

The Centre for Social Justice

History and Family: Setting the Records Straight

A rebuttal to the British Academy pamphlet *Happy families?*

Professor Rebecca Probert, *University of Warwick*
Dr Samantha Callan, *Centre for Social Justice*

April 2011

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Contents

About the Authors	3
Preface	4
Executive Summary	5
Introduction: The CSJ and Family Policy	8
History and Family: Setting the Records Straight	12
Conclusion	22

About the Authors

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Rebecca Probert is a Professor at the University of Warwick, teaching family law and child law. She has published widely on both modern family law and the historical development of the law, her most recent books include *The Rights and Wrongs of Royal Marriage: how the law has led to heartbreak, farce and confusion and why it must be changed* (Takeaway, 2011), *Cretney and Probert's Family Law* (Sweet & Maxwell, 7th ed, 2009) and *Marriage Law and Practice in the Long Eighteenth Century: A Reassessment* (Cambridge University Press, 2009).

Dr Samantha Callan

Samantha Callan is recognised as a research and policy expert in the field of family relationships and work-life integration. She is an honorary research fellow at Edinburgh University and formerly a research consultant to major UK and international non-governmental organisations aiming to strengthen family life. In this capacity she chaired the Family Breakdown Working Group of the Social Justice Policy Commission and the Family Law Review and Early Years Commission for the Centre for Social Justice. Prior to joining the CSJ full-time she was the Family and Society Policy adviser in the Conservative Policy Unit.

An abridged version of this review will be appearing in [2011] Child and Family Law Quarterly 23(2)

Preface

The Centre for Social Justice (CSJ) was established to find and promote solutions to social breakdown in the UK. In our 2007 report *Breakthrough Britain* we identified five ‘pathways to poverty’: family breakdown, educational failure, economic dependency and worklessness, serious personal debt, and drug and alcohol addiction. These are the key drivers of social breakdown and disadvantage in Britain today. Social problems have deep and long-term causes that must also be confronted. Our awareness of this underpins everything we do at the CSJ.

All five pathways are interconnected, and the presence of one greatly increases the likelihood of another. However, over the course of our research, and in particular in speaking with thousands of individuals and organisations tackling poverty at the coalface, we have found that *family breakdown* is often at the root of the other pathways. Polling for *Breakthrough Britain* found that a child not growing up in a two-parent family is 75 per cent more likely to fail at school, 70 per cent more likely to be a drug addict, 50 per cent more likely to have an alcohol problem, 40 per cent more likely to have serious debt and 35 per cent more likely to experience worklessness.

The peculiarly high levels of family breakdown found in Britain are at the heart of the social breakdown which is devastating our most deprived communities. Strengthening families is vital, both to the health of Britain and in ensuring a more socially just society. We cannot ignore the wealth of evidence showing that the family environment in which a child grows up is key in determining their future life outcomes. A child growing up in a fractured, chaotic or fatherless family is far less likely to develop the pro-social skills essential for success later in life.

Yet ‘family’ is a contested terrain, and the notion that it is not just family process and relationship quality that matter but also family structure, is particularly hotly debated. The CSJ has consistently argued, from the evidence, that marriage and commitment tend to stabilise and strengthen families and cannot be ignored. This paper is an important contribution to this debate and in publishing this paper I would particularly like to thank Professor Rebecca Probert and Dr Samantha Callan for investing their expertise and effort in this work. Their refreshing commitment to the development of evidence-led public policy should be commended.

Gavin Poole

Executive Director, Centre for Social Justice

Executive Summary

This publication challenges the assertion that informal childbearing and partnership formation (births outside marriage and cohabitation) have prevailed during much of the last two centuries, and argues that these features of the family are cause for concern as contributors to socioeconomic inequality.

The Centre for Social Justice (CSJ) has spent the last five years analysing the root causes of poverty and our well-evidenced analysis implicates family breakdown as a key driver of disadvantage. As a nation we are experiencing unprecedented levels of family breakdown with an estimated 48 per cent of all children born today not growing up with both their parents.¹ The move away from marriage as the socially recognised context for bearing and raising children is heavily implicated in our high break-up rates.

A familiar response to this is that the current prevalence of non-marital families is nothing new. Thus, a recent British Academy pamphlet by Professor Pat Thane, *Happy families?*² argues that we are not in uncharted and therefore potentially dangerous territory with regard to family trends. It is claimed that there were high rates of ‘illegitimacy’ and cohabitation in the first half of the twentieth century (and indeed in earlier centuries) and that the 1950s and 1960s were in fact an exception to this general trend.

However, this is factually incorrect, even in terms of the statistical information presented in the pamphlet. The 1950s were by no means out of step with earlier general trends: the proportion of births outside marriage in the late eighteenth century – which, at around five per cent, is described as ‘high’ – was almost identical to that in the 1950s, which is described as ‘very low’.³ To put these figures in perspective, the most recent figures show that 45 per cent of all births now occur outside marriage.⁴

Given that a relatively low proportion of births occurred outside marriage before the 1970s, it can be inferred that levels of cohabitation were lower still in previous decades. The suggestion in *Happy families?* that the number living in unmarried partnerships was ‘high’ is particularly surprising in view of the author’s admission that ‘we have no idea how many such partnerships existed.’⁵

1 ONS and MCS data presented in H. Benson *Family breakdown in the UK: it’s NOT about divorce* (2010) BCFT.
2 P. Thane, *Happy families? History and Family Policy* (London: British Academy, 2010)
3 *ibid*, pp. 54 and 56.
4 L. O’Leary *et al*, ‘Fertility and partnership status in the last two decades’ (2010) 140 *Population Trends* 5, p. 10 and figure 2.
5 *Happy families?* p. 33.

It is also contrary to empirical evidence from (among other sources) the British Household Panel Survey: only 3.8 per cent of those who married before 1945 reported having cohabited before marriage, compared to 6 per cent of those who married between 1945 and 1954 and 14.6 per cent of those who married between 1955 and 1964.⁶ Other studies report even lower levels of pre-marital cohabitation for these periods. (By contrast, in 2006, it appears that 88 per cent of all couples who married in a civil celebration cohabited with each other first.⁷)

Other studies report even lower numbers for these periods and estimates from World War One (based on figures for allowances paid to ‘unmarried wives’) indicate an extremely low level of cohabitation. Similarly, evidence we present from the last two centuries contradicts the assertion that high numbers of unmarried people mean that high numbers were cohabiting.

The pamphlet also claims that ‘Pre-marital sex was a normal part of the courtship process for very large sections of the population throughout much of the last 250 years and is not a development of the 1960s.’⁸ Yet again, evidence from a wide variety of sources contradicts this claim, certainly in the first half of the 20th century: until the late 1960s only a minority of women had sex before they married. The advent of the contraceptive pill was a major factor in changing what was regarded as permissible. Before the passage of the National Health Service (Family Planning) Act 1967, making the pill available to unmarried women, the majority of brides had not had sex prior to their wedding day.⁹

Moreover, parallels drawn between the rate of pre-marital pregnancy in earlier centuries and today miss one crucial point, regardless of how many first births were conceived outside marriage then and now. Whether pregnancy followed or precipitated an agreement to marry, what must not be overlooked is that it was clearly regarded as important for a pregnancy to be followed by a marriage. Simply adding together the rate of births outside marriage and the rate of pre-maritally conceived births and equating them to current rates of extra-marital births, as *Happy families?* has done, misses this fundamental point.

The one way in which the 1950s and 1960s were exceptional was in the fact that a particularly high proportion of individuals married, and at a much younger age than in earlier generations. But high numbers of unmarried people in earlier periods do not mean, as the report implies, that high numbers were cohabiting. Instead, what is striking about households in earlier generations is that high numbers of relatives were sharing a home. Some even offered a home to those in need regardless of whether they were related to them – which gives a rather different message about the values of the past.

6 N. Buck and J. Scott, ‘Household and Family Change’ ch 3 in N. Buck, J. Gershuny, D. Rose and J. Scott (eds), *Changing Households: The BHPS 1990 to 1992* (ESRC Research Centre on Micro-social change, 1994), p. 79.

7 Centre for Social Justice, *Every Family Matters, An in-depth review of family law in Britain* (2009), p. 52.

8 P. Thane, *Happy families? History and Family Policy* (London: British Academy, 2010), p. 7.

9 K. Dunnell, *Family Formation 1976* (London: OPCS, 1979) and M. Schofield, *The Sexual Behaviour of Young Adults* (London: Allen Lane, 1973), p. 166.

To summarise, we challenge the assertion in *Happy families?* that today's family trends (of high rates of non-marital childbearing and cohabitation) are nothing new and we therefore dispute the notion that these trends should give us no cause for concern. We conclude by making the point that it is of course vital that those working in the humanities contribute to debates on public policy by providing accurate and unbiased accounts of the past. However, a failure to do this, as we have seen in *Happy families?*, jeopardises the integrity of the field and is likely to lead to ill-informed social policy.

As we have consistently argued, family policy should aim to combat the current tendency for family breakdown through a broad range of measures such as greatly increased access to relationship education and couple support and broader family support from health visitors and family hubs. Such policies complement explicit support for marriage, for example through the introduction of transferrable tax for married couples and the reinstatement of marital status on government forms and in government research. Our detailed policy recommendations on this subject can be found in our *Green Paper on the Family*.¹⁰

10 Available at http://www.centreforsocialjustice.org.uk/client/downloads/CSJ_Green_paper_on_the_family_WEB_2nd.pdf

Introduction:

The CSJ and Family Policy

This publication is a response from the CSJ to the recent British Academy pamphlet, *Happy families?* by Professor Pat Thane, which has suggested that our work makes reference to a past filled with happy families, relies on highly selective evidence and makes improper use of historical sources.¹ We shall deal quickly with the first and second of those charges but the essay that comprises the main body of the publication, written by Rebecca Probert, Professor of Law at Warwick University, looks at the third and most serious accusation, that of misusing history. Our reason for publishing this essay is precisely because we feel it is important, as Thane clearly does, that policy is based upon an accurate understanding of the past. We wish to show how the challenge mounted in *Happy families?* to the importance of marriage ignores the significant body of research we have accumulated to support our position.

The CSJ rejects the charge that we take a nostalgic view of the past, on the grounds that nowhere in our work do we point to a golden age of family life in the UK. On the contrary we describe the pitfalls of doing so in the CSJ's first publication on family breakdown:²

'Harking back ignores not only the ways in which more rigid role expectations of partners were potentially oppressive for both men and women, but also the profound differences in the labour market partly provoked by women's increased educational qualifications. Such developments have challenged the traditional stereotype of the male breadwinner and the at-home mother.'

Our more recent publication, the final report from the Family Law review (which is Thane's specific target for criticism) also rejects an idealisation of the past:³

'We recognise that marriage today has evolved and changed, and an overly simplistic or idealised view of marriage which ignores the presence of diversity,

1 These were criticisms levelled in 'Past Mistakes', *Times Higher Education* of 15 October 2009 (available at <http://www.timeshighereducation.co.uk/story.asp?storycode=408693>) and press release by History & Policy subtitled in part 'Bad History will expose your misuse of the past' (available at http://www.historyandpolicy.org/docs/bad_history.pdf) at the final report of the Family Law Review, which expand themes from our previous work (see Centre for Social Justice, *Every Family Matters, An in-depth review of family law in Britain* (2009))

2 Centre for Social Justice, 'Fractured Families' Volume 2 of *Breakdown Britain*, (2006), p. 14.

3 Centre for Social Justice, *Every Family Matters, An in-depth review of family law in Britain* (2009), p. 56.

is not to be recommended. At the same time however, although some people may have partially rejected the institutional view of marriage, they do still want to marry and the symbolic and distinctive significance of the commitment of marriage remains high...Our challenge therefore is not so much to defend institutional marriage; rather it is to protect people and society from the damage caused by weakening the structural value of marriage.'

We also wholly reject the second charge: that we rely on highly selective evidence to make the case for supporting marriage. As well as learning from grassroots organisations we are also led by the evidence we find in peer-reviewed academic research (including historical records that are 'as accurate as possible in the current state of knowledge' to quote the pamphlet⁴) and our polling. Bringing these source materials together has enabled us to obtain a rounded picture of the problems facing families today. To give further detail of the rigour of our approach, one need look no further than the process at the heart of the review leading to the publication of the seminal *Breakthrough Britain* document in 2007, hailed at the time as a Beveridge Report for the 21st Century.⁵ We consulted over 2,000 organisations and individuals, held 3,000 hours of public hearings and polled 50,000 people.

When *Happy families?* states that 'the poorest families have always found it hardest to achieve stability and harmony, suggesting that socio-economic inequality may be a more important challenge than features of the family itself' it ignores, as do many others, the significance of explicit commitment. Whilst we have always acknowledged the pressures socioeconomic disadvantages put on relationships the act of making a commitment, when preceded and inspired by a decision to walk through and work through all the challenges of life together can profoundly change a couple's emotional outlook. Both are far more likely to hold a vision of a shared future, one characteristic of relationships that 'stay the course'. Marriage enables families to be formed in an intentional way and draws men, in particular, into a durable relational framework that emphasises the enormous importance of their role as fathers to their children and co-providers to the household income. As such it is associated with a significantly increased likelihood that the children involved will grow up with both of their biological parents.

Indeed, we feel that many scholars – in particular lawyers, demographers and historians – will share our concerns about the selective use of evidence in *Happy families?* We are delighted to publish this essay because, in the process of rebutting an accusation that we have misrepresented the historical record, it sheds important light on what is new and distinctive about family trends in the UK today. For us this is not an exercise in dry academic discussion and we are not simply firing back at a salvo of learned opposition. Rather we are taking the opportunity to move the discussion about poverty, and what drives it, onto broader and clearer territory.

4 P. Thane, *Happy families? History and Family Policy* (London: British Academy, 2010), p. 17. The use of historical sources was particularly apparent in *Every Family Matters*, the final report from the Centre for Social Justice's Family Law Review (at n 3) to which Professor Probert acted as a consultant.

5 http://www.timesonline.co.uk/tol/comment/columnists/peter_riddell/article2056470.ece

The importance of the family and marriage

Over the past six years the CSJ has been examining the drivers of intergenerational poverty and disadvantage in Britain, in order to make policy recommendations for tackling root causes, as well as symptoms. We identified five interconnected pathways to poverty: family breakdown; economic dependency and worklessness; educational failure; addiction and serious personal debt. The presence of one greatly increases the likelihood of another but our research, and particularly our contact with organisations working at the coalface in our poorest communities, led us to conclude that family breakdown is often at the heart of these other issues.

Although it has become deeply unfashionable to implicate family structure and the effects of the decline in marriage in the poverty debate, the evidence we have found makes it impossible to ignore the role they have played. The UK's retreat from marriage has had negative effects for children, families and society, given that 80 per cent of relationship breakdown in young families takes place in unmarried families.⁶ Divorce rates are high but have been stable for the last quarter of a century and the upward pressure on breakdown statistics and public expenditure comes from the greater instability associated with more informal partnerships. Recent research we have published shows that an estimated 48 per cent of all children born today will not grow up with both their parents.⁷ Of every £7 spent on family breakdown among young families (by the taxpayer), £4 is spent on unmarried dual registered parents who separate, £2 is spent on sole registered parents and £1 is spent on those who have divorced.⁸

As the independent poverty review led by Frank Field attested, submissions from members of the CSJ's Poverty Fighting Alliance⁹ of organisations emphasised the role of the family and relationships as being key determinants of positive outcomes for children. 'Structure and stability of the family, emotional stability of the parents, parenting skills, quality of adult and child relationships, inter-adult relationships and positive adult role models were all identified as crucial factors. Love and affection in a committed family setting was by far the single aspect of early childhood most often cited as having the greatest influence.'¹⁰ At the heart of this prescription for wellbeing is the stable and committed relationship between parents.

The policy-making community has, historically, been reluctant to 'grasp the nettle' of family breakdown by sending clear signals about the benefits of marriage and committed relationships, and the merits of supporting and encouraging them. For this reason we have, in previous publications, made certain recommendations to strengthen and stabilise families, some of which we outline at the end of this Introduction.

6 ONS and MCS data presented in H. Benson, *Family breakdown in the UK: it's NOT about divorce* (BCFT, 2010).

7 *ibid.*

8 *ibid.*

9 The CSJ's development of an Alliance of organisations ensures that the insights of small organisations working on the ground with Britain's most vulnerable are taken on board by policy makers in central and local government.

10 F. Field, *The Foundation Years: preventing poor children from becoming poor adults: The report of the Independent Review on Poverty and Life Chances* (2010), p. 84.

Taking the poverty debate onto more fruitful territory

Just as Frank Field's recent poverty review called for a broadening of the attack on poverty, we have always argued that policy has to encourage and assert the value of sustainable family formation as a protective factor against the financial hardship that tends to accompany lone parenthood. We have found that whilst aspirations to marry remain high across social classes,¹¹ it is simply harder for people in lower socioeconomic groups to realise that aspiration for cultural and economic reasons. This makes marriage a social justice issue, not something that can be dismissed as belonging to outdated morality.

However, as stated earlier, the main intention of this publication is to counter the third charge against our work: that we misuse history. In this we bring out the very robust evidence base from which we derive our conclusion that this country has never had such high rates of extra-marital childbearing and informal partnering. The uniqueness of this historical juncture, and the deleterious social trends that accompany it, explain why the CSJ continues to insist that government rhetoric and policy emphasise the benefits to children, adults and society, of sustainable family structures and therefore of marriage – the majority aspiration of young people and adults. Many of us may know long-term cohabiting couples – and all of us have friends and relatives whose marriages have ended – however the last census showed that 97 per cent of all couples still intact when their children became adults are married.¹² Policy should not ignore the family form statistically most likely to endure.

This does not mean we believe that marriage is a magic bullet or panacea. We have consistently argued that combating the current tendency for family breakdown requires a broad range of measures such as greatly increased access to relationship education and couple support and broader family support from health visitors and family hubs. It also requires recognition that a learning approach to the couple relationship is no admission of failure. There are parallels here with our newfound willingness as a nation to access parenting education. These policies complement explicit support for marriage, for example through the introduction of transferrable tax for married couples and the reinstatement of marital status on government forms and in government research. Our detailed policy recommendations on this subject can be found in our *Green Paper on the Family*.¹³

Dr Samantha Callan

Chairman-in-Residence, Centre for Social Justice

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- 11 See, for example, Ipsos MORI poll of 1,560 young people's attitudes to marrying published in A. de Waal, *Second Thoughts on the Family* (Civitas, 2008) and E. Coast *Honourable Intentions? Attitudes and Intentions among Currently Cohabiting Couples in Britain* (2007) paper prepared for the British Household Panel Survey 2007 conference at the Institute for Social and Economic Research (ISER), Essex.
- 12 H. Benson, *Married and unmarried family breakdown: Key statistics explained*, Bristol Community Family Trust (BCFT 2010), Available at <http://www.bcft.co.uk/2010%20Family%20policy,%20breakdown%20and%20structure.pdf>
- 13 Available at http://www.centreforsocialjustice.org.uk/client/downloads/CSJ_Green_paper_on_the_family_WEB_2nd.pdf

History and Family: Setting the Records Straight

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'History can be an aid to understanding current social issues, how they have come about and what is new and distinctive about them – but only if that history is as accurate as possible in the current state of knowledge.¹ So begins *Happy families?*, Professor Pat Thane's account of the history of the family over the past hundred or so years. Whilst we wholeheartedly endorse that opening statement, there are grave concerns about the completeness of the evidence presented in this pamphlet, as well as the interpretation that is placed upon it.

The pamphlet makes extensive reference to the development of the law over the past two centuries. However, readers with a knowledge of the law are likely to be irked by the reference to 'grounds' for divorce under the current law,² as well as surprised by the statement that '[n]ot until 1978 were men legally fully restrained from beating their wives,³ which seems to attribute unwarranted power to the minor extensions of rights effected by the Domestic Proceedings and Magistrates' Courts Act of that year and to give too little weight to the earlier use of the criminal law to punish those who were guilty of violence towards their wives. They may also wonder what legislation was passed in 1924 to give women 'equal guardianship rights over their children.'⁴ They would probably agree that 'divorce was financially and legally inaccessible to all but middle and upper class men,⁵ but only in the period before 1857,⁶ rather than, as is implied here, in the mid-twentieth century.

However, the aim of this essay is not to highlight minor points of this kind but rather to engage with the key arguments about changing family forms that are advanced in *Happy families?* In brief, the argument is that there were high

1 P. Thane, *Happy families? History and Family Policy* (London: British Academy, 2010), p. 9.

2 *Happy families?*, p. 20. There is only one 'ground' for divorce in the Matrimonial Causes Act 1973 – that the marriage has irretrievably broken down – although this is often confused with the five facts from which breakdown can be inferred.

3 At p. 7.

4 At p. 10, and c.f. p. 44, where the correct date of the Guardianship of Infants Act 1925 is given and its limitations acknowledged. As Stephen Cretney has pointed out, the 1925 Act 'did not give mothers the legal rights which they had demanded': S. Cretney, *Family Law in the Twentieth Century: A History* (Oxford: Oxford University Press, 2003), p. 572.

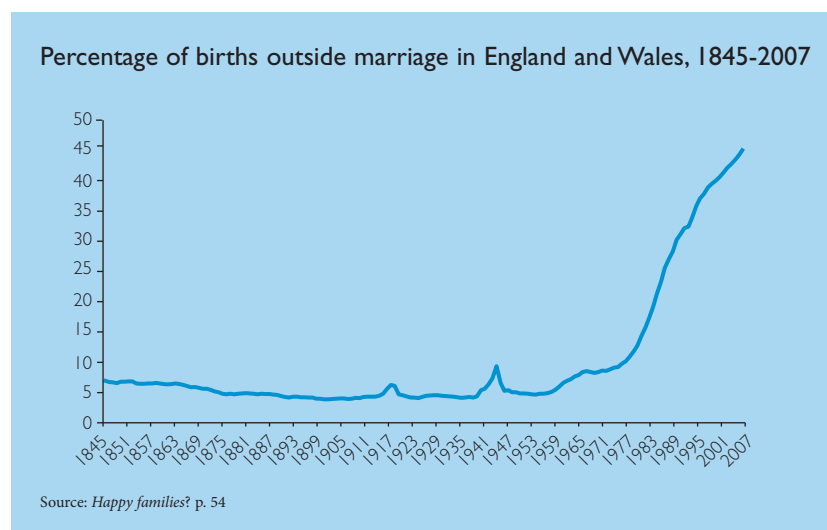
5 At p. 7.

6 On subsequent trends see G. Savage, "'Intended Only for the Husband": Gender, Class, and the Provision for Divorce in England, 1858-1868', ch 1 in K. Ottesen Garrigan (ed) *Victorian Scandals: Representations of Gender and Class* (Athens: Ohio, UP, 1992).

rates of ‘illegitimacy’ and cohabitation in the first half of the twentieth century (and indeed in earlier centuries), that the 1950s and 1960s were an exception to this general trend, and that the current levels of non-marital families are therefore nothing new. Our doubts as to the validity of such claims derive not from any ideological commitment to a particular vision of the family, but rather from concern that there is evidence that has been overlooked or misinterpreted. In order to evaluate the validity of these arguments, it is necessary to engage in a close reading of the specific claims, and the evidence which was relied upon.

‘High levels of “illegitimacy” c1750-late nineteenth century’ (p. 54)

While the stigmatising term ‘illegitimate’ is no longer in common usage, it will be used here to be consistent with the terminology of *Happy families?*. Where demographers today refer to ‘the proportion of births outside marriage’, those discussing past trends more usually describe this as the ‘illegitimacy ratio.’⁷ In light of the claim that there were ‘high’ levels of ‘illegitimacy’ in earlier centuries, it is perhaps unsurprising that Professor Albert Weale, a Vice-President of the British Academy, should state in the preface that, in contrast to the 1950s and 1960s, ‘[e]arlier periods show greater similarity in terms of cohabitation and ‘illegitimacy’ with recent decades.’⁸ However, the graph on p.54 (reproduced below) depicting the percentage of births outside marriage between 1845 and 2007 in fact shows how (war-time apart) this figure hovered consistently around 5 per cent, before rising in the 1960s.



7 The ‘illegitimacy ratio’ measures the proportion of births outside marriage; the ‘illegitimacy’ rate is a more sophisticated measure that can be used to calculate the number of ‘illegitimate’ births per thousand of the population, or per thousand births, or per thousand unmarried women: see P. Laslett, ‘Introduction’ in P. Laslett, K. Oosterveen and R. Smith (eds) *Bastardy and its Comparative History* (London: Edward Arnold, 1980), p. 13. The cruder ratio is used here in order to draw longer-term comparisons, since data on the ‘illegitimacy’ rate is only available from the 1830s, after the introduction of civil registration.

8 *Happy families?*, p. 5.

While there were fluctuations in the percentage of births that occurred outside marriage over the course of the nineteenth century, these occurred within a relatively small compass: the ‘illegitimacy’ ratio was a little above 5 per cent at the start of the century, a little below it at its end, with a peak of 6.8 per cent in the 1840s.⁹ By contrast, by the late 1970s it exceeded 10 per cent, by 1991 it was 30 per cent, and the most recent figures put it at 45 per cent.¹⁰ Nor were the 1950s out of step with these general trends: the ‘illegitimacy’ ratio of the late eighteenth century – which are described here as ‘high’¹¹ – was almost identical to that of the 1950s¹² which, at 5%, is described as ‘very low’.¹³

It is also interesting that the executive summary to *Happy families?* highlights the estimate that 20 per cent of first births were ‘illegitimate’ in the early nineteenth century,¹⁴ rather than the far lower overall proportion of births that occurred outside marriage. A birth outside marriage tended to lead to marriage. It is still the case that the proportion of first births that take place outside marriage is higher than the overall proportion of births outside marriage. That the difference between the two figures is no longer so stark is because there has been a significant increase in the number of second or subsequent births that take place outside marriage,¹⁵ as well as a fall in the average number of children born to married women. In the early nineteenth century, most women who had a child outside marriage did not have a second such child; today, by contrast, most births outside marriage occur in the context of cohabiting unions, and a second child is therefore more likely.

The pamphlet also asserts that ‘over half of all births were probably conceived outside marriage’ in the early nineteenth century.¹⁶ This would be a remarkable claim, but the crucial word missing here¹⁷ is ‘first’: given the high number of births per family, it would be highly implausible if half of *all* births were conceived outside marriage, as a moment’s reflection should confirm. In addition, it should be noted that the original estimate¹⁸ was based on a sample of just 2,115 children across sixteen parishes: its validity therefore depends on whether these sixteen are representative. Given the wide variations between parishes,¹⁹ caution is needed before making such broad statistical claims.

9 *Ibid*, p. 14.

10 L. O’Leary *et al.* ‘Fertility and partnership status in the last two decades’ (2010) 140 *Population Trends* 5, p. 10 and figure 2.

11 *Happy families?*, p. 54.

12 According to Laslett, above n 8, the ‘illegitimacy’ ratio rose from 3.143 per cent in 1750-54 to 4.585 per cent in 1775-79 and to 5.053 per cent in 1795-99 (p. 14), while in the 1950s it rose from 4.755 per cent in 1951-5 to 5.001 per cent in 1956-60 (p. 17).

13 *Happy families?*, p. 56.

14 *Ibid*, p. 12; see also p. 53.

15 See e.g. S. Smallwood, ‘New estimates in trends in births by birth order in England and Wales’ (2002) 108 *Population Trends* 32, p. 35, who notes that it was not until 1994 that the number of second or subsequent births outside marriage exceeded the number of first births outside marriage.

16 *Happy families?*, p. 53.

17 And from the original source: M. Anderson, ‘The social implications of demographic change’ in F.M.L. Thompson (ed) *The Cambridge Social History of Britain 1750-1950*, Vol 2 (Cambridge: Cambridge University Press, 1991), p. 36.

18 Anderson’s claim was itself derived from Laslett, above n 8, p. 54.

19 The estimated proportion of conceptions outside marriage varied from 0 per cent in Alcester to 59 per cent in Ash: Laslett, p. 23.

Moreover, whether pregnancy followed or precipitated an agreement to marry, what should not be overlooked is that it was clearly regarded as important for a pregnancy to be followed by a marriage. Simply adding together the rate of births outside marriage and the rate of pre-maritally conceived births and equating them to current rates of extra-marital births misses this fundamental point.

‘High rates of non-marriage among men and women bringing up children prevailed during much of the past two centuries; the period 1945-70 is unusual in this respect, not “the norm”’ (p. 7)

It is a well-known fact that the proportion of individuals who married in the mid-twentieth century was higher than at any time before or since. But not being married is different from living in a ‘non-marriage’. Many scholars would be unhappy with the reductive assumption that individuals who were not married must perforce have been living in a non-marital sexual union. The diversity of households in pre-twentieth century England is very striking to modern eyes: one finds siblings and remoter kin sharing a home, apprentices living under the same roof as their masters, as well as long-term servants. Unmarried daughters stayed at home to care for elderly parents, bachelor sons lived in chambers and dined at their club, or were looked after by entirely respectable housekeepers.

Some might even offer a home to others out of charity. In one East End household, a woman explained to her journalist visitor how ‘the little girl who slept with her was not one of the family, nor in any way related to her. “Mother keeps ’er ’cos she’s a Norphun,” explained the daughter simply; as though that were a sufficient reason for the housing of the little stranger.²⁰ It simply cannot be assumed that individuals who were not married were cohabiting, as is implied here.

An analysis of the population of Great Berkhamsted, for instance, confirms just how inapt such an inference would be. According to the census, in 1851 this small Hertfordshire market town had a population of 2,928, of whom the majority were unmarried. Married persons comprised only 48 per cent of persons aged 15 or over.²¹ But the unmarried do not appear to have been living in irregular relationships. Some – 9 per cent of the adult population – had been married but the marriage had been cut short by death. Most of the single were living with other family members, usually one or both parents, and around one-fifth were working as servants.

Of course, since the 1851 census had no category for cohabiting partners, it might be argued that a cohabitant may have been recorded under the guise of a ‘lodger’, ‘housekeeper’ or ‘visitor’. One local historian, commenting on living arrangements in nineteenth-century Neithrop, a rather insalubrious part of Banbury infamous for its poor living standards and immorality, noted that a

20 Anon, *Travels in the East* (1884; High Wycombe: Peter Marcan Publications, 1987), p. 131.

21 Calculated from N. Goose, *Population, Economy and Family Structure in Hertfordshire in 1851: Berkhamsted Region Vol 1* (Hatfield: University of Hertfordshire Press, 1996), p. 27, table 1.

number of men were living with ‘housekeepers’: indeed, in one street ‘[f]ive of the eight houses were ... occupied by cohabiting unmarried couples.’²² If his assertion were correct, however, this street would appear to have been highly exceptional: an examination of 460 households in Neithrop revealed only eleven containing ‘housekeepers’. Moreover, the absence of any children from the majority of these households does give rise to considerable doubt as to whether the existence of a cohabiting sexual relationship is in any way an appropriate inference from the mere fact of the word ‘housekeeper’ in the census: in the absence of any corroborating evidence of such a relationship it would be equally, if not more, appropriate to assume that such ‘housekeepers’ were just that.

And we find, indeed, that most lodgers, housekeepers and visitors were a legitimate part of larger households. In Great Berkhamsted, there were scarcely any households in which two apparently unrelated persons of the opposite sex shared a home without being married to each other, and none were convincing as examples of non-marital cohabitation.

It is of course possible that some of those couples who were described as married had not in fact gone through a formal ceremony, but there are very few cases in the samples for either Great Berkhamsted or Neithrop – or for two rural samples examined, those of Kilsby and Moreton Pinkney in Northamptonshire – for whom no record of a marriage has been traced.²³

In short, the fact that high numbers of individuals did not marry cannot be equated to high levels of ‘non-marriage’ in the sense of a non-marital sexual union. Both samples did yield examples of women living with their ‘illegitimate’ children – sometimes in a single household, more often with other kin, occasionally in the workhouse – but not, it seems clear, with the fathers of those children.

‘Unmarried cohabitation was more common than is often claimed’ (p. 9)

It is noted that in 2006 14 per cent of families were headed by an unmarried couple, acknowledging that ‘[t]his is generally seen as historically new and, in its sheer extent, it probably was.’²⁴ However the ‘sheer extent’ of cohabitation is very much the key issue here: just how common was it in the past? The fact that the proportion of births outside marriage was relatively low (as noted above, it hovered around 5 per cent for the majority of the period under consideration), together with the evidence that most mothers of ‘illegitimate’ children were not sharing a home with the father of their child, makes any claim that there were high rates of cohabitation in earlier centuries implausible. Moreover, there are

22 B. Trinder, ‘Banbury’s Poor in 1850’ (1966) *Cake and Cockhorse* 83, at p. 103.

23 R. Probert, ‘Spouses and housekeepers in the 1851 census’, unpublished research paper. Of course, the inability to trace the record of a marriage does not mean that the couple did not marry, as any genealogist will confirm. Variable spellings and mistakes in transcription mean that some will never be traced.

24 *Happy families?*, p. 26.

a number of problems with the details of the claims that are made in relation to cohabitation.

A constant refrain throughout this section of *Happy families?* is the assertion that there is a lack of reliable evidence. Thus we are told that '[t]he history of cohabitation in England and Wales, like much else about sexual relationships, is shrouded in secrecy and until the 1970s there are no reliable statistics.'²⁵ Two pages on, we are reminded that '[t]he actual number in England and Wales is impossible to assess'²⁶; later again, there is a frank acknowledgment that '[w]e have no idea how many such partnerships existed.'²⁷ Yet this does not dissuade the author from suggesting that the number involved was 'high',²⁸ justifying this on the basis that 'reports of their existence before World War Two are too many and too diverse to ignore.'²⁹

But *Happy families?* rather underestimates the extent of evidence on the actual extent of cohabitation that does exist, at least for the twentieth century. Although national-level surveys were not carried out until the 1970s, Dunnell's research into family formation, carried out in 1976, questioned earlier cohorts about pre-marital sexual activity and cohabitation. She found that a mere 1 per cent of those who had married between 1956 and 1960 had cohabited with their husband before marrying for the first time, as compared to 3 per cent of those who married between 1961 and 1970, and 9 per cent of those who married between 1971 and 1975.³⁰ (To put these figures in context, it is estimated that by 2006 88 per cent of those marrying had lived together beforehand.³¹)

This, of course, might simply reinforce the argument that the 1950s and 1960s were historically distinct, but a longer historical perspective is provided by the British Household Panel Survey.³² This was instituted in 1991 but included questions asking individuals to recall past relationships. It included 795 individuals who had married before 1945; of this sample, only 3.8 per cent reported having cohabited before marriage, compared to 6 per cent of those who married between 1945 and 1954 and 14.6 per cent of those who married between 1955 and 1964.³³ While the proportion of those cohabiting before marriage in the 1950s and 1960s is higher than in Dunnell's study,³⁴ the more

25 At p. 26.

26 At p. 28.

27 At p. 33.

28 At p. 31.

29 At p. 33.

30 K. Dunnell, *Family Formation 1976* (London: OPCS, 1979), table 2.4.

31 Centre for Social Justice, 2010, *Every Family Matters, An in-depth review of family law in Britain*, p. 52

32 N. Buck, J. Gershuny, D. Rose and J. Scott (eds), *Changing Households: The BHPS 1990 to 1992* (ESRC Research Centre on Micro-social change, 1994), p. 2.

33 N. Buck and J. Scott, 'Household and Family Change' ch 3 in N. Buck, J. Gershuny, D. Rose and J. Scott (eds), *Changing Households: The BHPS 1990 to 1992* (ESRC Research Centre on Micro-social change, 1994), p. 79.

34 One reason for this discrepancy might be that those interviewed in the early 1990s were more willing to acknowledge pre-marital cohabitation than those interviewed in the mid-1970s. It should also be borne in mind that the questions were phrased differently in the two surveys, and that 'cohabit' was used as a synonym for sex rather than co-residence in the early part of the twentieth century (see e.g. K. Fisher, *Birth Control, Sex and Marriage in Britain 1918-1960* (Oxford: Oxford University Press, 2007), p. 170 and J. Bourke, *Working-Class Cultures in Britain, 1890-1960: Gender, class and ethnicity* (London: Routledge, 1994), p. 52).

important point is that the proportion for earlier cohorts is considerably lower.³⁵ This evidence clearly contradicts the claims made in *Happy families?* about the trajectory of change.

Similarly, when considering the allowances paid to ‘unmarried wives’ in the First World War, *Happy families?* states that ‘it appears impossible to establish how many such allowances were paid because the official statistics do not distinguish unmarried partners from ‘widows and other dependents’, other than wives and children.’³⁶ But an estimate has been provided by one researcher who has examined the records: Thomas calculated that 90 per cent of dependents’ pensions (i.e. those paid to dependants other than the legal wife or children) were paid to the *mothers* of soldiers and a mere 3 per cent to unmarried wives.³⁷

The lowness of this figure is in line with the limited statistics that are available on post-war unemployment benefits: an investigation carried out in 1927 revealed that only a tiny proportion of men claimed benefits for women living with them, with a mere eleven men out of the 9,748 interviewed claiming an allowance for a housekeeper, and a further 27 claiming for a housekeeper and children.³⁸

Such findings on the extremely low level of cohabitation in the early part of the twentieth century, of course, do not fit with the overall thesis advanced here. It seems that there is a reluctance in *Happy families?* to engage with the evidence that exists for earlier centuries. While its focus is on the period since industrialisation, other sections do stray into the eighteenth century and even the sixteenth in order to illustrate long-term trends. However, in the section on cohabitation, no reference is made to recent scholarship establishing the near-universality of formal marriage in eighteenth-century England and Wales.³⁹ Such findings mean that any scholar contending for high rates of cohabitation in the nineteenth century must at least give reasons to explain such a sudden and unexpected change from previous trends. This *Happy families?* fails to do.

35 The potential problem of recall bias was addressed elsewhere in the report: J. Gershuny and J. Brice, ‘Looking backwards: family and work 1900 to 1992’ ch 2 in Buck *et al*, p. 39, noted that although it was possible that individuals had suppressed evidence of cohabiting relationships, it did not appear that they had, given that any such omissions would generally have been obvious to the researchers as gaps in those individuals’ life histories.

36 *Happy families?*, p. 31.

37 G. Thomas, ‘State Maintenance for Women During the First World War: The Case of Separation Allowances and Pensions’ (unpublished PhD thesis, University of Sussex, 1989).

38 Ministry of Labour, Report on an Investigation into the Personal Circumstances and Industrial History of 9,748 Claimants to Unemployment Benefit, April 4th to 9th (London: HMSO, 1928). And, indeed, some of these ‘housekeepers’ might have been perfectly respectable employees: from 1927 a man could claim for a woman who was caring for his child, but the allowance was not limited to the mother of that child (see further R. Probert, ‘“Unmarried Wives” in War and Peace’ (2005) 17 *Child and Family Law Quarterly* 1).

39 See R. Probert, *Marriage Law and Practice in the Long Eighteenth Century: A Reassessment* (Cambridge: Cambridge University Press, 2009); R. Probert and L. D’Arcy Brown, ‘The Clandestine Marriages Act of 1753 in action: investigating a contemporary complaint’ (2009) 83 *Local Population Studies* 66-69; R. Probert and L. D’Arcy Brown, ‘The Impact of the Clandestine Marriages Act: Three Case-studies in Conformity’ (2008) 23 *Continuity and Change* 309-330; R. Probert and L. D’Arcy Brown, ‘Catholics and the Clandestine Marriages Act of 1753’ (2008) *Local Population Studies* 78-82; R. Probert, ‘Chinese Whispers and Welsh Weddings’ (2005) 20 *Continuity and Change* 211-228.

It also dismisses one possible source of evidence for that period. Although the decennial censuses recorded the marital status of those listed from 1851 onwards, there is no attempt to reconstruct nineteenth-century families from such evidence; indeed, it is discounted as a source on the basis that ‘people living in irregular circumstances did not necessarily tell the truth to census-takers.’⁴⁰ One would expect suggestions of this kind to be backed up with examples of cohabiting individuals who had held themselves out to be married in the census, but none are forthcoming. In addition, as the studies of Great Berkhamsted and Neithrop have shown, it is possible to trace a specific record of the marriage for the vast majority of the couples listed.⁴¹

Nor is there any mention in *Happy families?* of the extensive research into the context of nineteenth-century ‘illegitimacy’. A number of scholars have established that the mothers of ‘illegitimate’ children were rarely cohabiting with the fathers.⁴² Indeed, the children might not even have been living with their mothers: as Frost points out in her study of the experiences of ‘illegitimate’ children in the late nineteenth and early twentieth centuries, ‘in the vast majority of cases, one or both of their natural parents were not part of the family circle.’⁴³

So, what evidence does the pamphlet produce to justify the assertion that there were high rates of cohabitation in earlier decades, and that the period between 1945 and 1970 was exceptional in this regard?

First, it cites a number of contemporary commentators who made reference to ‘immorality’. Unfortunately for this thesis, it is far from clear that the word ‘immorality’ in these sources denoted unmarried cohabitation. A. P. Herbert, for example, is quoted as describing the divorce law of the 1930s as ‘a definite incitement to immorality.’⁴⁴ But the sentence which preceded this is omitted: this stated that ‘[a]s the law stands at present those who wish to bring an end to the marriage were forced to take one of two alternatives – either one must commit adultery or one must commit perjury.’ No mention here of cohabitation – and indeed Herbert, as an upright Christian, would likely have included perjury, as well as adultery, as immoral.

Secondly, even where contemporary commentators did make reference to cohabitation, their claims tended to be vague. Thus Charles Booth, for example, described non-legalised cohabitation among ‘those who come together in maturer years’ as ‘far from uncommon’;⁴⁵ in support of this he mentioned one missionary who had commented on just one cohabiting relationship.

40 At p. 20.

41 See above fn 23.

42 See e.g. G. N. Gandy, ‘“Illegitimacy” in a Handloom Weaving Community: Fertility Patterns in Culcheth, Lancashire, 1781-1860’ (unpublished DPhil dissertation, 1978), at p 21; S. King, ‘The Bastardy Prone Sub-Society Again: Bastards and their Fathers and Mothers in Lancashire, Wiltshire, and Somerset, 1800-1840’, in A. Levene, T. Nutt and S. Williams (eds), *‘Illegitimacy’ in Britain, 1700-1920* (Palgrave Macmillan, 2005), at p 80; J. Robin, ‘“Illegitimacy” in Colyton, 1851-1881’ (1987) 2 *Continuity and Change* 307.

43 G. Frost, ‘“The Black Lamb of the Black Sheep”: “illegitimacy” in the English Working Class, 1850-1939’ (2003) 37 *Journal of Social History* 293, at p 309.

44 Quoted in *Happy families?*, p. 30.

45 Quoted in *Happy families?*, p. 26.

Booth also commented that '[i]t is noted by the clergy who marry them, how often both the addresses given are from the same house',⁴⁶ and the historian Ross (relied upon here by *Happy families?*), has relied upon the addresses given at the time of marriage to claim that 'a great many marrying couples were actually cohabiting when they set out for the church'.⁴⁷

There might, of course, be a number of more innocent explanations for giving the same address, all of which would be consistent with cultural norms of the time: families in the poorer areas of Victorian London did not usually have the luxury of a house to themselves, so several families might be living at the same address; the groom, or possibly the bride, might have been lodging with the other's parents before romance blossomed, or invited to share the home in the run-up to the wedding; finally, the couple might have given their future family home as their address. In addition, the figures cited by Ross do not distinguish between those who named the same *house* and those who named the same *street*.⁴⁸ It need hardly be pointed out that living on the same street is no evidence of pre-marital cohabitation.

Moreover, a preliminary study of marriage registers – in which the addresses given by those marrying shortly after the 1891 census were checked against their residence at the time of the census – uncovers a far more complex picture: more often than not, those who claimed to be living at the same address turned out to be living separately.⁴⁹ There was of course an advantage to the couple pretending to live in the same parish – it meant that only one set of banns had to be called, thus reducing the cost. More work is needed to verify exactly why certain churches were more popular than others – and why couples who were *both* from a different parish might pretend to be living in the parish where they married – but it is clear that the mere recording of the same address on the marriage register must not be taken at face value as evidence of cohabitation.

Thirdly, *Happy families?* draws on a number of surveys of 'illegitimate' children that identified whether the mother was living with the father,⁵⁰ stating that the National Council for the Unmarried Mother and her Child 'found that *most* births outside marriage between the wars... were to unmarried mothers living in a stable relationship with the father'.⁵¹ The source for this is Professor Thane's own yet-to-be-published book on unmarried motherhood in twentieth century England, co-authored with Dr Tanya Evans.

It should perhaps be pointed out that Dr Evans has in the past deployed a very expansive concept of 'stable relationships'. In her work on unmarried motherhood in the eighteenth century, Dr Evans suggested that 17 per cent of

46 Quoted in *Happy families?*, p. 27.

47 E. Ross, *Love and Toil: Motherhood in Outcast London 1870-1918* (Oxford: Oxford University Press, 1993), p. 64, quoted in *Happy families?*, at p. 27.

48 According to Ross, *ibid.*, '[t]he marriage registers in three poor London districts, Walworth, Poplar, and Bethnal Green, for various years between 1879 and 1912 show an astonishingly high proportion, ranging from 45 percent to 89 percent, giving the same street or even the same house as the address from which they married.'

49 R. Probert, 'Identical addresses at marriage and the 1891 census, unpublished research paper.

50 *Happy families?*, p. 32.

51 *Happy families?*, p. 26.

couples in her East End sample lived in long-term unmarried relationships within which were born many children.⁵² Turning to the end-notes for clarification of her definition of a 'long-term relationship', one finds that '[c]ouples were identified as participating in such relationships if there was evidence of more than one or a handful of sexual encounters, if they lived together and if they parented more than one child together.'⁵³

Given such a wide definition, it is surprising that only 17 per cent of couples fell within it. It is, however, dangerous to assume that repeated sexual encounters, even ones that resulted in the birth of a child, are indicative of a stable long-term relationship, still less a cohabiting one, and this applies just as much to the claims made in relation to twentieth century practices.

More troubling still is the statement that '[i]n the 1920s, perhaps one-third of 'illegitimate' births were to women who were divorced or living apart from their husbands, unable to obtain a divorce after a failed marriage or anxious to avoid the public stigma of divorce.'⁵⁴ It should of course be noted that the fact that the mother of an 'illegitimate' child was divorced or separated from one man is not evidence that she was living with another. But the main objection to the report's claim is that the original source was not referring to the 1920s at all. The source cited is Wimperis' *The Unmarried Mother and Her Child*, published in 1960. Having noted the fall in 'illegitimacy' over the course of the nineteenth century, Wimperis went on to say that '[d]uring the first half of the twentieth century, other changes have had a reverse effect. Large numbers of 'illegitimate' children (perhaps a third of the total) are *now* conceived by divorced women or those living apart from their husbands.'⁵⁵ This can only be understood as referring to the time at which Wimperis was writing. It is difficult to see how it could have been read in any other way.

Finally, it should be borne in mind that we should treat with caution even those surveys that suggested a substantial minority of the parents of 'illegitimate' children were cohabiting. One crucial question is whether such studies included children who had been adopted. Studies that only focused on those unmarried mothers who had *kept* their child would overestimate the proportion of 'illegitimate' children living with their biological parents.⁵⁶

To summarise, the evidence advanced by *Happy families?* in support of its contention that cohabitation was common in the first half of the twentieth century and before is patchy and partial. Nor does the pamphlet give any reasons to support the contention that levels of cohabitation were lower in the mid-twentieth century. Indeed, it specifically refers to the way in which concern over 'stable illicit unions' in the 1950s and 1960s gave rise to proposals

52 T. Evans, *'Unfortunate Objects': Lone Mothers in Eighteenth-Century London* (Basingstoke: Palgrave Macmillan, 2005), p. 37. It should also be noted that this was 17 per cent of couples who had produced an 'illegitimate' child, not 17 per cent of all couples.

53 *Ibid*, fn 176.

54 *Happy families?*, p. 26.

55 V. Wimperis, *The Unmarried Mother and Her Child* (London: Allen & Unwin, 1960), p. 29 (emphasis added).

56 R. Probert, 'Recording births: from the Reformation to the Welfare Reform Act' in F. Ebtehaj, J. Herring, M. Johnson and M. Richards (eds), *Birth Rites and Rights* (Oxford: Hart, forthcoming 2011).

for reform of the divorce law.⁵⁷ As a result, even on the evidence that is presented here, it is clear that the trajectory of change was very different.

There is also evidence that is *not* cited here suggesting higher levels of cohabitation between the parents of ‘illegitimate’ children in the wake of the Second World War than before, again contradicting the suggestion that this period was historically distinct in witnessing low levels of cohabitation.⁵⁸ The evidence suggests rather that although levels of cohabitation in the 1950s and 1960s may have been low by current standards, the levels in previous decades had been lower still.

‘Pre-marital sex was a normal part of the courtship process for very large sections of the population throughout much of the last 250 years and is not a development of the 1960s’ (p. 7)

The data that exists for the first half of the twentieth century shows that only a minority of women had sex with their husbands-to-be.⁵⁹ There is also evidence from contemporary interviews to suggest that although many young women regarded it as acceptable to have sex with their fiancé,⁶⁰ others were deterred ‘by fear of consequences or lack of opportunity’,⁶¹ and some men would only have sex before marriage with girls that they did *not* intend to marry.⁶²

Some scholars have claimed that the ‘sexual revolution’ occurred in the late 1950s rather than the 1960s.⁶³ It is true that there was a sharp drop in the average age at which individuals embarked on sexual relationships, but this must be interpreted in the context of the early age of marriage prevalent at the time. Contemporary surveys certainly do not suggest that the majority engaged in pre-marital sexual intercourse.⁶⁴

The key change in the 1960s, as identified by Cook in a recent scholarly monograph, was ‘a move to sexual intercourse outside marriage between partners who might or might not intend to marry.’⁶⁵ The advent of the contraceptive pill was a major factor in changing what was regarded as

57 *Happy families?*, pp. 33-35.

58 J. Spence *et al*, *A Thousand Families in Newcastle upon Tyne* (Oxford: Oxford University Press, 1954), p. 144; E.K. MacDonald, ‘Follow-up of Illegitimate Children’ (1956) *The Medical Officer* 361; D. Dewar, *Orphans of the Living: A Study of Bastardy* (London: Hutchinson & Co. 1968), p. 40.

59 See e.g. G. Gorer, *Exploring English Character* (London: Cresset Press, 1955); S. Szreter and K. Fisher, *Sex Before the Sexual Revolution: Intimate Life in England 1918-1963* (Cambridge: Cambridge University Press, 2010), p. 115.

60 P. Jephcott, *Rising Twenty: Notes on some ordinary girls* (London: Faber and Faber Ltd, 1948), p. 92; P. Ferris, *Sex and the British: A Twentieth Century History* (London: Michael Joseph, 1993), p. 147; L. Stanley, *Sex Surveyed 1949-1994: From Mass Observation’s ‘Little Kinsey’ to the National Survey and the Hite Reports* (London: Taylor & Francis, 1995), p. 134-5.

61 M. Woodside, ‘Health and Happiness in Marriage’ (1946) 4 *Health Education* 146; see also Stanley, above n 61, p. 109; Alison Fell, ‘Rebel With a Cause’ in L. Heron (ed) *Truth, Dare or Promise: Girls Growing Up in the Fifties* (London: Virago Press, 1985), p. 24.

62 Stanley, above fn 61, p. 139.

63 K. Wellings, J. Field, A. Johnson and J. Wadsworth, *Sexual Behaviour in Britain: the National Survey of Sexual Attitudes and Lifestyles* (London: Penguin, 1994), p. 48

64 See e.g. D. Sandbrook, *Never Had It So Good: A History of Britain from Suez to the Beatles* (2005; London: Abacus, 2006), p. 452; M. Schofield, *The Sexual Behaviour of Young People* (London: Longmans, Green & Co Ltd, 1965), pp 29-30;

65 H. Cook, *The Long Sexual Revolution: English Women, Sex, and Contraception 1800-1975* (Oxford: Oxford University Press, 2004), p. 326.

permissible. Before the passage of the National Health Service (Family Planning) Act 1967, making the pill available to unmarried women, the majority of brides had not had sex prior to their wedding day; by 1970, only a minority had not engaged in pre-marital sex.⁶⁶

Conclusion

In expressing serious concern about the evidential basis for the claims in *Happy families?*, it is not our intention to suggest that all marriages in the past were happy and long-lasting, nor that there were no examples of successful and stable cohabiting relationships. But the quality of family life should be distinguished from its form: the fact that a number of marriages were brutal and fleeting should not obscure the centrality of marriage to family life in previous decades. While many Victorian marriages were short-lived because of the untimely death of one of the spouses, this does not mean that the experiences of the survivors were in any way comparable to those undergoing a divorce today. Similarly, while one can of course find examples from all historical periods of couples who lived together outside marriage, it does not follow that cohabitation was remotely as common in the past as it is today.

In the preface to *Happy families?*, it is implied that those who make public policy are ignorant of the historical context, this report being presented as ‘bring[ing] to bear the skills of the humanities on questions of public policy.’⁶⁷ It is of course vital that those working in the humanities contribute to debates on public policy by providing accurate and unbiased accounts of the past. But a failure to do this, as we have seen in *Happy families?*, jeopardises the integrity of the field and is likely to lead to ill-informed public policy.

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⁶⁶ Dunnell, above n 30, table 2.4, found that 47 per cent of those who married between 1961 and 1965 had had sex before the wedding, compared to 61 per cent of those marrying between 1966 and 1970. See also M. Schofield, *The Sexual Behaviour of Young Adults* (London: Allen Lane, 1973), p. 166.

⁶⁷ At p. 5.

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