



L-R: Dr Jennifer Aston and Professor Olive Anderson

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The book that almost never was – a story of Victorian independent women

A book written by two women, born 60 years apart, who never met, has finally been published, more than 30 years after work on it first began.

[Deserted Wives and Economic Divorce in 19th Century England and Wales: For Wives Alone](#) highlights a little-known Victorian legislative clause which restored the financial and legal independence of married women whose husbands had left them.

The book was started in the early 1990s by historian Professor Olive Anderson, but she sadly died in 2015 before completing it.

Northumbria University academic [Dr Jennifer Aston](#) came across the forgotten manuscript while carrying out research into the history of divorce and with the support of Olive's two daughters has now completed the book their mother started 30 years before.

The book explores a little known, but widely used, section of the Matrimonial Causes Act of 1857, also known as the Divorce Act, which reformed divorce law in England and Wales.

At the time, once a woman married, all her assets automatically transferred to her husband under law.

However, under Section 21 of the Act, a wife whose husband had deserted her could apply for a protection order and restore her 'feme sole' status – the legal term for a woman who was not married or was acting independently of her husband.

A woman with feme sole status had the right to make legal contracts and sign legal documents in her own name, own and dispose of property, own and operate a business, and sometimes even vote.

[Dr Jennifer Aston](#), an Associate Professor within the [Northumbria Law School](#), said: "Section 21 was a radical piece of legislation. At the time it was very difficult for women to prove they had grounds for a divorce, but Section 21 enabled them to apply to their local magistrate for an order of protection which would ring-fence all their assets from their husband should he return, and it only cost a few shillings – the equivalent of about £32 today.



Dr Jennifer Aston

“Despite the potential Section 21 had to change the lives of deserted wives, when I came to research it, I found that very little was known about its impact. In fact, the only person I could find who had done any research around it was Olive Anderson, who had mentioned the subject in two articles, in which she referenced her upcoming book.

“I was unable to find the book and then sadly discovered an obituary written following Olive’s death in 2015. I contacted her family, and her two daughters very kindly allowed me access to her manuscript.

“It was from here that the idea came for me to complete the book that Olive had started, finally shining a light on this fascinating piece of legal history and telling the stories of some of the everyday women whose lives were changed thanks to Section 21.”

Born in 1926, [Olive Anderson](#) was awarded a scholarship to study History at

St Hugh's College, Oxford, and after graduation was appointed as an assistant lecturer at London University's Westfield College, now Queen Mary University of London. She went on to become Professor of History and Honorary Research Fellow before her retirement in 1991.



Professor Olive Anderson

Throughout her career she sought to explore new ways of thinking about history, studying groups of people outside the historical mainstream. Her work often focussed on people who led quietly unconventional lives and examined how society perceived and treated them.

It was her belief that women, including married women, should have the

ability to achieve financial independence that led to her interest in Section 21.

One of the reasons Section 21 was used by so many women was that it was easy to apply for through local Magistrates Courts, making it accessible and low cost. All a woman had to do to apply was prove she had been deserted and that she had sufficient means to support herself.

Unfortunately records for Magistrates Courts from the Victorian era no longer exist, and census records from the time did not routinely record dissolved marriages, meaning that during her research Dr Aston had to find other ways to discover more about the women using Section 21.

As she explains: “There was a high degree of legal interest and knowledge among the general public during this period, and there was great interest in Section 21 when it first appeared, with local newspapers even providing guides on how to use it.

“The media covered many of the applications which appeared before the courts and luckily many of the newspaper records still exist and provide a fascinating insight into the women using Section 21.

“For many it was a chance to have their voices heard in public and speak out about the mistreatment they had endured from their husbands.

“From the evidence that remains from that time it is clear that this is something which was widely used by women from all walks of life, and the stories presented within the book challenge the belief that Victorian England and Wales were nations of married, cohabiting couples.”

Speaking about the publication of the book, Olive’s daughters Rachel and Harriet said: “When we first discovered the typescript when clearing out our mother’s study, we said how wonderful it would be if it could be published in some form, but we didn’t really know how to go about it, and then Jennifer got in touch with us.

“Until now the book was forced to lead a very ghostly existence, but seeing it finally published allows it to take on flesh at last and take its place beside our mother’s other books.”

[Deserted Wives and Economic Divorce in 19th Century England and Wales: For Wives Alone](#) is due to be published by Hart Publishing, part of Bloomsbury and the largest independent academic law publisher in the UK, on 14 November.

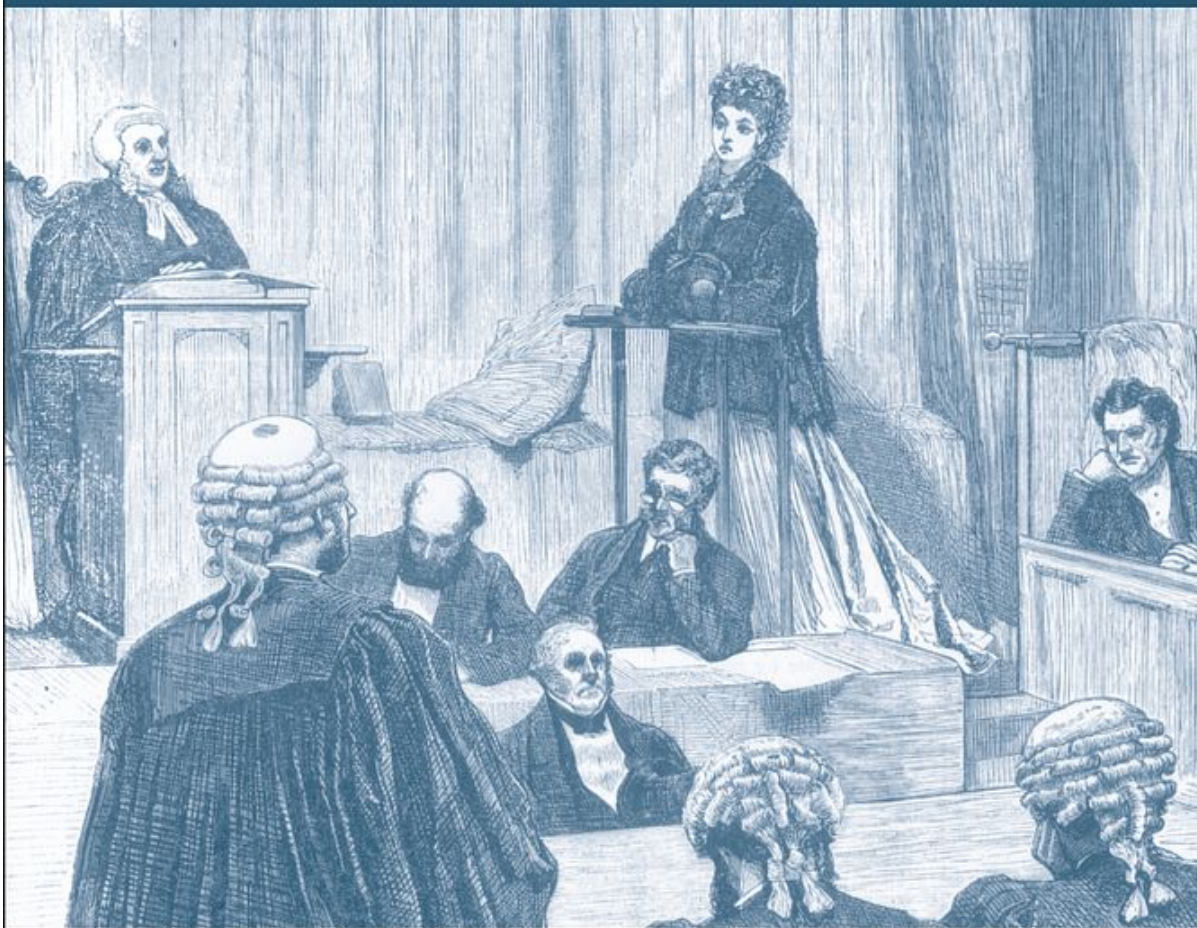
An official launch event will take place at the [Institute of Historic Research](#) in London on Friday 6 December, including guest speakers Professor Jane Humphries CBE and Dr Alana Harris.



Deserted Wives and Economic Divorce in 19th-Century England and Wales

‘For Wives Alone’

Jennifer Aston and Olive Anderson



Earlier this year Dr Aston was awarded over £200,000 by the Economic and Social Research Council (ESRC) for a project exploring the [history of divorce between 1858 and 1923](#).

As part of the project, she will work with the Children and Family Court Advisory and Support Service (Cafcass), the charity Welsh Women's Aid, and The National Archives to create a fuller picture of the impact of the Matrimonial Causes Act of 1857.

FURTHER INFORMATION:

Visit the [Northumbria University Research Portal](#) to find out more about Dr Jennifer Aston's work.

[Deserted Wives and Economic Divorce in 19th-Century England and Wales: 'For Wives Alone'](#) is published by Hart Publishing, part of Bloomsbury on 14 November 2024. ISBN (Electronic) 9781509970629, 9781509970612. ISBN (Print) 9781509970605

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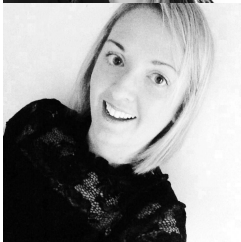
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