

Takeaway One, September 9th, 2026

Vocabulary

From Montgomery¹

- Marriage bann: a formal announcement of an intended marriage, typically given in a church.²
- Precipitate marriages: a rushed, premature, or hasty marriage
- Solemnise: to perform the ceremony of a wedding, to officiate
- Without benefit of clergy: a stipulation on a law meaning that an accused person may not use a religious loophole to escape punishment.³

From Phillips⁴

- The law doctrine of coverture: the status of a married woman as under the protection and authority of her husband.
- Abrogating: abolishing
- Borough: town or municipality
- Iust: an archaic, Latin form of “just”
- Juridical change: Changes relating to the law
- Paean: praise, compliment

Takeaways

My main takeaway from the readings this week was the unreliability of legal status as a method to assess the rights of people in the past. Despite the fact that I am aware that there are many loopholes present in our own contemporary law system, and that regardless of loopholes the law is not always perfectly followed (and it is partially subject to the personal decisions of judges), it hadn't occurred to me that this would be the case in history. Further, I was fascinated by the conversation we had in class regarding how these laws would be unevenly applied in urban vs. rural areas. A great amount of Phillips' chapter seemed to highlight how the laws of coverture, particularly the ones which theoretically prevented women from taking an active economic role, were not as effective in rural areas as urban. I was particularly struck by Phillips' description of "patriarchal ideology... as a rather blunt instrument"⁵ for analysis. While a cursory

¹ Montgomery, Fiona. *Women's Rights: Struggles and Feminism in Britain c. 1770 - 1970*. 1. publ. Documents in Modern History. Manchester Univ. Press [u.a.], 2006.

² "Meanings & Definitions of English Words | Dictionary.Com."

³ *Wikipedia*, "Benefit of clergy."

⁴ Phillips, Nicola. "Common Law, Coverture, and Women." In *Women in Business, 1700-1850*. n.d.

⁵ Phillips, "Common Law, Coverture, and Women," pg.28

look at the laws of coverture firmly establishes Britain at this time as a patriarchal society, to simply write off women's lived experience as only subject to that oppression—regardless of situation—and further all women as equally oppressed by it is a very broad conclusion. Just as divorce laws do not always produce the same outcome in our society, it would be foolish to assume they did in Britain during the eighteenth and nineteenth centuries. I believe that in this case, just looking at the laws themselves is a rather “blunt instrument” with which to assess the rights of women at that time. Rather, looking at individual legal outcomes seems a better tool.

However, when reading chapters using each of these methods in conjunction, we can see just how non-linear the journey from no rights to rights was for women in Britain. Just as the laws of coverture were not always used to their full capacity to oppress women (as Phillips details), we should also consider that there are other cases in which these laws may have been used *to* fully prevent women from industry and separate them from their children (even if this was not always the case). While looking purely at the laws paints a rather neat, linear picture, examining how those laws were actually put into effect demonstrates how non-linear this process of advancing women's rights in Britain truly was.