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## ‘He came to her bed pretending courtship’: sex, courtship and the making of marriage in Ulster, 1750–1844

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**ABSTRACT.** *The history of sex and sexuality is underdeveloped in Irish historical studies, particularly for the period before the late-nineteenth century. While much has been written on rates of illegitimacy in Ireland, and its regional diversity, little research has been conducted on how ordinary women and men viewed sex and sexuality. Moreover, we still know little about the roles that sex played in the rituals of courtship and marriage. Drawing on a sample of Presbyterian church records, this article offers some new insights into these areas. It argues that sexual intercourse and other forms of sexual activity formed part of the normal courtship rituals for many young Presbyterian couples in Ulster. Courting couples participated in non-penetrative sexual practices, such as petting, groping and bundling. Furthermore, while sexual intercourse did not have a place in the formal route to marriage, many couples engaged in it regardless.*

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On 31 July 1754, a servant maid named Agnes Kirk appeared before the Presbyterian kirk session of Cahans, County Monaghan, to answer for her improper conduct with an unnamed male servant. Under questioning, Agnes revealed that the pair had been involved in flirtatious teasing and that she ‘sometimes would have pulled him by the skirt of his coat as he passed by her about his work in the house’.<sup>1</sup> Of more concern to the session, however, was Agnes’s admission that the man in question also ‘came to her bed pretending courtship’ and that he sometimes ‘lay down in bed with her’.<sup>2</sup> The phrase ‘pretending courtship’ is particularly revealing as it suggests that these types of behaviours belonged specifically to courtship itself. Agnes’s physical closeness with the servant man, alongside their sharing of an intimate space, were directly associated with activities reserved for courting couples, framing sex and other forms of sexual behaviour firmly within the bounds of courtship. Cases such as this raise interesting questions about the rituals of courtship in general and, more specifically, the role that sex and sexual activity played in this process.

A rich body of scholarship relating to sex and sexuality exists for England, Scotland and, to a lesser extent, Wales. Much has been written about courtship

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<sup>1</sup> Cahans kirk session minutes, 31 July 1754 (P.R.O.N.I., CR3/25/B/1).

<sup>2</sup> *Ibid.*

practices, marriage rituals and rates of illegitimacy, as well as the extent to which these practices changed over time, in response to economic and cultural developments.<sup>3</sup> Such extensive studies of sex and sexuality have yet to be undertaken in respect to Ireland, and this is particularly true for the period before the late-nineteenth century.<sup>4</sup> Moreover, much of what has been written on Irish society and its sexual practices has focused on the unique chasteness and moral purity of its inhabitants.<sup>5</sup>

In some respects, Ireland's reserved reputation is borne out by the demographic evidence. By European standards, illegitimacy rates in Ireland were exceptionally low across the eighteenth and nineteenth centuries. Europe's 'sexual revolution' of the eighteenth century, which witnessed rising rates of illegitimacy across the continent, was not replicated in Ireland. While there are problems in obtaining reliable figures for this period (civil

<sup>3</sup> For Scotland, see Rosalind Mitchison and Leah Leneman, *Sexuality and social control: Scotland, 1660–1780* (Oxford, 1989); eadem, *Sin in the city: sexuality and social control in urban Scotland, 1660–1780* (Edinburgh, 1998); Katie Barclay, 'Sex, identity and Enlightenment in the long eighteenth century' in Jodi A. Campbell, Elizabeth Ewan and Heather Parker (eds), *The shaping of Scottish identities: family, nation and the worlds beyond* (Guelph, 2011), pp 29–42; eadem, 'Intimacy, community and power: bedding rituals in eighteenth-century Scotland' in Katie Barclay and Merridee L. Bailey (eds), *Emotion, ritual and power in Europe, 1200–1920: family, state and church* (Basingstoke, 2017), pp 43–62; Andrew Blaikie, *Illegitimacy, sex and society: north-east Scotland, 1750–1900* (Oxford, 1993). For England, see Karen Harvey, 'A century of sex? Gender, bodies and sexuality in the long eighteenth century' in *Hist. Jn.*, xlv, no. 4 (Dec. 2002), pp 899–916; Tim Hitchcock, *English sexualities, 1700–1800* (London, 1997); Richard Adair, *Courtship, illegitimacy and marriage in early modern England* (Manchester, 1996). Work on sex and courtship in Wales has appeared recently. See: Angela Joy Muir, 'Courtship, sex and poverty: illegitimacy in eighteenth-century Wales' in *Social History*, xliii, no. 1 (2017), pp 56–80; eadem, 'Illegitimacy in eighteenth-century Wales' in *Welsh History Review*, xxvi, no. 3 (July 2013), pp 351–88.

<sup>4</sup> In comparison, the historiography of sex and sexuality in modern Ireland is much more extensive. See, for example, Jennifer Redmond, Sonja Tiernan, Sandra McAvoy and Mary McAuliffe (eds), *Sexual politics in modern Ireland* (Kildare, 2015); Leanne McCormick, *Regulating sexuality: women in twentieth-century Northern Ireland* (Manchester, 2009); Elaine Farrell, *'A most diabolical deed': infanticide and Irish society, 1850–1900* (Manchester, 2013); Diarmaid Ferriter, *Occasions of sin: sex and society in modern Ireland* (London, 2009); Maria Luddy, *Prostitution and Irish society, 1800–1940* (Cambridge, 2007); Luddy, *Matters of deceit: breach of promise to marry cases in nineteenth- and twentieth-century Limerick* (Dublin, 2011). For the earlier period, see K. H. Connell, *Irish peasant society: four historical essays* (Oxford, 1989); S. J. Connolly, 'Family, love and marriage: some evidence from the early eighteenth-century' in Margaret MacCurtain and Mary O'Dowd (eds), *Women in early modern Ireland* (Edinburgh, 1991), pp 276–91; idem, *Priests and people in pre-Famine Ireland, 1780–1845* (Dublin, 1982).

<sup>5</sup> See, for examples, David Fitzpatrick, 'Marriage in post-Famine Ireland' in A. Cosgrove (ed.), *Marriage in Ireland* (Dublin, 1985), pp 116–31; B. M. Walsh, 'Marriage rates and population pressure: Ireland, 1871–1911' in *Economic History Review*, xxiii, no. 1 (Apr. 1970), pp 148–61; K. H. Connell, 'Catholicism and marriage in the century after the Famine' in idem (ed.), *Irish peasant society*, pp 113–61. This is a question addressed in Ann Daly, "'Veiled obscenity": contraception and the *Dublin Medical Press, 1850–1900*' in Elaine Farrell (ed.), *'She said she was in the family way': pregnancy and infancy in modern Ireland* (London, 2012), p. 19; Ferriter, *Occasions of sin*, pp 1–10.

registration was not introduced until 1864), most historians would argue that illegitimacy was low and, if it increased at all, it was unlikely to have reached anything resembling continental European levels.<sup>6</sup> This pattern continued throughout the nineteenth century. While the proportion of illegitimate births in Ireland never rose above 3.8 per cent during the latter half of the nineteenth century, the same could not be said for her European neighbours. By contrast, comparatively high rates of between 6 and 9 per cent were recorded in Scotland, 5 to 6 per cent in England and Wales, 6 to 7 per cent in France, 8 to 9 per cent in Germany, and 13 per cent in Austria.<sup>7</sup>

It is important to note, however, that Ireland's low illegitimacy rate was offset by relatively high levels of infanticide. Elaine Farrell has noted that the infant murder rate in Ireland surpassed that reported in England for much of the late-nineteenth century, and it outstripped that recorded in Belgium and France in 1868.<sup>8</sup> Faced with the shame of unmarried motherhood, many Irish women resorted to infanticide. Indeed, approximately 85 per cent of murdered infants were classed as illegitimate in Ireland between 1850 and 1900.<sup>9</sup> In spite of the demographic evidence, the image of the chaste and moral Irish has persisted. As Dympna McLoughlin has observed, Ireland's apparent 'disdain' for sex, at least in the cultural imagination, has led to its portrayal as a 'country filled with virtuous virgins, widespread abstinence and chastity'.<sup>10</sup>

The evidence for the province of Ulster is at odds with this picture of the chaste and pure Irish. In comparison to the rest of Ireland, the north-eastern counties of the island have been portrayed as an area of above average illicit sexual activity. Indeed, between 1864 and 1920, illegitimacy levels in Ulster exceeded all other provinces in Ireland.<sup>11</sup> Moreover, surviving parish registers for the eighteenth century reveal that a high proportion of Ulster brides were pregnant on their wedding day, suggesting a more tolerant attitude towards pre-marital sexual activity.<sup>12</sup> Historians have posited various economic, religious and cultural explanations for this phenomenon. Ulster's mixed economy, the emergence of Belfast as an industrial centre, greater population mobility and the religious diversity of the region have all been allotted a role in shaping the province's demographic record. While no single explanation has

<sup>6</sup> William Paul Gray, 'A social history of illegitimacy in Ireland from the late eighteenth to the early twentieth century' (Ph.D. thesis, Queen's University, Belfast, 2000), pp 98, 148.

<sup>7</sup> Dympna McLoughlin, 'Women and sexuality in nineteenth-century Ireland' in *Irish Journal of Psychology*, xv, nos 2–3 (1994), p. 276; S. J. Connolly, 'Illegitimacy and pre-nuptial pregnancy in Ireland before 1864: the evidence of some Catholic parish registers' in *Irish Economic and Social History*, xi (1979), p. 10.

<sup>8</sup> Farrell, 'A most diabolical deed', p. 18.

<sup>9</sup> Elaine Farrell, "'Infanticide of the ordinary character': an overview of the crime in Ireland, 1850–1900" in *Irish Economic and Social History*, xxxix (2012), p. 59.

<sup>10</sup> McLoughlin, 'Women and sexuality', p. 268.

<sup>11</sup> Gray, 'Social history of illegitimacy', p. 296.

<sup>12</sup> Andrew Blaikie and Paul Gray, 'Archives of abuse and discontent? Presbyterianism and sexual behaviour during the eighteenth and nineteenth centuries' in R. J. Morris and Liam Kennedy (eds), *Ireland and Scotland: order and disorder, 1600–2000* (Edinburgh, 2005), pp 61–84; Andrew Holmes, *The shaping of Ulster Presbyterian belief and practice, 1770–1840* (Oxford, 2006), pp 225–6; Mary O'Dowd, 'Women in Ulster, 1600–1800' in Liam Kennedy and Philip Ollerenshaw (eds), *Ulster since 1600: politics, economy and society* (Oxford, 2013), pp 51–3.

proved sufficient, it is probable that a mixture (if not all) of these factors was responsible.<sup>13</sup>

While existing research has produced interesting insights into the incidence of illicit sexual behaviour in Ireland, and its regional diversity, it does not tell us much about the motivations of those individuals involved. Questions remain about the place that sex had in courtship and marriage. How did ordinary women and men in Ireland view sex and sexuality? Did sex and other forms of sexual activity play a normal part in courtship rituals? To what extent did contemporaries agree with religious institutions on where the boundaries lay between pre-marital and marital sexual behaviour? Drawing on a sample of Ulster Presbyterian church records, this article will forward some exploratory answers to these questions. In doing so, it aims to broaden our understanding of sex and sexuality in eighteenth- and nineteenth-century Ireland, and place the Ulster case in the wider historiographical context.

Why focus on Ulster Presbyterian sources? An examination of sex and sexuality in Presbyterian communities is important for three main reasons. Firstly, focusing on Ulster Presbyterian sources not only adds to our knowledge of sex and sexuality in a particular region of Ireland, it also offers us the opportunity to connect the Irish experience to the wider national (and indeed, international) historiography of Protestant-Dissenting minorities. Presbyterianism arrived in Ireland in the seventeenth century, brought over by Scottish settlers. Over the course of the next hundred years or so, successive waves of emigrants from Scotland settled in Ireland, consolidating a separate ecclesiastical and political identity in the north-eastern counties of the island.<sup>14</sup> Although Presbyterians were a minority in Ireland as a whole, accounting for just 8.1 per cent of the entire population in 1834, they outnumbered both their Anglican and Roman Catholic counterparts in the province of Ulster.<sup>15</sup> An examination of sex and sexuality in Ulster, therefore, not only offers a regionalised study, it also holds the potential for further comparative studies into the experiences of minority communities.<sup>16</sup>

Secondly, as much as the Ulster Presbyterian case offers the chance to make connections to other histories of sex and sexuality, it also holds the potential to tell us something new. A common theme running throughout works which examine the regulation of sexual behaviour is the conflation between church

<sup>13</sup> For examples of these debates see, Donald Harman Akenson, *Small differences: Irish Catholics and Irish Protestants, 1815–1922: an international perspective* (Dublin 1990); idem, *Between two revolutions: Islandmagee, County Antrim, 1798–1920* (Dublin, 1979); Gray, 'Social history of illegitimacy in Ireland', pp 300–15; Connolly, 'Illegitimacy and pre-nuptial pregnancy', pp 5–23; Diane Urquhart, 'Gender, family and sexuality, 1800–2000' in Kennedy and Ollerenshaw (eds), *Ulster since 1600*, pp 245–59.

<sup>14</sup> Holmes, *Shaping of Ulster Presbyterian belief and practice*, p. 4; R. F. G. Holmes, *Our Irish Presbyterian heritage* (Belfast, 1985), pp 3–7; D. M. MacRaild and Malcolm Smith, 'Migration and emigration, 1600–1945' in Kennedy and Ollerenshaw (eds), *Ulster since 1600*, pp 141–4.

<sup>15</sup> S. J. Connolly, *Religion and society in nineteenth-century Ireland* (Dundalk, 1985), p. 3.

<sup>16</sup> Martin Ingram makes a similar argument for the microscopic study of small rural communities as a means of illuminating the wider role that religion played in the lives of women and men across Europe. See Martin Ingram, 'Religion, communities and moral discipline in late sixteenth- and early seventeenth-century England: case studies' in Kaspar von Greyerz (ed.), *Religion and society in early modern Europe, 1500–1800* (London, 1984), p. 177.

law and civil law.<sup>17</sup> Julie Hardwicke's research on the policing of male sexuality in early-modern France revealed how the fathers of illegitimate babies were prosecuted in civil courts.<sup>18</sup> Likewise, work by historians of Scottish sexuality, such as Katie Barclay, Leah Leneman and Rosalind Mitchison, have highlighted the fact that sexual offences were punishable as criminal acts.<sup>19</sup> In this respect, the Ulster Presbyterian case is different because violations of its moral code were not legally enforceable. Presbyterianism was not, of course, the established denomination in Ireland at this time. As a result, Presbyterian church discipline could not be legally enforced on its adherents. Rather, submission to Presbyterian directives was voluntary and the exercise of discipline was dependent on the acquiescence of its members.<sup>20</sup> In order for discipline to work, the community had to agree on what constituted proper and improper behaviour. The voluntary nature of Ulster Presbyterian discipline therefore holds the potential to cast new light on our understanding of the operation of moral and social control.

Thirdly, focusing on Ulster Presbyterian sources also enriches our understanding of sex and the making of marriage in Ireland itself. Much of what has been written on sex and marriage in Ireland has been skewed in favour of the better-off sections of Irish society. Whereas much attention has been paid to the experiences of Ireland's wealthy, Anglican elite and, to a lesser degree, its large Catholic population, comparatively little has been written on those middling-order Presbyterian families who accounted for the majority of Ulster's population. Outside of a few notable contributions, the historical record is frustratingly mute on the relationships of this section of Irish society.<sup>21</sup> Using Presbyterian church records, this article therefore aims to open new avenues of research. The article is organised into two parts. The first section considers the

<sup>17</sup> See, for example, William Gibson and Joanne Begatio, *Sex and the church in the long eighteenth century: religion, Enlightenment and the sexual revolution* (London, 2017), pp 85–108.

<sup>18</sup> Julie Hardwicke, 'Policing paternity: historicising masculinity and sexuality in early modern France' in *European Review of History*, xxii, no. 4 (2015), pp 643–57.

<sup>19</sup> Barclay, 'Sex, identity and the Enlightenment', pp 30–31.

<sup>20</sup> See A. R. Holmes, 'Community and discipline in Ulster Presbyterianism, 1770–1840' in Kate Copper and Jeremy Gregory (eds), *Retribution, repentance and reconciliation* (Woodbridge, 2004), pp 266–7.

<sup>21</sup> Works that provide discussions of Presbyterian family life include: J. M. Barkley, *A short history of the Presbyterian Church in Ireland* (Belfast, 1963); idem, 'Marriage and the Presbyterian tradition' in *Ulster Folklife*, xxxiv (1993), pp 29–40; idem, *The eldership in Irish Presbyterianism* (Belfast: 1963); Holmes, *Shaping of Ulster Presbyterian belief and practice*; Jonathan Wright, *The 'natural leaders' and their world: politics, culture and society in Belfast, c.1801–1832* (Liverpool, 2012); Robert Whan, *The Presbyterians of Ulster, 1680–1730* (Woodbridge, 2013); Mary O'Dowd, 'Marriage breakdown in Ireland, c.1660–1857' in Niamh Howlin and Kevin Costello (eds), *Law and the family in Ireland, 1800–1950* (London, 2017), pp 7–23; Leanne Calvert, "'A more careful tender nurse cannot be than my dear husband": reassessing the role of men in pregnancy and childbirth in Ulster, 1780–1838' in *Journal of Family History*, xlii, no. 1 (2017), pp 22–36; eadem, "'Do not forget your bit wife": love, marriage and the negotiation of patriarchy in Irish Presbyterian marriages, c.1780–1850' in *Women's History Review*, xvi, no. 3 (2017), pp 433–54. A forthcoming book by Maria Luddy and Mary O'Dowd, *A history of marriage in Ireland, 1660–1925*, will undoubtedly tackle some of these issues.

role that sex and other forms of sexual activity played in courtship, noting practices such as petting, touching and bundling. The second section examines the part that sexual intercourse played in the making of marriage itself.

## I

Before considering the role that sex played in courtship and marriage in Ulster, it is helpful to give a brief introduction to the sources on which this article is based: Presbyterian church court minutes. The Presbyterian church was organised around a series of three church courts, each of which was responsible for a particular area of church business. These courts were hierarchical in their arrangement. At the top level was the synod, which was made up from the ministers and representative elders from all the congregations under its care. It generally met once a year and was responsible for the oversight of the whole work of the church, from the discipline of ministers and the laity, to the management of funds for the widows and families of ministers. Below the synod was the presbytery, which consisted of the ministers and representative elders drawn from the congregations within its bounds.<sup>22</sup> The presbytery generally met once a month and discussed a variety of issues, from complaints brought against individual ministers and students under its care, to calls received from vacant congregations. In addition, the presbytery also heard more complex cases of discipline, usually those involving adultery, incest and marriage, which were referred by the local kirk session for its consideration.<sup>23</sup> The lowest level of church court was the kirk session, which was made up of the minister and a body of ruling elders, who were elected from the local community.<sup>24</sup> The purpose of the session was to oversee the spiritual and moral welfare of the congregation; its duties ranged from the distribution of poor relief to the exercise of discipline for moral and social offences.

The cases of discipline that were heard by church courts usually fell into one of three categories: sexual offences, such as fornication and adultery; breaches of social and religious norms, such as drunkenness, sabbath-breaking and slander; and marital offences, such as bigamy. When an individual admitted, or was reported to have committed, an offence, they were called to appear before the local kirk session. If they were found at fault, the session would impose punishment. The sentence that was awarded to offenders varied depending on the type of offence that had been committed, the notoriety of the indiscretion, how recently it had occurred, and the nature of the evidence offered.<sup>25</sup> However, in most cases offenders were denied access to church privileges and were required to undergo a public rebuke before the congregation on at least two successive sabbaths. Discipline was intended to be more than punitive; it had a strong communal function by publicly upholding proper behaviour.<sup>26</sup> There were also some differences in both the level and focus of discipline that was enacted across individual communities. The ability of church courts to enforce discipline was dependent on not only

<sup>22</sup> Barkley, *Short history*, p. 83.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*, p. 84.

<sup>25</sup> Holmes, 'Community and discipline', p. 272.

<sup>26</sup> *Ibid.*, pp 268–9.



the willingness of the local community, but also the enthusiasm of the session to prosecute cases and the theological outlook of the minister.<sup>27</sup>

The minutes of the cases that came before the notice of each of these courts can be used to build a picture of everyday life in the Presbyterian community. While minutes recorded in both the synod and presbytery allow us to follow more complicated cases of discipline, it is within kirk session minutes that we can gain an insight into the sexual behaviours, social lives and marriage practices of the ordinary church member. Although the degree of detail recorded in each case varies considerably, most note the name of the person who appeared, their alleged offence and the decision of the session. Cases which were complicated or required the calling of witnesses, like that of Agnes Kirk above, usually include the greatest detail, including places, names, and the circumstances leading to the offence.

It should be noted, however, that minutes relating to discipline do not survive for every Presbyterian congregation. Historians such as Andrew Holmes have been quick to point out the difficulties of assessing the practice of discipline across communities, noting that fewer than twenty kirk session books have survived from the period before 1800.<sup>28</sup> It is impossible to know for sure whether this is the result of records being lost over time, or if those communities for whom records do not exist simply did not practise discipline. Nevertheless, those minutes that do survive offer us an unrivalled glimpse into the intimate worlds of Presbyterian women and men in eighteenth- and nineteenth-century Ulster. Taken together, these minutes can be used to build a picture which reflects, even if it does not represent, the wider experience of the community with which they identified.

## II

In common with other religious traditions operating in Ireland and elsewhere in Europe and North America during this period, Presbyterianism discouraged its members from engaging in illicit sexual activity. As was the case in other Christian traditions, marriage was regarded as the ideal structure in which a man and woman could conduct a sexual relationship and produce legitimate offspring.<sup>29</sup> Indeed, according to chapter twenty four of the Westminster Confession of Faith – a document that contained the main beliefs and conventions of Presbyterianism – marriage was instituted by God for three main ends: ‘the mutual Help of Husband and Wife, for the Increase of Mankind with a legitimate Issue, and of the Church with an holy Seed, and for preventing of Uncleaness’.<sup>30</sup> Unmarried (and married) persons who engaged

<sup>27</sup> The minutiae of the differences in doctrinal belief among the various strands of Presbyterianism is not the focus of this article. On this subject, see Holmes, ‘Community and discipline’, pp 266–77; Blaikie and Gray, ‘Archives of abuse and discontent?’, pp 61–84.

<sup>28</sup> Holmes, *Shaping of Ulster Presbyterian belief and practice*, pp 168, 172–4.

<sup>29</sup> Roisin Browne, ‘Kirk and community: Ulster Presbyterian society, 1640–1740’ (M.Phil. thesis, Queen’s University, Belfast, 1999), p. 120.

<sup>30</sup> *The Confession of Faith, the larger and shorter catechisms, with the scripture-proofs at large* (Glasgow, 1757), p. 131 (hereafter cited as *Confession*).

in illicit sexual activity were labelled as fornicators and subjected to discipline by Presbyterian church courts.

As was the case in Scotland, Presbyterian kirk sessions in Ulster closely monitored the time that couples spent alone, out of the sight of their families. Termed 'scandalous carriage' by Scottish kirk sessions, such activities usually referred to young couples who were caught in compromising or suspicious positions, for example, being alone together unsupervised.<sup>31</sup> This type of activity was closely monitored in consequence of fears that allowing young women and men to socialise in this way would lead to promiscuity and illegitimacy. The sessions of Loughaghery, County Antrim, and Cahans, County Monaghan, for example, regularly censured young women and men for attending what they termed 'promiscuous' or 'irregular' dances.<sup>32</sup> Dances were popular forms of leisure activity that attracted young people across Europe. In early modern Germany, young people gathered in the evenings at the Spinnstube, where dancing and singing took place alongside spinning and weaving.<sup>33</sup> Similar examples of youthful leisure can be found in the Ordnance Survey memoirs, which documented daily life in nineteenth-century Ireland. In County Antrim, for example, 'dancing' was recorded as a 'favourite' leisure pursuit of the local inhabitants.<sup>34</sup> Dances offered the young an opportunity to meet, mingle and strike up courtships.

Kirk sessions, however, regarded these dances as immoral because they were organised by young people themselves, often without the permission of adults or guardians. For example, when Hugh Brown was called to appear before the session of Loughaghery in October 1821, after a dance was held in his barn, it appeared that it had not been Hugh but his sons who had organised the event.<sup>35</sup> Similarly, a dance was held at the home of Joseph McTier in May 1806, apparently without his permission and carried on despite his protestations.<sup>36</sup> Dances were also believed to be promiscuous because they encouraged young women and men to socialise together, in an unsupervised space. Indeed, evidence suggests that they attended these dances together, in large mixed-sex groups. The session of Loughaghery, for example, rebuked John Pollock, Robert Hutchenson, Martha Knox, Sarah Pollock and William Erwin for attending a dance together in June 1802, while that of Cahans rebuked a party of five young men and three young women for their attendance at a dance in June 1786.<sup>37</sup>

<sup>31</sup> Mitchison and Leneman, *Sexuality and social control*, p. 177.

<sup>32</sup> Cahans kirk session minutes, 20 May, 22 Sept. 1785, 30 Apr., 17 June 1786, 30 Mar. 1788, 4, 15 Oct. 1789, 1 Aug. 1790, 16 Oct. 1796 (P.R.O.N.I., CR3/25B/2); Loughaghery kirk session minutes, 10 June 1802, 9 May 1806, 19 Oct. 1821 (P.R.O.N.I., CR3/8/1).

<sup>33</sup> Hans Medick, 'Village spinning bees: sexual culture and free time among rural youth in early modern Germany' in Hans Medick and David Sabean (eds), *Interest and emotion: essays on the study of family and kinship* (Cambridge, 1984), pp 317–39.

<sup>34</sup> Angélique Day and Patrick McWilliams (eds), *Ordnance Survey memoirs of Ireland*, xxxii: *Antrim xii, 1832–33, 1835–40* (Belfast, 1995), pp 6, 20, 37, 140; Angélique Day and Patrick McWilliams (eds), *Ordnance Survey memoirs of Ireland*, x: *Antrim iii, 1833, 1835, 1839–40* (Belfast, 1991), pp 40, 115; Angélique Day, Patrick McWilliams and Lisa English (eds), *Ordnance Survey memoirs of Ireland*, xxxv: *Antrim xiii, 1833, 1835, 1838* (Belfast, 1996), p. 23.

<sup>35</sup> Loughaghery kirk session minutes, 19 Oct. 1821 (P.R.O.N.I., CR3/8/1).

<sup>36</sup> *Ibid.*, 9 May 1806.

<sup>37</sup> *Ibid.*, 10 June 1802; Cahans kirk session minutes, 17 June 1786 (P.R.O.N.I., CR3/25B/2).



In addition to censuring young people who attended community dances, Kirk-sessions also targeted young couples who socialised privately, without the presence of chaperones or other adult figures. A good example of this can be found in the minutes of the case of Thomas Black and Mary Deal, whose secret meetings roused the suspicions of the session of Cahans in May 1785. The minutes of the case noted that Thomas Black appeared:

on account of a report that he had gone in an untimous hour of the night to the house of W[illia]m Henderson in order to have ... some conversation with Mary Deal. Mary Deal was called in and asked how often was it that they had such *private* meetings. Answer: but twice: that there was no criminal correspondence, nor oath, nor promise.<sup>38</sup>

What made the couple's meetings worthy of an appearance before the session was that they were conducted privately, without supervision, and at an irregular time of the night. Indeed, the line of questioning that was used against Mary reveals that the session believed that some degree of illicit sexual activity must have occurred. Despite the pair's insistence that they had not engaged in any such activities, Thomas and Mary were subsequently censured for meeting at 'unseasonable times' on a sabbath morning and the details of the case were read out to the community the following sabbath.<sup>39</sup>

A similar procedure was also used against John Minley, a member of the congregation of Ballymoney, County Antrim, in the summer of 1830, after it was reported that he had 'improper intercourse' with two women, Jane Campbell and Betty McArthur.<sup>40</sup> On the night that the alleged impropriety took place, a party had been held at the house of the McArthur family, which, according to witness testimony, filled the air with 'cheering' noises.<sup>41</sup> According to the report, two members of the party, John Minley and Jane Campbell, were together in private company in a field, raising the suspicion of both the session and the community that some sort of 'improper' behaviour had occurred. To get to the truth of the report, the session heard the testimony of two witnesses. The first of these was James Hamilton, who told the session that after he heard that Minley was in private company with two women, he 'went out of his own house that he might know whether any of his children were with the party'.<sup>42</sup> He did not, however, see either Minley or the women in question, being prevented by a 'garden which intervened between him and where they were reported to be'.<sup>43</sup> The second witness, Andrew Hurry, who happened to be out in his field at the time, stated that he saw Jane Campbell 'sitting upon the bow of the plough' and that Minley 'was standing a little off from her', but he 'did not see any thing pass between them'.<sup>44</sup>

Given the 'public' setting of the field, the session appears to have been frustrated by the lack of information available on the pair's activities. Unsatisfied with Andrew Hurry's eye-witness account, the elders pressed

<sup>38</sup> Cahans kirk session minutes, 1 May 1785 (P.R.O.N.I., CR3/25B/2); my emphasis.

<sup>39</sup> Ibid.

<sup>40</sup> Ballymoney kirk session minutes, 18 June 1830 (P.R.O.N.I., CR3/1/B/4).

<sup>41</sup> Ibid., 7 July 1830.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

further, probing to see if anyone else might have caught a glimpse of what happened. Indeed, their method of questioning reveals how even supposedly 'private' moments, between two individuals, were subject to surveillance: 'when [Andrew Hurry] passed they were in the field – and [he] did not see either of them leave the field. ... [He] does not know whether persons along the road could see them where they were. A rider might. There was no path way through the field in which witness was. Cannot say whether there is a path through the one in which they were.'<sup>45</sup> In the absence of sufficient evidence, the session resolved that there were no grounds on which to censure Minley for the alleged charge. Moreover, there was no evidence that he had been in the company of Betty McArthur. The session did, however, reprove Minley for a 'breach of the fourth commandment', most likely for being in attendance at a party and in the private company of a young woman without the consent of his parents or elders.<sup>46</sup>

In addition to removing scandal and preventing accusations of unseemly behaviour, conducting a courtship in public could also be beneficial. Richard Godbeer has argued that one reason why families allowed young courting couples to spend the night together under their roof was that if the young woman became pregnant, there would be a number of witnesses to verify the existence of their relationship. Public knowledge of a courtship could act as a preventative measure if a man denied paternity of a child.<sup>47</sup> The case of Janet Montgomery, of the community of Carnmoney, County Antrim, is demonstrative of the obvious advantages that accompanied a public courtship. In February 1804, Janet was called to appear before Carnmoney session in order to prove that a man named Thomas Magill was the father of her illegitimate child. Key to proving the paternity of her infant was the testimony of Mary Mathison, her former landlady and witness to her courtship with Magill. According to Mary's evidence:

Janet Montgomery had been with her 3 quarter of a year, & during that time he Thomas Magill frequented her house almost every week, ... he came often at night & some nights staid after they were in bed, & one night was let in by her husband & staid afterwards she knows not how long, she says that at Easter last Janet ... was in her house &, that time when she [asked] her, she acknowledged being [with] Child, & said that as sure as God was in heaven Thomas Magill was the father.<sup>48</sup>

Mary Mathison's evidence was crucial in determining the paternity of Janet's child. She had been witness to their courtship for approximately nine months and had allowed the couple to meet privately in her home, unsupervised. Indeed, Mary also stated that 'she did not know [of Janet] keeping Company to any other man', indirectly confirming Thomas Magill as the father.<sup>49</sup>

Despite the efforts of kirk sessions to police the sexual activities of the young, evidence suggests that rather than being strictly chaste, young couples

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Richard Godbeer, 'Courtship and sexual freedom in eighteenth-century America' in *O.A.H. Magazine of History*, xviii, no. 4 (July 2004), pp 10–11.

<sup>48</sup> Carnmoney kirk session minutes, 2 Feb. 1804 (P.R.O.N.I., MIC1P/37/4/9).

<sup>49</sup> Ibid.

were flirtatious and participated in a range of sexual behaviours that stopped just short of intercourse.<sup>50</sup> For example, when William Fee, a member of the congregation of Carnmoney, was charged by Jane Dunlop with being the father of her illegitimate child, he owned ‘time and place but denied Guilt’.<sup>51</sup> His sister, Mary Heron, and brother-in-law, John Heron, also offered their testimony, informing the session that William had told them he ‘own[e]d guilt but not sufficient to get a Child’.<sup>52</sup> Indeed, Jenny Morrison, a servant girl who lived in the same household as Jane Dunlop, revealed that the couple ‘were Frequently together in a Bed in [her] room’ but that ‘they were never in naked ... as far as she knows’ in her company.<sup>53</sup> Clearly, some form of petting and touching occurred between the couple – a fact of which all parties seem to have been aware. Jenny Morrison did, however, believe that William Fee was the father of the child because ‘she was not in ye Room ye Last Night they were together which night she beli[e]ved’ Answers to the Child’.<sup>54</sup>

In a similar case, in February 1786, when Joseph Young and Agnes Connolly were spotted engaging in ‘improper conduct’ on the road home from Monaghan, the session of Cahans took pains to investigate whether the couple were actually guilty of fornication. For Joseph’s part, he confessed that he ‘laid his hand on [Agnes]’ but because he was ‘intoxicate[d]’ he could not remember where. He did, however, express his willingness to take an oath ‘that no member pertaining to his body was ever *in her*’.<sup>55</sup> Agnes confirmed his story, stating that although Joseph ‘had his arm about her neck’, he never ‘offered to put his hand upon her bare skin unless her neck hand or breast’.<sup>56</sup> The pair may have been guilty of fondling and petting, but they did not progress to full sexual intercourse.

Other flirtatious and sexual behaviours also appear in the session minutes, particularly those involving physical contact such as play-fighting or grabbing. For example, when James McCabe was called to appear before Cahans session in 1773, to answer a libel lodged against him by Mary Wat that he had ‘used [her] unmannerly’, the outcome of the case hinged on what the session considered to be flirtatious, playful contact. According to Mary, James McCabe came into her room and ‘tossed [her] over on [her] own bed’ and despite her protests ‘tossed up [her] clothes and used [her] in such a manner that [she was] obliged ... to defend [herself] to catch him by the privates’.<sup>57</sup> In contrast to Mary’s rather aggressive portrayal of the incident, James

<sup>50</sup> Adair, *Courtship, illegitimacy and marriage*, pp 160–5.

<sup>51</sup> Carnmoney kirk session minutes, 5 Jan. 1792 (P.R.O.N.I., MIC1P/37/4/9).

<sup>52</sup> *Ibid.* According to Svetla Baloutzova, it was not unusual for men in Scotland to admit fornication but deny paternity. See Svetla Baloutzova, ‘When a lass goes “so round”’, with her “tua sides high”’: oral culture and women’s views on illegitimacy’ in Katie Barclay and Deborah Simonton (eds), *Women in eighteenth-century Scotland: intimate, intellectual and public lives* (Farnham, 2013), p. 72.

<sup>53</sup> Carnmoney kirk session minutes, 5 Jan. 1792 (P.R.O.N.I., MIC1P/37/4/9).

<sup>54</sup> *Ibid.*

<sup>55</sup> Cahans kirk session minutes, 27 Feb. 1786 (P.R.O.N.I., CR3/25B/2); my emphasis. There are similar examples of courting couples being ‘caught in the act’ on roadsides in Scotland, as well as in barns, fields and stables. See Mitchison and Leneman, *Sexuality and social control*, pp 184–7.

<sup>56</sup> Cahans kirk session minutes, 27 Feb. 1786 (P.R.O.N.I., CR3/25B/2).

<sup>57</sup> *Ibid.*, 6 June 1773.

painted a flirtatious and sexually charged scene, suggesting that his actions amounted to no more than consensual play. The session minutes note that:

James McCabe ... acknowledged he threw her on the bed but denied she spoke as above reported, but after he went out one and again, she said are you there, tricky Rogue. He asked how she said among the women he tossed her over, & said he would pluck her. She caught her knees & said she could not loose her grips for if the father of her child had not flattered her he could not force her. He denied that she gripped him as in the libel expressed but that she gripped him as one would in *play*.<sup>58</sup>

Faced with two contrasting versions of events, one alleging a sexual assault and the other play that got out of hand, the session decided that each party was blameable and recommended they both be censured.<sup>59</sup>

A similar case, involving an allegation of attempted rape, came before the session of Ballymoney, County Antrim, almost sixty years later, in 1832. In November of that year, Robert McCoy was summoned to appear before Ballymoney session for allegedly attempting to 'violate' Margaret Wraith, a servant girl in his father's household. As in the previous case, the decision of the session rested on the playful, flirtatious nature of the couple's past behaviour.<sup>60</sup> According to Margaret Wraith, on the day the incident occurred she had been washing dishes when Robert McCoy forced her to go with him to an upper room of the house and threw her onto a bed. When he failed, he dragged her to the lower part of the house, where he threw her onto another bed. Margaret stated that she had defended herself against Robert's advances by striking him on the mouth, causing him to bleed and that he only ceased his attack when he was interrupted by the return of another servant maid, Eliza McKeown. Summing up the incident, Margaret stated that she thought 'his design was not good' and that she 'did not remember taunting him with any language which might have induced him to lay hands upon her'.<sup>61</sup>

Eliza McKeown, the other servant girl, was then called as witness. In contrast to Margaret's violent portrayal of the incident, Eliza's account painted a flirtatious and playful scene, suggesting that the pair had voluntarily (and naturally) ended up in the bedroom. To begin with, Eliza stated that she had witnessed 'some joking & teething [i.e., teasing] between' Robert and Margaret before she had left the house on an errand. On her return, she admitted that she found them lying in the bed, but 'did not see any thing *particular* in the manner of their lying', suggesting that such behaviour was not uncommon.<sup>62</sup> Eliza also acknowledged that Robert's mouth was bleeding and that Margaret 'appeared angry' but, again, she stated that she did not see 'any thing to account for her being angry'.<sup>63</sup> Finally, she cast doubt on Robert's apparent bad intentions, noting that 'Both the outside door & the room door were open when she returned', insinuating that if Robert had intended to rape Margaret, he would probably have locked the door.<sup>64</sup>

<sup>58</sup> *Ibid.*, my emphasis.

<sup>59</sup> *Ibid.*

<sup>60</sup> Ballymoney kirk session minutes, Aug., 1 Sept., 2 Nov. 1832 (P.R.O.N.I., CR3/1/B/4).

<sup>61</sup> *Ibid.*, 2 Nov. 1832.

<sup>62</sup> *Ibid.*, my emphasis.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

As the case unfolded, other witnesses came forward who alleged that Henry Pekin, who had reported the incident to the session, had put the ‘story into [Margaret’s] head’ that Robert’s boisterous conduct amounted to attempted rape.<sup>65</sup> The session seemed to agree. Summing up the case, the session stated that they believed Robert to be ‘innocent of any act of actual impropriety’ and that he had ‘not any intention to do injury’ to Margaret.<sup>66</sup> What they did believe him to be guilty of, however, was the ‘practice of young persons of different sexes han[d]ling or pulling each other’, something which they ‘highly disapprov[e]d of’.<sup>67</sup> It is impossible to know for sure whether these women were, in fact, victims of sexual assault. Nevertheless, it should be noted that female servants in this period were often vulnerable to the advances of their masters and other male servants. Anna Clark, for example, has noted that 20 per cent of rape cases that came before the Old Bailey involved masters and their servants.<sup>68</sup> Rape also occurred in courtship. According to Clark’s sample, 10.5 per cent of men who promised marriage were reported to have raped their fiancées.<sup>69</sup> Katie Barclay has also argued that physical violence was considered to be a normal part of courtship in eighteenth-century Britain, citing the prevalence of the practice of bride abduction as evidence.<sup>70</sup>

Aside from sexual aggression, other elements of these cases appear in the courtship rituals of other couples. Beds, for example, appear to have held a central position in courtship. John Caldwell, who spent his youth in County Antrim, recalled in his memoirs how beds were used as playful spaces for young women and men to behave flirtatiously. According to Caldwell, in his youth, he and other young women and men (especially ‘bachelors’) would climb onto a specially constructed two-wheeled car, which was covered in straw or ‘sometimes a feather bed covered with a neat quilt or bedspread’ and ‘cajol[e] away their cares’.<sup>71</sup> Indeed, the sharing of beds by young couples, known as ‘bundling’, seems to have been a recognised form of courtship behaviour that was practised by some members of the community. Bundling involved a couple sleeping together, fully clothed, on the same bed or couch, and was designed to allow women and men to spend the night together to gauge their general and sexual compatibility before marriage. Although bundling was not supposed to involve sexual intercourse, it may have included

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Anna Clark, *Women’s silence, men’s violence: sexual assault in England, 1770–1845* (London, 1987), p. 40. See also Karen Harvey, *Reading sex in the eighteenth century: bodies and gender in English erotic culture* (Cambridge, 2004), pp 190–7.

<sup>69</sup> Clark, *Women’s silence*, p. 85.

<sup>70</sup> Katie Barclay, ‘From rape to marriage: questions of consent in eighteenth-century Britain’ in Anne Greenfield (ed.), *Interpreting sexual violence, 1660–1800* (New York, 2016), p. 39. For discussions of abduction in Ireland, see Maria Luddy, ‘Abductions in nineteenth-century Ireland’ in *New Hibernia Review*, xvii, no. 2 (Summer 2013), pp 17–44; Toby Barnard, *The abduction of a Limerick heiress: social and political relations in mid-eighteenth century Ireland* (Dublin, 1998); James Kelly, ‘The abduction of women of fortune in eighteenth-century Ireland’ in *Eighteenth-Century Ireland*, ix (1994), pp 7–43.

<sup>71</sup> John Caldwell Junior, ‘Particulars of a north county Irish family, 1850’ (P.R.O.N.I., T3541/5/3).

petting and touching.<sup>72</sup> The extent to which bundling was practised in Britain is subject to debate. Whereas English historians are divided as to whether the practice existed at all, it is generally accepted that the practice was widespread among the poorer classes in Wales and Scotland.<sup>73</sup> Bundling has not gained much attention from Irish historians, but examples of the practice do survive in Presbyterian church records.<sup>74</sup>

The case of Agnes Kirk, who we met at the beginning of this article, provides an excellent example of this behaviour. Although she admitted to sharing a bed with the unnamed servant man, Agnes denied that the pair had ever had 'any carnal dealings' and named her friend, and bedfellow, Jean Smyth, as witness.<sup>75</sup> Smyth corroborated Agnes's version of events and 'own[ed] she lay in bed with [Agnes] while said young man came'.<sup>76</sup> Her presence in the bed with the couple ensured that their bundling remained chaste and it is for this reason that Agnes was censured for imprudent behaviour and not fornication. Moreover, it should be noted that Agnes's behaviour does not appear to have been much different from that of other young people in her community. In an effort to stem this apparently popular practice among the youth of Cahans, the session decided to make the particulars of the case public and issued a 'warning ... to all young men not to go into young women's beds it being a running into the way of Temptations to Sin'.<sup>77</sup>

The evidence presented thus far suggests that sexual activity played a role in courtship rituals. The minutes of Ulster Presbyterian sessions reveal that couples participated in a range of sexual behaviours that stopped just short of intercourse. Bundling, grabbing, groping, touching and petting all appear in discipline cases. The couples discussed above also appear to have had a degree of freedom to meet in private and without much supervision, so long as they did so with the prior knowledge (and approval) of their families and friends. Relationships only became problematic when courting couples behaved in ways outside the agreed 'parameters of appropriateness'.<sup>78</sup> These courtship practices have much in common with those recorded by English and Scottish historians of sex and sexuality. Indeed, the phrase 'pretended courtship', with which this article opened, was also a term used by the eighteenth-century English diarist John Cannon to describe his courting behaviours when a

<sup>72</sup> Yochi Fisher-Yinon, 'The original bundlers: Boaz and Ruth, and seventeenth-century English courtship practices' in *Journal of Social History*, xxxv, no. 3 (Spring 2002), pp 683–4; Godbeer, 'Courtship and sexual freedom', pp 9–13.

<sup>73</sup> See for example, T. C Smout, 'Aspects of sexual behaviour in nineteenth-century Scotland' in A. Allan McLaren (ed.), *Social class in Scotland: past and present* (Edinburgh, 1981), pp 76–8; Barclay, 'Intimacy, community and power', pp 43–62; Mitchison and Leneman, *Sexuality and social control*, pp 182–3; Lawrence Stone, *Road to divorce: England, 1530–1987* (Oxford, 1992), pp 61–2; idem, *Uncertain unions: marriage in England* (Oxford, 1992), pp 66–7; Adair, *Courtship, illegitimacy and marriage*, p. 6; Muir, 'Courtship, sex and poverty', p. 67.

<sup>74</sup> There are also references to the practice in contemporary traveller accounts. See John Carr, *The stranger in Ireland: or, a tour in the southern and western parts of that country in the year 1805* (New York, 1807), p. 6.

<sup>75</sup> Cahans kirk session minutes, 31 July 1754 (P.R.O.N.I., CR3/25B/1).

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Hardwicke, 'Policing paternity', p. 647.



young man.<sup>79</sup> At the same time, the Ulster evidence adds something new to the literature. The evidence for bundling, for example, injects a new geographical comparator into the debate.

### III

As a relationship progressed, what role did sex play in the transition from courting to married couple? Was sexual intercourse part of the normal route to marriage? Kirk session minute books reveal that young couples did participate in sexual activities that went beyond touching and petting. Historians of Presbyterianism, in both Ulster and Scotland, have noted that the discipline of sexual misdemeanours accounted for a large proportion of church business. Indeed, an analysis of a representative sample of eleven Ulster kirk session minute books confirms this point, with sexual offences comprising approximately 44 per cent of all discipline cases. Moreover, of the types of sexual offence that occurred, it was those committed by unmarried persons that predominated, with fornication and pre-marital fornication returning almost 56 per cent and 39 per cent of all recorded sexual offences respectively.<sup>80</sup> To what extent, however, were these transgressions committed in pursuit of marriage?

In common with adherents of other religious traditions in Ireland, members of the Presbyterian community in Ulster were also expected to follow and obey certain rules governing the making of marriage.<sup>81</sup> The Presbyterian form of marriage and its guidelines were laid out in two main documents: the Westminster Confession of Faith and the Directory for Public Worship. Marriage was open and free to all provided that the union was not within the bounds of affinity and consanguinity prohibited by church law, that the parties were both free from prior marriage, and that they had reached the age of, or obtained from parents or guardians, consent.<sup>82</sup> The Directory also contained a section on 'The Solemnization of Marriage', which outlined the steps that were

<sup>79</sup> Other variations of this term included 'cupboard love'. See Hitchcock, *English sexualities*, pp 30–2.

<sup>80</sup> These figures are based on the kirk session minute books belonging to the following communities: First Dromara, 1780–1805 (P.R.O.N.I., T1447/1); Ballykelly, 1803–19 (Presbyterian Historical Society of Ireland (hereafter P.H.S.I.)); Boardmills, 1784–1816, 1824–42 (P.R.O.N.I., MIC1P/72/2); Cahans, 1784–1836 (P.R.O.N.I., CR3/25/B/2); Carland, 1780–1802 (P.H.S.I.); Carnmoney, 1786–1821 (P.R.O.N.I., MIC1P/37/4/9); Coronary, 1780–87 (P.R.O.N.I., MIC1P/179/1A&1B); Glascar, 1780–1818 (P.H.S.I.); Loughaghery, 1801–44 (P.R.O.N.I., CR3/8/1); Magherahamlet, 1832–43 (P.R.O.N.I., D2487/1); Rathfriland, 1805–37 (P.R.O.N.I., T1539/2).

<sup>81</sup> For a discussion of the marriage practices of other religious communities see, Patrick J. Corish, 'Catholic marriage under the penal code' in Art Cosgrove (ed.), *Marriage in Ireland* (Dublin, 1985), pp 67–77; S. J. Connolly, *Priests and people in pre-Famine Ireland, 1780–1845* (Dublin, 1982, repr. 2001), pp 173–207; Phil Kilroy, 'Quaker women in Ireland, 1660–1740' in *Irish Journal of Feminist Studies*, ii (1997), pp 1–16; Adrian Davies, *The Quakers in English society, 1655–1725* (Oxford, 2000), pp 91–100.

<sup>82</sup> The Presbyterian Church in Ireland, *The constitution and discipline of the Presbyterian church: with a Directory for the celebration of ordinances, and the performance of ministerial duties, published by the authority of the General Synod of Ulster* (Belfast, 1825), p. 40 (hereafter cited as *The Code*).

to be taken to formalise a marriage. Before solemnisation could take place, banns of marriage were to be published in each of the couple's respective congregations on three successive sabbaths. After the publication of banns, the marriage was not to be long deferred, and was to be celebrated in the meeting house, by the minister of the congregation, before a competent number of witnesses and at a convenient hour of the day.<sup>83</sup> Sexual intercourse did not have a place in these formal rituals.

It should be remembered, however, that while Presbyterian church courts exercised control over the marriages of their own members, their power to do so was disputed throughout the eighteenth and nineteenth centuries. Moreover, Presbyterian church courts had no authority over marriages contracted by persons outside of their own communion. The reason for this was that until the late nineteenth century, Ireland was a confessional state, in which access to political power and the enjoyment of full civil rights was dependent on membership of the established Anglican church.<sup>84</sup> Those who dissented, such as Presbyterians and Roman Catholics, suffered discrimination as a result. J. C. Beckett has argued that of all the forms of discrimination that Presbyterians endured, it was the action taken against them in the ecclesiastical church courts concerning marriage which grieved the laity most.<sup>85</sup> Presbyterian ministers who performed marriages were charged with having done so clandestinely, while lay persons so married were charged as fornicators.<sup>86</sup> Indeed, it was not until 1845 that marriages performed by Presbyterian ministers were confirmed as legally unassailable under the Marriage (Ireland) Act. This included those between two Presbyterians, as well as those between a Presbyterian and a member of the Anglican church.<sup>87</sup>

While sexual intercourse did not *officially* play a part in the making of marriage, there does seem to have been an awareness on the part of Presbyterian courts that members of the community did contract marriage in this way. For example, when Elizabeth Allon appeared before the session of Cahans in April 1784, professing her sorrow for the sin of fornication with Andrew McWilliams, the session 'demanded to know was there any obligation betwixt them that ... he would marry her'.<sup>88</sup> The session also refused to accept the claim of Mary Cinnacem in July 1790 that she did not know the name of

<sup>83</sup> *Confession*, pp 495–7. See also Holmes, *Shaping of Ulster Presbyterian practice and belief*, p. 217.

<sup>84</sup> D. W. Hayton, 'Presbyterians and the confessional state: the sacramental test as an issue in Irish politics, 1704–1780' in *Bulletin of the Presbyterian Historical Society*, xxvi (1997), p. 11. See also, I. R. McBride, 'Presbyterians in the penal era' in *Bullan*, i, no. 2 (1994), pp 73–86; idem, 'Ulster Presbyterians and the confessional state, c.1688–1733' in D. G. Boyce, Robert Eccleshall and Vincent Geoghegan (eds), *Political discourse in seventeenth- and eighteenth-century Ireland* (Basingstoke, 2001), pp 169–92; S. J. Connolly, *Religion, law and power: the making of Protestant Ireland, 1660–1760* (Oxford, 1992), pp 159–70, 307–13. The Irish Church Act, which disestablished the Church of Ireland and removed the link between church law and common law, came into effect on 26 July 1869.

<sup>85</sup> J. C. Beckett, *Protestant Dissent in Ireland, 1687–1780* (London, 1948), p. 116.

<sup>86</sup> *Ibid.*

<sup>87</sup> For a discussion of the legality of Presbyterian marriage, see, J. M. Barkley, 'Marriage and the Presbyterian tradition' in *Ulster Folklife*, xxxix (1993), pp 30–1.

<sup>88</sup> Cahans kirk session minutes, 11, 18 Apr. 1784 (P.R.O.N.I., CR3/25B/2).

the man she had committed fornication with, telling her to come back at a later date and swear to that effect.<sup>89</sup> Similarly, when William Boyd Junior appeared before the session of Carnmoney in 1799, confessing his sin of fornication with Mary Scott, the session assumed that the couple would subsequently marry.<sup>90</sup> Much to their surprise, however, William declined and the session decided to prevent him from receiving church privileges due to his ‘temper’.<sup>91</sup>

In cases where promises of marriage had been exchanged, what the session was most concerned with was discovering the form that the promise of marriage had taken. Technically, a marriage was made by the exchange of free and mutual consent of the contracting parties. While the presence of a minister made a marriage ‘regular’ by Presbyterian standards, his absence did not make it invalid. The minister was only to declare the couple married, ratifying the consent each party had given to the union.<sup>92</sup> It was affirmation of consent which made a marriage, not the presence of a minister.<sup>93</sup> This technicality sometimes caused confusion between the laity and the session over what constituted regular marriage. A good example of this can be found in the case of William Jackson, who appeared before the session of Cahans in December 1833. It appears that William asked for his child to be baptised and the session, having no record of his having been married by the minister, asked him to produce proof of his marriage and the legitimacy of the child. The minutes record that William, ‘pleased that on January 1<sup>st</sup> 1833 he and his wife became pledged to each other according to the form in the Directory for Marriage and that of course his child was lawfully begotten’.<sup>94</sup> This admission bamboozled the kirk session and they submitted the following question to the advice of the presbytery: ‘If a man and woman bind themselves privately to each other by that form acknowledged to be right when used before witnesses are they guilty of fornication if they cohabit together as man and wife?’<sup>95</sup> The problem for the session was that the couple had declared their mutual consent to the union, following the rules outlined in the Directory. They had also consummated the marriage, produced a child, and cohabited as man and wife. The marriage was by all accounts valid, but lacked the blessing of a minister. It is likely that for this reason the presbytery decided that the couple were guilty of fornication and denied them access to baptism.<sup>96</sup>

In such cases, the session was particularly concerned about how the promise of marriage was couched. A statement of consent by the parties to be married,

<sup>89</sup> *Ibid.*, 12 July 1790.

<sup>90</sup> Carnmoney kirk session minutes, 6 June 1799 (P.R.O.N.I., MIC1P/37/4/9).

<sup>91</sup> *Ibid.*, 4 Apr., 2 May, 6 June 1799.

<sup>92</sup> Mitchison and Leneman, *Sexuality and social control*, pp 79–85; *idem*, ‘Clandestine marriage in the Scottish cities, 1660–1780’ in *Journal of Social History*, xxvi, no. 4 (Summer 1993), pp 845–61; T. C. Smout, ‘Scottish marriage, regular and irregular, 1500–1940’ in R. B. Outhwaite (ed.), *Marriage and society: studies in the social history of marriage* (London, 1981), pp 204–36; R. B. Outhwaite, *Clandestine marriage in England, 1500–1850* (London, 1995).

<sup>93</sup> Hardwicke’s marriage act of 1754, which removed the legal force of contracts made in both the present and future tenses, did not apply in Ireland. See Deborah Wilson, *Women, marriage and property in wealthy landed families in Ireland, 1750–1850* (Manchester, 2008), pp 31–2.

<sup>94</sup> Cahans kirk session minutes, 29 Dec. 1833 (P.R.O.N.I., CR3/25/B/2).

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

in the present tense, known as *verba de praesenti*, was regarded as a valid marriage contract in Ireland.<sup>97</sup> During the medieval and early modern periods, many couples took another route to marriage known as *verba de futuro* – a future promise of marriage, followed by sexual intercourse.<sup>98</sup> This form of marriage was not accepted by Presbyterian church courts as valid because it constituted a contract *to marry* rather than a contract *of marriage*. As a marriage was essentially made by the exchange of free and mutual consent between the contracting parties, church courts had no power to compel individuals to honour marriages made in this way. For example, when Mary Graham appeared before the session of Cahans in January 1784 and announced that she was pregnant with Robert Harris's child, she stated that they had 'repeated the words in the Confession of Faith' before engaging in sexual intercourse.<sup>99</sup> Although Robert Harris confirmed Mary's story, stating that 'they swore to go together to Cookseys' (a defrocked clergyman who celebrated marriages) and 'said over the words of the Confession of Faith' before having 'criminal correspondence', he did not agree that their actions made a marriage. Instead, Harris stated that he did not intend to marry Mary and did not believe that the child she was carrying was his.<sup>100</sup>

A similar case involving an alleged promise of marriage, fornication and an illegitimate child also came before the session of Ballybay in May 1811. According to the minutes of the case, Elizabeth Nesbit applied to the session and charged a man named George Taylor with being the father of her child. Elizabeth alleged that Taylor had 'seduc[e]d her, by promising to marry her' and that she 'had a child by him'.<sup>101</sup> George Taylor denied these accusations and swore 'that he never promised to marry her & that he never had carnal dealings with her'.<sup>102</sup> The case was further complicated by the fact that Elizabeth had subsequently married another man. She did, however, swear that 'she never had carnal dealings with any other man before that child was born, or with any man since, but her own husband'.<sup>103</sup> Due to the complicated nature of the case, it was referred to the presbytery of Monaghan for their consideration. The presbytery launched an investigation and invited each of the parties to give evidence. In order to prove her claim, Elizabeth produced Doctor McAdam, who swore to the presbytery that 'when he went to deliver [the baby] ... Elizabeth told him that George Taylor was the father of the child'.<sup>104</sup> This evidence was accepted by the presbytery, which 'unanimously

<sup>97</sup> Leah Leneman, "'No unsuitable match": defining rank in eighteenth- and early nineteenth-century Scotland' in *Journal of Social History*, xxxiii, no. 3 (Spring 2000), p. 667.

<sup>98</sup> See R. J. Gillis, *For better, for worse: British marriages, 1600 to the present* (Oxford, 1985), pp 126–8; Adair, *Courtship, illegitimacy and marriage*, pp 101, 146; Luddy, *Matters of deceit*; Kenneth M. Boyd, *Scottish church attitudes to sex, marriage and the family, 1850–1914* (Glasgow, 1980), pp 46–9; Leneman, "'No unsuitable match'", pp 665–82; Mitchison and Leneman, *Sexuality and social control*, pp 85, 99–100.

<sup>99</sup> Cahans kirk session minutes, 9 Jan. 1784 (P.R.O.N.I., CR3/25/B/2).

<sup>100</sup> *Ibid.*

<sup>101</sup> Minutes of the presbytery of Monaghan, 7 May 1811 (P.H.S.I.).

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*, 11 June 1811.

agreed' that the pair had engaged in sexual intercourse before Elizabeth's marriage with her present husband.<sup>105</sup>

Aside from the possibility that such unions could result in illegitimate children and cases of disputed paternity, another reason why Presbyterian courts disapproved of marriages contracted with private oaths was because they were tricky to police. In the absence of witnesses, it was difficult to prove that promises of marriage had been exchanged. Many women who did contract marriage in this way were subsequently deserted. For example, when Rebecca Vint appeared before the session of Carnmoney in October 1814 for the sin of fornication with a man named John McGaa, the session noted that he afterwards 'deserted her'.<sup>106</sup> The session book of First Dromara, County Down, likewise contains numerous references to women whose husbands 'went off' or 'eloped' from them shortly after contracting marriage.<sup>107</sup>

Kirk session minutes also suggest that some men pledged marriage to multiple women with no intention of following through on their promises. For example, when Elinor Beck appeared before the session of First Dromara, County Down, confessing the sin of fornication with Walter Neuse, the session asked her for details of the promise that the pair had exchanged. According to Elinor, Walter had promised himself to her on more than one occasion and 'swore by the eternal God that he never would enjoy any but her'.<sup>108</sup> Elinor had also made similar promises to Walter and swore that she would never 'quit him', even if she received a marriage proposal that 'might raise her fortune'.<sup>109</sup> The session was particularly interested in this case as it transpired that Walter subsequently made promises to and married another young woman, despite his earlier vows to Elinor.<sup>110</sup> Indeed, if his earlier promises to Elinor had been made in the present tense, his subsequent marriage would technically have been invalid and bigamous in the eyes of the Presbyterian church. Another repeat offender was William McCrackin, who appeared before the session of Cahans in December 1754. According to the session minutes: 'William McCrackin ... owned that he had on some few times sat on Marg[are]t Gray's bed-side & other times leaned on the bed when in suit of her for marriage & that he also had made private promissory oath[s] to her about that time even before proclamation with Hannah Eliot.'<sup>111</sup> Although sexual intercourse is not explicitly mentioned in this case, it is notable that William chose the space of the bed as the site of his marriage proposals. As in the case of courtship, sex (or at least the promise of it) played a role in marriage rituals.

#### IV

As the examples in this article have shown, sex and other forms of sexual activity played an integral role in the intimate lives of Presbyterian women and

<sup>105</sup> *Ibid.*, 31 Mar. 1812.

<sup>106</sup> Carnmoney kirk session minutes, 6 Oct. 1814 (P.R.O.N.I., MIC1P/37/4/9).

<sup>107</sup> First Dromara kirk session minutes, 3 Oct. 1794, 22 Apr. 1796, 25 Apr. 1800, 4 Oct. 1805 (P.R.O.N.I., T1447/1).

<sup>108</sup> Cahans kirk session minutes, 17 May 1772 (P.R.O.N.I., CR3/25/B/2).

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*, 1 Dec. 1754.

men in eighteenth- and nineteenth-century Ulster. Far from being strictly chaste, some courting couples participated in a range of sexual behaviours that stopped just short of intercourse. Petting, fondling and groping appear frequently in church court minutes. While many of these encounters were focused around the physical space of the bed, couples were spontaneous and took advantages of other opportunities as and when they arose. Moments were snatched in fields, barns, community dances, the workplace and even on roads. Sex also played a role in the transition that women and men made from courting to married couples. As the cases above have revealed, many couples engaged in sexual intercourse after exchanging promises to marry. While generalisations should not be drawn about the rest of Ireland, it is important to note that these findings have much in common with research conducted by historians working in England, Scotland and North America. In Ulster, as elsewhere, women and men participated in a 'spectacular' range of sexual relationships.<sup>112</sup>

Pulling together the findings of this article, it is important to reflect on why the study of sex and sexual behaviour is valuable. What can we learn from a study of Ulster Presbyterian sex? This article furthers the field of sexuality studies in two important ways. Firstly, it enriches our understanding of sexuality and social control in Ireland. There is a tendency among Irish historians to exclude the Ulster Presbyterian case from analyses of Irish sexuality on account of its anomalous association with illegitimacy and perceived tolerance of pre-marital sexual activity. As this study has shown, however, the boundaries between licit and illicit sexual behaviour were not clear-cut. Similar to Julie Hardwicke's analysis of sex in early-modern France, Presbyterian couples operated within agreed 'parameters of appropriateness'.<sup>113</sup> As was the case in Britain, sex was regarded by individuals and their communities as part of the process of marriage. When courting couples participated in them, groping, fondling and petting were not illicit. For this reason, we need to exercise caution in labelling pre-marital sexual activities as 'indicative of a sexually promiscuous and liberal mindset'.<sup>114</sup> The popular image of the chaste and pure Irish should likewise be treated with caution. That Irish Catholics also engaged in pre-marital sexual activities is evident from the country's infanticide rate. It is arguable that the tropes of the chaste and pure (Catholic) Irish and their counterpart, the promiscuous Ulster Presbyterian, exist more firmly in the recent cultural imagination than in reality.<sup>115</sup>

Secondly, a study of Ulster Presbyterian sex contributes to wider debates in the historiography of British sexuality. The above discussion has revealed that there were many parallels between the rituals of courtship in Ulster and those recorded elsewhere in England, Scotland and Wales. This is important because the Ulster Presbyterian case has not received as much attention as it should from British historians, partly because it is regarded as offering only a regional perspective. Given the parallels outlined in this article, this is clearly not the

<sup>112</sup> McLoughlin, 'Women and sexuality', p. 266.

<sup>113</sup> Hardwicke, 'Policing paternity', p. 647.

<sup>114</sup> Gibson and Begatio, *Sex and the church*, p. 88.

<sup>115</sup> The 'loose' morals of the population of Ulster is a theme in some literary works. See, for example, Frank McCourt, *Angela's ashes: a memoir of childhood* (London, 1996), pp 6–7. A discussion of this popular perception can be found in Blaikie and Gray, 'Archives of abuse and discontent?', pp 62, 256.



case. Moreover, the references to practices such as bundling add a new geographical comparison to the debates. If bundling was not popular in England, what made it so in Ulster, Wales and Scotland? Further research is required, but it is possible that a combination of religious nonconformism and economic development played a part. At the same time, the example of Ulster also tells us something new about the role played by the community in enforcing social and moral norms. Unlike in Scotland, the Presbyterian church in Ireland carried no legal weight. Church discipline could not be enforced on its members and was undertaken on a voluntary basis. The communal nature of discipline, therefore, not only tells us about the church's attitude to sex and sexuality, but also the wider values of the people who made up its community. Moreover, it is important to note that the Presbyterian church in Ireland continued to exercise sexual discipline over its members long after ecclesiastical discipline had begun to decline in England and Scotland.<sup>116</sup> Ulster therefore offers an interesting comparator and a strong case can be made for incorporating it within the broader comparative framework of the family, sex and marriage in Britain.<sup>117</sup>

<sup>116</sup> See, Martin Ingram, *Church courts, sex and marriage in England, 1570–1640* (Cambridge, 1987), pp 1–24; Mitchison and Leneman, *Sexuality and social control*, pp 28–43; Blaikie and Gray, 'Archives of abuse and discontent', pp 69–70, and discussion in footnote, p. 257.

<sup>117</sup> This article was a 'highly commended' entry for the Women's History Association of Ireland–*Irish Historical Studies* Publication Prize in 2017.