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The Regency Era of Jane Austen. Examining the Legal System of Class Structures

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Abstract: Within Western society, the institution of marriage has been failing, as increasingly, younger generations have made less of a commitment over the past ten years. Literature, however, has played a major role in maintaining marriage and relationships for centuries. Since marriage has long been part of the culture of literature, authors such as Jane Austen have shown the importance of marriage. When Jane Austen wrote her masterpiece in the novel "Pride and Prejudice," she allowed for marriage to be placed at the very heart of the culture. In "Sense and Sensibility," the contrasting romantic pursuits of the Dashwood sisters are seen in the works "Mansfield Park" and "Emma." Each novel provides a legal framework for societal pressures and class structure. Consider the novels; it was not only a gentleman with a fortune who thought about marriage. A woman's education, her social life, the future care of her children and parents, her father's connections and fortune, all play into her highest hope that one day she may become married, have children of her own, and cultivate their prospects, as society viewed marriage through the works of Jane Austen.

Keywords: Jane Austen; marriage; literature; law

1. Introduction

Austen was a keen observer of the social pressures surrounding marriage. One might go as far as to say that the burden on young people in her time was much greater than in our own, but it is neither a social obligation nor the mere fact of its cultural importance that led Austen to defend marriage. Jane Austen prized marriage because of the prospect of happiness it offers to husband and wife. In the famous opening lines, "It is a truth universally acknowledged, that a single man in possession of a good fortune, must be in want of a wife." If a man and woman marry for love, this elevates the chances of social goods that naturally flow from a happy marriage for children and the wider society. For her, if young people do not approach marriage in this way, if they do not marry for love, affection, and friendship, they cannot reasonably expect to be happy in it when the inevitable challenges of children, finances, and the follies and wickedness of self and others are thrown in their way.

For all the differences between society in her day and our current Western society, there is something essential in common with Austen, and that is that when younger generations marry, they still marry for love, in the hope that they may find happiness by committing their life to another person. Similarly, young people do not marry for the same reason: they do not see how their happiness in this life could or should depend upon another person. Austen thought marriage is a mixture of romance and friendship. Elizabeth Bennet cannot reconcile herself to marrying Fitzwilliam Darcy, an ideal match from a material and social perspective, before she first learns to respect him, wish for his happiness, and discover how much she wishes his happiness to depend on herself.

The marriage and courtship of Darcy and Elizabeth is filled with sadness and tragedy, as any married life will be, but because they approach married life with discernment and caution alongside a deep sense of romance, they can overcome their own shortcomings, their pride and prejudice; the novel is not called "Of Love and Happiness," note well!

Once they can conquer themselves, they are also able to will the good of one another and form meaningful friendships in the wider community that work to contain the evils they find in it. The sense of mutual goodwill that forms the basis of their courtship and marriage puts them in a position to protect the vulnerable, innocent, and those less fortunate than themselves.

2. The Regency Era

The Regency era was a time of strict societal norms and class structures. Marriage was not merely a personal choice, but a societal obligation, especially for young women. The notion of a good match, as it was often dictated by family standing, financial stability, and societal approval rather than personal affection or compatibility. Young women, such as Jane Bennet and Elizabeth Bennet, navigated a delicate path between societal expectations and secret desires. The notion of marrying for love was a luxury, while marrying for security was often seen as the sensible choice. The works of Jane Austen introduced characters and narratives that subtly questioned and critiqued these societal norms. Through the eyes of well-educated young women, Austen explored the tensions between individual happiness and societal expectations on marriage.

For Jane Austen, the societal pressure on young women to marry was immense. Marriage was seen as the only respectable option for women to secure a stable future. Characters like Charlotte Lucas in "Pride and Prejudice" reflect the practice of the time, marrying more for security than love. However, characters like Elizabeth Bennet represent a break from these norms, embodying the hope for a marriage based on mutual respect and affection. Furthermore, the dynamics between parents and their daughters, as seen in the Bennet family, reflect the societal pressures surrounding marriage. The quest for a good match was not merely a personal endeavor but a family affair, with the fortunes and reputations of entire families often hinging on successful marital unions.

Young people remain deeply romantic but have little idea of how to channel their romantic instincts. The institution of marriage is a great teacher, and few taught it better than Jane Austen, warts and all. If you are considering married life or know someone who is, encourage them to crack the cover of "Pride and Prejudice." A slow and sensitive reading will offer the kind of education that will last a lifetime.

2.1 Personal Letters and Societal Pressures

Jane Austen's stories and letters help us see what marriage was like back then. Through her work, we can learn about the rules of olden times and think about how marriage has changed. Her stories show that finding true respect and love in marriage has always been a hope for many, even when marriage was often about money and social standing. It was a path for young women toward marriage, as her novels opened a window into a different time, showing us young women's journey towards marriage. It wasn't easy, and society had much to say about it.

In Jane Austen's time, young women felt much pressure to marry. It was like a test they had to pass. Characters like Elizabeth Bennet and Jane Bennet from "Pride and Prejudice" show us how tough it was. Society had a set path for them, and straying from it was challenging, since marriage was a woman's hope for security. It was a safety net for many women in Austen's novels. It promised a home, money, and a place in society. This idea is seen clearly in characters like Charlotte Lucas. She marries Mr. Collins not for love but for security. It wasn't romantic, but it was practical. On the other hand, Elizabeth Bennett hoped for more. She saw marriage as a partnership, filled with respect and genuine affection.

Through the eyes of different young women, Jane Austen shows us the many sides of marriage back in her day. It mirrors a bygone era in which marriage's altar culminated in a delicate dance between love, money, and education for young ladies. This dance teaches us much about young women's hopes, dreams, fears, and pressures through a balanced view that encompasses practicality, where characters are both progressive and realistically bold.

There is an enchanting and pragmatic world within the novels of Jane Austen. The dance between love and real-life decisions takes center stage. Her tales offer a rich blend of romantic allure and a hearty dose of realism, as she paints marriage with a brush of realism. Through characters like Elizabeth Bennet and Mr. Darcy, she explores the gritty truths. They navigate societal expectations, personal pride, and eventual understanding before finding mutual respect. Austen's narratives delicately balance romantic desires with practical considerations. Marrying for love or money? This dilemma rings true in "Sense and Sensibility," where Elinor Dashwood and her husband Edward Ferrars' affection faced the harsh test of financial concerns, but also the trials of being married.

Jane Austen's novels are a gentle guide for women traversing the maze of matrimony. They unveil the societal pressures and personal desires entwined in the marriage market of Regency England. For instance, well-educated young women like Elizabeth Bennet seek a union brimming with respect and faithful affection, not merely financial security. Her novels offer a lens into the past, like a friend sharing wisdom. They bring forth the essence of marriage, blending romantic hopes with life's demanding realities. Through the pages, readers venture into a bygone era, exploring the varied paths toward love and marriage under the watchful eyes of society, such as Elizabeth Bennett, whose views were often progressive. In the quaint yet often rigid social landscape of Regency England, Elizabeth Bennet emerges as a beacon of progressive thought, especially regarding marriage. Her journey sheds light on the nuanced blend of love, respect, and equality that forms the cornerstone of a fulfilling marital partnership, as seen in both Pride and Prejudice, Sense and Sensibility, and Mansfield Park.

3. Sense and Sensibility: The Dashwood Sisters

In "Sense and Sensibility," the contrasting romantic pursuits of the Dashwood sisters, Elinor and Marianne, offer a nuanced exploration of love and marriage. Elinor's sensible nature leads her towards a stable union with Edward Ferrars. At the same time, Marianne's sensibility initially draws her to the unreliable John Willoughby. The narrative illustrates the tension between societal norms and personal desires in marital choices. Often, Austen's characters in her books often exhibit a bold stance. They value love and personal happiness over

societal expectations and the power or financial gains of marriage. Though met with societal skepticism, these unconventional unions underline a critical discourse on personal happiness and mutual respect in marital bonds.

3.1 Pride and Prejudice: Elizabeth Bennet and Mr. Darcy

The evolving relationship between Elizabeth and Mr. Darcy further portrays a progressive marital partnership. Misunderstandings and prejudice initially taint their interactions. Elizabeth's prejudice towards Darcy stems from his perceived arrogance, while Darcy's indifference stems from his pride. Over time, these misconceptions are cleared as they learn more about each other, moving past first impressions. Their relationship matures from an initial disdain to mutual respect, admiration, and eventually love, leading to a marriage based on communication, support, and understanding.

It was the journey of Elizabeth Bennet that unveils a progressive outlook on marriage, contrasting traditional norms. Through her bold decisions and evolving relationship with Mr. Darcy, readers explore the importance of mutual respect and love in marriage, offering a fresh perspective on romantic partnerships of the time.

3.2 Mansfield Park: Fanny Price and Mary Crawford

Jane Austen's "Mansfield Park" offers a rich tapestry of marital dynamics through its eclectic characters. The contrasting attitudes towards marriage, especially as represented by Fanny Price and Mary Crawford, provide a compelling exploration of marital duty, respect, and true love.

"Mansfield Park" delves into the essence of marital duty and true love. Through Fanny's eyes, readers explore the profound respect and understanding that form the bedrock of a meaningful marital bond. Her relationship with Edmund Bertram, albeit filled with trials, underscores the importance of mutual respect and shared values in nurturing a lasting marital relationship and the different views that society had towards marriage.

The varying attitudes towards marriage among characters in "Mansfield Park" mirror the broader societal norms and personal values of the time. While some characters seek marriage for financial security or societal acceptance, others, like Fanny, aspire for a deeper emotional connection to family and mutual respect. This divergence reflects the broader debate between personal happiness and societal expectations in the quest for marital bliss. Through the lens of "Mansfield Park," Jane Austen invites readers to ponder the core values that underpin a fulfilling marital relationship. By juxtaposing the contrasting attitudes of characters like Fanny Price and Mary Crawford, Austen provides a nuanced exploration of the myriad factors that influence married dynamics. In Jane Austen's narratives in "Emma" and "Sense and Sensibility," open a dialogue on unconventional unions, portraying a marriage landscape that ventures beyond the traditional norms of the Regency era. In Emma, who was the protagonist, Emma Woodhouse, initially shows indifference towards marriage. Her journey, however, takes a romantic turn as she discovers feelings for Mr. Knightley. Their evolving relationship, rooted in mutual respect and understanding, showcases a marriage that deviates from mere societal expectations to one forged on personal connections.

4. Reflection on Societal Norms

Through the lens of her characters, Austen critiques the rigid marital norms of her era, offering a reflective exploration of love, respect, and financial security within the marital domain. The narratives invite readers to delve into the transformative power of love, venturing beyond mere social compliance in the quest for a fulfilling marital bond.

In summary, "Emma" and "Sense and Sensibility" serve as narrative vessels through which Jane Austen explores unconventional unions, portraying a shift from traditional marital norms to a more personal, love-driven approach to marriage.

Jane Austen's novels intertwined legal issues of her time. Marriage, adoption, and contracts all made appearances in her works. Her novels reflected the legal conventions of the time period and are colored by the experiences of her short life.

4.1 Legal System and Class Structure of Characters in Jane Austen

As the eighteenth century drew to a close, the power of the clergy began to wane, and the power of the attorney was on the rise. Austen had access to her father's considerable library and, as Enid G. Hildebrand has pointed out, would have read publications "like Addison's newspaper, *The Spectator*, and his essays in *The Tatler* and read Fielding and Goldsmith, all of whom wrote about the law and the court system" (34).

Few lawyers appear in Austen's novels. Because, except for clergymen and naval officers, most of Austen's characters do not work for a living, those working lawyers who do appear play minor roles. At the time, lawyers held a social status above that of a tradesman, but far below the ranks of most of Austen's wealthy

characters (Fullerton 212–13). Even within the law, there was a hierarchy: barristers were considered gentlemen, but solicitors, stewards, and attorneys were not.

Austen's novels reveal the contested nature of the social status of the profession. In *Pride and Prejudice*, an uncle of the Bennet's family is an attorney, a fact that draws scorn from the haughty Bingley sisters and even Mr. Darcy (36). That Mrs. Bennet's father was also an attorney (28) suggests that the family is far beneath the Darcys in stature and wealth. Except for the Gardiners, that side of the family is considered quite vulgar. George Wickham, the most despicable villain in all the Austen novels, after deciding not to be a clergyman, tells Darcy that he has "'some intention . . . of studying the law'" (200). Wickham's intent to pursue the law is a "'mere pretense'" for "'a life of idleness and dissipation,'" and he abandons the law after three years when he finds it "'a most unprofitable study'" (201). Although Elizabeth shows no disdain for her relations in the legal profession, Austen makes it clear in the novel that the profession is not highly regarded, as seen in the novel Emma.

In the novel Emma, Emma Woodhouse considers alternate suitors after her matchmaking plans for her friend Harriet go wrong; she still considers a lawyer beneath the stature of Harriet, whose parentage is unknown. Considering who might be a match for Harriet, Emma thinks of William Coxe and then catches herself: "Oh! no, I could not endure William Coxe, a pert young lawyer" (137). Emma's dislike of Mrs. Elton comes out in her reflection on the uncle who raised her: "an uncle remained—in the law line—nothing more distinctly honorable was hazarded of him, than that he was in the law line. Emma guessed him to be the drudge of some attorney, and too stupid to rise" (183). Yet it is also in *Emma* that we see the only appearance of a lawyer as a true, if somewhat minor, character in the plot. John Knightley, a lawyer, is married to Emma's older sister (79). There is no indication of whether Knightley is a barrister or a solicitor, but he is described quite favorably from Emma's point of view as "a tall, gentleman-like, and very clever man; rising in his profession, domestic, and respectable in his private character" (92). Austen's usual distaste for those in professions other than the clergy and military is absent here. She even describes his advancement in positive terms, rather than depicting him as a social climber seeking recognition outside of his class, a trait she remarks harshly on in other instances.

While today the legal profession is held in some esteem, Austen seems to suggest that those who chose it are destined for a life of drudgery. Sir Walter Elliot of *Persuasion* employs the "civil, cautious lawyer," Mr. Shepard, to help him resolve his financial troubles (11). His daughter, Mrs. Clay, speaks of the trials of the profession, saying that "'[t]he lawyer plods, quite care-worn'" (20). Sir Walter's heir, William Elliot, is trained as a lawyer but, having made a wealthy marriage, can avoid having to practice in his field (200–01). In *Northanger Abbey*, the late father of John and Isabella Thorpe is identified as a lawyer (205). In the unfinished work *The Watsons*, one of the heroine's estranged siblings is a lawyer and an unpleasant fellow (Minor Works 348). Despite the presence of these characters, there is little to no mention of any legal work done by them. None of these characters reflect the integrity or strong work ethic of Austen's heroes. One of Austen's own brothers served in a quasi-judicial capacity. Edward Austen—later Edward Knight, who was a magistrate. Although not a lawyer, a magistrate, akin to what we might understand as a justice of the peace, served many legal functions. He would have administered justice on a local level—authorizing warrants, resolving minor legal disputes between neighbors, and committing offenders to prison for minor offenses. The position was an important and honored one and was bestowed by the Crown. Austen family correspondence suggests that Edward may have discussed some of his cases with his sister Jane (Grover, "Pride"). Given the complexity of the properties Edward would come to inherit, it is also likely that the family would have discussed legal issues concerning inheritance and entailment, perhaps contributing to Austen's ability to write about these as often complex legal matters (Grover, "Pride").

5. A Legitimate Heir and Austen Works

As personified by Mrs. Bennet in *Pride and Prejudice*, it was the duty of every mother to see that her daughters were well married. "Well" did not necessarily mean happily. Marriage was a way to provide a legitimate heir—ensuring the survival of landed estates and family fortunes. It was also essential to the financial security of the would-be brides who could not provide for themselves through earned income or property ownership.

Lord Hardwicke's Marriage Act of 1753 governed marriage in late eighteenth-century England (Bailey). The Act required that marriages be announced by a publication of the banns, be officiated over by an Anglican minister, and take place in a church. Parental consent was required for women under the age of twenty-one. In order to avoid such strict laws, couples eloped to Gretna Green, in Scotland, where marriage laws were more relaxed (Adkins 13). In *Pride and Prejudice*, Lydia Bennet, barely over fifteen, hopes to be bound for Gretna Green when she runs off with George Wickham (291). Modern women may wonder why Austen's female characters were in such a hurry to marry, given that, in doing so, the few rights they had were lost.

In the early nineteenth century, English law dictated that the bride's property fell under her husband's control as a freehold estate. She owned the property but was not free to alienate or control it, nor was she entitled to any rent or profit from it. What she may have possessed at the time of her marriage now effectively belonged to her husband, from her jewelry to her clothing (Turano 180). She could no longer enter into a contract without her husband's consent, nor was she entitled to keep any of her earnings in the unlikely event that she worked outside of the home. A husband was permitted to physically abuse his wife and prevent her from leaving by any means necessary. The husband controlled the children—if she left him, the mother was not entitled to take them. In fact, the husband could name someone other than the children's mother to be their guardian (Redmond 46–47).

Like many authors of her day, Austen's novels do not focus on the harsh restrictions placed upon married women of the time. Divorce was uncommon during Austen's lifetime. In fact, there was no divorce law in Britain until 1857. Until that time, divorce required an Act of Parliament and was prohibitively expensive (Adkins 16). It was exceptionally rare for a wife to seek divorce. Neither infidelity nor physical cruelty was a particularly compelling reason, and a wife did not usually have the funds to pursue legal action. Divorced women typically lost custody of their children (Craig 120). Whether they were entitled to any money they brought into the marriage was a question for Parliament to decide (Adkins 16).

In *Mansfield Park*, Maria Bertram Rushworth engages in an adulterous relationship with the dashing Henry Crawford (464). As a result, her dull-witted, wealthy husband, James Rushworth, divorces her by an Act of Parliament (464). When her adulterous partner refuses to marry her, Maria is legally independent but also legally impoverished. Appalled by her behavior, her father, Sir Thomas, supports her only out of moral obligation:

5.1 Adoption and Contracts in Austen Novels

Several of Austen's novels feature characters adopted, formally or informally, by collateral family members. Perhaps these plotlines are a reflection of Austen's own experience with the "adoption" of her older brother Edward.

Adoption as it is understood today was unknown in Austen's time. The first formal adoption law was not passed in England until 1926 (Walker). When children were without parents to raise them, they were often taken in by relatives and family members as a form of kinship adoption. This *ad hoc* surrogate parenting did not observe many legal formalities. It was not uncommon, though, for a more formal adoption to occur among families with significant property who had an estate to pass along. This practice of "surrogate heirship" was promoted by some politicians of the day as a means of maintaining the laws of landed property (Gilbert).

Edward Austen, Jane's eldest brother, was sixteen years old when he was adopted by Thomas Knight, a distant relative of his father's, and his wife, Catherine. The Knights, unable to have children, sought an heir for their considerable property. Edward Austen, as the son of a clergyman of no land or fortune, would have had no opportunity to own an estate, much less the three he came to own. Upon his death, Thomas Knight left three sizeable estates, Chawton, Godmersham, and Winchester, to his widow for life and then to Edward, simultaneously confirming his adoption (Grover, "Edward Knight's Inheritance"). As a condition of his inheritance, Edward Austen was required to change his surname to Knight when he inherited the property, which he did in 1812. Edward's adoption allowed him to provide housing in Chawton (beginning in the summer of 1809) for his widowed mother and spinster sisters, who would otherwise have been doomed to undesirable housing as their small income dwindled, but challenges to his inheritance also exerted financial pressures in the last years of Jane Austen's life (Grover, "Pride").

Austen's familial experience with adoption is reflected in her work. *Mansfield Park* introduces Fanny Price, a young woman informally adopted by her aunt and uncle to relieve her impoverished parents (30–31). Her initial entrance into the family underscores the class divisions among the more and less wealthy members of the family. One of the protagonists in *Emma*, Frank Churchill, was also informally adopted by a childless brother of his deceased mother (17). The arrangement is not a formal one, as we would expect today. It is easy to imagine that, like the adoption of Austen's brother Edward, such an arrangement would be legally recognized in the wills of the adoptive parents. The expectation of Frank Churchill's inheritance from his adoptive family helps to drive the plot of *Emma*, often serving as an excuse for his otherwise ungentlemanly behavior (Walker).

6. Conclusion

Jane Austen's novels can still captivate us as readers. Her portrayal of marriage blends traditional customs with ageless emotions. Jane Austen's works depicted marriages in a past age. However, they resonate with readers as they reflect the universal search for love. Whether they have a happy ending or not, her characters delve into the deep waters of love, offering a comprehensive look beyond the superficial views of

marriage. Although Jane Austen had little formal education, her novels feature skillful descriptions of intricate legal issues.

Matters of law are interwoven into Austen's life and work. Certainly, Jane Austen's novels have influenced countless readers to examine the unfairness inherent in class systems and to look beyond societal norms and the letter of the law to seek what is true and to do what is right. Like many authors of her day, Austen's novels do not focus on the harsh restrictions placed upon married women of the time. Divorce was uncommon during Austen's lifetime. Through the works of Jane Austen, many of the challenges that affected society in the eighteenth century were able to be explored through characters that were both believable and held a gentle balance that was progressive, yet bold for the time period.

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