



A CRISIS OF SUBSISTENCE: THE DECLINE OF WOMEN'S GLEANING RIGHTS IN NINETEENTH-CENTURY ESSEX

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Abstract

This study examines the transformation of women's gleaning practices in Essex, a predominantly agrarian county in southeastern England, between 1830 and 1890. Against the backdrop of land privatization, agricultural capitalism, and shifting legal interpretations of customary rights, gleaning—a long-standing survival strategy for rural poor women—became increasingly criminalized. As courts progressively prioritized landowners' claims over customary access, the erosion of gleaning rights signalled a broader crisis of subsistence, in which marginalized communities lost access to informal economies that had sustained them for generations. Three interrelated processes drove this shift. First, legal ambiguity rendered gleaning increasingly precarious; judicial rulings oscillated between recognizing its economic necessity and reinforcing property rights, ultimately undermining poor women's claims. Second, gendered moral scrutiny shaped legal outcomes, as female gleaners were often portrayed as disorderly trespassers rather than impoverished labourers seeking sustenance. Finally, changes in labour structures further restricted gleaning: by limiting post-harvest access to the families of hired farmworkers, landowners not only extended surveillance mechanisms into rural households but also deepened the exclusion of women without formal employment. These shifts left non-wage-earning women particularly vulnerable, forcing them to choose between destitution and legal prosecution. This study argues that the decline of gleaning in Essex exemplifies the intersection of economic dispossession, legal marginalization, and gendered discipline in nineteenth-century rural Britain. The crisis of gleaning highlights the precariousness of informal economies under industrialization, illustrating how legal frameworks and capitalist property regimes exacerbated class and gender inequalities. This case contributes to broader discussions on historical subsistence crises, legal exclusion, and the enduring consequences of economic restructuring for marginalized communities.

Keywords

Subsistence, Economic Dispossession, Agricultural Capitalism, Economies

Literature Review

The study of female gleaning has emerged as a crucial lens for understanding women's experiences of economic marginalization in rural England. Previous research has established several key frameworks for understanding this practice. First, gleaning represented a form of customary rights that persisted despite increasing agricultural commercialization. Peter King's essential findings are the partial advantage gained by scavengers in legal disputes and the informal sanctions used by property owners to restrict gleaning.¹

¹ Peter King, "Gleaners, Farmers and the Failure of Legal Sanctions in England 1750-1850," *Past & Present* 125, no. 1 (1989): 116-150.

Second, Lane situates the ‘marginalized work’ of poor women in the eighteenth and early nineteenth centuries within the explanatory framework of the ‘informal economy’, including scavenging, firewood collection, theft, and prostitution, where the appropriation of materials by urban workers and their sale is seen as scavenging’s ‘customary rights’ perpetuated in the textile and brewing industries.²

Third, while archival limitations have posed challenges for studying rural women’s experiences, economic records and parliamentary commissions have provided valuable insights into patterns of rural women’s employment.³ Nicola Verdon assesses the situation in the agricultural regions of early nineteenth-century England and parliamentary commissions, including the Poor Law Report of 1834, outlining patterns of rural women's employment in the 19th century.⁴

Legal Foundations: Gleaning Rights Between Custom and Necessity (1780s-1830s)

Firstly, the study focuses on an agricultural report reprinted by the *Essex Standard* in November 1833 from the *Bury Post*. This report explicitly delineates how the gleaning activities of women and children contribute to the seasonal food supply of households. In the report, the author enthusiastically declares that the labourers’ wives and children are able to collect substantial quantities of grain, suggesting that rural residents nationwide might continue to rely on gleaning for sustenance throughout the forthcoming December. This estimation is based on their August assessment of household gleaning data for that year: an active woman can glean four bushels of wheat, while her three eldest children can collectively glean six bushels. Assuming an annual consumption of one quart of wheat per person, a family of five (comprising parents and three children) requires forty bushels annually. Therefore, the ten bushels gleaned would suffice to sustain such a family for three months.⁵ Although the reason why describing the gleaning conditions was mainly to validate the author’s optimistic projection regarding the post-Christmas increase in grain prices, the report also reveals an acknowledgment of gleaning as a means of poverty alleviation and as a customary right of rural women. This recognition, however, does not take into account the extent to which women and children were able to access these grain sources. Additionally, gleaning was, to some extent, perceived by commentators on agricultural economics as a non-market behaviour and a marginalized distribution mechanism that delayed the functioning of the market economy, even acting as a hindrance when there was an imbalance between the supply and demand of agricultural products. In numerous legal debates during the 18th and 19th centuries, the delineation of gleaning rights was a recurrently contested issue, particularly in years of poor grain harvests. An example of this is the 1795 regulation by the Terling vestry in Essex, which granted gleaning rights to industrious impoverished families with large households, abandoning previous classifications based on age and labour capability.⁶ It can be observed that within parishes, the remedial nature of gleaning was more explicitly recognized.

Referring to the report, under the influence of agricultural economic considerations, court judgments might not prioritize farmers’ permissions or, more aptly, their charitable intentions, as seen in a significant 1788 precedent⁷. Instead, decisions were more closely related to the yields of the particular year and local customs. The legal declaration “No person has at Common Law a right to glean in the harvest field” did not necessarily hold as an unassailable principle in the minds of juries across numerous actual cases.⁸ Moreover, the 1788 case may have exemplified an effort by farmers to impose some token

² P. Lane, "Work on the Margins: Poor Women and the Informal Economy of Eighteenth and Early Nineteenth-Century Leicestershire," *Midland History* 22 (1997): 85-99.

³ K. D. M. Snell, "Agricultural Seasonal Unemployment, the Standard of Living, and Women's Work in the South and East, 1690-1860," *The Economic History Review* 34, no. 3 (1981): 407-437.

⁴ Nicola Verdon, "Differing Views of Rural Women's Work in Documentary Material: An Overview of Printed Sources," in *Rural Women Workers in Nineteenth-Century England* (Woodbridge: Boydell & Brewer, 2002), 40-76.

⁵ "AGRICULTURAL & COMMERCIAL HERALD." *Essex Standard*, November 16, 1833. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3208396255/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=4cdefb87.

⁶ Peter King, "Customary Rights and Women's Earnings: The Importance of Gleaning to the Rural Labouring Poor, 1750-1850," *The Economic History Review* 44, no. 3 (1991): 471.

⁷ Peter King, "Gleaners, Farmers and the Failure of Legal Sanctions in England 1750-1850," *Past & Present* 125, no. 1 (1989): 118.

⁸ Peter King, "Legal Change, Customary Right, and Social Conflict in Late Eighteenth-Century England: The Origins of the Great Gleaning Case of 1788," *Law and History Review* 10, no. 1 (1992): 32.

deterrent on widespread and unregulated gleaning, and the judgment was merely a unique and exceptional victory. At least, this was the situation in Essex in the 1830s.

Furthermore, although King posits that legal actions concerning gleaning did not involve children or widowed women receiving relief, this conclusion does not hold true for cases in Essex from 1848 and 1890. In one such case involving three children approximately seven years old, the jury did not find evidence that the children were directed by any adults. Nevertheless, the judge issued particularly severe warnings to the juvenile gleaners, informing them that they must obtain the landowner's permission to collect wheat and that any subsequent offenses would result in imprisonment and flogging.⁹ The court's special caution about their behaviour remains to prevent the distinction between scavenging and stealing from being blurred. Additionally, apprehensions regarding crimes committed by the impoverished were prominently featured in the *Essex Standard* in February 1848. A mortality report from 1846 covering 115 regions in England indicated that deaths due to cold and starvation had doubled compared to previous years. Furthermore, in December 1846, 397 individuals died from violence, nearly 100 more than in December 1845.¹⁰ Another article in the same newspaper sympathetically described the significant increase in beggars within urban areas, mentioning "pitiful women cradling infants or accompanied by children, as well as cripples, the disabled, the sick, young women, little girls, and all those who suffer." The article specifically stated: 'No small proportion betray their Celtic origin in their garb, their costume, and, it must be added, their winning address.'¹¹ This description of Celtic beggars appeared in February 1848, coinciding with the severe period of the Irish Famine (1845-1852), when large numbers of Irish immigrants flooded into English cities seeking survival opportunities.¹² Similar to gleaning disputes in Essex, economically marginalized groups in urban environments also faced complex intersections of identity and rights. Broeker's research shows that nineteenth-century English urban news media often combined superficial sympathy with implicit prejudice in their descriptions of Irish Celtic immigrants, viewing their poverty as an 'ethnic characteristic' rather than the result of economic structural problems¹³.

These observations supplement our understanding of women's economic marginalization. Just as court cases in Essex showed gleaning women being excluded for "not belonging to that parish," Celtic women in urban environments were similarly marked by their ethnic identity, limiting their ability to access informal economic resources. The *Essex Standard*'s description of "winning address" is particularly noteworthy, reflecting both observations of Celtic people's communication strategies and implying the then-popular stereotype of the Irish as 'cunning.'¹⁴ This practice of associating impoverished women with specific ethnic characteristics echoes the discourse that described gleaning women as 'disorderly.' Swift's research found that mid-nineteenth-century English urban police reports often linked the "dangerousness" of female paupers to their ethnic background, with Irish Celtic women particularly likely to be classified as 'suspicious persons.'¹⁵ This intersectional stigmatization bears similarities to the territorial xenophobia exhibited in the Essex courts in the case of Sarah Drane and Harriet Keeble, except that in urban environments, such exclusion was more obviously associated with ethnic identity.

⁹ "CHELMSFORD." *Essex Standard*, August 11, 1848. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3208600840/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=744722fa.

¹⁰ "INCREASE OE MENDICANCY." *Essex Standard*, February 4, 1848. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3208599927/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=b2277bb7.

¹¹ "INCREASE OE MENDICANCY." *Essex Standard*, February 4, 1848. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3208599927/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=b2277bb7.

¹² Grada, Cormac O, and Kevin H O'Rourke. "Migration as Disaster Relief: Lessons from the Great Irish Famine." *European Review of Economic History* 1, no. 1 (1997): 3.

¹³ Broeker, Galen. "The Tories and Ireland, 1812-30." *Rural Disorder and Police Reform in Ireland, 1812-36*, London: Routledge & Kegan Paul; Toronto: University of Toronto Press, 1970, p. 3.

¹⁴ Curtis, Lewis P. "the Cartoonists' Context," *Apes and Angels: The Irishman in Victorian Caricature*. Washington: Smithsonian Institution Press, 1997, 94.

¹⁵ Swift, Roger. "Crime and the Irish in Nineteenth-Century Britain." *The Irish in Britain, 1815-1939*, edited by Roger Swift and Sheridan Gilley, London: Pinter, 1989, 163.

In an 1890 case, two juvenile gleaners, aged eleven and thirteen, were fined.¹⁶ Journalists strongly advocated for the expansion of shelters and workhouses to address the criminal behaviour of impoverished women and juveniles. The association between poverty and crime was distinctly identified in discussions on urban governance, occasionally creating opportunities for lenient sentencing. However, the attitudes of both the courts and the press towards these cases were complex and multifaceted.

Gender and Justice: The Social Construction of Female Gleaning (1830s-1850s)

Thus, we enter the actual courtroom scenarios of gleaning disputes over access rights in Essex. The harshest sentencing in these cases was that of a 'Family Gang' in 1834, the family including the mother, Sarah Hardy, and her four sons.¹⁷ While primarily charged with systematic theft of poultry and grain from neighbouring parishes, the case's significance lies in how gleaning rights intersected with accusations of theft. Two of Hardy's sons worked on Robert Smith's farm, and their cottage was situated near the property, complicating the distinction between legitimate gleaning and theft. The prosecution needed to prove that the grain in the family's possession wasn't obtained through gleaning. Their key witness, John Choat, a miller from Weathersfield, testified that Sarah Hardy had disclosed her sons were forced to accept grain as wages, a claim the plaintiff denied. Hardy's vague defence that she "did not glean all the corn" was undermined by physical evidence: the wheat samples contained soil and barley mixtures inconsistent with gleaned grain, leading the chairman to dismiss her gleaning defence as fabricated.

The court's response reflected complex attitudes toward family criminality and gender. While condemning the "wretched family" for "atrocious crimes," particular moral responsibility was assigned to the 70-year-old Sarah Hardy for "leading these young men to certain destruction." The sentencing revealed both condemnation and compassion: her son Robert received 7 years of exile for being "less involved," while his brothers faced 28 years. Sarah Hardy's sentence of 12 months of hard labour was explicitly mitigated by her "great age and little time to live."

Another such case in 1836 involved a conflict between two women: Sarah Drane was accused of assaulting Harriet Keeble of the Aldham parish. The dispute arose when Keeble and others entered a field in a neighbouring parish to glean, prompting Drane to oppose their activities by claiming they had no right to do so because they did not belong to that parish. When Harriet Keeble refused to leave, Sarah Drane pushed her into a ditch and trampled her until she lost consciousness.¹⁸ The court records of this incident, which ultimately resulted in no punishment for anyone, mention that Keeble and her companions "unauthorized entered the fields of a neighbouring parish to glean." This description implies a potential legal controversy regarding whether gleaning is restricted by geographical or parish affiliations. The defendant, Drane, and her supporters attempted to portray the act of gleaning as illegal trespassing by emphasizing that Keeble "did not belong to that parish." Female gleaners, due to their poverty and mobility, might be labelled as "disorderly" or "encroachers," subjecting their actions to both moral judgment and economic anxiety. This is because gleaning, as an unstable source of income, could not easily meet the expectations outlined in the 1833 report. For female gleaners, proximity to fields facilitated easier collection, while fields within their own parish were more limited, making gleaning in other areas a risky endeavour. For instance, a report concerning a mother and daughter accused of stealing beans stated that they could only glean half a bushel of beans annually, yet they had sold more than this quantity to others, thereby establishing theft.¹⁹ This indicates that estimates of the quantities obtained through seasonal gleaning may have been integrated into local court assessment practices to differentiate the 'crime' of theft from the ambiguously defined behaviour of gleaning.

¹⁶ "Multiple News Items." *Essex Standard*, September 6, 1890, 7. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3214810316/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=77c23b21.

¹⁷ "ESSEX ADJOURNED SESSION." *Essex Standard*, February 22, 1834. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3208396702/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=e41ea51e.

¹⁸ "COLCHESTER CASTLE." *Essex Standard*, September 2, 1836. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3210142325/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=c53cb6fb.

¹⁹ "Essex Adjourned Session." *Essex Standard*, February 22, 1839. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3208593159/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=872a0d11.

Although this dispute was between two women, court records reveal unequal treatment in their judgment. While Sarah Drain's violent actions of "pushing her into a ditch and trampling her" are explicitly documented, witness testimonies reframe Harriet Keeble as a "provocateur" who "threatened to retaliate and challenged to fight after recovering." This narrative shift deflects attention from the defendant's violence to the complainant's character, diminishing Drain's responsibility while portraying Keeble as the more aggressive party. The judge's dismissal of the case as a "disgraceful scene altogether" demonstrates a dismissive attitude toward women's conflicts and gleaning's marginalized status.

The 1842 case, more representative in its narrative tendencies, was reported as a separate story, written in mock dramatization and entitled Little Baddow Amazons. Featuring five scavenging women and a farmer suspected of being assaulted by them, Mr. Simmons, the farmer of Little Baddow, attempted to drive the five scavenging women from his fields and was protested by them. Mr. Simmons, the farmer of Little Baddow, tries to drive five scavenging women out of his fields and is protested by them, and the author uses the Greek myths of the warrior women and Hercules as a metaphor for them.²⁰ This satirical tone created a sense of distance and superiority, allowing reporters and readers to position themselves above the 'deviant' working-class women. The playful mockery provided a veneer that softened social criticism while still conveying normative messages about proper female behaviour. George Robb had already noted the tendency of newspaper reports of the time to portray working-class women as tall, powerful, and masculine in order to fit more closely into the imagery of their gender-nonconforming expectations.²¹

In addition, the description repeatedly portrays violent women, such as 'pulled off the horse', 'stoned', and 'torn to pieces', repeatedly highlighting Simmons' perspective of a sense of victimisation and fear, even though he was riding on a horse with spurs in his hands. In his writing, the female scavengers have rudeness that is beyond the realm of proper female behaviour. The author further likens them to the Bacchantes, the priestesses of Bacchus in Greek mythology, intending to emphasise that their behaviour not only violates gender norms, but also exhibits certain uncontrollable violence and collectivity - the carnivalesque connotations of Bacchantes are often associated with sexual liberation. The depiction in the case of the female scavengers attempting to pull down Simmons to strip him implicitly understands the sexualisation of female behaviour. Through this analogy, the struggle for the right to scavenge is transformed into a threat to male authority and bodies, blurring the economic context of the struggle. The author attempts to transform the women's act of resistance into a humorous, non-threatening storyline that deflates the seriousness of their actions. The speeches of the five female defendants are directly characterized as being inaudible due to simultaneous speech, although the author leaves in what was considered to be the most violent of Mrs. White's remarks: "Every mother's daughter at the bar was an injured and a calumniated woman. Not one of them threw a stone, and they who did throw them had not been brought here."²² And in the description of Simmons' passive, helpless, yet "decent" behaviour, it seems that two different meanings can be understood: the adherence to the opposition to male violence under "civilising offensive" and the gentlemanly self-possession displayed by the gentry when confronted with uncouth working-class women. The descriptions added to the public proceedings, especially the dramatic parts of the story, seek to shape the reader's perception of the defendant or plaintiff woman, and the morality tale, retold in a humorous style, conveys to the reader a gendered expectation of the elegant, docile woman in the devaluation of non-traditional gendered temperaments.²³

²⁰ "CHELMSFORD PETTY SESSION, Friday, August 19." *Essex Standard*, August 26, 1842. *British Library Newspapers* (accessed December 9, 2024).

https://link.gale.com/apps/doc/R3213818867/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=973bd71a.

²¹ George Robb, "Circe in Crinoline: Domestic Poisonings in Victorian England," *Journal of Family History* 22, no. 2 (1997): 176.

²² "CHELMSFORD PETTY SESSION, Friday, August 19." *Essex Standard*, August 26, 1842. *British Library Newspapers* (accessed December 9, 2024).

https://link.gale.com/apps/doc/R3213818867/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=973bd71a.

²³ Andrew August, "'A Horrible Looking Woman': Female Violence in Late-Victorian East London," *The Journal of British Studies* 54, no. 4 (2015): 844-868.

The Restriction of Gleaning: From Custom to Employment-Based Privilege(1860s-1890s)

The custom of gleaning was an important basis for women's defence in court, but at least in Essex after 1860, the judge's attitude was wavering, and he may have wished only to settle with the plaintiff and the defendant. In the case of four women accused of wheat theft in 1867, one woman said, "It was the custom in that village to allow gleaning before the field was entirely cleared, and as they had seen Chaplin's wife there the day before they considered they were justified in going also". Chaplin, mentioned in the testimony, was the plaintiff's hired hand. But all the defendants pleaded guilty to gleaning wheat. And the president told them that they were not so entitled to glean wheat as some people thought; that it was only a custom, but he admitted that he did not wish it to be discarded. The four women gleaners were then released. In the case of 1868, the women gleaners were reprimanded by the judge and not punished, as the farmers' harvest was not completed.²⁴

Farmers' attitudes changed in the 1870s when they more clearly limited who was allowed to glean. In the 1870 case, the farmers who were the plaintiff employers specifically stated that they would only allow the wives and children of their own hired labourers to glean in the fields.²⁵ This expression did not appear in the cases preceding it. And the 1878 case was the first time that the main tendency of the expression was changed directly in the title: 'imprisonment for gleaning'. Margaret Chapman of Dunmow was charged with theft even after her behaviour had been determined to be gleaning, as the farmer had given the order that no one but the wives of the men he employed could glean and had warned her last year. The result was that she refused to pay compensation and was sentenced to seven days without hard labour.²⁶ In 1885, a brief report announced that the custom of allowing the poor to scavenge was fast becoming obsolete, "the farmer in many cases restricting the liberty to the wives of their workmen."²⁷

The right to glean in the fields was restricted by the farmers to the wives and children of the hired labourers, which made it impossible to accurately measure this portion of the income promised to these hired families, and the time at which the income was earned became more elastic. The wives and children went to find and gather those grains when they had no other work to do. This commitment was absolutely beneficial to the farmers because it meant that during the time of year when gleaning could take place, the guarding, supervising and cleaning of the fields was taken up by the small hired families as a way of protecting the gleaning rights they had been promised. At the same time, other gleaners become enemies of the small family, ready to encroach on this part of their income. Thus, they are not only acting on their duty to protect their employer's property, but also have an incentive to protect a portion of their own family's potential income. This is confirmed by the repeated references to 'only the wives and children of employed labourers are allowed to glean in the fields', as are the particularly angry employees and servants who are willing to be injured or charged in violent conflicts. In 1871, Dedham labourer Herry Denny was charged with assaulting Harriet Death, a middle-aged woman scavenging in a field, but he was only sentenced to a small fine, even though his false testimony was contradicted by the testimony of two witnesses. The chairman's comments on the character of the parties were very different, suggesting that Harriet Death had first abused the defendant and was, therefore, a 'troublesome gleaner', whereas the defendant was of good character and 'had no business taking the law into his own hands and striking her'.²⁸ Once again, the image of the rude gleaning poor woman was shown in the reports. The assault of 27

²⁴ "STRATFORD & WEST HAM." *Essex Standard*, August 21, 1868. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3210169202/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=39f924f4.

²⁵ "TENDRING HUNDRED." *Essex Standard*, August 19, 1870. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/R3210347092/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=202ae23e.

²⁶ "Petty Sessions." *Essex Newsman*, September 14, 1878, 4. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/EN3224506590/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=53cc4f4d.

²⁷ "County News." *Essex Newsman*, September 12, 1885, 2. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/EN3224516275/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=8ba725e1.

²⁸ "Chester Petty Session Sept 9." *Essex Newsman*, September 16, 1871, 3. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/EN3224498524/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=eb8bc1de.

August 1872 was very similar, when James Holms of Stow Maries was accused of assaulting Eliza Wheeler, who was the wife of a labourer in Stow Maries. Holms was of decent appearance and was described as a farm bailiff. In this case, the verbal discussion between the two men before the confrontation is noteworthy: after seeing Wheeler gleaning, Holms asked her if she would like to come and pluck flax the next day, and if not, then she had no right to glean. The defendant's defence counsel claimed that before anyone else, the lord of the manor had allowed the wives of the workmen of the Sewell estate to glean in his field on the condition that they were not to glean in that field unless they were prepared to pluck flax. All the other women agreed. However, such verbal agreements on gleaning rights were not always recognised by the courts, but the courts would take into account the fact that the other gleaners had a duty to be informed of such agreements. Targeted penalties are only pronounced by the judge if there is evidence that violent means were used in the course of the dispute. During the hearing of this violent case, the defence lawyer quoted the proverb, 'Nature made men the strongest, but women have the longest tongues', adding that the plaintiff, however, appeared to be both the strongest and possessed of the longest tongue, which would require greater courage than most men to fight such a woman in a life-and-death struggle.²⁹ This implied a judgment that the 'non-feminised' plaintiff does not deserve the 'preferential treatment' that women used to receive in trials.

Conclusion

In conclusion, through careful examination of newspaper reports and court cases from 1830 to 1890, we observe a significant shift in how women's gleaning was perceived, regulated, and practiced. The transformation occurred through three distinct but interrelated processes. First, the legal status of gleaning became increasingly ambiguous as courts struggled to balance traditional customs with emerging property rights. Second, gender expectations significantly influenced legal outcomes, as demonstrated by the courts' treatment of female gleaners' behaviour and character. Finally, farmers restricted gleaning rights to their employees' families, effectively transforming what was once a community-wide practice into an extension of the agricultural employment relationship. The restriction of gleaning rights to employees' families served multiple purposes: it created an informal system of field surveillance, reinforced existing labour relationships, and gave farmers greater control over post-harvest activities. For women, particularly those outside the circle of agricultural employment, this meant the loss of an important economic resource and increased vulnerability to accusations of theft when attempting to maintain traditional gleaning practices.

²⁹ "Petty Sessions." *Essex Newsman*, September 14, 1872, 4. *British Library Newspapers* (accessed December 9, 2024). https://link.gale.com/apps/doc/EN3224499916/BNCN?u=ed_itw&sid=bookmark-BNCN&xid=82361cbc.

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