

Shopping on Your Husband's Credit: The Doctrine of Necessaries and the Modernization of Consumption

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Cultural histories often explain the rise of mass consumer culture in late modernity as a celebratory turn. On such accounts, the pursuit of worldly enjoyments, and "luxuries" in particular, which had been a moral sin and social danger in the Christian and Classical traditions, was recast as virtue and benefit in religious thought, social philosophy and economic theory; the cultural change arguably opened the door to mass consumption. These histories do for consumerist spending what the Weberian argument did for capitalist accumulation: they show that it became not just permissible, but valorized. The role of law as cultural force, however, remains underexplored despite law's centrality as a site of social meaning-making. This paper is part of a broader effort to write a cultural legal history of modern consumer capitalism in late nineteenth- and early twentieth century England.

My focus will be the common law doctrine of necessaries which regulated the consumer credit of married women, and by implication household consumption. Legal developments in the late nineteenth century reveal the rise of a new paradigm for the assessment of consumption, that of budget rationality in daily routines, which decentered an older approach focused on the luxuriousness of commodities. The new logic professed political indifference to commodity choices, and so effectively overcame age-old moral restraints on consumption embedded in legal discourse. However, far from reflecting a new enthusiasm about mass consumption, legal change was driven by fears of women's and working classes' economic agency, as gender and class intersected in the doctrine. The discussion reveals the historical irony in which impulses to contain economic expansions to the masses ended up modernizing this area of consumer credit law.

Methodologically, this paper draws on a wide array of sources, from caselaw through newspapers to parliamentary debates. The analysis moves between high-court precedents – where formal doctrinal change occurred, and a social history immersed in debates about consumer credit provided by the drapery trade. It will not be my purpose to weave these into a seamless whole, but rather to bring them into dialogue which is significant enough to expose the historical shift in legal treatments of consumption, for while developments in the doctrine of necessaries have received scholarly attention before, the rise of a budgetary logic applied to household routines, and the decline of luxury critique it involved, have not.