of the church courts about the validity of the marriage. An annulment left the partners free to marry but banned the woman from her dower rights and bastardised any children born from that marriage.[70] Another way for breakdown of a marriage was also, still the same as a separation from bed and board (*a mensa et thoro*), which could be granted on proof of adultery or extreme cruelty on the part of either spouse,[71] and it did not affect the dower rights of the women or the legal status of the children.

The more liberal Puritans advocated the right of remarriage not only for adultery but also for a new reason, which was called as psychological incompatibility, and a major advocate of this view was John Milton.[72] It was yet difficult to obtain a legal divorce in England until Cromwell opened doors with the act of 1653, which had the provision that civil judges would judge the question of divorce and in 1670

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[68] Jack Goody, *The European Family: An Historico-Anthropological Essay,* (Oxford: Blackwell Publishing, 2000), p. 70.
[69] *Ibid.*, p.73.
[70] Ingram, *Church Courts,* p. 145.
[71] *Ibid.*, p. 146.
[72] Murstein, p. 235.

Parliament was officially invested with the right to grant divorces. In spite of this act only little number of divorces granted due to the fact that only very few could afford legal costs and people did not want to be publicized in a Parliamentary judgement.[73]

Marital status had important legal implications for the early modern woman. A married woman was legally and personally subject to her husband but a widow was free from such control.[74] These women had 'legal identity' and they appeared relatively powerful as the heads of the households when their husbands died if there were no other male head existing, as head of the house like the dead husband's father.[75] The widowhood allowed a woman the freedom to order all the details of her life as best suited her needs and responsibilities. Robert Copland satirized who taught like this in *The Seven Sorowes that Women have when theyr Husbandes be Deade* (1568).[76] The existence of satire shows that some widows recognized that widowhood did allow a woman room for self-government and they refused to remarry against common practice. Lady Haughty defended her decision of not to marry as:

> I ne're will wear a matrimonial chain
> But safe and quiet in this Throne remain
> And absolute Monarch o're my self will raign.[77]

Widowhood was very common during the times of high mortality. For example, in the plague epidemic of 1603, in London, the ratio of male to female deaths was 6:1.[78] The high mortality rates among combatants in the English civil war were approximately 20 per cent and also caused many widows. England's

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[73] Murstein, p. 237.
[74] Barbara J. Todd, 'The Remarrying Widow: A Stereotype Reconsidered' in *Women in English Society 1500- 1800*, ed. by Mary Prior, (London and New York: Methuen Ltd., 1985), p.55.
[75] O'Day, p. 94.
[76] Todd, p. 81.
[77] *Ibid.*, p. 82.
[78] O'Day, p. 95.

involvement in foreign campaigns was another factor for the high number of widows. When William Trew, husband of Margaret Bagot, prepared to go to France with the Earl of Essex in 1591, he wrote to his father-in-law, Richard Bagot about his expectation of death during 'this voyage'.[79]

Widowhood can be considered as the third stage of women; her first stage to be the period she spent in her father's house, second her marriage and finally her widowhood. Women's attitudes towards losing a husband differed in variety. Some felt real sorrow for their loss, even thinking of suicide.[80]For such women, widowhood not only deprived them of a beloved companion but also brought many difficulties. Katherine Austen, in her diary, continually complained about the sad state of her financial affairssince her widowhood, railing at the treachery of friends. The widowed Mrs. Thornton also found herself in a financial chaos, which she attributed to her husband's mismanagement during his lifetime.[81] She was obliged to borrow from numerous friends and relations and remarked resentfully:

> It was a very pinching consideration to me that I was forced to enter the first conserne of my widowed condition with bonds, depts, and ingagements for others, whereas I brought soe considerable a fortune, and never knew what dept was … but what I had bin servicable to many in necessity to lend for charity …[82]

[79] *Ibid.*, p. 95.

[80] Sara Heller Mendelson, 'Stuart Women's Diaries and Occasional Memoirs' in *Women in English Society 1500 – 1800*, Mary Prior (ed.), (London & New York: Methuen, 1985), p. 198.

[81] *Ibid.*, p. 199.

[82] *Ibid.*, p. 199.

CONCLUSION

Marriage and family are permanent facts of social life. However over the centuries, their nature has changed according to place, time and circumstances. Marriage and family institutions affected society, as they were affected by the other social institutions and events of their time. Economic, religious, institutional, political and social developments have each played significant roles in this transition. The society of late medieval and early modern England had a complicated marriage and family structure of its own. These structures acted differently for various social classes in their time. In this study, I focused on the gentry and nobility as the prime social groups in England.

Marriage affected family formations and families affected marriage arrangements. Both institutions have the function of giving an order to the society. In the late Middle Ages the basic unit of society was the nuclear family, which consisted of a husband, a wife, children and servants. In England, the household listings indicate that elderly married couples and widowers infrequently lived with their married children. Larger groups of relatives were not clearly defined in England unlike other places in Europe, especially Eastern Europe. The head of the house was responsible towards his wife, children and servants in terms of protection and meeting their needs, who in return had to obey him. Each nuclear family was also bound to others by blood or by marriage. Marriages were important in the sense that they created new families and new bounds for the existing family. Children were important in terms of providing the continuity of the society.

During the late medieval ages, the eldest son was responsible for the continuation of the family name and its property due to the rules of regulation. This practice did not change during the early modern period; however, a slight flexibility was adopted. The birth of an heir was given great importance in the late Middle Ages and, for that reason late marriages were not favoured among the landed classes. This changed totally during the early modern period for various reasons, such as concerning the changing economic conditions, increasing population while changes occurred in marriage practices. The continuation of the inheritance practices of medieval ages - when the population was small, land plentiful and wages high-caused emigration to other places and also, caused the late marriage ages among the younger children who could not receive enough support even as much as the Middle Ages.

In the seventeenth and eighteenth centuries, there was a growing trend towards bachelordom among the landed classes. This was a result of many changes that took place in politics, religion, society and the mentality of the people. Young couples who were going to marry began to doubt that affection could be developed after marriage. This was the result of a gradual transition of the ideas concerning marriage and family, which flourished accordingly to educational changes, religious shift of the era and the mounting trend of individualism.

Individualism, did not emerge suddenly after Reformation. It had been evolving within the English nuclear family for a long time. The medieval practice of sending children to other households for service as a means of education and prospects of employment created a sense of individualism. The pre-Industrial economic developments from the sixteenth century onwards in addition with the spreading effects of the Protestant doctrines all have mutual influences on society. The

capitalist structures, as Karl Marx suggests, turned the Lords into businessmen. Manorial incomes began to be replaced by property rents in newly growing big cities like London.

Such economic developments characterize only one part of English society's change in the early modern period, religion and the developing impact of the Reformation another. Changes in the Church's doctrine, especially permission of marriage of the priests' was a profound one. But profound changes do not mean that they were observed rapidly by the society. It is a fact that most priests began to marry, like Ralph Josselin, but many other crucial changes needed time to be adopted by the society even if they were adopted by the law a long time ago. The right of divorce began to be granted by Parliament in the late seventeenth century. People, however, did not observe this right, which was granted to them. Whatever regulations or innovations had been made, they do not begin to be meaningful until they were adopted by people. Societies change in line with their own courses of time.

In fact the granting of divorce in 1670 was also another pattern of slow change. England began its Reformation process at the beginning of sixteenth century, however granting of divorce came almost two hundred years later while there was a secularization process in the state. However, the ecclesiastical courts remained not as powerful as they were before although this decrease in power was a gradual process as well. On the one hand, there was a trend towards companionship and affection in marriages, which was also favoured by the Church and spread by the literary publications like Shakespeare. But many families of gentry and nobility still arranged their children's marriages and most of the children did not even attempt to oppose their parents. This was partly because when church advises companionship, at the same time it gave advices for obedience to parents as a prime duty.

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The outlook of the society was transition from the patriarchal family gave way to the affective family, thus giving children a much greater say over their own choices of marriage partners. Marriages for love took over from marriages for economic and social considerations because of the growth of individualism. Marriages between members of landed families at all periods, however, have been influenced by their effect on family property. But this influence was not persistent, obsessive and widespread as in the late Middle Ages when we came to eighteenth century. A continuous transformation altered the situation and the marriages of landed classes were also began to be a matter of personal accomplishment rather than a merely matter of business in the couple to be married have no say. The continuing arrangements of marriage in the early modern ages differed; generally, in the sense that now the couples's willingness in the arrangement was taken into consideration more or less.

Over a period of considerable changes in social structure and attitude, and a landscape of fundamental changes in politics and religion, marriage among members of landed families remained permanent. But changes did not take place as a total shift from arranged to love marriages. Change in its core is a process. There was no revolution of marriage or family structure but there were considerable alterations of attitudes, regulations and perceptions, which will lead to a completely different landscape in the future centuries.

Marriage and family did not change just because of the altered conditions, but also because the institutions controlling them also changed. The church courts became gradually ineffective and authority was transferred to secular courts over the issues of marriage or divorce. The transition of supervision made by the ecclesiastical authorities over the subjects concerning marriage also led to the

regularization of marriage by secular authorities. Oral contracts or spousal ceased to be valid and clandestine marriages, which had been a noteworthy problem for ecclesiastical courts as well as families and couples were outlawed in 1753 by the Hardwicke marriage act. Thus, the irregularities of marriage continuing for centuries came to end by the authority of a secular power, Parliament.

Early modern period witnessed a mark transition in many of the indicators associated with family formation and the assumptions surrounding marriage in England. Seventeenth century brought a shift of power from the monarchy, a lessened tension after the period religious conflict and the rise of toleration. All of these reflected within the upper class families of the period and this reflection led to a gradual growth of individual freedom. Long-term social changes do not occur at once, they are often products of a slow process. They affect other institutions, and structures of their time while these institutions and structures influence them as well. Society is a combination of many features of human life and none of the parts of this combination is exempt from change.

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England in the Middle Ages concerns the history of England during the medieval period, from the end of the 5th century through to the start of the Early Modern period in 1485. When England emerged from the collapse of the Roman Empire, the economy was in tatters and many of the towns abandoned. After several centuries of Germanic immigration, new identities and cultures began to emerge, developing into kingdoms that competed for power. A rich artistic culture flourished under the Anglo-Saxons The period covers the late medieval ages to the early modern ages until the middle of the eighteenth century, 1753, which represents the acceptance of an important Act on marriage by the English Parliament that ended ambiguities on the law of marriage. This study attempts to investigate the family institution and marriage practices of England, which represented a different character from other European countries throughout the period. In early modern England, almost every historian accepts that a rise in 'companionate marriage' – historians of family and marriage like Lawrence Stone and Alan MacFarlane used the term - was marked.