

Podcast 2 Final Transcript

The 'Firsts': Gaining a Foothold (1929-1939)

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Welcome to the First 100 Years podcast series. Join me, Lucinda Acland, and guests, as we reveal decade by decade the history and lives of the women in the legal sector over the course of the last century, and bring you the stories of the courageous pioneers and their struggle to practice law, the incredible rise of women who are now involved in all aspects of the legal sector, and we discuss the factors affecting the equality of opportunity and advancement to the top of the profession.

First 100 Years is a unique project, set up to celebrate the history of women in law, and inspire and promote opportunities for future generations. And we would like to thank Goldman Sachs and Linklaters, who have generously sponsored this podcast series.

In the first episode, we heard how the professional organisations who acted as gatekeepers, had refused women's applications to join the legal profession. It took the passing of the Sex Disqualification Removal Act in 1919 to make it possible for women to become solicitors, barristers, jurors and magistrates, and join the high ranks of the Civil Service.

In this program we are looking at the decade of the 1930s. This was a time of huge instability due to the global economic downturn, unemployment, and growing political storm clouds across Europe. In 1931 just 0.7% of solicitors with practising certificates and 2.7% of barristers were women.

However a few women continued to make their mark on the legal profession. With me today to discuss the progress and opportunities available to women lawyers, their lives and experiences, and how they navigated the inequalities and prejudices of the legal profession in the 1930s. With me are Dr Judith Bourne, senior lecturer at St. Mary's University, author and founder of 'The First Women Lawyers in Great Britain and the Empire Symposia'; Katie Broomfield, postgraduate researcher in the history department of Royal Holloway University of London; and Elizabeth Cruickshank, retired solicitor and writer on women's legal history.

Judith Bourne The 1919 Act allowed women to enter the legal profession, but did not compel organisations to offer women the same opportunities as men. The notion of the law as being a male preserve was still widely held by the legal profession. What do we know about the progress during this decade?

JB It was very slow but that was to be expected a lot of those feminists who had campaigned for the vote understood that woman's progress after that date was going to be much, much slower. Women were grudgingly allowed to enter the legal profession and they certainly weren't encouraged to stay in practice and we can see this really well illustrated in Helena Normanton's life and also in many of her contemporaries those

other women who were called to the bar at the same time as her in 1922. On average about 13 women qualified a year as solicitors and 13 women as barristers and this is notable given that the pool of barristers was far smaller at this time but it's a really this slowness is a very important part of this story because it really illustrates the resistance towards women entering the public sphere not just a legal profession, but the public sphere as a whole.

LA And now you mentioned one of the pioneering barristers Helena Normanton. She was the first woman to be admitted to any of the four Inns of Court and in November 1922, she was the second woman to be called to the Bar of England and Wales. Now significantly, she was the only woman of that 1922 cohort who managed to practice until her retirement. Given that the chances of success largely depended on how women fitted into the existing culture of male power and privilege within the legal profession, what do we know of her experience?

JB So you're absolutely right she was really the only woman who managed to stay in practice at the bar until retirement many of those women who weren't able to stay in practice at the bar did alternative professions for example some went into council work, some became solicitors but Helena Normanton was really the only one with you manage to stay in practice. We can see if we use her life as an illustration we can see really why those other women dropped out and why in fact it was only somebody like Helena Normanton who managed to stay in practice because if you look at the treatment of her not just by solicitors or her fellow barristers but also by clients and judges you can see that there was a great hostility to women remaining in practice.

Women at this time during this post 1919 to the 1930 period, threatened the profession the whole professional idea of what it was to be a barrister. Helena Normanton herself as somebody who was from I would suggest, I know many people disagree but I would suggest that she was working class. So she threatened the legal profession not just by her sex but also by her class. It was a struggle for her to find anywhere to stay in chambers so to get a place in Chambers. If you look at the number of applications she made to join sets of Chambers it was numerous, and in fact she seemed to jump from Chambers to Chambers. Certainly we have accounts of many other women barristers who had problems finding a place in Chambers because they were discouraged because they were told there weren't lavatories for example that were available to them. Her practice floundered because she wasn't being briefed so presumably we take from this that a lot of solicitors the majority of whom were male were unwilling to brief a woman barrister.

So, certainly we have an indication that clients were willing to take on a woman barrister as their counsel but I think we don't have a very clear indication of clients in general whether they were willing and certainly she wasn't briefed so presumably that wasn't just an unwillingness from solicitors presumably also an unwillingness of clients as well. Certainly we see a lot of opposition to Normanton in court by the comments that judges made to her that they are very harsh and belittle her. Helena Normanton tried to join the Western circuit and she was blackballed by them so they refuse to accept her was really important to be on a circuit because it was a source of extra work for barristers.

LA It's really interesting to note that while she was clearly academically very gifted, in contrast to a number of her other contemporaries, she was from a modest non-legal background do you think this background had an influence on her motivation to make it her career?

JB I think definitely. She had this experience when she was 12 years old she went to that she went to a solicitor with her mother about a mortgage arrangement and her mother couldn't understand and so the solicitor said 'I think your daughter understands perhaps you would explain is your mother?' and Helena Normanton did explain it very clearly to her mother and the solicitor said 'Oh you're quite a little lawyer' as so she resolved there and then that she would become a lawyer when she grew up which is really quite a remarkable resolution because in fact she didn't have any role models there weren't any women lawyers for her to aspire to. She was born in 1882 to very modest circumstances. But certainly Helena Normanton must have been very gifted because she excelled in all of her subjects and she went on to become a pupil teacher she then went off in 1903 she went off to become to do further studies in teacher training at Edgehill and she was very involved in the suffrage movement there. At the same time, also is reading for a History degree as an external student to the University of London. In 1905, she takes on a position in Liverpool as a teacher, but she's still studying part-time and she's later becomes an extension lecturer, but she's very politically active for women's rights. And she has held this ambition to become a barrister and clearly she's marking time by teaching she's just waiting until the right opportunity comes and certainly she obviously feels with the granting of the vote in 1918 that this is the time to actually make an application to an inn of court so she does she applies to middle Temple and of course they refuse her but where most of the women had made an application and were rejected and these are the women just left it Normanton actually goes on and she appeals against this decision that appeal is heard in February 1919 and she's rejected and by this stage there's one Bill that's going through Parliament the Barrister and Solicitors Bill which is Lord Buckmaster's Bill and then later a few months later the Sex Disqualification (Removal) Bill goes before Parliament. So Normanton's it is clearly watching everything that's happening and she understands by November then in fact there is no way that women aren't going to be allowed to enter the profession oh so she writes to Middle Temple and says the Sex Disqualification (Removal) bill is come through Parliament will you now admit me? And they say no we can't do anything until it becomes law. So she at the moment literally the moment the Act becomes law on the 23rd of December 1919 she applies again to middle Temple this time they are there reply is very different to the November reply because they do accept her application to join an inn of court so she has done it she has actually she has really pushed the boundaries of men exclusivity she's jump straight in there the moment of the act has become law. I think she understands that women are now allowed to formally enter the Bar and she also understands that there's a lot of work now to be done. In November 1922 she becomes the second woman to be called to the Bar of England and Wales and Ivy Williams became the first woman to be called to the bar in 1922. In 1921 she marries her husband Gavin Balmin Watson- Clarke who I think it's really important I think he's underestimated because his father is an MP and I'm quite sure that a lot of Helena Normanton's influence in actually pushing forward the Sex Disqualification (Removal) Act will certainly putting into the ideas the consciousness of the public is because her father in law or future father-in-law is there also connecting her also and pushing he said there in the background I'm quite sure he's very very important. Now Helena Normanton isn't the first come into practice as a barrister that first goes to Monica Geikie Cobb. But she's the first woman to appear in the High Court she's the first

woman to have a divorce case and certainly she's the first woman to appear in the Old Bailey. She also I think just quite a strange thing that she goes off just as her legal career is starting she goes off to America on this lecture tour. And presumably she does that as she needs some money. She's very high profile so she's now taking her cause as it were she's she take it internationally she's actually not just making links in England but she's taking them out to America as well and so internationally. But in 1949 along with dame Rose Heilbron, she became one of the first two women to become a King's Counsel so she does get really to the highest point of a barristers career by the time that she retired a couple of years later. She was a great campaigner for divorce for a change in divorce law in that she would have wanted some kind of equality or ease in which people could get themselves out of unhappy relationships. She is part of the Married Women's Association, she is their president until 1952 but she falls out with them because she doesn't feel that they are radical enough and she forms her own breakaway group called the Council of Married Women so she said very, very radical woman and she dies in her 70s age 75 and she dies really I think feeling that history hasn't recognised her it hasn't recognise her effort. She was there in the background the whole time pushing for women for women's entry to the legal profession she never stops her whole career And I think she understood that she was ploughing away for the next set of women to come that was her whole purpose in life.

LA There's a very fitting legacy in that just recently 26th of September 2018. There's a Chambers who've named themselves after her Normanton Chambers which and it is it is reflective of the of the of the recognition of her efforts.

JB I think it is a wonderful recognition because certainly when she died she really believed that in fact no one has understood her or her Legacy I think she would be thrilled.

LA In 1936, Rose Heilbron becomes the first woman to be awarded a scholarship at Gray's Inn, so there appears to have been some progress for the next generation of women coming through the ranks. But focusing on the other women called to the Bar both following the Act and during the 1930's what do we know of their lives and achievements?

JB We don't know a great deal because so many of these women didn't leave any record of their if of their lives or their careers probably the women barristers didn't leave a record so no autobiography or a diary because they were so fearful of being accused of self publicity that's why we have this gap in our understanding. Certainly I think historians in the 1960s and 70s didn't understand the value of these women and didn't interview them, which is a terrible wasted opportunity, but we can piece together parts of the puzzle. We know that Ivy William was the first woman to be called to the bar in 1922 it appears that she never had any intention to practice but she went off and taught law at Society of Oxford home students from 1920 until 1945.

Sybil Campbell another of Normanton's contemporaries went on to become the first stipendiary magistrate at Bow magistrates court and she had an interesting career there so arguably she is the first woman to become a judge the was really quite incredible because, again she just forged ahead she try to break down these myths and stereotypes about women not being up to the job. Certainly if you look at a lot of newspaper reports of her decisions that she made as a magistrate they're really interesting because sometimes they are really harsh decisions one takes on that part that she was overcompensating that she didn't want to be seen as this very sympathetic woman but

she had a good career and she stayed a stipendiary magistrate and that was really important it was very important to have a woman in a position of authority. Theodore Llewellyn Davies was the first woman to be called at Inner Temple on the 9th of January 1920 she was a barrister but after as she married she went away as she became is great campaigner against the death penalty so she left the Bar. Chrystal Macmillan is an interesting woman that she did a lot of poor person's work but she certainly again a bit Helena Normanton never had the career that one would have expected of a woman of that intelligence but she did a lot of poor person's work and I assume from speaking to other academics Who been researching her life as she did that on purpose because she was there or it wasn't for her it was all about social justice. We don't really know anything about Elsie Wheeler other than that she was called in 1922 and if she did practice but she doesn't appear to have in practice so she's a lost women and it would be really good if we could piece together more than her life. Monica Geikie Cobb was the first woman to actually hold a brief but again, she didn't stay in practice either. Ethel Bright Ashford she again is another very interesting woman she was called with Helena Normanton but she did practice for a little while but then she goes off as she becomes this local councillor for Westminster City Council so she does continue a life in very much in the public sphere but it's not it's not a legal job as such. So the picture we have of these women is that they do stay in the public sphere but they don't remain actually practicing in law on my calendar Normanton who did manage to stay on until she retired in 1951.

LA This contrasts, the slow progress of women at the Bar, since the Act was passed it's notable in the face that in fact they were there does appear to have been several successful women solicitors and certainly increasing numbers of female magistrates. The reason for slow progress at the bar seems to be definitely not a lac of talent but their sheer lack of opportunity to progress. Now this seems to contrast with the situation in the United States where the judges and the women lawyers seems to be, by comparison, earning considerable incomes and develop networks and separate female firms. So we'll come on to the issue of female only partnerships and the double-edged sword of press interest and publicity for women barristers. But on the question of female networks, Judith Bourne and specifically organisations what was the situation like for them at the time?

JB So there has always been this very long tradition of women's networks where women have networked together in order to advance themselves and we seem that really all through women's fight to become both solicitors and barristers.

Mariah Grey, she organised a petition to Lincoln's Inn asking Lincolns Inn to at least educate women in legal knowledge and she was rejected. But you can see from that that there were 92 women in the late 1900s who really, really wanted to become lawyers, so there is this tradition of networks.

If you look at someone like Eliza Orme, who never became a lawyer but she was the first woman to get an LLB to actually obtain one she was great friends with John Stuart Mills with Harriet Mills it Helen Taylor Jeremy Bentham so she was very much a part of this woman's movement This Woman's network asking for women's rights

If you look at the life of someone like Bertha Cave who made an application to become a barrister in 1903 she was also part of a network she was connected to the Pankhurst's so to the WSPU.

If you draw a map of these women you can see that they are all connected in some way and not just connected to one another as women, but also really to the really important men I think these forgotten men in history, who were there for a really really campaigning for women's right to join the legal profession. So men like Lord Buckmaster who appeared as KC for Gwyneth Bebb, Holford Knight who was there on the night that the Bebb case was announced that he was also this great friend and supporter of Helena Normanton.

So all of these women in the 1930s would have known each other whether it was because they were part of his networks or whether they have been at university together in some way. Helena Normanton tries to set up in 1933 some sort of group for women some sort of an Association of women barristers she's already written to other of her cohort in the 1920s asking them if they would like a separate table whenever dining and the other women said that they didn't want this so they didn't want to rock the boat that they just wanted to carry on and not upset anybody so in 1933 when Normanton suggested the setting up an Association of women barristers she didn't have any supported or as so that that ended and it wasn't until 1991 when the association of women barristers was founded.

LA Elizabeth Cruickshank.

EC First of all, there was the idea that women solicitors could give each other professional support and comfort. This was begun by several woman articled clerks in 1921, who approached the Law Society to see whether they could have a room to meet each other. They called this association the 1919 Club after the 1919 Act. Many of the early women solicitors joined the Soroptimists, a charitable support organisation.

Early women solicitors who were members of the local associations were Carrie Morrison, Edith Berthen, Mary Elizabeth Pickup, and Mary Sykes. Getting clients was also a reason for joining businesswomen's lunch clubs.

LA So Elizabeth Cruickshank, that's a really interesting insight into the ways that women were exploring the opportunities available to them, not only for support, themselves, but also looking for business. What do we know about the working environment for women solicitors in the 1930s?

EC By 1930, which was 11 years after the passing of the 1919 act, there were only 101 women who had qualified as solicitors. 32 of those first 101 women who qualified initially were from London, where there was more opportunity and the likelihood of being from wealthy families. But by 1930, six women had qualified in Birmingham four women had qualified in Manchester, and four in Nottingham. Demographically they seem to have come from the middle classes or wealthy families. There were possibly only six who came from a lower social class, including Winifred Lewis in Guildford, and Charlotte Tzeigan whose father was a West End waiter. The reasons for this were essentially that the costs for becoming a solicitor were humongous. First of all there was an upfront premium of £300 to £500 to pay, plus stamp duty of another £80, and probably no salary would be paid during the period of training. This was a significant deterrent.

Many women found male solicitors supportive and helpful. Fathers who were solicitors did encourage their daughters to enter the profession. Several of those sadly were drafted in to help their fathers who had lost their sons, who they thought would follow them, in the First World War.

We'll be talking here about an era in which fathers, and to a lesser extent mothers, chose any career or way of life for their daughters.

LA And Katie, you've got something to add there?

KB So just in addition to what Elizabeth has just outlined, the situation of daughters taking the place of sons in their fathers' firms, that's what happened in Mary Sykes' case. She entered Royal Holloway College in 1914, and her time there spanned almost exactly the period of the First World War. She graduated in 1917, but her brother had been reported missing in action on the Western Front in May 1917. It had been intended that he would follow in his father's footsteps and be articled in their father's firm, Armitage, Hinchcliffe and Sykes, in Huddersfield. But when he died, the family decided that Mary would take Eric's place. So she recalls that she left Royal Holloway College without any clear idea of a career, but she then goes on to become one of the first women to sit the solicitors' final examination in 1922. She is admitted as a solicitor in February 1923.

LA And if we can consider the lives and experience of some of the other women... Carrie Morrison was one of the first women to practice as a solicitor; what sort of background did she have, Elizabeth Cruickshank, and why do you think she wanted to pursue a career in the law?

EC Carrie Morrison was born in 1888 into a non-legal family. Her family was a metal broker and her mother had been a cook before their marriage. Carrie graduated from Girton College in Cambridge with First Class Honours in Medieval and Modern Languages. She actually spoke five different languages but she was not awarded a degree because Cambridge did not offer degrees to such strange people until 1948. Like many other women graduates, she tried teaching when she graduated, but she hated it and decided she would acquire secretarial skills in order to become a political secretary. However, as was the case with many of these early women solicitors, the First World War intervened, and she was recruited to work in various governmental organisations. While she was at the Military Permit Office, a solicitor called Alfred Baker offered her a position as a clerk, 'when the war is over,' he said. By the time Carrie had returned from Constantinople, the 1919 Act had been passed and Baker took her on as an articled clerk, training to be a solicitor, without demanding a premium, and actually paid her a small salary. We can only conclude that she must have been very impressive. In December 1922 Morrison, along with Mary Pickup, Mary Sykes and Maud Crofts, became the first woman in England to pass the Law Society finals exams. Morrison was the first to finish her Articles and was therefore the first woman to be able to be admitted as a solicitor. She was admitted in 1922 at the age of 34. The other three were all admitted in 1923.

She attracted a great deal of attention for being the first woman solicitor. The Daily Telegraph in 1928 reported, 'at the conclusion of an undefended divorce suit, Lord Meredith granted the *decree nisi* said it was the first time in his memory that a woman petitioner under the Poor Person's rules had had the advantage of a lady solicitor.'

Initially she did work as a Poor Man's lawyer in the East End of London before setting up in partnership with another solicitor, Ambrose Appelbe at Appelbe and Morrison. By the 1930s she was well known as representing prostitutes in court. And she was a solicitor for the Women and Children's Protection Society. She was also the founding member and later vice president of the 1919 Club for Women Solicitors. When she died in 1950, the 1919 Club members stood and kept a minute's silence in her memory.

LA Another one of the first women lawyers was Maud Crofts. Like Carrie Morrison, she went to Girton College, Cambridge, and was one of the plaintiffs in the Bebb against the Law Society litigation, which led to the passing of the 1919 Act. She was also ideologically driven to join the legal profession and is quoted as saying, 'women can only achieve social justice if they have the right to vote and are represented by women'. Can you tell us about her life and her legal career?

EC In many ways her life was very different to Carrie Morrison's, even though both of them was simultaneously at Girton College, and according to Maud Crofts' daughter, they were friends. She was born Maud Ingram, the daughter of a Wimbledon barrister in 1899, and was one of his 12 children. She believed that education was the only way women could attain equality with men. Maud spent much of the First World War engaged in social work focused on women and children, and campaigning for suffrage and women's rights to practice the law, in furtherance of which she gained experience in a solicitor's office. In 1922 she married John Cecil Crofts, so it was under her married name that she passed her final examination and was admitted as a solicitor on 11th January 1923. She continued practising as a solicitor until ill health forced her to retire at the age of 66, on the basis that her husband and her brother would each take two fifths of the partnership profits, whilst she received the remaining one fifth in order that she could leave work every day in time to meet her children from school. But she also found time to write the 1925 book, 'Women Under English Law', which made her the first British lawyer to write a book about women's position in society. She also recorded programs for the BBC on women and the law during the whole of the 1930s covering legal issues for women. Her daughter, Rosemary, and her granddaughter, Mary, both became solicitors, thus creating England's first three generational family of women solicitors. She died in 1963 aged 74. On her death, her son-in-law, Bill Vaughan, who was a partner in her firm, lost several of her clients who were old Girton friends. They told him not to take offence but they did not want to be advised by a male solicitor, and they would seek another firm where they could have a woman. It's a wonderful example of reverse gender prejudice!

LA Thank you very much. Katie Broomfield, when we see these first women lawyers, we can see they are passionate in their campaigning for reforms to suffrage, and for women's position more generally. The life of Mary Sykes is a shining example of this, and not only in law. Can you tell us more about her achievements and her notable firsts?

KB Mary is an interesting person when we talk about suffrage, because actually I haven't been able to find any evidence at all that she was involved in the suffrage campaign. And that maybe just because of her age. She was born in 1896, so at the height of the suffrage campaign, which is usually dated to about 1913, she was at school. But definitely her life reveals that, although women didn't necessarily join organised movements to campaign for women's votes, she still promoted women and women's opportunities and women's achievements throughout her life. I think I have already said that she graduated from Royal Holloway College in 1917 with a BA in English. At that time she had no very clear idea of a career, but when her brother was killed in the war she took the decision with her father that she would join his practice. So she then went to Leeds University, where she studied for an LLB. In November 1922, as we have already heard, she was one of the first four women to sit the solicitor's final examination, and she was admitted as a solicitor in 1923. She continued to practice at her father's firm in Huddersfield until 1930 when she set up on her own account, which is quite interesting

because again that tells you quite a lot about her personality. When she was at Royal Holloway College, one of her tutors wrote on her record that she had a very independent manner. So almost as the decade opens she is a woman solicitor working on her own account. In the course of her work she takes on and trains other women to become solicitors, including the lady who starts actually as her managing clerk who then goes on to pass her final examinations and qualify as a solicitor, that is Dora Atkinson. And there are other women who she trains up as solicitors. This really reflects Mary's passion for promoting women. So it was whilst she was at university in London that became a socialist by firm conviction of opinion, and in 1933 she stood for election for the Huddersfield Town Council. She was actually unsuccessful on that occasion, but she was elected in 1935

In a demonstration of her dedication to public office and the respect she commanded, in 1938 she was unanimously appointed the first woman alderman of the Huddersfield Borough Council. In another first, in 1945 she was elected the first female mayor of Huddersfield. And what's interesting there is she appointed her 17-year-old cousin, Mary Robinson, to be mayoress. So what Mary is doing there is a really practical thing, because she is appointing this young girl as her mayoress, who is then going into school and talking to her friends, and it's a really positive role model, and a really practical way that Mary can encourage other women into, not only the legal profession, but also politics, which was something she was really passionate about.

LA Yes, when I've looked into the work that you've done, you mentioned that her membership of The Soroptimist Society and the local women's luncheon clubs, she frequently urged women to follow her into politics. So she was a very practical, hands-on advocate of women's participation in that regard. Absolutely. She was a very proud member of women's groups that existed in Huddersfield at that time. Some of them didn't exist before Mary.

LA Thank you. So we have been looking at a few of the early women solicitors, and we're now going to take a look at Enid Rosser Locket, who was a barrister. In contrast to some of the early women solicitors who had the campaign really hard and mount litigation to allow them to practice, there were others who came behind them who didn't have to endure such a long, bitter struggle and sometimes had a different outlook. Can you tell us a little bit about her, Katie Broomfield?

KB So Enid Rosser was called to the Bar by Lincoln's Inn in 1927. She was a member of 5 Paper Buildings, and there is a clear tension in her memoirs between her and Helena Normanton. She calls Helena Normanton an 'old warhorse, a warhorse of the old feminist days', and she doesn't appreciate perhaps the struggle that Helena Normanton went through, because it wasn't really a struggle that Enid faced.

LA It reminds me when you say that, because it seems that sometimes there can be two views where some of the early women had to fight for so hard and so long that they are perceived as being more strident, whereas there is another – maybe backlash is too strong a word – they are having to conform to the ideal of what the male profession was, and they're happy to get on with it and do what the men do to fit in.

KB I think that definitely would apply to Enid, that she sees herself more as a professional woman, but I think I would that apply to all of these women, that they see themselves as professionals first and women second. I'm not sure that any of them necessarily would be that pleased with being involved in a project that promoted them on the basis of their sex as opposed to their capabilities.

LA I don't know from your detailed study of her memoirs whether she actually mentions any prejudice or hardship she faced as a woman. I think she might have said that they were thought of as figures of fun.

KB She has this really great quote from 1927 where she says, 'the outlook for women at the Bar was far from rosy. Not only were women barristers seen as figures of fun, dressed up in their wigs and gowns, but solicitors regarded them with horror.' And she goes on to talk about the risk that a solicitor takes in instructing a barrister, any barrister, because the solicitor will have to listen to the client's complaints if the barrister they've instructed turns out to be not very good. And clearly women were an untried quantity in the 1930s, so to take the risk of employing a women barrister, perhaps possibly against your clients' wishes, was quite a risky thing to do. And actually from Enid's point of view... So she is from a very well off family. Her father dies in the 1930s and she finds that she can no longer afford to continue a career at the Bar. So while her father was supporting her, all was well, but after his death she simply can't afford to pursue this career. Another thing that I think is quite interesting, particularly from my point of view – so my PhD is looking at the success of the first women lawyers and how we measure success, and arguably Enid, who steps away from the Bar, we might say she is less successful, but one of the things she says is she finds the nervous strain of appearing in court overwhelming, and she just finds that she's not suited to this career. So when we are looking back at these women as role models, I think it's important to point out that not all of them were suited to a career at the Bar or as solicitors. I know that Elizabeth knows of lots of solicitors who were almost dragged into their fathers' firms against their will. They didn't really want to do it. So I think for women who are in that position now, it's important that we tell all of those stories.

LA Sure. I quite accept that it's not the vertical rise, and that reflects life in itself.

KB Absolutely.

LA And for men as well. There are plenty of men who it's not for them. And one of the notions that prevailed was that they wouldn't be able to argue against male opponents, or even that their presence might hinder administration of justice by 'checking the chivalrous instincts of the male barrister'. But this objection was one that had been raised before the Act, but it obviously still persisted; how did some of these women lawyers deal with this argument?

KB So this is an argument that was raised against women well before the act was passed. It goes hand-in-hand with the idea of women, as the fair sex, and that they would use their feminine wiles to sway a male judge and jury. Because also we've got to remember that at that time as well, before the act was passed, there were no female jury members, so the entire court was a male court, and women were going to come along and flutter their eyelashes and the judge wouldn't be able to resist, and how is a male barrister going to contend with that? But there's also this idea that men have this chivalrous code and they won't be able to go into battle with a female advocate in the same way that they would against their fellow male advocates.

But it was something that Eliza Orme dealt with, and she wrote in the Law Journal on the 12th of December 1903, 'no undesirable results have followed the admission to women to the legal profession in America. I've met a number of American advocates of both sexes and I've been told that any sense of strangeness has soon disappeared. I cannot believe that any man would be less vigorous in the cause of his client merely because he was opposed by a woman. The forensic attitude would be too strong, and no woman

who succeeded in becoming a member of the Bar would expect or wish it otherwise.' And the argument that lots of the first women lawyers and solicitors and barristers make is that if they are not going to be any good, at least let us try and prove that for ourselves. And that's an argument that lots of their supporters make as well

LA No. Absolutely. And we can see from these accounts in the Law Journal, the Saturday Review, and the Daily Express, that their views were sought and printed in a variety of publications, and so women lawyers were still a matter of great interest in the press. This proved to be a huge problem for Helena Normanton, and also troubled Enid Rosser.

LA Judith what are your thoughts about her experiences?

JB If you look at the archives in middle Temple of Helena Normanton's treatment for self-published self publicising you can see that there is a discrepancy between how men were treated and how Helena Normanton was and so I think her status as first woman was a negative one within the profession so in fact people were watching everything she did and this wasn't just her contemporaries at the Bar this was also the press who really looked at her every single move I think it was a bit like being a paparazzi today that she couldn't do anything without being followed or her movements questioned or having her photograph taken as so that was really very difficult for her and this lead to repeated allegations of self publicising.

And so that was difficult I do think that one has to be objective and look and ask whether they're in fact at times she wasn't a little bit reckless and that perhaps she should have been more careful about the things that she did but I think we also have to remember that she was a woman who was already formed she was in her 40s when she became a barrister at so probably she just wanted to live her life as she wanted to live if she didn't actually want to censor herself but a lot of the things that she did were called into question by the Bar Council and by her Inn and I think there is a big discrepancy and how she was treated and how male barristers be treated as certainly these allegations of self publicising make her blackballed for the Western circuit so it does affect a career. I've certainly looked at the papers Enid Rosser for the book that I wrote on Helena Normanton as certainly she was absolutely terrified of self-publicising will being accused of that and she would leave her set of chambers by the basement or she would sneak out the back door because she was absolutely terrified of having her photograph taken or being accused of anything that could affect a career so I think Helena Normanton's legacy of being accused of self publicising certainly affected other women who came after her which is possible why we don't have many accounts of their lives.

LA So Katie Broomfield, I think you've got something to add about Enid Rosser?

KB The difficulty here is that she has no control over the reports that are presented about her. One of the complaints that was also made about the press attention that women barristers and solicitors suffered, was that every time a woman barrister appeared in court, or a woman solicitor represented her client, it was reported in the press as a miracle: 'woman appears in court', and it was actually quite patronising, so there was a backlash against that as well.

LA We're going to turn and look at a different type of journalistic coverage, one where we can actually hear women speaking in their own voices. One of the points Katie Broomfield makes is that the barristers aren't able through professional conduct to give interviews, so it's rare to hear women giving their own accounts, but a notable source that you found, Elizabeth Cruickshank, comes from a book called 'Careers for Girls', published in 1936, which is interesting in itself as it's promoting a legal career for girls.

But here Carrie Morrison and Helena Normanton comment on their different perspectives of practicing law as women; what do you make of this account, Elizabeth?

EC Carrie wrote in this book, 'women solicitors find that on the whole the prejudice against women in the legal profession is greater in theory than in practice. As regards clients, some women are glad to find a woman lawyer in whom to confide. Others prefer men. And as to men it is often immaterial to them so long as the work is successfully done. Helena Normanton on the other hand starts off by saying, 'women barristers come and women barristers go, but how many remain? They marry, they go abroad, they accept positions in the Civil Service, they accept legal appointments, they practice for a few terms in court; in spite of all these sources of wastage and diversion from actual practice, there is still a small band of women who do work hard, continuously and seriously, at the active part of the profession, perhaps a dozen or 18 all told in this country out of approximately 200 who have been called to the Bar.' That's less than 10% continuing to practice at the Bar, which must say something about the difficult situation they had in terms of competition. Whereas Carrie Morrison speaks of at least half of the women who qualified still working as solicitors, feeling it's worthwhile to pay the money to take out a practising certificate.

LA So in terms of focusing on that point of a solicitor's career, in terms of progress, they may be offered a partnership within the firm they are already working, or perhaps set up their own practice; what do we know about the early number of solicitors being offered partnerships themselves or indeed creating their own partnerships?

EC At this time I would suggest the solicitor's profession offered great advantages for women in that it offered far greater flexibility to women than the Bar did. Women could set up on their own as practitioners and as we have seen, could enter into partnerships with close relatives or solely with other women. We have seen that Maud Crofts with her husband, John Cecil Crofts, and her brother Robert Ingram, set up a law practice together, so that's two men and one woman. And later Maud Crofts took on her daughter and her son-in-law. Mary Sykes set up her own firm; Mary Sykes and Co. Mary Pickup was articled to her husband and eventually became a partner with him. In 1933 one of the first, if not the first, all-women partnerships was formed by Edith Berthen and Beatrice Honour Davy. Berthen was one of the first ten women solicitors in England and Wales, and also the first woman to qualify in Liverpool. This new partnership which had been set up in the East End moved to more salubrious premises in Manchester Square just off Oxford Street where they trained several other women solicitors, including a lady called Madge Easton Anderson. In 1920 Anderson had become the first woman to qualify as a solicitor in Scotland, and now in 1937 she became the first woman to hold qualifications in both jurisdictions.

LA And in terms of looking at the progress in the Bar, we've talked about how the women solicitors could develop and establish their own practices. A barrister's career progression depends on becoming a senior barrister through trial experiences and being awarded what was then King's and is now Queen's Counsel, and then being appointed to the ranks of the judiciary. Significantly, in 1937, Anna Chandy of Travancore in British India becomes the first woman judge in the Anglo-Saxon world, and the picture back home was very different.

JB I think that the powers that be in the judiciary and at the Bar or waiting for the right kind of woman and Helena Normanton wasn't the right kind of woman because she was older, she had had a career before the Bar she was from the wrong social status and

because she had before the passing of the 1919 Act, she been very vocal spoken in lots of public debates about opening up the profession to women should been very vociferous in her in her call for women to enter the Bar. So I think she wasn't the right kind of women so certainly when she's writing to the Lord Chancellor and the home secretary at any kind of judicial position that might be available to her they're not interested then not interested in her at all and so they said they say to her look in the obituaries notice of the times and when a judge dies right to us and apply. And she does she does she does do that she will she looks in The Times obituaries she sees, it's a little bit dark isn't it? She looks for people dying and then she sends off a letter and applies to become a judge but she's rejected each time

Now, Sybil Campbell of course was already a Stipendiary magistrate. But of course she came from judiciary stock as it were she was from the right social background her grandfather been Judge Bovil, so Helena Normanton just wasn't the right type of woman she had been too vocal, too vociferous, I think 'difficult' in inverted commas that she wasn't the right she just wasn't the right kind of woman she was she was never going to be accepted or acceptable

LA So in terms of looking back at this particular decade in terms of the status and progress of women in the legal profession, we have heard from our contributors that it is a somewhat complex picture, rather hampered to some extent by lack of the records, from the women themselves. We do know and we have seen that they've had exceptional academic attainment. Family support and aspiration particularly from fathers and brothers has been very important, particularly also ideological motivation, so I'm wondering what your thoughts would be about summing up the decade?

KB It's quite difficult when you talk about progress, because actually what does that mean? Because for some of the women we've spoken about, they had very successful careers. Mary Sykes appeared in the Law List until 1968. She set up her own firm at the beginning of the 1930s. So from her personal point of view, she had a successful career, which she very much enjoyed. In terms of numbers, there aren't perhaps numbers of women entering the profession in this period that we, looking back, would like to see. And it's quite a difficult position to take as a historian, to think that there will be a continual on going progress, but certainly I think they were positives and negatives during this period.

LA Thank you very much into our contributors: Dr Judith Bourne, Katie Broomfield, and Elizabeth Cruickshank, for their insights today. You can find more information about the stories of women in the law, suggested readings, and more resources, on the First 100 Years website. You can also get news of our further episodes if you follow us on Twitter @First100years.

We do welcome your participation in the project events, suggested additions to our timeline, or articles. It's also important to note that you can add your own story as a woman in law, or if you are inspired by a woman in law yourself, via our website under the Digital Museum tab.

And we would like to thank Goldman Sachs and Linklaters, who have generously sponsored this podcast series.

Thank you and goodbye.

END

