

2023 PCCBS Article Prize: Lisa Cody, “‘Marriage is No Protection for Crime’: Coverture, Sex, and Marital Rape in Eighteenth-Century England,” *Journal of British Studies* 61, no. 4 (October 2022): 809–834

This beautifully written and deeply researched article sheds new light on a subject that was “a blind spot” for contemporaries and which has remained largely opaque to historians. In marked contrast to the vast literature on sexual violence outside of marriage, the topic of marital rape -- or even spousal sex generally -- poses a challenge for modern scholars, both because of the paucity of sources and a legal culture of coverture in which the identity of the wife was subsumed by that of the husband. Cody has assembled and analyzed an impressive array of print and manuscript sources, meticulously reconstructing not only the circumstances of five deeply unhappy marriages, but the various and often contradictory arguments, assumptions and attitudes of jurists, advocates and other decision-makers, demonstrating that marital rape was, if theoretically invisible, not always unimaginable. Cody’s richly contextualized and uncompromisingly rigorous argument eschews simplistic arguments about female agency or progressive change. Rather, her study underscores the persistence of crotchety judges and the preference of the ecclesiastical courts to focus on objective measures of cruelty, such as the knowing transmission of venereal diseases. Although elite women may have had the financial resources to employ a range of different legal strategies to secure their property, if not their persons, aristocratic wives were more likely to be seen as lascivious and to receive unsympathetic hearings than their apparently respectable and chaste bourgeois counterparts. Whether such suits succeeded or failed, however, they lent themselves to contractualist arguments about the mutual rights and obligations of spouses, in which “wives’ absolute sexual subjugation” to their husbands was at least open for debate.