

For Wives Alone: Economic Divorce in mid-nineteenth century England and Wales
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This paper will reveal the existence of a hereto invisible (but sizeable) group of married women who lived in England and Wales from 1858 onward. Despite their marital status, they were economically independent, purchased, owned, and inherited property in their own name, had the right to contract, raise credit and to be sued, and (depending on franchise qualifications) were able to vote. We argue that by availing themselves of an understudied and largely misunderstood section of the Divorce and Matrimonial Causes Act 1857 (which existed for the use of wives alone) these women were able to achieve an 'economic divorce'. A Section 21 order did not dissolve a marriage but did separate financial affairs and (most importantly) reverted the legal status of the wife to that of a *feme sole*. This restored all rights of testation, inheritance, retention of earnings, property ownership and transfer, and legal control of assets to those held by unmarried women. Legally, the women remained married.

This research is important for several reasons. Firstly, the many tens of thousands of women who were granted protection under Section XXI in the nineteenth century are otherwise completely invisible to the twenty-first century. For example, the large-scale quantitative studies carried out in recent years using census data (see [The Cambridge Group for the History of Population and Social Structure](#)), has revolutionised our understanding of female economic activity, but the women who secured a Section 21 order remained legally married and they therefore cannot be identified as a separate group. Indeed, it only became possible to be recorded as 'divorced' in a census from 1921. Perhaps more importantly however, (and the focus of this paper) the research offers new evidence to show us how women in mid-to-late nineteenth century England and Wales were able to engage in the formal marketplace, raising credit and trading when the letter of the law suggests they could not.