

UNIVERZITA PALACKÉHO V OLOMOUCI
FILOZOFICKÁ FAKULTA

Katedra anglistiky a amerikanistiky

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Women and Property in Jane Austen's Fiction

Ženy a majetek v díle Jane Austenové

Bakalářská práce

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Olomouc 2018

Prohlášení

Prohlašuji, že jsem bakalářskou práci na téma Women and Property in Jane Austen's Fiction vypracovala samostatně pod odborným dohledem vedoucí práce a uvedla jsem všechny použité podklady a literaturu.

V..... dne..... Podpis.....

Poděkování

Děkuji Mgr. Emě Jelínkové, Ph.D., za odborné vedení práce, ochotu, a poskytování materiálů k práci.

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INTRODUCTION

Jane Austen lived in a world where to be a woman was to be inferior to men, and to be inferior to men meant lack of support of the law. Women who were presented with a large fortune could practise control over their property only when it was settled on them in a way that their husband's mighty hand was forbidden to touch it. These cases, although being beneficial for women without reducing a man's power in the household, were exceptional. Unmarried girls from the middle class could only hope in a profitable marriage since their family property would be bequeathed to a male, consequence being that they could be deprived of their own home by the new heir.

Money was an important factor in marriage. Poor girls hoped for a profitable marriage to secure their family's elevation and to keep themselves above poverty line, but their chances of marrying a man of fortune were hardly considerable. Meanwhile, the wealthy entered into marriage to preserve their social standing and to accumulate even more money. Naturally, such an opportunity was rare. Those who were poor from the beginning stayed poor, and those who were rich failed to maintain their rank due to a poorly chosen connection. A marriage without money was considered an irresponsible action. Women, like even the smallest sum of money, were transferred to the new family by the marriage contract, and it was the bride's family who paid for her marriage portion that made her visible on the marriage market. The matrimony hardly guaranteed to return the money back, but a good connection proved to be invaluable. The power of a profitable connection is stressed in many Austen's novels, but only due to characters who believe in its importance. The author presents an everyday reality in which women lived, and in a way satirises the behaviour of the middle class. The gentry spent their days by visiting relatives, reading, and walking in the gardens. In fact, such activities were done so frequently that it was as time-consuming as having an occupation. Moreover, an occupation did not yield higher profit than a marriage. The labour in the fields was intended for the classes below, not for the genteel. People from the middle class hardly ever degraded themselves to do manual work. Consequently, they had time to seek the company of prosperous families at local balls. The girls who had not had the chance to be introduced to the society were in an unfavourable position, since the balls were one of the

few opportunities to meet a suitor. Marriage settlements were made to preserve the family estates for future generations but also to secure the bride's provision during marriage, depending on the suitor's financial situation.

This thesis studies different kinds of provisions which could be made for a wife living in England in the eighteenth century, and presents them within the context of Jane Austen's novels. As previously mentioned, it was not frequent that a woman had her own property while she was married. While this certainly holds true, it is not right to claim that women had no control over money and property. Many women were presented with annual incomes and inheritances from their relatives in order to be independent, or at least to feel independent.

MARRIAGE IN EARLY MODERN ENGLAND

The initial idea behind marriage was not a declaration of love but rather a treaty to secure a safe economic position. In most cases, the choice of a partner was left to the parents. Relatives also attached importance to the choice of a spouse because the decision would affect not only the future of the estate but also their social status. The marriage was above all a method to preserve the family's lineage.¹

Even though marriage proposals without affection became unfashionable by the mid-eighteenth century, feelings beyond just a "prior mutual affection" were still considered a taboo. Unlike the sixteenth century, the process of courting changed and both potential lovers had more time to become acquainted with each other. Still, parents had the power to reject the marriage proposal if the partner proved to be unsuitable for their child.² Falling in love was not regarded as a wise decision, since love led to vulnerability. Such feelings could even cause "blindness to all his or her possible defects, and a rejection of all other options or considerations, especially such mundane matters as money."³

The age of the newly married couple varied according to the birth order and gender. The oldest son enjoyed the status of a single man much longer than his siblings, possibly due to education and favouritism from the parents. Younger sons usually married later as well, but for different reasons. After all, they had limited choices when all the family fortune was entrusted to their older brother. One of the options was to marry without money and risk a "severe economic handicap" or to find a profession. Many of them had reached middle thirties by the time the considerable fortune was amassed. Their age was not an obstacle, quite the opposite. Girls usually married at the age of twenty-two to twenty-three, and without much thinking about the age of their partner.⁴ For instance, Frederick Wentworth marries Anne when he is thirty-one years old, because he spent a considerable part of his life at the sea. Anne who has declined another marriage proposal, is twenty-seven years old. Colo-

¹ Michael Mitterauer and Reinhard Sieder, *The European Family: Patriarchy to Partnership from the Middle Ages to the Present*, trans. Karla Oosterveen and Manfred Hörzinger (Chicago: University of Chicago Press, 1982), 122.

² Lawrence Stone and Jeanne C. Fawtier Stone, *An Open Elite?: England 1540–1880*, abr. (Oxford: Oxford University Press, 1986), 75–76.

³ Lawrence Stone, *The Family, Sex and Marriage in England 1500–1800*, abr. (London: Penguin Books, 1990), 183.

⁴ Stone, *Family, Sex, and Marriage*, 37–42.

nel Brandon is even older than Wentworth. He is described to be “on the wrong side of five-and-thirty.”⁵ George Knightley, the older brother of John Knightley, is also somewhere near Colonel Brandon’s age when he marries Emma Woodhouse.

Austen’s immature heroines were in need of an older partner because a stupid young man would have let them continue in their ignorance. Emma was taught by Mr Knightley to respect others and not to judge people without knowing them. Marianne only thought of a novel-like romance until she realized her beloved was closer than she had imagined. Colonel Brandon has always cared for her and her family, and even though Marianne disregarded him from the beginning, he acted like a true chivalric hero when he brought Mrs Dashwood to the Palmers’ house when she was ill. These two men were able to expose the immaturity of their partners. Had Emma married Mr Elton, he would have had no power over her because he was as foolish as she. Lydia and Wickham’s marriage is already doomed to failure, although Lydia is less aware of it than Wickham. They got married without any improvement of their behaviour. Moreover, a divorce or separation would only intensify Austen’s punishment of these young and reckless characters.

Frances Price, the mother of Fanny Price, finds herself in a desperate situation when she marries a poor sailor despite her family’s disapproval. He was not educated, and his financial problems made him an alcoholic. Nevertheless, Frances and her husband had not asked for any support until their ninth child was born. The reason was their pride. Austen may be an advocate of a marriage founded upon true love, but she has a contempt for prideful characters and their foolish actions. While Frances hesitates to contact her family for financial help, Sir Walter Elliot is reluctant to sell his property due to his social standing. Emma Woodhouse is by nature prideful, and so is Mr Darcy and Elizabeth Bennet after whose personality traits the novel *Pride and Prejudice* is named. Emma proudly manipulates with those around her, and Darcy’s and Elizabeth’s pride and prejudice do not allow them to know more about each other.

Elizabeth and Darcy marry “by a special licence,”⁶ which was, according to Kirstin Olsen, one of the methods how to enter into marriage in the eighteenth century. The couple who wished to marry could choose to obtain a licence or publish

⁵ Jane Austen, *Sense and Sensibility* (London: Collins Clear Type Press, 1900), 37.

⁶ Jane Austen, *Pride and Prejudice* (London: Macmillan Collector’s Library, 2016), 470.

the banns. The licence was a private and expensive event, while the banns were inexpensive and the marriage was known to all inhabitants of the parish. The wedding announcements, or the banns, were read to the general public every Sunday three weeks in a row. Some individuals, however, wished to keep the ceremony confidential, thus contract and clandestine marriages became frequent. Contract marriage was faster because the banns were not required and oral contract was enough for the union to be valid. The contract was frequently chosen by widows and couples without parental consent. Clandestine marriage was more official but still “offered speed, economy, and secrecy,” as opposed to the contract marriage. Although the ceremony was not taking place in a church, the union was still considered legitimate. Consequently, Hardwicke’s Marriage Act in 1753 forbade contract and clandestine marriages, and banns and licenses became the conditions of the official ceremonies.⁷

The closest place where the Act was not valid was Gretna Green in Scotland. The small village located in Dumfriesshire attracted many pairs suffering from injustice of their parents. This place offered a quick marriage to anyone who was running away from the English Marriage Laws. The cost of the union depended on the financial situation of the couple. Some ceremonies were paid in whisky, other were paid in cash. Unlike the weddings in England, the pair was able to enter the ceremony with only one witness, possibly the parson. The clergy living in the village were not the only people to conduct the wedding ceremony. The role of the priest was frequently taken by a fisherman or a blacksmith. Among the first inhabitants who undertook the role was Paisley, the local fisherman. He also had a nickname “blacksmith,” which was based on Vulcan, the smith and priest of gods. Paisley’s son-in-law, Robert Elliott, provides an insight into the process of one of his marriage ceremonies in his *Gretna Green Memoirs*. The hero of the story is the Earl of Westmoreland who eloped with Miss Child despite her father’s disapproval.⁸ Both were already on their way to Gretna Green when Mr Child realized what was happening and started pursuing the couple. Mr Child, determined to ruin the marriage, shot one of the Earl’s horses to prevent his carriage from moving. Meanwhile, the Earl’s servant managed to sabotage Mr Child’s carriage when he was standing and shooting the horse. The Earl’s wounded horse was removed and he and Miss Child resumed their journey to

⁷ Kirstin Olsen, *Daily life in 18th-century England* (Westport: Greenwood Press, 1999), 39–43.

⁸ William Andrews, *Bygone Churchlife in Scotland* (London: William Andrews, 1899), 227–232.

the final destination. While Mr Child was unable to proceed, the Earl and Miss Child have already reached Gretna Green and Robert Elliott married them.⁹

A city alternative to Gretna Green was Fleet Prison for debtors in London. The clergymen who lived there as prisoners established their profession once again by conducting secret marriages. Taverns, where banns or licences were not needed, served as provisional chapels. One of the taverns, "Hand and Pen," was so popular that many other tavern owners used the same name in order to gain more clients.¹⁰

Gretna Green also appears in some Austen's novels. Lydia and Wickham supposedly head to Scotland after they run away. Crossing the English border was Colonel Brandon's goal as well when he attempted to elope with his brother's intended wife.

Money and Marriage in Jane Austen's Novels

Although Austen's heroines live in a world where "a man or woman's marrying for money is too common to strike one as it ought,"¹¹ they always find happiness in a relationship "built upon knowledge."¹² Mr Knightley has known Emma Woodhouse since she was a small girl, Edmund Bertram and Fanny grew up together, and Elizabeth Bennet comes to respect Mr Darcy for what he has done for her family. The marriages that Austen presents were not founded on money even though the reader certainly meets characters whose life centered around fortune. Lady Susan in Austen's epistolary novel *Lady Susan* longs for even more profitable connection despite the fact that she has already been a widow twice. General Tilney in the belief that Catherine Morland comes from a rich family supports his son's affection for her. Mrs Bennet wishes to marry her daughter Elizabeth to Mr Collins in order to keep the house in the family. Mr Elton after having been refused by Emma marries another heiress with a fortune of £10,000, and George Wickham marries Lydia for the money Mr Darcy gave them.

For Jane Austen, a marriage without affection was unfortunate. One such miserable marriage is that of Maria Bertram. Mr Rushworth is insensible, childish,

⁹ Robert Elliott, *The Gretna Green Memoirs* (London: n.p., 1842), 17–18.

¹⁰ Brian M. Murphy, *The World of Weddings: An Illustrated Celebration* (New York: Paddington Press Ltd., 1978), 69–72.

¹¹ Jane Austen, *Persuasion* (London: HarperCollins, 2013), 185.

¹² Geraldine E. Mitton, *Jane Austen and Her Times* (London: Methuen, 1917), 106.

but his fortune makes him a potential husband. Maria runs away with Mr Crawford instead and Mr Rushworth requests a divorce. At the end of the novel she and Mrs Norris live in seclusion in order to keep the Bertram family's reputation unsullied. The result of an unfortunate marriage is the lack of devotion between the partners, but also the loss of respect from the others. Elizabeth Bennet's friend also chooses a marriage of convenience. Charlotte Lucas, who is twenty-seven years old, stays realistic about her age and possible suitors. Her poor financial situation prevents her from being as confident as Emma Woodhouse who states that "a single woman, of good fortune, is always respectable, and may be as sensible and pleasant as any body else."¹³

While some of the pairs in the novels share a love for a good connection, Austen's heroines would rather stay alone than to marry for money.¹⁴ Mrs Watson in "The Watsons" comments Austen's position towards women who prefer marriage without affection perfectly: "To be so bent on marriage – to pursue a man merely for the sake of situation – is a sort of thing that shocks me; I cannot understand it."¹⁵ Although Elizabeth Bennet's financial situation is unenviable, she still refuses mercenary Mr Collins and later Mr Darcy. Fanny Price refuses Mr Crawford even though his income of £4,000 is agreeable to her family. Anne Elliot refuses Charles Musgrove because she still has Frederick in her heart, and Emma Watson refuses to marry Lord Osborne and marries his tutor Mr Howard.

Needless to say that even though women like Elizabeth, Jane, and Catherine Morland married without thinking of money, their marriage improved their social standing and made them mistresses of great mansions. The Bennet family's estate will belong to Mr Collins in the end and Mr Bennet has no power to prevent it ever since Mr Collins wed the neighbour's daughter. The future of the house was an important factor of the marriage, and it was Mrs Bennet who was upset after Elizabeth refused the clergyman's offer. Moreover, she never expected Elizabeth to marry a man like Mr Darcy. At the end the novel she stays in the background and is completely uninformed about Mr Darcy's true character. Her daughter marries a gentleman with £10,000 a year, and that is the only relevant fact for her: "Oh! my sweetest

¹³ Jane Austen, *Emma* (London: HarperCollins, 2010), 82.

¹⁴ Mitton, *Jane Austen and Her Times*, 107.

¹⁵ Jane Austen, "The Watsons," in *Sanditon and Other Stories*, ed. Peter Washington (London: Campbell, 1996), 81.

Lizzy! how rich and how great you will be!”¹⁶ Elizabeth thought none of that when she accepted Mr Darcy’s second proposal. Both Jane and Elizabeth are the few of Austen’s gentry who engage with men of such fortunes. Elinor Dashwood marries Mr Ferrars, a future clergyman with an income nowhere near Mr Darcy’s. Edmund Bertram, another clergyman with an income of £700, marries Fanny Price. Yet in all these cases, money was not the main factor of their marriage. It was love and respect that made them suitable for one another. Money as a means of comfortability was a great topic of Austen, but a marriage based solely on money was against her mind. Her heroines are clever when choosing their future husbands, and her heroes follow the quote “handsome is, that handsome does.”¹⁷ Mr Elton and Mr Crawford might be charming and rich, but they are not worthy of their chosen partners. Mr Elton is a proud man attaching himself to people with money, and Mr Crawford who claims to have fallen in love with Fanny, flirts with Maria Bertram instead. Mr Wickham also proves that while appearance might be useful when it comes to attracting ladies, the looks can never hide the folly beneath.

Rank and Finances

Austen’s heroines are never seen working in the field with a rake, because they are provided by men. They do not earn living by selling goods at the market place, because they come from a class whose wealth is founded on men’s income, inheritance, and a profitable marriage. They are economically dependent on men their entire life. Unless, of course, they are born into a prosperous family and are presented with a splendid inheritance that allows them to lead a life without dependence on anyone. Financial means of Austen’s female protagonists derive from the income of their fathers, and husbands. Even Rosings Park, the luxurious seat of Catherine de Bourgh and her daughter in *Pride and Prejudice*, once belonged to a man who paid for its construction. Mrs Bennet depends on her husband’s income and although she inherited some money, all of it was earned by her father who worked as an attorney. Anne Elliot also has to rely on her father’s money when she wants to marry Frederick. While it is possible that her mother left her some provision before she died, her father as the only surviving parent is responsible for her allowance.

¹⁶ Austen, *Pride and Prejudice*, 470.

¹⁷ Charles Dickens, *David Copperfield* (Philadelphia: T. B. Peterson, 1850), 31.

Catherine de Bourgh is an example of a cold-blooded aristocrat who has a keen interest in class. Her husband, Sir Lewis de Bourgh, was the former owner of Rosings Park, and she is eager to keep the estate intact by marrying her daughter to a person of high rank. When Elizabeth Bennet receives an invitation to Rosings, Mr Collins advises her not to wear anything special because Lady de Bourgh “likes to have the distinction of rank preserved.”¹⁸ Her fortune is never specified but one can imagine the wealth she and her husband were born into – her mansion’s chimney alone cost £800 (for comparison women in *Sense and Sensibility* have to live on £500 a year). *Persuasion* exposes another prominent aristocrat. Sir Walter Elliot is a baronet whose financial situation makes him unworthy of the title. Due to his preoccupation with valuables and beauty, his fortune slowly vanishes and he is left with debts. Sir Thomas Bertram in *Mansfield Park* is also a baronet who, as opposed to Sir Elliot, is able to manage his property despite being abroad for a long time. The Bertram family holds plantations in Antigua which Sir Thomas has to visit occasionally. He is just as aware of the significance of rank and wealth as Lady de Bourgh. His adopted daughter Fanny is brought up together with his own daughters in Mansfield, yet she is still considered unequal to the other members of the family. Sir John Middleton, an aristocrat appearing in *Sense and Sensibility*, improves the reputation of the upper class in Austen’s novels. He offers the Dashwoods a living nearby his Barton Park when they find themselves in need of a shelter. Their cottage is nothing compared to Norland Park, but their stay becomes pleasant thanks to his efforts. He presents them with fruit and meat, sends them his newspapers every day, and takes care of their letters.

The gentry was a rank below the aristocracy. This class consisted largely of families who had enough money to employ labourers on their field. “Great magnates, petty squires, military officers, bishops, parsons, and MPs”¹⁹—these were the people occupying the rank of gentry. The gentlemen born in these families found their profession in “military, politics, and the clergy.”²⁰

¹⁸ Austen, *Pride and Prejudice*, 207.

¹⁹ Olsen, *Daily life in 18th-century England*, 15.

²⁰ Olsen, *Daily life in 18th-century England*, 15.

Clergymen are frequent characters in Austen's novels. *Pride and Prejudice* presents Mr Collins, the future owner of the Longbourn estate. As a well provided clergyman under the patronage of Lady de Bourgh, he is not an inconsiderable match for one of the Bennet daughters. Unlike Mr Collins, clergyman Henry Tilney in *Northanger Abbey* is a witty, charming man who captivates the heart of Catherine Morland. He is well provided, owns a house in Woodston nearby Northanger Abbey, and even without his father's help he would be able to lead a comfortable life with his profession. Edward Ferrars, Elinor's love interest in *Sense and Sensibility*, also prefers the church. Although he chose to be a clergyman against the wishes of his mother, he has no other option but to eventually become one due to his financial situation. Two thousand pounds became his only fortune ever since Mrs Ferrars reduced his income and ceased to provide for him. Colonel Brandon offers Edward the rectory of Delaford, and after being ordained, Edward earns about £250 a year. Edward's income is nevertheless small in comparison to Edmund Bertram in *Mansfield Park*. Sir Thomas Bertram's second son has no right for his father's title as long as his older brother John is alive. Therefore, Edmund chooses to be a clergyman in Thornton Lacy with an income of about £700 a year, while Tom inherits the baronetcy and acquires the family estate. Mr Elton is a man representing the church in Austen's novel *Emma*. He finds himself in an awkward situation when all the attention from Emma proves to be just a side-product of her match-making plays. After refusing his marriage offer, Emma loses a chance to become a wife of a man with good connections and a vicarage in Highbury.

George Wickham in *Pride and Prejudice* is a worth mentioning figure from the military. A charming man to whom folly is not unfamiliar manages to deceive even Elizabeth. Although being a delightful companion in conversation, he omits the truth and never mentions what had really happened between him and Mr Darcy. Wickham reappears again as a member of militia, and with no money and indebted, he is looking for an heiress. In the end, he runs away with one of the daughters of Mr and Mrs Bennet. Lydia, reckless and without any provision could hardly be a serious match. Wickham's intention to leave her is spoiled by Mr Darcy who finds them in London and offers Wickham money to marry her.

Colonel Brandon in *Sense and Sensibility* is the opposite of Mr Wickham. He is old and not charming enough to capture the attention of young ladies. Brandon

finds a profession in the military after his older brother inherits the Delaford estate. The situation changes when his brother dies and he becomes the new owner with an income of £2,000. Austen's last finished novel *Persuasion* offers an example of a man who made himself wealthy in the navy. Seven years have gone by since Anne Elliot last saw Frederick Wentworth. Back then Anne was persuaded to decline his marriage proposal due to his lack of finances. He is now a captain with a fortune of £25,000 that he earned by capturing French ships.

Indeed, inheritance was by no means the only source of income. The younger sons were in need of a profession. As General Tilney, the father of Henry Tilney, proclaims: "The money is nothing, it is not an object; but employment is the thing."²¹ While this holds true for Edmund Bertram and Edward Ferrars, there were people who enjoyed money without having an occupation. In fact, their profession was to look unoccupied.

Mr Bingley in *Pride and Prejudice* inherited £100,000 from his father, and his friend Mr Darcy has even greater fortune that allows him to live on £10,000 a year. Mr Darcy owns Pemberley Hall and the adjoining fields, which he rents to the tenants. Another squire is George Knightley in *Emma*. His property includes "his farm, and his sheep, and his library, and all the parish to manage."²² Mr Knightley also rents his land to a local farmer. Mr Darcy, as well as Mr Bingley, are never seen working, yet their income is specified on £4,000–£5,000 and £10,000 a year. They are neither clergymen nor they made their fortune in the navy. Unlike Mr Collins and George Wickham, their incomes come from the investment of their inheritances.

During the eighteenth century the National Debt was increasing and England became short on finances. The war with France left the treasuries in need of money and one of the ways to fill them again was a loan. At first these requests were aimed at corporations but soon the public proved to be a more efficient source. People were persuaded to make a financial contribution in return for an annual interest. The small investors who seized such an opportunity were called "fundholders," or "stockholders." Thus England experienced a growth of "a thrifty class with whom the taste for saving became a passion."²³ Edward Copeland mentions the situation of fundhol-

²¹ Jane Austen, *Northanger Abbey* (London: Penguin Books, 1994), 160.

²² Austen, *Emma*, 218.

²³ Elie Halévy, *England in 1815*, trans. E. I. Watkin and D. A. Barker (New York: Barnes & Noble, 1961), 358–360.

ding in relation to Jane Austen in his essay “Money.” The rate of interest fluctuated between four and five per cent a year. Except *Pride and Prejudice*, 5 per cent is the norm in other novels. This suggests that most of the incomes described in the novels are only a portion of the actual fortune.²⁴

Pride and Prejudice is exceptionally rich in terms of financial details. Mr Bennet’s estate yields £2,000 per year, and his wife Mrs Bennet inherited £4,000 that yields interest of about £160 annually. Mrs Bennet hence takes the role of a matchmaker and tries to find financially secured partners for her girls. Jane and Elizabeth cannot be spared of the schemes of their mother who wishes to marry them as soon as she catches a sight of a wealthy man. Her chances of success increase when two gentlemen arrive in Longbourn. Mr Bingley, a wealthy heir from the northern part of England, is looking for an estate. Naturally, he does not escape Mrs Bennet’s notice and the significance of his arrival is known already in the chapter one. Mrs Bennet speculates Mr Bingley’s income to be £4,000 or £5,000 a year. Copeland in his essay explains that Mrs Bennet’s ignorance of the current rate of interest and economy in general could be the reason of such discrepancy. This theory proves to be true later in the novel when she does not understand the nature of entailment and her daughters have to enlighten her.²⁵ In the chapter fourth the reader discovers that Mr Bingley inherited about £100,000 from his father. This amount was invested in the government funds and the State returned four per cent back. Mr Darcy’s income even exceeds that of Mr Bingley. His £10,000 a year is derived from his handsome fortune amounting to about £120,000. The current rate of interest is even mentioned by Mr Collins during the courtship of Elizabeth Bennet. He is very well aware of her family’s financial situation and is not embarrassed to mention it despite the situation.

To fortune I am perfectly indifferent, and shall make no demand of that nature on your father, since I am well aware that it could not be complied with; and that one thousand pounds in the four per cents which will not be yours till after your mother’s decease, is all that you may ever be entitled to.²⁶

As Mr Collins emphasizes, the death of Mrs Bennet would bring an income of £40 apiece to Elizabeth and her sisters. A very small sum in comparison to Mr Bingley’s sisters. Miss Bingley and Mrs Hurst both enjoy an annual income of £800.

²⁴ Edward Copeland, “Money,” in *Jane Austen in Context*, ed. Janet Todd (New York: Cambridge University Press, 2005), 321.

²⁵ Copeland, “Money,” 321.

²⁶ Austen, *Pride and Prejudice*, 140.

Fundholding is shown in all the remaining Austen's novels. Emma Woodhouse inherits £30,000, and after she invests it, she should have £1,200 or £1,500 a year depending on the rate of interest. When Isabella Thorpe in *Northanger Abbey* proclaims that she would marry a man with only £50 a year,²⁷ it is meant as a portion of £1,000 that was invested. Maria Betram marries Mr Rushworth who has £12,000 a year. His real fortune must be about £240,000 with respect to the fact that his income is the five per cent interest. George Wickham did not manage to marry Georgiana Darcy, but if he did, he should have received her marriage portion in the four per cent. Georgiana was endowed with £30,000 and the interest of such sum would be £1,200 a year.

Mortgaging also widened the spectrum of opportunities of acquiring money besides fundholding. The eighteenth century brought innovations to the financial world and the idea of land being the most important source of income as it was promoted in the seventeenth century, was abandoned. Furthermore, mortgages and funds were "safe, passive investments suitable for women's money."²⁸ For instance, mortgage as a way of moderating debts was convenient to Sir Walter in *Persuasion*.

Property and wealth are present in all Austen's novels. Only a small number of marriages involved the change of social standing, but every marriage meant the transfer of property. The economic situation of the eighteenth century stays hidden in the novels unless deliberately studied. Only then the reader discovers that the reason why Mrs Bennet wanted her daughter to marry Mr Collins was a strict settlement, and that an inconvenient will written by Mr Dashwood prevented the Dashwoods from obtaining Norland Park. Before women and property in Jane Austen's novels are analysed, introduction to the law of the eighteenth century is needed because women of the age were heavily affected by it. It is important to mention that the term "property" is used not only for the land and the estates, but also for fortunes and small sums of cash.

²⁷ Austen, *Northanger Abbey*, 122.

²⁸ Susan Staves, *Married Woman's Separate Property in England, 1660–1833* (Cambridge: Harvard University Press, 1990), 209.

LAW IN EARLY MODERN ENGLAND

Primogeniture and coverture were laws affecting women's and men's property in eighteenth-century England. The firstborn son inherited the family estate through primogeniture, and acquired his bride's property due to coverture.²⁹ Primogeniture was a custom that supported the descent of the family property to the oldest son. In some cases, daughters could also inherit an estate.³⁰ Coverture transferred all the woman's possessions to her husband. She became a "feme covert" whose identity was merged with her husband's.³¹ While it is a fact that men certainly enjoyed far more advantages than women in early modern England, it cannot be taken as granted that women always stood in the background. As the demographic studies suggest, untimely death of the head of the family was the defining factor when it came to inheritance. The wife who was until then a mere shadow of her husband became a responsible individual. She managed the family property and realized her children's marriages, especially when the oldest son had not reached maturity.³² During coverture, however, the leading person was the husband. He was the owner of her property and even had the right to dispose of it.³³ The nature of matrimony in the eighteenth century is well described by Daniel Defoe in his novel *Roxana*: "A woman gave herself entirely away from herself in marriage, and capitulated only to be at best but an upper servant."³⁴

Through the centuries there were struggles to make the law system more satisfactory. The common law operating upon primogeniture and coverture was the dominating factor of property distribution. The fifteenth century marked down the birth of equity, a law newly associated with a married women's property which was supposed to "modify what was perceived as the harshness of the common law." The other bodies dealing with property were manorial law and borough law, independent laws of inheritance in boroughs and manors. This system was considered

²⁹ Amy L. Erickson, *Women and Property in Early Modern England* (London: Routledge, 1995), 3–4.

³⁰ Eugene A. Hecker, *A Short History of Women's Rights* (New York: G. P. Putnam's Sons, 1914), 121–122.

³¹ *The American and English Encyclopedia of Law*, s.v. "Husband and Wife."

³² Erickson, *Women and Property in Early Modern England*, 5.

³³ Stone, *Family, Sex and Marriage in England 1500–1800*, 136.

³⁴ Daniel Defoe, *Roxana, The Fortunate Mistress, or, A History of the Life and Vast Variety of Fortunes of Mademoiselle de Beleau, afterwards called the Countess de Wintelsheim in Germany: Being the Person known by the Name of the Lady Roxana in the time of Charles II.*, ed. John Mullan (Oxford: Oxford University Press, 1996), 147–148.

more of a custom than an equal partner to the common law, and by the seventeenth century declined. Another body was the ecclesiastical law with its roots in Roman civil law. This system functioned as an opponent to the common law with the ideology of equality in property distribution.³⁵

Susan Staves in *Married Woman's Separate Property in England, 1660–1833* mentions also the church in relation to the matrimonial laws. The church handled divorces and separations, including adultery and cruelty accusations initiating it. Their power of enforcement was nevertheless limited. Employees in these courts were founding their decisions on the grounds of the ecclesiastical court without any explanations, and without any reference to the procedures of similar cases.³⁶

In comparison to the church and the ecclesiastical law, the common law was founded on precedents and statutes. The courts “handled a wide variety of litigation based on claims of legal estates or interests in both real and personal property, claims including trespass,³⁷ ejectment,³⁸ widows’ claims of dower in their husband’s lands,³⁹ debt, conversion, and so on.”⁴⁰

Due to the amount of laws which controled the English legal system, the State was unable to prevent the occurrence of conflicts between the common law and the ecclesiastical law. Staves presents examples of such machinations. When an heir disagreed with the decision to leave the estate to his father’s widow, he could bring her to the ecclesiastical court and the validity of their matrimony would be investigated. If the court proclaimed that the marriage was illegitimate, the widow would lose the right to claim the property. Another example, this time a recorded case, was the case *Westmeath vs Westmeath*. At first, both sued each other in the ecclesiastical court. He sued his wife for her separation, and she sued her husband for adultery and cruelty in return. The case was also transferred to the equity and the common law court, where the Earl sued his spouse in order to examine their separate maintenance contract and to invalidate the decision to leave their daughter in his

³⁵ Erickson, *Women and Property in Early Modern England*, 5–6.

³⁶ Staves, *Married Woman's Separate Property, 1660–1883*, 18–19.

³⁷ An unlawful act committed against the person or property of another. *Black's Law Dictionary*, 8th ed., ed. Bryan A. Garner, s.v. “trespass.”

³⁸ The ejection of an owner or occupier from property. *Ibid.*, s.v. “ejectment.”

³⁹ At common law, a wife’s right, upon her husband’s death, to a life estate in one-third of the land that he owned in fee. *Ibid.*, s.v. “dower.”

⁴⁰ Staves, *Married Woman's Separate Property, 1660–1883*, 21.

wife's care. The common law court and equity court frequently disagreed with each other's views since decisions made in one court influenced the decisions in the other and vice versa. When the defendants were not satisfied with one court, they could resort to the other that could offer them a better solution.⁴¹

Such was the situation of law in England in the eighteenth century. Primogeniture and coverture seized control over the legal system and left women in a difficult position. Nevertheless, once they married they were protected because "[i]n marriage, the man [was] supposed to provide for the support of the woman; the woman to make the home agreeable for the man; he is to purvey, and she is to smile"⁴²

Marriage Settlement

Standard technique of conveyancing in the eighteenth century became a strict settlement. This arrangement was the most important in terms of the future ownership of the estate, and served as an evidence for the provision of the bride involved. Strict settlement secured the family property to the first-born son of the eldest son. After the birth of the heir presumptive,⁴³ the father was reduced to a role of a life-tenant since the estate was not his anymore. Such arrangement also stated the marriage portion a bride was endowed with, but also the annual income she was to be endowed with after the death of her husband.⁴⁴

Blackstone explains that there were two kinds of entail under the common law. Males obtained the family estates through "tail male." This conveyancing technique prevented women from obtaining the family property because it was always given to men. A special kind of entail was called "tail female." This meant that only women were entitled to own the family estate. Once the estate is entailed to a female line, it can never be transferred to a male line, and vice versa.⁴⁵

Amy Louise Erickson considers the strict settlement not the only kind of property settlement, although definitely the most famous one. Another kind of ma-

⁴¹ Staves, *Married Woman's Separate Property, 1660-1883*, 18-22.

⁴² Austen, *Northanger Abbey*, 65.

⁴³ The supposed heir. *Black's Law Dictionary*, 8th ed., ed. Bryan A. Garner, s.v. "presumptive."

⁴⁴ Hrothgar J. Habakkuk "Marriage Settlements in the Eighteenth Century," *Transactions of the Royal Historical Society* 32 (1950): 15-16, <https://www.jstor.org/stable/3678475>.

⁴⁵ William Blackstone, *Commentaries on the Laws of England. Book the Second* (Oxford: Clarendon Press, 1775), 114.

riage settlement was the “trust for a married woman’s sole and separate estate.” The woman could define a portion of property that would belong to her despite coverture. Additionally, the bride was able to isolate some personal and real property or receive an annual sum called pin money.⁴⁶ Trusts were the domain of the equity, also called Chancery. A trust was a property owned by a man (called a trustee) for the sake of his wife. Coverture, operated by the common law, conveyed all the bride’s property to the husband. Equity, on the other hand, enabled to preserve some of it. If such contract was written and the husband found it burdensome, the only court that would be able to handle the case was the equity court.⁴⁷ The common law court was not nearly as supportive of a contract within a marriage contract as equity.⁴⁸

Needless to say that a woman’s separate property was not meant to secure her independence. Separate property was usually assigned to her in order to prevent the husband receiving the property instead of their children. Such decision was even convenient, especially when the husband was prone to debts and could sell the property without thinking about his wife.⁴⁹ Marriage settlement, be it a strict settlement or any other settlement, included financial means of women. From marriage portions to annuities, these arrangements stated clearly the fortune which the bride had before she entered into marriage, and what she retained after the ceremony.

The impact of the strict settlement can be seen in *Pride and Prejudice*. Mr Bennet is a life-tenant and that is why he cannot sell the Longbourn estate to secure a better provision for his daughters. All due to an arrangement which was written the day he and Mrs Bennet got married. Had a son been born, the estate would have stayed in the family, but since Mr Bennet has no sons, it cannot descend to his daughters as it was not said so in the settlement. Mr Collins happens to be the closest male relative who is entitled to the estate and being such a beneficiary man, he allows Mr Bennet and his family to live there. He could move to Longbourn after Mr Bennet’s death and if he and Charlotte have a son, the child will be entitled to both Hunsford parsonage and Longbourn.

A will written by the old Mr Dashwood affected the strict settlement in *Sense and Sensibility*. Henry Dashwood, the closest male relative, was supposed to obtain

⁴⁶ Erickson, *Women and Property in Early Modern England*, 103.

⁴⁷ Staves, *Married Woman’s Separate Property*, 21–22.

⁴⁸ *Ibid.*, 133.

⁴⁹ *Ibid.*, 107.

his uncle's property. Unfortunately for Henry, his son John married a wealthy woman who gave birth to a baby boy. Had it not been for John's son who managed to charm the old man to such an extent that he decided to write a will in his favour, Henry would have been the rightful owner. There is no information about the nature of the settlement made upon the marriage of the old Mr Dashwood, but there is a chance of it being a strict settlement as it was a standard. It is possible that the estate would have descended to his oldest son if he had one, but now the estate is supposed to be Henry's. The old Mr Dashwood destroyed all Henry's possible authorities by writing the will and giving the estate to the son of John.

William Walter Elliot is the heir presumptive of Sir Walter. Elizabeth, Mary, and Anne were Sir Walter's only children, and William is to become the future owner of Kellynch Hall and also the bearer of the rank. The one who could destroy his chances of having the estate is Penelope Clay, Sir Walter's potential wife. Their relationship would mean a wedding and possibly a child. If the child was a boy, he would be the only son and the new heir of Sir Walter. Eventually, the one who marries Mrs Clay is William, and Kellynch Hall will pass down to him after Sir Walter's death.

Donwell Abbey, the estate of George Knightley, is also entailed to the male line. George's younger brother John married Isabella Woodhouse, and the two have five children. The oldest one is Henry, and he is the supposed heir of Donwell Abbey. Although George is the older brother of John, he has no children who could inherit the estate. He is still unmarried at the age of thirty-seven, and the only heir is the brother's son Henry. The estate can be transferred back to Mr Knightley provided that he and Emma have a son.

An exceptional settlement can be seen in the family of Catherine de Bourgh. Her husband left the estate to their daughter as bequeathing the property to a male relative "was not thought necessary in Sir Lewis de Bourgh's family."⁵⁰ Sir Lewis must have stated in his will that Anne would be the owner of the estate. This action made his wife a life-tenant, although this term is rather unsuitable for Lady de Bourgh. Anne might be the owner and has the right to sell the property, but that does not prevent Lady de Bourgh from managing the estate. In addition, Anne is ill and has no husband, thus her mother helps her with the estate but also with potential sui-

⁵⁰ Austen, *Pride and Prejudice*, 210–211.

tors. The inability of her daughter is the reason she places herself in the position of the supervisor of the family property. It is unknown whether Sir Lewis included the future owners of Rosings Park in his will, and it is possible that the sons born from Anne's marriage might be the preferred inheritors rather than her daughters. Rosings Park was not entailed to neither men nor women. When Lewis de Bourgh died, his daughter was able to obtain the estate because there was no restriction on the ownership. Unlike Rosings Park, Longbourn is in tail male and there is no possibility for a female to acquire the estate.

Catherine de Bourgh can be described as a "feme sole." This term was used for a woman who could contract and write wills, sue and be sued. All the rights she was deprived of during coverture were restored by the death of her husband.⁵¹ A contrasting term to "feme sole" was "feme covert" which was used to describe married women during coverture. Their husband as their "baron" was entitled to write wills, conclude contracts, and sue. The husband and wife were therefore called "baron and feme."⁵² Not every woman without husband had the confidence of Lady de Bourgh. Mrs Smith has been living in poverty ever since her husband overspent his income. After her husband's death she bought a small house in Bath where Anne visits her. As a feme sole she has the right to write wills and sign contracts because she is not dependent on her baron. When her husband's property in West Indies is reclaimed, she is its absolute owner.

⁵¹ James Schouler, *A Treatise of the Law of Husband and Wife* (Boston: Little, Brown, and Company, 1882), 120.

⁵² Schouler, *Treatise of the Law of Husband and Wife*, 90.

WOMEN'S PROPERTY

Inheritance and Gifts

Lawrence Stone calls “the continuity of the male line, the preservation intact of the inherited property, and the acquisition through marriage of further property or useful political alliances” the “three objectives” of choosing the right partner in the medieval England. The first born son inherited the land, and by marrying a girl provided with a marriage portion he soon acquired her family’s property. Many families preferred their daughter to be placed into a nunnery than to provide for them. This option was lost when nunneries were dissolved and fathers had their hands full with daughters ought to marry. Much has not changed for many centuries onwards. Families wanted to keep the property intact and most of the inheritance was given to the oldest son. The rest was divided between the remaining children. However, the total sum was often so small that they had no chance of marrying at all because other families were also strategic in the choice of the partner.⁵³

During the middle ages, women were frequently given land. But after 1300 there was no universal pattern in the distribution of land. Men in Cambridgeshire bequeathed the land to their daughters only when there was no male heir, while in Lincolnshire and Sussex only 5 per cent of men who had both daughters and sons gave the land to daughters. An exception can be found in the north of England, primarily in Yorkshire. The act of giving the land to daughters survived there until 1700 probably due to the deeply rooted “Scandinavian custom.” Naturally, the portion of land given to daughters was smaller than that of their brothers. The reason for the unequal size was that some of the women had already been married and had some land of their own. In other cases, the settlers expected their sons to buy the daughters’ land back to avert alienating it.⁵⁴

Since the land was an exclusively male domain, women had to settle for managing the moveables. While it is true that the common law associated wealth with the land, the moveables did not always play a marginal role in the inheritance. The relevance assigned to the items was based on the status of the family. By the descriptions of property in the wills of poor families it is evident that they were anxious to

⁵³ Stone, *Family, Sex and Marriage*, 37–42.

⁵⁴ Erickson, *Women and Property in Early Modern England*, 61–64.

preserve what they had, even if it was something plain. Erickson presents an example of a will made in 1616 in which the wife receives a featherbed. However, this transfer is restricted by a condition. In order to win the featherbed she must relinquish her lands and transfer it to their son. This example suggests that the value of the moveables, and even sentimental value, could be equal to that of the land. By the middle of the eighteenth century the economic situation slowly began to change into what it is today. Cheap materials depreciated the quality of moveables and made the land superior.⁵⁵

Nevertheless, women could enjoy their own property only for a short time. As Eugene A. Hecker explains in his work *A Short History of Women's Rights*, the moveables would come into possession of their future husband. Most of the moveables could be sold or disposed of by a will. What the husband could not dispose by a will was "paraphernalia." These were the woman's intimate possessions, such as "jewels, trinkets, and ornaments." Since the wife is unable to write wills in her lifetime, managing the possessions becomes her husband's right after her death. Should she survive her husband, she can keep the items but only until another marriage.⁵⁶

A special kind of gift was an Advancement. These gifts differed from other "trivial" gifts in a way that they were not used for maintenance or amusement. The father gave a sum of money or a piece of land to his son in advance. Advancements were often delivered on the occasion of marriage of the offspring. Henceforth, the heir presumptive had no right to claim his brother's Advancement. When the father wanted to give his daughter a land as a gift for her marriage, he gave it to his son-in-law who held it to her use as the trustee.⁵⁷

For women with no profession, profitable marriage and inheritance were the ways of maintaining the upper class. While inheritance played a great role in the lives of Austen's heroes and heroines, it was their relatives who attached greater importance to it. General Tilney stops supporting Henry's affection for Catherine Morland when he realizes she is not as rich as he had thought. Mrs Ferrars disowns her son Edward after his secret engagement to Lucy Steele who has less money than them. The reason for such interest is the close relation to the married pair. Marriage

⁵⁵ Erickson, *Women and Property in Early Modern England*, 64–66.

⁵⁶ Eugene A. Hecker, *Short History of Women's Rights*, 130.

⁵⁷ *The American and English Encyclopedia of Law*, s.v. "Advancement."

to a person of great inheritance would mean a better life for the whole family, because “luck to one member of the family is luck to all.”⁵⁸ Mrs Bennet is also an example of a relative who eagerly awaits her daughters’ weddings so that she can visit them and parade herself. She is not the only mother who wishes to provide for herself by the marriage of her daughters. Mrs Stanhope in *The Three Sisters* is determined to marry one of her three daughters to Mr Watts who has an inheritance of £3,000. In case Mary refuses his marriage proposal, Mrs Stanhope is prepared to offer him her other daughters, Sophia and Georgiana, who are not delighted with the suitor at all.

Women were dependent on their relatives their whole lives, but not always their relatives satisfied their expectations. Elinor and Marianne Dashwood would have had a chance for a greater inheritance if it had not been for two people. The first one was small Henry to whom the old Mr Dashwood bequeathed his estate. The second one was his proud mother Fanny who persuaded her husband that £500 a year as a provision for all four women would be enough. In addition, each of the Dashwood daughters was left with an inheritance of £1,000. Other heroines, like Catherine Morland with her inheritance of £3,000, were endowed with greater sums.

Mrs Dashwood and her daughters in *Sense and Sensibility* are left with precious moveables which were bequeathed to them by the late Mr Dashwood. It is Sir Middleton’s invitation that finally makes them leave Norland Park and bring all that was left to them with themselves. Marianne’s pianoforte and other household equipment are sent by water towards Barton Cottage. All of sudden, Norland has lost some of its valuable pieces of furniture. Both Fanny and her husband “have been obliged to make large purchases of linen, china, etc., to supply the place of what was taken away.”⁵⁹

In accordance with coverture, Marianne’s pianoforte belongs to Colonel Brandon from the day of their marriage. Let us suppose that they have a son. When Colonel dies, the pianoforte descends to his son unless otherwise stated. In that case he could leave his house and the lands to his son, and the pianoforte and other moveables to his wife. Should Colonel survive Marianne, he could sell it, or even will it as the pianoforte was not her paraphernalia.

⁵⁸ Austen, “Watsons,” 84.

⁵⁹ Austen, *Sense and Sensibility*, 222.

Inheritance was not the only way Marianne could have acquired the piano. It could have been given as a gift from her father. Gifts that were given to a child during a ceremony or in the presence of relatives, were considered the property of the child. If the gift was received in privacy, the ownership of the gift was questionable as everything in the household was owned by the father.⁶⁰ Had Marianne received a horse from her father, the animal would have been truly hers if there were witnesses. Without the confirmation of ownership, Marianne would be forbidden to take the horse to Barton Cottage because it was not officially hers.

The pianoforte was not the only possession of Marianne's. In chapter twelve, Elinor and Margaret talk about Marianne's pendant. The miniature of her great uncle that Marianne once wore on her neck is, as opposed to her pianoforte, something very personal. She may own many other pendants and bring them to Delaford after her marriage with Colonel Brandon. These precious objects become her husband's as well. Brandon could sell it but could not include it in his will and bequeath it. Fanny Price in *Mansfield Park* also owns a precious piece of jewellery. It is a pendant in the shape of a cross given to her by her brother William. Again, Edmund is the owner of the pendant after their marriage, but as it was given by someone she holds close to her heart, he cannot bequeath it.

Fanny Price receives a horse from Edmund when she is eighteen years old. She could not buy the horse herself, because her age was an obstacle. She was still "an infant," a term applied to a male or a female under the age of twenty-one in the common law system. During this period, parents were obliged to pay for their children's maintenance.⁶¹ The Bertrams do provide for Fanny's necessary expenses, but the horse is not considered a necessity. It is therefore given as a gift from her older cousin who is not a minor. The one who makes the purchase is Edmund who is old enough to manage the family finances. In addition, he understands the trade well because he already has three horses of his own. He appoints himself the absolute owner and the trustee of the horse, and Fanny is entitled to use it. The horse could have been purchased also by Lady Bertram who acts on her husband's behalf while he is abroad. In that case, the horse would have been owned by Sir Bertram. The common

⁶⁰ *The American and English Encyclopedia of Law*, s.v. "Gifts."

⁶¹ Tapping Reeve, *The Law of Baron and Femme, of Parent and Child, Guardian and Ward, Master and Servant, and of the Powers of Courts of Chancery; with an Essay On the Terms Heir, Heirs, and Heirs of the Body* (Burlington: Chauncey Goodrich, 1846), 227.

law taken into consideration, Fanny herself will never be the absolute owner of the horse. While she is underage, the horse is held in trust for her. After her marriage, coverture comes into force and the ownership of the horse passes to her husband.

Gifts which were given by the husband during marriage became the wife's paraphernalia as well. The gifts given to her by a stranger during her marriage were gifts "to her separate use" and were owned by her husband or any other trustee, and therefore could be bequeathed.⁶² When Catherine Morland enters the room of Mrs Tilney, she sees wardrobes made of mahogany. These wardrobes may have been Mrs Tilney's inheritance, a gift from her father, or a gift from her husband. It belonged to her until her marriage with Mr Tilney whether it was inherited from her parents or not. If it was a gift from her father while she was unmarried, the wardrobes were hers, provided that some evidence of delivery was supplied. There is also the possibility that the wardrobes were a gift from her husband during coverture. It could not have been taken as paraphernalia because the wardrobes were not as intimate as "jewels, trinkets, and ornaments."⁶³ The wardrobes should have been given to her daughter Miss Tilney, but their presence in Mrs Tilney's room proves the wardrobes were never bequeathed and are in private ownership of Mr Tilney. He could sell it, or even will it, but rather he kept in memory of his wife.

Miss Tilney's paraphernalia is her set of pearls. This piece of jewellery once belonged to her mother who received it from her father on the day of her wedding. Just like Fanny's pendant, Eleanor's pearls were given to her by a member of her family. Both women will eventually give these gifts to their own daughters but it must be done while they are still alive. They are not allowed to write their own wills and thus cannot assign the ownership of their paraphernalia. Their presence during the delivery of the gift is the only way to assure that it is given to the right person. Edmund Bertram and the viscount who married Eleanor could sell or give their paraphernalia away after their death.

⁶² Basil E. Lawrence, *The History of the Laws Affecting the Property of Married Women in England* (London: Reeves and Turner, 1884), 119.

⁶³ Hecker, *Short History of Women's Rights*, 130.

Marriage Portions

Marriage portion, or a dowry, was a sum of money amassed mostly from inheritance and moveables. A poor servant with no inheritance was able to gather her marriage portion from her wages. In the medieval times, when the practice of marriage portion was flourishing, even animals were given to the husband's family. Over the centuries, they were replaced by sums of money ranging from £30 in poor families to £5,000 and more in aristocratic families.⁶⁴ Marriage portion was frequently settled in relation to jointure, which was an annual income that the woman received after her husband's death. Randolph Trumbach also adds that "the usual proportion between jointure and portion was £100 for every £1,000 of a portion, but sometimes more or less was given."⁶⁵ The presence of the bride's father was crucial especially when the future use of the marriage portion was being settled. Such arrangement could also include the bride's pin money, her pocket allowance that was to be paid annually.⁶⁶

John Dashwood considers giving £3,000 to his stepsisters as a provision but is discouraged by his wife Fanny who states "that when the money is once parted with, it never can return."⁶⁷ Fanny reminds the reader about the coverture doctrine due to which the bride's money transfers to her partner. Fanny and John would never see their sum of £3,000 again because it would be used as the stepsisters' marriage portion.

The day Mr and Mrs Bennet married, Mrs Bennet's father settled £5,000 on his daughter. This sum would be divided among Mrs Bennet's children only after her death. Their marriage settlement included the restriction that the money would be used for the provision of her children and not for a debt repayment. Mr Bennet cannot offer his daughters anything else as he has not made any provision for neither one of his daughters, nor for his wife. If Mrs Bennet survives her husband, she will have only £160 a year which is the interest from her inheritance. Thus, Mr Bennet's daughters had a very small marriage portion saved from gifts and pocket allowance. The only exception was Lydia's marriage to Wickham. Their expenses were paid by Mr Darcy who also paid Wickham's debts and commission.

⁶⁴ Erickson, *Women and Property in Early Modern England*, 85–89.

⁶⁵ Randolph Trumbach, *The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth-Century England* (New York: Academic Press, 1978), 82.

⁶⁶ Trumbach, *Rise of the Egalitarian Family*, 82.

⁶⁷ Austen, *Sense and Sensibility*, 11.

Elinor, Marianne, and Margaret receive marriage portion of £1,000 apiece. Catherine Morland brought £3,000 to the Tilney family, and Anne Elliot received a “small part of the share of ten thousand pounds” from her father to marry Frederick Wentworth. However, marriage proposals were not always genuine. William Elliot, the cousin of Sir Walter who seeks wealth, marries Penelope Clay for her handsome inheritance of £50,000. Emma Woodhouse also becomes the centre of Mr Elton’s attention due to her £30,000 inheritance.

While the marriage portion was “a means of buying a husband,”⁶⁸ wealthy women were also highly interested in choosing a husband whose fortune was comparable to their own fortune. There were also women who were impatient to marry a man just for the sake of elevation of the family and without even realizing that their marriage portion was not as impressive as they thought. Despite this ignorance, they were able to find a man who was blind to all the disadvantages of the family. Mr Watts, a wealthy landowner in *The Three Sisters*, wishes to marry the oldest of the Stanhope sisters. Mary, one of the heroines of the epistolary short story, is prideful and refuses to marry Mr Watts twice because she believes he is not good enough for her. In the end, she accepts his proposal but only to prevent him from proposing to her sisters. After all, he has £3,000 a year. The Stanhope sisters’ marriage portion is never mentioned, but the income of their mother is about £500 a year. Her determination to marry her daughters advantageously is equal to that of Mrs Bennet in *Pride and Prejudice*. Although Mrs Stanhope is better financially secured than Mrs Bennet, she also emphasizes the superiority of the profitable marriage. Unlike poor Charlotte Lucas who accepts Mr Collins in belief that “any husband is better than none,”⁶⁹ Mary’s social status does not prevent her from stating her conditions and declaring that she is worth more than Mr Watts thinks. In return for the union she demands a horse, a carriage, and a dress, and in jewells she wants him to spare no expense. Eventually, it is only the carriage and family jewells that she receives, but it is not an adequate compensation for the price of her own person.

⁶⁸ Edward Westermarck, *A Short History of Marriage* (London: Macmillan, 1926), 178.

⁶⁹ Joanne Wilkes, “The Paradox of Masculine Agency in Jane Austen’s Early Works,” in *Jane Austen and Masculinity*, ed. Michael Kramp (Lewisburg: Bucknell University Press, 2017), 66.

Pin Money

Pin money was a kind of married women's separate property. A husband was liable to pay pin money once it was written in the marriage settlement, or he could give it as a gift during their marriage. The items which the wife bought with her pin money were hers, and she could dispose of it as she pleased. The purpose of pin money was to free men from their wives' constant asking for money.⁷⁰ Pin money, usually in a form of a cash, "was supposed to be spent on clothes, amusements, charities and such other out-of-pocket expenses as a wife incurred."⁷¹ Even though the husband was required to pay for the wife's expenses, pin money enabled women to have more privacy. The value of the wife's personal property proceeded from the finances of her husband.⁷²

Staves gives an example of a marriage contract with pin money from 1729. Aaron Assley had to pay pocket allowance of £120 to his future wife Frances Eave, and the sum was to be raised to £250 a year after three years. The term "pin-money" is never mentioned in the document and in many other contracts the sample of pin money is not as clearly specified as it is here. The matters of pin money proved to be difficult since there were two factors to consider. The first was that the money would be secured to the woman for her own use. The second that the woman would not be able to use the money on anything else but her maintenance.⁷³ Daughters could also receive some pocket allowance before their marriage, because parents were obliged to provide protection, education, and maintenance for their children according to the law.⁷⁴

Deborah Wilson in her book *Women, Marriage and Property in Wealthy Families in Ireland*, suggests that the sum of pin money was derived from the sum of the marriage portion that the bride brought to the marriage. Wilson mentions that pin money could be "between 4 and 10 per cent" of the marriage portion. However, these figures and pin money differed from marriage to marriage.⁷⁵

⁷⁰ Alvah L. Stinson, *Woman Under the Law* (Boston: Hudson Printing Company, 1914), 202–204.

⁷¹ Staves, *Married Woman's Separate Property*, 132.

⁷² *Ibid.*, 131.

⁷³ *Ibid.*, 136–144.

⁷⁴ *The American and English Encyclopedia of Law*, s.v. "Parent and Child."

⁷⁵ Deborah Wilson, *Women, Marriage and Property in Wealthy Landed Families in Ireland, 1750–1850* (Manchester: Manchester University Press, 2008), 128.

A widow could claim only one year's worth of pin money after the death of her husband. The requests for the arrears appeared at the Court of Chancery frequently but were not always made by a widow. One marriage settlement from 1725 became a subject of such litigation. The contract stated that the woman should receive £50 a year as her pocket allowance. She died soon after her husband's death and the executives demanded £500 as a compensation due to the fact that the pin money was not paid to her for the last ten years. The court refused to pay them the sum since the husband provided for his wife well even without her pocket allowance. This dispute became known as the case *Thomas vs Bennett*.⁷⁶

Howard vs Digby is another famous case of relatives claiming a widow's pin money. The representatives of the Duchess of Norfolk laid claim to the rest of her pin money after her death but were declined. It was a known fact that the Duchess suffered from hallucinations and therefore was not capable of receiving pin money in the last years of her life. Moreover, she was the one to whom the pin money was assigned, and when she was no longer alive, the chance of restoring the money was gone with her. The representatives were not entitled to her money balance thereafter.⁷⁷

Henry Greenwood in his work *Our Land Laws as They Are: A Handbook for Landowners, Candidates and Electors* presents a wealthy landowner Mr John Oldacre with £10,000 a year. With this fortune, Greenwood estimates £150–£200 pin money for Mr Oldacre's wife.⁷⁸ The example shows that a gentry woman's pin money could be around £200 and more. Therefore, Mrs Bennet has the right to be excited about Elizabeth's engagement to Mr Darcy: "What pin-money, what jewels, what carriages you will have! Jane's is nothing to it – nothing at all. I am so pleased – so happy."⁷⁹ Certainly, Mr Darcy with his handsome £10,000 is expected to demonstrate his courteous manners when pin money is being assigned. Had Jane and Elizabeth married someone else than Mr Bingley and Mr Darcy, their pin money could have been only a small sum. Elizabeth has only £1,000 inheritance and her father's financial situation could damage her assignment of pin money and jointure. Poor women

⁷⁶ Lawrence, *History of the Laws Affecting the Property of Married Women in England*, 121–122.

⁷⁷ Charles Clark and William Finnelly, *Reports of Cases Heard and Decided in the House of Lords on Appeals and Writs of Error, During the Sessions 1833, 1834, 1835*, ed. Jonathan C. Perkins (Boston: Little, Brown, and Company, 1837), 519–520.

⁷⁸ Harry Greenwood, *Our Land Laws as They Are: A Handbook for Landowners, Candidates and Electors* (London: Sampson Low, Marston, Searle, & Rivington, 1885), 86–88.

⁷⁹ Austen, *Pride and Prejudice*, 470.

like her certainly expected less than £50. Nevertheless, Mr Darcy is a gentleman associated with aristocrats, and Elizabeth's pin money could be even more than £200 a year. In comparison to Elizabeth, Emma Woodhouse brings Mr Knightley a marriage portion of £30,000. Mr Knightley is a wealthy man, and Mr Woodhouse wishes his daughter to be well provided. With respect to these facts, Emma's pin money could reach the 10 per cent which would be £3,000 a year.

The Bennet daughters enjoy some pocket allowance while they still live at Longbourn, but the sum is certainly not as great as the sum of pin money that Mr Darcy can offer. Mr Bennet's income is used to pay the servants' wages, food, and other necessary expenses. Even though the family's financial situation compares unfavourably with other Austen's households, he is still able to provide some additional allowance for his daughters' enjoyment. The small sum urges the youngest girls to overspend, rather than to save the money. Lydia uses all her pocket money in a shop with bonnets and demands Elizabeth and Jane to lend her some more to pay for a meal. The clothes that she bought were to her own use, but the money was not hers. The allowance could have been given to her by her father but also by her mother who paid it from her inheritance. Lydia may wear all the bonnets, yet they may be owned by her father because he was the head of the household.

Dower and Jointure

A widow was entitled to a piece of land called dower. The piece was equal to one-third of her husband's real property. Had the husband not defined the dower land himself, the widow had the right to demand it from the heir. The widower's equivalent to dower was curtesy. He obtained the whole property, not just one-third. Dower and curtesy were "forced shares," which meant that the surviving husband or wife acquired the land and there was no way to prevent it.⁸⁰ The heir had forty days to assign the dower, and the woman had the right to seek legal advice if the heir had not done so. The dower was assigned for her life-time despite coverture but was barrable by elopement, divorce, treason of her husband, and also by jointures.⁸¹

The year 1833 introduced the Dower Act, and women could no longer demand their dower. Such measures were made due to the problems with dowers. One

⁸⁰ Staves, *Married Woman's Separate Property*, 28–30.

⁸¹ Blackstone, *Commentaries on the Laws of England*, 136–137.

of the reasons was the inalienability. The woman who acquired the piece of land was able to retain it even though the husband, or any other relative, was no longer the owner. This complication reduced the number of possible purchasers because it was impossible to sell a land with someone's widow. Another reason might have been the dangerous independence.⁸² Thus, jointure replaced dower.

Jointure was another provision made for the woman after her husband's death. There were two kinds of jointures. The first was legal jointure which barred a woman's chance of obtaining her dower completely, and replaced the land with an annual sum. The second was equitable jointure, a settlement in which a widow could choose either dower or jointure.⁸³ The latter was usually written in the marriage settlement, but it could be assigned also during marriage. Staves mentions that the gentry women enjoyed jointures of about £500 a year, while poor women had even less than £100. Women born into aristocratic families, on the other hand, were endowed with £1,200 a year and more. For instance, Duchess of Newcastle enjoyed £3,000 a year.⁸⁴ Lady Jane Anne Hatton who married a marques in 1800 received £2,000 a year. Charity Forde with a portion of £6,000 received £700 a year, while Harriet Douglass having only £10 married a viscount who settled £2,000 jointure on her.⁸⁵

Maggie Lane in her work *Growing Older with Jane Austen* calls Lady Denham from Sanditon "a true dowager." The term "dowager" was used for widows who were presented with a dower and enjoyed incomes from it.⁸⁶ Lady Denham married a wealthy landowner, Mr Hollis. The will written by Mr Hollis included the assignment of dower and also the ownership of the estate. Lady Denham received both the dower and the rest of the estate. She enjoyed the estate until her second marriage with Sir Harry Denham who "succeeded in removing her and her large income to his own domains."⁸⁷ Dower, however, was secured to her for her lifetime, and she could keep it despite her second marriage. Mr Hollis might have appointed a trustee for Lady Denham in his will, but since women from the year 1725 could own property without trustees,⁸⁸ the estate was not subjected to a male guardian. Following her second

⁸² Staves, *Married Woman's Separate Property*, 32–35.

⁸³ *The American and English Encyclopedia of Law*, s.v. "Dower."

⁸⁴ Staves, *Married Woman's Separate Property*, 95–96.

⁸⁵ Wilson, *Women, Marriage and Property in Wealthy Landed Families in Ireland, 1750–1850*, 202.

⁸⁶ Maggie Lane, *Growing Older with Jane Austen* (London: Robert Hale, 2014), 136.

⁸⁷ Jane Austen, "Sanditon," in *Sanditon and Other Stories*, ed. Peter Washington (London: Campbell, 1996), 18.

⁸⁸ Staves, *Married Woman's Separate Property*, 133.

husband's death, Lady Denham retired to her house in Sanditon when the heir of Sir Harry acquired Denham Park. That house is covered in her dower.

Another rich widow is Dowager Viscountess Dalrymple in *Persuasion*. She and her daughter live somewhere near their former seat in Ireland, since the Viscount probably owned many pieces of land and many mansions. Although their house in Bath is rented, Viscount Dalrymple would have had no problem with purchasing some property in Bath and assigning it to his wife as a part of her dower.

Catherine de Bourgh is one of the richest widows appearing in Austen's novels. Not only she is a daughter of an earl, but she also married an earl. Her rank taken into consideration, her jointure could reach £3,000 a year as in the case of the mentioned Duchess of Newcastle. Another Austen's widow, Mrs Jennings whose interests include matchmaking and visiting her relatives, also receives jointure. This money would be transferred to her children after her death. Mrs Dashwood's provision must be hardly considerable in comparison to these wealthy widows. Her husband never managed to write his will and appointed his son to provide for her and her daughters. Mr Dashwood might have assigned the jointure that his wife should be entitled to after his death, but the money was never delivered. In Susan Staves's view, barring a widow's jointure was a frequent event. Even though the sum was specified in the widow's marriage settlement, there was still the possibility that the jointure would be seized by the heir.⁸⁹ John Dashwood even contemplates presenting Mrs Dashwood with an annuity of £100 but is again dissuaded by his wife who persuades him how difficult a commitment an annuity can be.

Concerning the jointures of other Austen's heroines, Sir Walter presents Anne with a marriage portion smaller than £10,000. Let us suppose he gave her £4,000. If the jointure:portion ratio is included, she would have a jointure of £400 a year. Catherine Morland receives £3,000 as her marriage portion. Again, if the ratio covered, she could enjoy a jointure of £300 a year after the death of her husband Henry. Emma with her portion of £30,000 could receive £3,000 jointure.

⁸⁹ Staves, *Married Woman's Separate Property*, 115.

HOUSEHOLD MANAGEMENT

Even though coverture and primogeniture did not allow Austen's heroines much freedom of ownership of property, there was a certain way of practicing power over what the husband had. The man might have been the source of money, but the household expenses were usually managed by the woman. Lady Sarah Pennington, a gentlewoman and an author of an eighteenth-century pocketbook, believed in this practice as well when she informed her daughter that "[t]he Management of all Domeftic Affairs is certainly the proper Bufinefs of Woman."⁹⁰ This is certainly not the only pocket book from the eighteenth century dedicated to a woman's housekeeping. *Domeftic Management, or the Art of Conducting a family* adds, that the household managing "not only conduces to [women's] own happinefs and comfort, but to that of thofe families of which the cuftom of countries had given them the direction."⁹¹ Certainly, a better domestic management could improve the family's economic situation even at the cost of comfort.

How women handled a difficult financial situation is demonstrated in *Persuasion* when Sir Walter's lavish lifestyle incurs debts. Even Elizabeth, his equally extravagant daughter, becomes aware of the family's financial problems. Retrenching was nevertheless strongly objected by Sir Walter himself: "[E]very comfort of life knocked off! Journeys, London, servants, table – contractions and restrictions every where!"⁹² There was even a suggestion about selling the estate. This was impossible because some of its lands were inalienable, and moreover it was beneath Sir Walter's dignity. Anne and Lady Russell devise a solution that even proud Sir Walter agrees with. Kellynch Hall is to be rented to Admiral Croft and his wife for one season only. They are the perfect choice for the estate as they have no children, and the furniture will stay nice and clean. Sir Walter has condescended to a mortgage loan by then, and by renting his estate he is able to lighten his financial burden.

A Georgian household is further described by Amanda Vickery who follows the life of a gentry woman Elizabeth Shackleton in her work *The Gentleman's Daughter*. Naturally, Elizabeth's husband is the owner of the house, furniture, and the

⁹⁰ Sarah Pennington, *An Unfortunate Mother's Advice to her Abfent Daughters; in a Letter to Mifs Pennington* (London: S. Chandler, 1761), 27.

⁹¹ *Domeftic Management, or the Art of Conducting a Family; with Instructions to Servants in General. Addressed to Young Housekeepers* (London: H. D. Symonds, 1800), 3.

⁹² Austen, *Persuasion*, 11.

paintings, but it is Elizabeth who maintains it. Everything that was bought and sold was written in Elizabeth's memorandum. Her precise book made her a great manager of the household and also a conscientious shopper. Family's purchases frequently consisted of clothing, tableware, and furniture. Most of the furniture was brought from the country, but sometimes she appointed her relatives in London to buy the goods and send it to her.⁹³ Rose M. Bradley offers one more account of Georgian lifestyle in *The English Housewife in the Seventeenth and Eighteenth Centuries*. As in case of Elizabeth Shackleton, Lady Osbaldeston is a great household manager. Her records offer not only the goods but also the purchase costs. Her list of linen written on the 17th of October 1780 includes articles such as "4 flowered damask tablecloths" purchased for £4 and 8 shillings, and "27 napkins" which together cost £2 and 5 shillings. Her precise record of silverware showed that the kitchen equipment exceeded £140 in total.⁹⁴

Women in Austen's novels may keep similar records in their pocket books. Fanny Dashwood, the avaricious wife of John Dashwood, is fond of money and property she and her husband have. Mr Henry Dashwood sold majority of his family's possessions when he moved to Norland Park from Stanhill. The items he kept were bequeathed to his wife and daughters after his death. Even though it was probably just a small portion, Fanny Dashwood is displeased when Mrs Dashwood takes all the precious china with her because it is way too luxurious to be placed in such a miserable cottage. Their own china collection and the rest of furniture in Norland Park became twice as valuable, since it was left to them and not to Mrs Dashwood. Fanny certainly recorded their current state of possessions in order to avoid mistakes in the ownership of the items. Her pocket book may also include the items which were to be purchased since some of the furniture was taken away.

The best housekeepers seem to be widows rather than wives. Mr Collins decided to find a wife because Lady de Bourgh advised him to marry a woman who can "make a small income go a good way."⁹⁵ An advice coming from such a honorable lady is like an order that must be obeyed. Mr Collins chose his wife well. Charlotte is a practical woman who is able to tolerate his pettiness. Even though there are mo-

⁹³ Amanda Vickery, *The Gentleman's Daughter* (New Haven: Yale University Press, 2003), 164–168.

⁹⁴ Rose M. Bradley, *The English Housewife in the Seventeenth & Eighteenth Centuries* (London: Edward Arnold, 1912), 250–252.

⁹⁵ Austen, *Pride and Prejudice*, 139.

ments when she is delighted to be alone, she is grateful to be a good wife who keeps Hunsford parsonage neat. However, the person who knows about the clergyman's household more than Charlotte, is Lady de Bourgh. Besides instructing the servants, she advises Charlotte how to rearrange her furniture and even how to take care of their livestock. Her main interest seems to be organizing other people's homes, and that is the reason why she visits Hunsford. Lady de Bourgh is aware of everything that happens in her parish and is ready to resolve the complaints and problems of its inhabitants, even if it is not necessary. She takes pride in managing her property because she considers herself the only person who is qualified to do so.

Lady Bertram is less successful with the domestic concerns than Lady de Bourgh. Although she is supposed to manage her husband's estates during his absence, she leaves this responsibility to others. The one who is involved with Mansfield Park's economy the most is Mr Norris. Once accustomed to an economical living, Mrs Norris considers every purchase carefully. Fanny's horse is highly criticised by her because it is a large purchase and Sir Thomas Bertram is not present. Mrs Norris regards Sir Bertram's money her own, and when it comes to spending, she is reluctant to spend money even though she has no children to provide for.

CONCLUSION

The aim of this thesis was to analyse women's property law in Austen's novels. Before all the women's acts in England, women had only few chances of having a property. Primogeniture and coverture, doctrines in this law system, did not allow women much freedom. Primogeniture precluded females from owning the family property since the oldest male was regarded as more suitable for the role. Coverture was a doctrine which made the husband the lord of his wife. Marriage contract was meant to be a treaty of alliance between the families that guaranteed the transfer of property. A marriage which was not profitable was criticized and the young people considered foolish. Many pairs chose to run away to Gretna Green to escape their parents' power and expensive ceremonies. Another possible place for a secret marriage was Fleet Prison in London. The essential part of a marriage was a marriage settlement. This document included not only the contract between the two people, but also the future of the woman's property, and the possible provision for the wife.

A strict settlement was the traditional way of settling property. The oldest son or other male relative was entitled to ownership of the family estate. Once a male was entitled to the estate, it was impossible for a woman to obtain it. A marriage contract therefore had an impact on the future generations. While Anne de Bourgh and Lady Susan prove that women could own estates, the chance for a woman to be assigned property was small.

Following sections of the thesis studied variety of provisions made for a daughter and a wife. A marriage portion was usually a sum of money that ensured interest of suitors. The portion could be accumulated from inheritance or gifts of the woman. Unless otherwise stated, all of the marriage portion became the husband's property on the day of the marriage. A part of the sum could be settled on the wife in case her husband is indebted and could lose the property. A special category of woman's possible property was her paraphernalia. Paraphernalia included woman's most precious jewels, clothes, and other trinkets which were given to her by her relatives. Her husband could not will them, and she herself could decide to whom it is delivered after her death. The husband could also settle pin money on her wife.

A considerable section of the thesis focuses on gifts. Giving and receiving a gift was a delicate issue, especially when the one who received the gift was a woman.

If a father gave a gift to her daughter, it had to be done publicly so that the gift was secured to her and not to her father. When a woman was presented with a gift from her husband, he was the absolute owner, and the gift was to her own use.

Next sections analyse two kinds of provisions for a widow. Dower was one third of the land that the husband owned during his life, but problems with inalienability of the property convinced men to choose jointure instead. Jointure was similar to dower in a way that it was a provision for the wife after her husband's death. The widow could receive an annual income, but she was not entitled receive to a piece of her husband's land.

Although many women mentioned in the novels could not choose affectionate union, Austen let her heroines marry the men they love. Most of the author's characters are people from the English middle class who were used to a certain living standard, and whose wish was to maintain their social standing by marrying their children richly. Men from the gentry never worked because fundholding was the source of their income. They spent their days riding horses and supervising their family's lands, while women usually managed the household. Household management is the last chapter of the thesis.

RESUMÉ

Tato práce se věnuje majetku žen v dílech Jane Austenové odehrávajících se před vydáním zákonů zajišťující majetková práva žen. Podle anglického práva byla žena a její manžel považováni za jednu osobu. Anglické právo se zakládalo na dvou doktrínách, které ovlivňovaly svobodu žen. Primogenitura zabránila ženám, aby se staly majitelkami rodinného majetku, protože se obvykle dávala přednost nejstaršímu synu. Další byla coverture, která zajišťovala právní závislost ženy na svém manželovi. Hlavní účel manželství bylo spojení rodin a převedení majetku. Lidé, kteří se vzali bez ohledu na peníze, byli kritizováni. Vyskytly se i takové případy, kdy milenci utekli do Londýna nebo až do Skotska, kde se mohli tajně vzít. Nezbytná část každého sňatku byla manželská smlouva. Ta zabezpečila zajištění manželky a vlastnictví majetku.

Část práce se zabývá druhem rodinného zajištění s názvem strict settlement. Tato tradice omezila vlastnictví rodinného majetku pouze na jedno pohlaví, obvykle na muže. Jakmile muž obdržel rodinný dům, nemohl jej přenechat svým dcerám. Přestože ženy jako Anne de Bourgh a Lady Susan dokazují, že ženy mohly vlastnit majetek, šance na získání majetku byly malé.

Následující sekce zkoumají finanční zajištění dcer a manželek. Nevěsta obvykle obdržela svatební věno na které se našetřilo z darů a toho, co zdědila. Tato částka byla převedena jejímu manželovi, nebo byla použita jako zajištění její osoby během manželství. Věci, které manžel nemohl nikomu odkázat, se nazývaly parafernálie. Dalším druhem zajištění bylo kapesné díky kterému si žena mohla koupit knihy, oblečení, a další šperky.

Značná část práce se zabývá dary a jejich převedením mezi mužem a ženou. Právo považovalo dary za delikátní záležitost, zvláště když dar dostala žena. Dar předán před očima svědků patřil ženě do té doby, než se vdala. V případě, že dárce byl její manžel v době manželství, vlastníkem byl on, ale ona dar mohla používat.

Další sekce analyzují dva druhy pojištění pro ženu po smrti jejího manžela. Vdovské věno a vdovský podíl byly podobné, ale jen vdovský podíl zajišťoval, aby žena dostala jednu čtvrtku pozemku jejíž součástí mohl být i dům. Vdovský podíl později vystřídal peněžní částka. Často se objevovaly případy, kdy pozemek nikdo nechtěl koupit, protože tam bydlela cizí vdova.

Ačkoli mnoho žen zmíněných v románech si nemohlo vybrat svazek z lásky, Austenová dopřála svým hrdinkám oženit se s muži, které milují. Většina jejich postav jsou lidé ze střední třídy, kteří byli zvyklí na určitý životní standard a jejichž přání bylo udržet si společenské postavení tím, že provdají své děti do prosperujících rodin. Muži z této třídy nikdy nepracovali, protože zdrojem jejich příjmů bylo financování státních fondů. Zatímco oni trávili dny ježděním na koni a dohlížením pozemků, ženy spravovaly domácnost. Domácnosti se věnuje poslední část práce.

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ANNOTATION

Name: Tereza Krejčí

Department: Department of English and American Studies

Title of the thesis: Women and Property in Jane Austen's Fiction

Supervisor: Mgr. Ema Jelínková, Ph.D.

Number of pages: 48

Year: 2018

Abstract

This bachelor's thesis focuses on women and property in Jane Austen's fiction. In Regency England, impecunious ladies were poor creatures of few prospects. The luckier women from wealthy families did not get to enjoy their dowries – and a measure of freedom money usually brings about. With their own inalienable rights almost non-existent, they were hardly considered owners of property, since the law regarded them as property themselves. Jane Austen addresses the problem of women, property and a legal share of money a wife or a widow might be entitled to. My thesis is going to consider so called marriage portion and widow's jointure and their place in the Regency milieu.

Key words: British literature, 18th century, property, law, Common law, housewife, money

ANOTACE

Jméno: Tereza Krejčí

Katedra: Katedra anglistiky a amerikanistiky

Název práce: Ženy a majetek v díle Jane Austenové

Vedoucí práce: Mgr. Ema Jelínková, Ph.D.

Počet stran: 48

Rok: 2018

Abstrakt

Tato bakalářská práce se zaměřuje na majetek žen v dílech Jane Austenové. Bezmajetné ženy žijící v období regentství Jiřího IV měly jen málo možností. Ty šťastnější, které se narodily v bohatých rodinách, také neměly moc šancí užít si svá svatební věna a jeho výhody, protože Anglické právo jen stěží umožňovalo ženám vlastnit majetek. Austenová se zabývá tímto problémem a majetkem žen během manželství a po smrti jejich manžela. Má práce zahrnuje také svatební věno a vdovské věno a jejich důležitost Anglii v období 18. století.

Klíčová slova: britská literatura, 18. století, majetek, právo, Common law, žena v domácnosti, peníze