

# THE CANADIAN BAR REVIEW

---

Vol. X.

TORONTO, APRIL, 1932.

No. 4.

---

## THE PRESENT STATUS OF WOMEN.\*

Mrs. Barbauld issued this dictum in 1775:

A woman is not expected to understand the mysteries of politics because she is not called upon to govern; she is not required to know anatomy, because she is not to perform surgical operations; she need not embarrass herself with theological disputes, because she will neither be called upon to make nor to explain creeds.

Lady Mary Wortley Montagu wrote at the beginning of the 18th Century:

We are taught to place all our art in adorning our outward forms, and permitted without reproach to carry that custom even to extravagance, while our minds are entirely neglected, and by disuse of reflections, filled with nothing but the trifling objects our eyes are daily entertained with.

Pinkerton's Modern Atlas of 1818 states:

Geography is a study so universally instructive and pleasing that it has, for nearly a century, been taught even to females, whose pursuits are foreign from serious researches. In the trivial conversations of the social circle, in the daily avidity of the occurrences of the times, pregnant indeed above all others with rapid and important changes that affect the very existence of States and Empires, Geography has become an habitual resource to the elegant female as well as the profound philosopher.

The education of women did not receive much more consideration in the United States in 1830, for at this time Margaret Fuller decidedly upset the conventions of the staid City of Boston by sitting down at a table in the Public Library to read a book.

In 1833 Oberlin College in Ohio was opened, and there boys and girls, both black and white, were admitted on equal terms. It was the first college in the world to admit women in this way, but

\*Address delivered by the Honourable Senator Cairine R. Wilson to the University Club of Ottawa, at luncheon, on Wednesday, March 9th, 1932.

even the coloured boys shared the common view of women, and when not able to pass the entrance examinations, objected to being coached by Lucy Stone.

Teaching was practically the only employment open to women of the middle classes in the first half of the 19th Century and many attempted to teach who had received no education themselves; it was only women with exceptional powers who tried to surmount the difficulties of obtaining instruction. Tennyson's *Princess* appeared in 1847, with its suggestive words:

I would build far off from men a college like a man's  
And I would teach them all that men are taught.

The very distinguished former principal of Cheltenham College, Miss Lillian Faithfull, held a position on the Royal Holloway College, when first opened in 1886, and there the founder had made such careful provision to prevent the intrusion of the male that Tennyson's words might have been written over the gateway: "Let no man enter in on pain of death."

The ten years between 1875 and 1885 witnessed extraordinary progress in the education of girls in England. Specially designed school buildings appeared in town after town, and the methods of teaching entirely changed. Four colleges were founded at the Universities: Lady Margaret and Somerville at Oxford, and Newnham and Girton at Cambridge.

The fight for the franchise lasted for sixty-five years, and you may be surprised to know that the help and co-operation of women were welcomed as far back as in the days of the Anti-Corn Law League, which prided itself on its band of women workers. Cobden expressed a wish that the women could vote at one of their big meetings in 1845.

In 1866, Miss Emily Davis, a quiet, gentle little woman, who helped at a later date to found Girton in Cambridge and became its first principal, came to John Stuart Mill with the first petition for votes for women. On the 28th of May, 1867, when the Representation of the People Bill came before a Committee of the House of Commons, John Stuart Mill moved an amendment to leave out the word "man" in order to insert the word "person." The Privy Council referred to this in their judgment with regard to the eligibility of women to be appointed to the Senate of Canada, and came to the conclusion that the word "persons" in Section 24 of the British North America Act includes members both of the male and female sex.

Another paragraph in the same judgment read:

The exclusion of women from all public offices is a relic of days more barbarous than ours, but it must be remembered that the necessity of the times often forced on man customs which in later years were not necessary. Such exclusion is probably due to the fact that the deliberative assemblies of the early tribes were attended by men under arms, and women did not bear arms. Yet the tribes did not despise the advice of women.

This agitation, and Florence Nightingale's splendid work in the Crimean War, had an effect upon the imagination of the public and strengthened women's cause. It is difficult for us now to realize that when Florence Nightingale began her great work there were loud outcries that she was stepping beyond woman's sphere.

The following year, six thousand women householders, led by Miss Lydia Becker, claimed the right to vote and four cases were selected and argued before the Court of Common Pleas, on November 7th, 1868. Sir John Coleridge and Dr. Pankhurst pleaded for the women, but the verdict was given against them; the Judge deciding that, although the word "man" must be held to include women, this did not apply to the privileges granted by the State. A report of the Manchester National Society for Woman's Suffrage put it:

The same words in the same Act shall, for the purpose of voting, apply only to men, but for the purpose of taxation shall include women.

The first Statute of importance which affected the civil position of women was the Married Women's Property Act, drafted by Dr. Pankhurst and passed in 1882 after an agitation of nearly thirty years. This ensured that any real or personal property belonging to a married woman or acquired by her should be hers to hold and dispose of in any manner she saw fit.

In 1886, by the Guardianship of Infants' Act, a mother was allowed to act as guardian to her own children. In earlier days the father had the control over the person, education and conduct of his children until they were twenty-one. In one case a father, having left his wife for another woman, insisted on his right to take the three children of his marriage, all under five years of age, away from their mother to live with him and his mistress.

The Duchess of Atholl writes:

Women can do no greater service to their country than by bringing to bear on political questions minds intent on learning the facts, and on deciding on them without fear or favour.

When the child grows older, wise parents encourage him to think for himself and so should we realize the importance of independent thought in the discussion of political questions. This has not always been an easy lesson for parents—even for some husbands—but

when Christ chose his twelve apostles he selected them not for their similarity, but for their differences, in character. Each was to fulfil his mission in the way best suited to him. To-day we are given every facility to familiarize ourselves with public questions and we should all use our franchise to the best of our ability and endeavour to teach others to do so.

The Laws of Ontario give to the woman and child a great measure of justice, but even so we shall, upon closer scrutiny, find some curious sections which the judges have long ceased to interpret literally.

In the British Parliament we are able to see great results since the partial enfranchisement of 1918. First came the passing of the Sex Disqualification Removal Act, which declared women eligible for any profession, for the exercise of any public function and for the holding of any civil or judicial post.

A Legitimacy Act, passed in 1926, legitimises all children born out of wedlock, whose parents subsequently marry, provided that neither of the parents was married to a third party at the time of the birth. This law already existed in Scotland.

Another Act which marks the influence of the female voter is that legalizing the adoption of children both in England and Scotland. These Acts have already brought a secure home-life to many friendless children.

In 1923 a Bill passed which prohibited the treating of young persons under the age of eighteen to alcoholic liquor; and another in 1929 raised the legal age of marriage to sixteen. For these the women were responsible, as well as for the Acts which gave the pensions on a contributory basis to widows and orphans and old age pensions at sixty-five.

In Ontario we owe much social legislation to the women, who, after much representation, finally succeeded in having passed the Mothers' Allowance Act and, more recently, the Old Age Pensions Bill. In England, undoubtedly the inner knowledge of the advantages and defects of a house, which comes to a woman who spends most of her day in it, has helped to bring to public attention the importance of the housing question.

Woman is by nature a reformer, but the same knowledge which enables her to feed and clothe her family with a due regard for the budget will prevent her from embarking on any too sudden improvement schemes.

This quotation appeared in the *Times* of 1831:

At the Salisbury city sessions last week, George Jones was transported for seven years for stealing twopence!

We no longer transport a man for seven years for stealing, but the Royal Commission on Public Welfare has shown us many ways in which our institutions might be improved. We should like to feel confident that those sentenced for the first time should have the opportunity of returning to society benefited rather than harmed.

Many are the problems to which we could turn our attention. To quote Governor Roosevelt:

If every intelligent woman made it a rule to learn something about her local, State or national government every day, more would be accomplished in a year toward governmental reform than by all the books and pamphlets written in a generation.

Few of us realize the extent and varied nature of the Health Organization and Humanitarian Work of the League of Nations, although we are proud that one of our number, Mrs. H. E. Plumtre, represented us so ably on these committees.

Under Article 7 of the Covenant of the League of Nations, all posts are open alike to men and women, and Canada has been one of the first countries to appoint women as fully accredited delegates. The Honourable Irene Parlby represented us in 1930, Mrs. H. E. Plumtre in 1931, and now Miss Winnifred Kydd in 1932.

Women have, as a rule, been drafted to the committees dealing with health, social or humanitarian questions, and are, it seems, expected to serve a certain term of probation before, according to their male colleagues, they may be admitted to the wider field of international politics.

A Swedish woman lawyer of great distinction sat until her death as an expert on the Mandates Commission, and three women experts attended the Economic Conference held at Geneva a few years ago.

In the national field, we have a few women cabinet ministers; and India, which we usually regard as backward, had, as its vice-president of the Legislature of Madras, a woman. Some countries have admitted the principle of women being employed in the diplomatic service, but only two, the U.S.S.R. and Hungary, have named women as ministers.

Altogether we have made a very fair beginning, and are now not usually considered quite incapable of serious researches.

---