

Jane Austen (1775-1817) and
Inheritance Rights of Gentry-Women
during the Regency-era

The Case of the Bennet Family in
Pride and Prejudice (1813)

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I.

Life and Work of Jane Austen





*Steventon, Hampshire, England. Place of birth of Jane Austen
(1775)*



*Cathedral of Winchester. Place of burial of Jane Austen
(1817)*



Sketch of Jane Austen by her sister Cassandra Austen (ca. 1810)

**SENSE
AND
SENSIBILITY:**

A NOVEL.

IN THREE VOLUMES.

BY A LADY.

VOL. I.

London:

PRINTED FOR THE AUTHOR,

By C. Roworth, Bell-yard, Temple-bar,

AND PUBLISHED BY T. EGERTON, WHITEHALL.

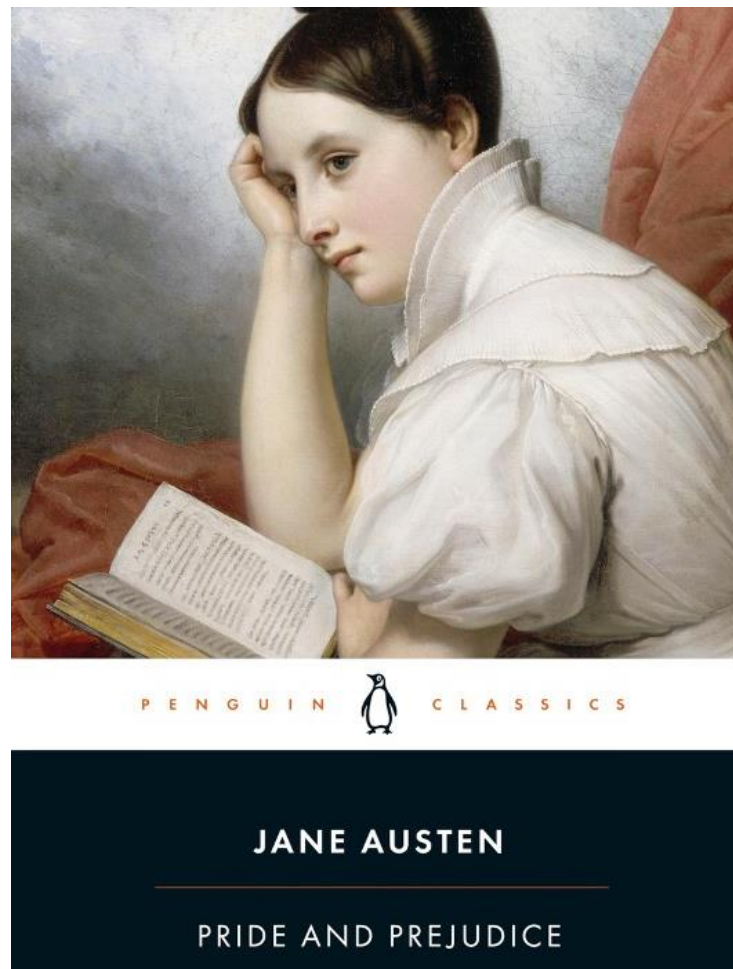
1811.

“[...] proper women [...] were modest, retiring, essentially domestic and private. Authorship of any kind entailed publicity, thrusting oneself before the public eye – thus loss of femininity.”

Jan Fergus, “The professional woman writer”, in: E. Copeland and J. McMaster, *The Cambridge Companion to Jane Austen*, pp. 12-31, Cambridge, Cambridge University Press, 1997, p. 13.



Pride and Prejudice, movie adaptation
by Joe Wright, 2005



Pride and Prejudice, London, 1813

Jane Austen's work:

- *Juvenilia*
- *Sense and Sensibility* (1811)
- *Pride and Prejudice* (1813)
- *Mansfield Park* (1814)
- *Emma* (1815)
- *Northanger Abbey* (1818)
- *Persuasion* (1818)
- Unfinished novels: *Lady Susan*, *The Watsons* and *Sanditon*

BRIDGET JONES'S DIARY



Bank of England

HB17 620160

Ten Pounds

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I declare after all there is no enjoyment like reading!

Jane Austen 1775-1817

© Worldwide collection

£10



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II.

Inheritance Rights of Gentry-Women.
The Case of the Bennet Family in *Pride
& Prejudice* (1813)



Pride and Prejudice (published in 1813): plot



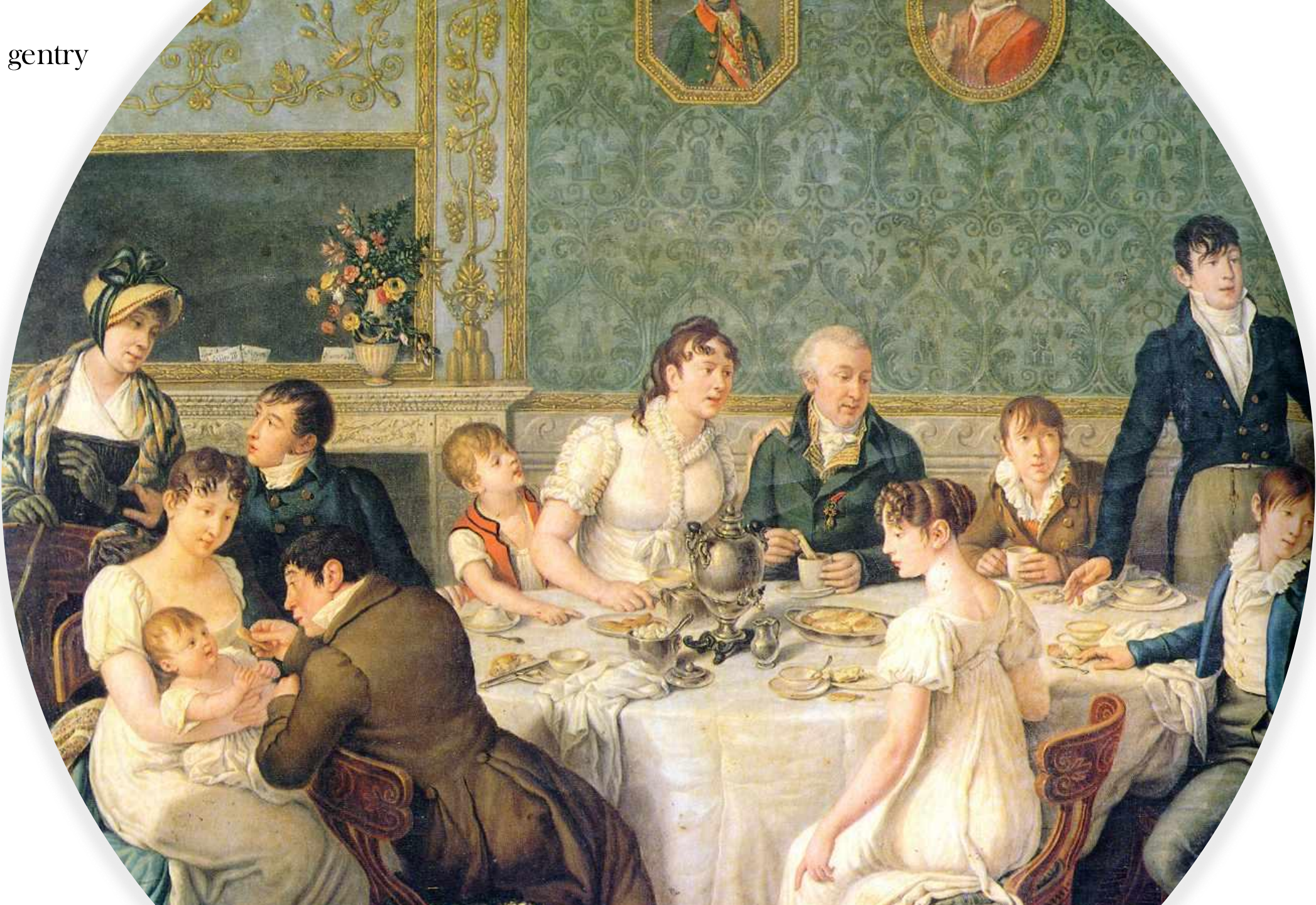
PENGUIN CLASSICS

JANE AUSTEN

PRIDE AND PREJUDICE



Landed gentry



Pride & Prejudice:
The Bennet family

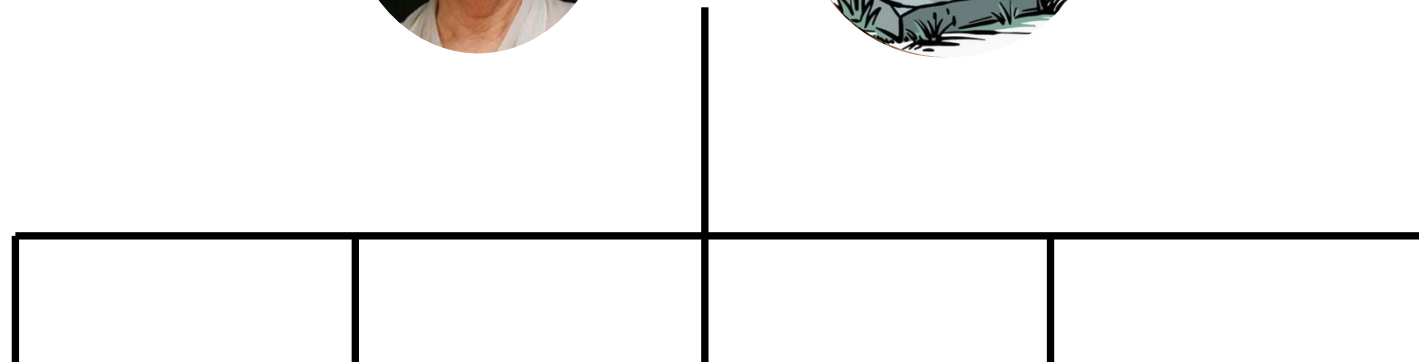




“Mr. Bennet’s property consisted almost entirely in an estate of two thousand a year, which, unfortunately for his daughters was entailed in default of heirs male, on a distant relation; and their mother’s fortune, though ample for her situation in life, could but ill supply the deficiency of his”

(Pride and Prejudice, p. 28)

Longbourn estate





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Longbourn estate

English land law: basics



Fee (*feodum*, fief)

Fee simple (common law)

13th century: common law ensures tenants can pass on their
life interest in the fee to their descendants

Fee simple

(alienable, provided the lord agrees to the change of tenant)



Inheritance of the fee simple and gender (common law)

Brothers exclude their sisters from the succession of the
estate

However, in the absence of sons, daughters can inherit the
fee



Fee tail (statute law): origins

1285

The *De donis conditionalibus* statute
(the Estates Tail Act) is enacted by the
Parliament of England

Creation of the **fee tail** (entail)
(non alienable)



Fee tail (statute law): main features

Fee tail

1. Not freely alienable by the tenant in tail

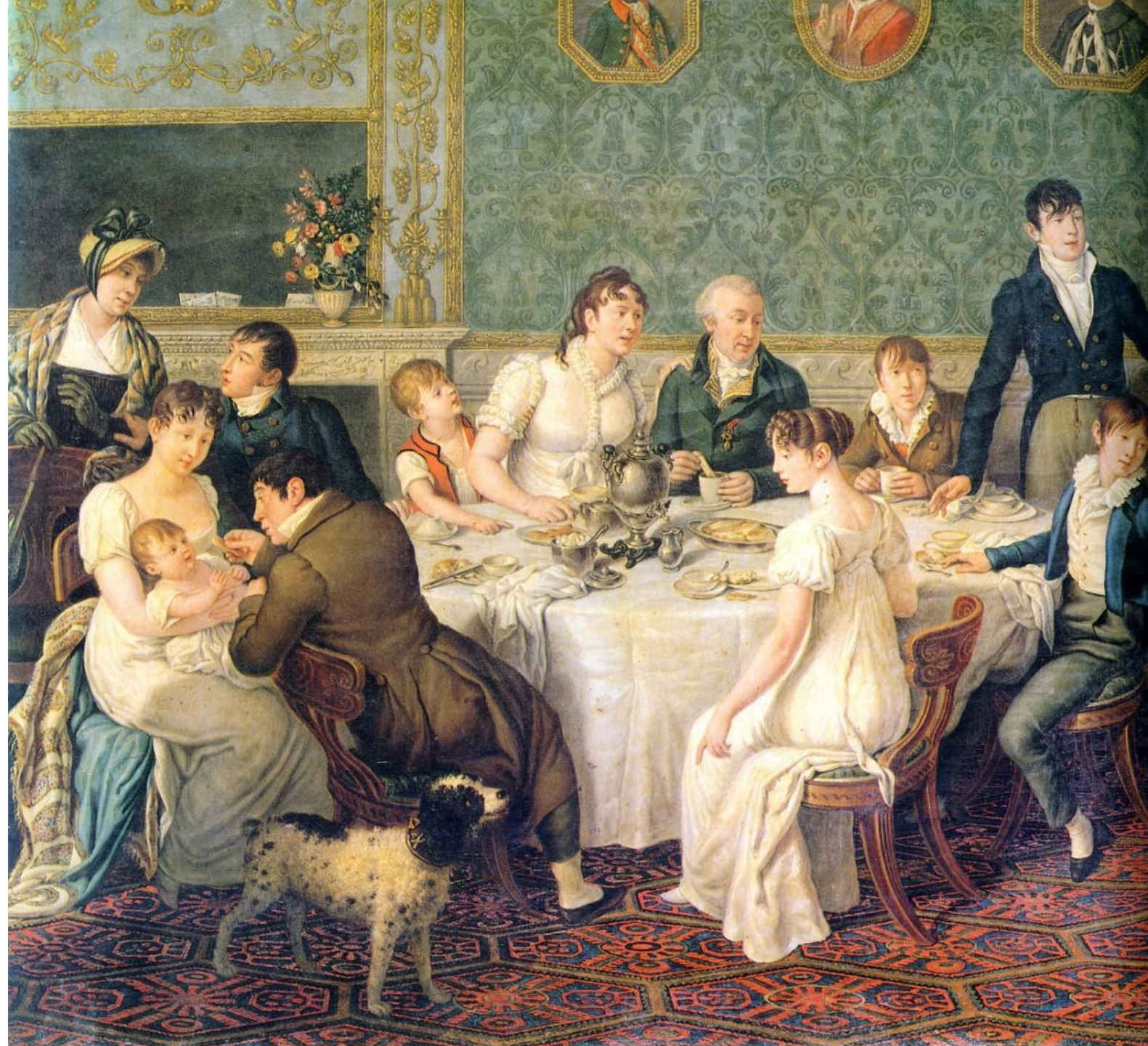
The tenant is bound by the entail and cannot cut it off

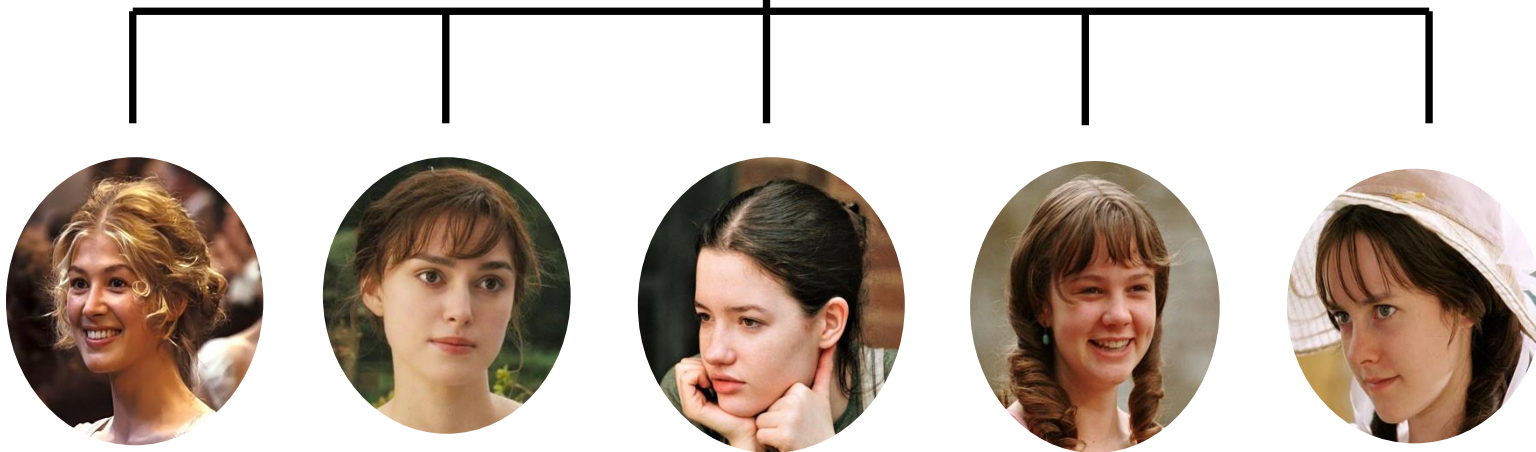
2. Prohibition to alienate is formulated in perpetuity

It binds the original heir/donee but also all his descendants after him, with no time limit

Entail and the landed gentry (17th century)

In the 17th century, entails are greatly favoured by the new gentry (rich lawyers and traders who amassed enough wealth to purchase an estate)





“Plot-motif of female
disinheritance”



The entail as a plot device in *Pride and Prejudice*
Lizzie Bennet and Mr. Darcy

“In marrying your nephew, I should not consider myself as quitting that sphere. He is a gentleman; I am a gentleman’s daughter; so far we are equal”

(*Pride and Prejudice*, p. 357).



Discussion:
Literary fiction as a tool for legal
historians?

