

Barbara Leigh Smith Bodichon and the Langham Place Group

Edited by
Candida Ann Lacey

Women's Source Library

Volume III



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Langham Place Group

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Introduction

In 1849, when she was twenty-two, Barbara Leigh Smith complained that 'philosophers and reformers have generally been afraid to say anything about the unjust laws of society and country which crush women'. She added, optimistically, 'but now I hope that there are some who will brave ridicule for the sake of common justice to half the people in the world' (1849: pp. 1–2). It was this concern which made Barbara Bodichon, as she was to become, 'brave ridicule' herself and initiate the most important campaigns for women's rights to take place in Victorian England. Her pioneering schemes to improve the status of women would make the following twenty years some of the richest in debate and reform.

Never before had the 'woman question' been so widely discussed. Committees were formed and petitions demanding married women's property rights and, later, enfranchisement were presented to Parliament; from these committees, others developed and instigated further plans for practical and immediate changes – particularly in areas of education and employment for women – which were less dependent for their success on the attitude of the government or the state of Parliamentary business. *The English Woman's Journal*, which Barbara Bodichon had founded and financed, provided a public platform for the major feminist writings of the period whilst its offices, in Langham Place, formed the administrative centre of the Society for Promoting the Employment of Women. The task which faced the 'Langham Place Group', as Barbara Bodichon and her colleagues came to be known, was daunting. Before new ground could be gained, public opinion had to be changed. A wall of prejudice had to be dismantled brick by brick until the image of Victorian femininity crumbled, releasing women to claim their right to legal justice and a viable livelihood.

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Most of the women at Langham Place accepted as axiomatic the need to convert their opponents by persuasion rather than by direct confrontation. How else would they win the parliamentary majority needed to support the controversial Married Women's Property Bill or to introduce the suffrage? Similarly, powerful sympathisers were needed if male-dominated professional and educational establishments were ever going to open their doors to women. It would be a slow process and, although significant gains were made, other changes would take much longer. The articles reprinted in this collection – articles published in *The English Woman's Journal*, papers read at the newly formed National Association for the Promotion of Social Science and pamphlets printed by Emily Faithful's task force of women compositors at the Victoria Press – are a testament to this struggle for slow and sometimes minimal rewards and an illustration of some of the difficulties involved in seeking to stretch the limits within which Victorian women were expected to live. Moreover, these articles reveal the complexity of that struggle: the diversity which quickly becomes apparent, not only in the range of projects which were undertaken but also in the attitude and political outlook of the women involved, denies us that temptation to reconstruct an idealised, unshakeable sisterhood. Particular circumstances and individual reasons brought each of these women into contact with the Langham Place Group; behind their common concern to improve women's rights, a welter of motives exists which would certainly reward further study and investigation. For it is in these different, and sometimes conflicting, voices that we can understand the strengths and the weaknesses of Victorian feminism. What emerges from the sample reprinted here is the comparative radicalism of Barbara Bodichon: both her clarity of purpose and her specific angle of vision, uncluttered by the social and political assumptions of some of her contemporaries, mark her as a forerunner of the modern women's movement.

Barbara Bodichon was an atypical Victorian woman; in many ways she was ahead of her time and enjoyed a liberty which was unknown to her peers. Her father had taken the unconventional step of providing each of his five children – daughters as well as sons – with a £300 annuity as soon as they came of age. Hence, Barbara's independence was assured and the image of this unorthodox freedom was reinforced two years after her twenty-first birthday when she and Bessie Rayner Parkes, her childhood friend who would become the editor of *The English Woman's Journal*, set off together for an unchaperoned tour of Europe. The advantage of an upbringing and an education (at the radical Westminster

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School) usually reserved for male children could not erase the circumstances of her birth, however. Benjamin Leigh Smith, a Liberal MP, and Anne Longdon, a milliner's apprentice nearly thirty years his junior, were never married. Whether or not they would have married eventually is uncertain but when Barbara, their eldest child, was 7, her mother died. Social criticism and ostracism were inevitable: the Smith children were Florence Nightingale's illegitimate cousins and known as 'the tabooed family' (Haight, 1954-5, vol. II, p. 45). Mrs Gaskell once speculated as to the effect of Barbara's illegitimacy: 'she is - I think in consequence of her birth, a strong fighter against the established opinions of the world . . . I can't help admiring her noble bravery, and respecting - while I don't personally *like* her' (Chapple and Pollard, 1966, p. 607). Paradoxically, Barbara Bodichon would be relieved of the pressures which would hamper many of her colleagues: as an outsider, her radical ideals and endeavours were never curbed by the need for respectability and gentility. Other reformers, writing in *The English Woman's Journal* or working from the offices of 19 Langham Place, struggled to improve the status of women within the framework of traditional social values; Barbara Bodichon challenged those very values.

She initiated campaigns for both married women's property rights and the vote during the 1850s and 1860s; the first of her generation to become involved in these issues, she retained a keen sense of the long-term implication of such changes even when the goals appeared to be impossible. (In her lifetime, they were: she neither lived to see the final Married Woman's Property Act of 1893 nor to cast her vote in 1919.) Her concern for married women's property rights was directly linked to her unconventional views on marriage.¹ During her own honeymoon, she wrote:

To believe in the transubstantiation or the divinity of the Virgin is not so perverting to the mind as to believe that women have no rights to full development of all their faculties and exercise of all their powers, to believe that men have rights over women, and as fathers to exercise those pretended rights over daughters, as husbands exercising those rights over wives. (1972, p. 63)

She was determined to retain her autonomy after marrying Eugene Bodichon and was adamant that this was recognised both materially and symbolically. Eight months after the wedding, she wrote: 'I do not think there is any law to oblige a woman to bear the name of her husband at all, and probably none to prevent her keeping the old name. To use it is very useful, for I have earned

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a right to Barbara Smith' (ibid., p. 134). It is interesting that her reflections on marriage predate John Stuart Mill's much publicised repudiation of the legal rights he would have obtained when he married Harriet Taylor in 1851 (see Elliot, 1910, vol. I, p. 58). Three years earlier, as a student at Bedford College, Barbara read Mill's 1848 work, *Principles of Political Economy*, and criticised the author for neglecting some important subjects: 'the Contract of Marriage is one; the Laws concerning Women is another, and there are many more' (1849, p. 1). She had been disappointed that 'one who carries so much weight' failed to mention 'the injustice of their [men's] laws to women and the absurdity of the present Laws of Marriage and Divorce', particularly as 'there never was a tyranny so deeply felt yet borne so silently' (ibid., pp. 1-2). Mill is customarily cited as the champion of women's rights; what is revealed in this unpublished notebook, however, is that it was more Barbara Bodichon's belief in the political purchase of Mill as a publicist than her faith in him as a philosopher which, seventeen years later, prompted her to capitalise on his position as an MP by asking him to present the petition for women's suffrage.

In 1854, Barbara Bodichon rectified Mill's omission by publishing her own critical consideration of the legal status of women: *A Brief Summary, in Plain Language, of the Most Important Laws of England concerning Women* was exactly that – a short, accessible and direct statement. At last, the stark facts were there for all to see. The position of married women, in particular, was a cause for grave concern: in accordance with English Common Law, the husband had absolute control over his wife's property and her earnings; she was unable to dispose of her possessions without his consent; if her property was stolen, *he* was the victim of the theft; the legal custody of her children, too, belonged to him. Many women had suffered and were suffering from this state of affairs. Mrs Gaskell, for example, received none of the income from her writing but had to depend on her husband giving her a small allowance. Furthermore, as had been demonstrated by Caroline Norton's plight, wives had no protection, nor legal redress, if their husbands failed to provide a sufficient allowance.² It was this vulnerability and the fallacy of the principle of protection ('women, more than any other members of the community, suffer from over-legislation') which Barbara Bodichon wanted to publicise (see p. 31). Her pamphlet was submitted to the Law Amendment Society and a report was drafted proposing the extension of women's property rights. The following year, Barbara Bodichon formed a committee of women to collect signatures in support of a Married Women's Property Bill. The petition was enthusiastically

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supported and the committee returned with 26,000 signatures, 3,000 of which came from London alone and included those of Elizabeth Barrett Browning, Harriet Martineau, Elizabeth Gaskell, Marion Evans, Anna Jameson, Mary Howitt and Geraldine Jewsbury.

Despite the failure of the Bill when it was introduced into Parliament by the Law Amendment Society in 1857, Barbara Bodichon had succeeded in drawing the attention of the public to this lack of 'common justice' for women. Although there were inevitable antagonists to the proposal (Margaret Oliphant declared that it was 'the merest nonsense which ever looked like reason' [1856, p. 387]), many women responded to the rallying call and continued to press for changes in legislation. Frances Power Cobbe, whose charitable work with prostitutes and paupers in Bristol's 'ragged schools' had given her a sharp insight into the poverty of the woman's lot, and brought her into contact with Barbara Bodichon's committee, recalled that she resolved 'to do everything in [her] power to protect the property, the persons, and the parental rights of women' (1894, vol. II, p. 526). In one of the articles Cobbe wrote for *Frazer's Magazine*, which is included here, she pointed out the blatant lie of the marriage ceremony: the groom promised to endow his bride with all his worldly wealth when, in reality, he was on the verge of appropriating hers. It was ironic, she argued, that women who fulfilled the role society required of them were subsequently treated in the same way as lunatics and criminals by the forfeiture of their legal rights and property (see pp. 378-401). Other women began to put their principles into practice. As a condition of her marriage to James Skelton Anderson in 1871, for example, Elizabeth Garrett insisted on taking legal control of her income as a medical practitioner.

The legal impact of redefining a married woman's relationship with her husband would be diluted by thirty-six intervening years and various reforms before the demands of the original 1857 Married Women's Property Bill were met in full. In the mean time, the valuable experience gained by those women agitating for property reform could be put to good use in the struggle for equitable suffrage. Although Harriet Taylor had called for the enfranchisement of women in 1851, the lack of a vote, at a time when only a small proportion of men were enfranchised, seemed less of a shortcoming than their financial hardships. However, the Reform Act of 1867 had doubled the electorate, by extending suffrage to many skilled working men, without making any concessions to women. The situation did not improve: seventeen years later, the third Reform Act introduced suffrage to *all* men

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over the age of 21 and served as a stark reminder of the 'deconsideration' of women pointed out by Barbara Bodichon (see p. 107). Therefore, when the third edition of *A Brief Summary, in Plain Language, of the Most Important Laws of England concerning Women* appeared in 1869, fifteen years after the original, Barbara Bodichon had revised its contents and now stressed that exclusion from the franchise was the greatest disability suffered by women. The petition for Married Women's Property rights had won the support of many but the campaign for suffrage was a more divisive issue. Barbara Bodichon's cousin, Florence Nightingale, refused an invitation to join the suffrage committee, saying that,

It makes me mad, the Women's Rights talk. . . . They don't know the names of the Cabinet Ministers. . . . They don't know who of the men of the day is dead and who is alive. . . . They cannot state a fact accurately to another, nor can the other attend to it accurately enough for it to become information. (quoted in Strachey, 1928, p. 25)

For Barbara Bodichon it was this very ignorance which demonstrated the necessity, rather than the denial, of the vote. As she explained in 1866, suffrage would emancipate women from their enforced insularity (see pp. 114-15); she denied the uniqueness of the qualities traditionally associated with women's 'indirect' influence on politics which was so often used as an argument against suffrage (see pp. 115-16). Her essentially progressive and bold vision of women's political potential set her apart from the other, more cautious, women at Langham Place. An article in *The English Woman's Journal*, probably written by Bessie Rayner Parkes, tentatively pressed for the vote in the following terms:

Why may not a woman think about these great and practical subjects, and form opinions with regard to them intelligently and gracefully, in a manner suitable for a woman? And then why may she not give the world the benefit of these opinions by expressing them in a gentle, unobtrusive way? ('Women and Politics', 1863, p. 6)

Frances Power Cobbe was similarly constrained by notions of propriety and images of crinolined women. She was eager to circumscribe the kind of freedom Barbara had in mind, fearing that women might use this 'as a facility for licentiousness'. For Cobbe, political emancipation had less to do with the individual's right than 'a means – a very great means – of fulfilling our social Duty, of contributing to the virtue and happiness of mankind and advancing the Kingdom of God' (1881, p. 150).

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Barbara Bodichon's call for women's suffrage came as a result of the paper she presented in 1865 at the Kensington Society, a woman's discussion group amongst whose members were Bessie Rayner Parkes, Elizabeth Garrett, Emily Davies, Frances Power Cobbe, Sophia Jex-Blake and Harriet Taylor. Emily Davies' comment on an early draft of the paper reveals the difference between the two women:

In your paper there are two or three expressions I should like to have altered, e.g. I don't think it quite does to call the arguments on the other side 'foolish'. Of course they *are*, but it does not seem quite polite to say so. . . . I find nothing irritates men so much as to attribute tyranny to them. I believe many of them do really mean well, and at any rate as they say they do, it seems fair to admit it and to show them that their well-intended efforts are a *mistake*, not a crime . . . it is necessary to be careful. (quoted in Stephen, 1927, p. 108)

At the meeting, a resolution in favour of the paper was passed with a large majority and, although Emily Davies was apprehensive – 'My doubt is whether a safe Committee could be formed, and if wild people get upon it, who insist on jumping like kangaroos (the simile is not flattering), they would do harm' (quoted in Stephen, 1927, p. 109) – a suffrage committee was formed. A petition was presented to John Stuart Mill in June 1866 in the name of 'Barbara L. S. Bodichon and others' and, that October, her paper, *Reasons for the Enfranchisement of Women* was read at the Social Science Congress. However, after the rejection of Mill's proposed amendment to the Representation of the People Bill the following year, the committee split up. Emily Davies considered the dissolution and her own resignation as a narrow escape from the damage that such a contentious campaign could inflict on other ventures, namely, the promotion of women's education. Although both petitions initiated by Barbara Bodichon had failed and any gains from either the Married Women's Property Act or suffrage seemed remote, the women involved in these campaigns had been alerted to other injustices. They responded with the sense of urgency Adelaide Anne Procter described in her poem, 'Now', and it was from these efforts to secure further education, vocational training and a viable employment for women, that results were forthcoming.

Barbara Bodichon's concern and aims for education were undoubtedly influenced by her own schooling. At Westminster School, which her father had helped to establish, she had been

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taught by a former teacher at Robert Owen's New Lanark school, James Buchanan. There she helped with the younger pupils and gained first-hand experience of Buchanan's teaching methods. As a result of the transference of the deeds of Westminster School, which she had inherited from her father when she was 21, she was able to re-open it in 1854. A year later there were 113 pupils. Perhaps the most unorthodox aspect of Portman Hall, as the new school was named, was its secularism and mixed classes: Jewish children mixed with Catholics and girls with boys. Difficulties arose not only because of the preconceptions of most teachers (a problem she discusses in 'Middle Class Schools for Girls' in this collection) but also as a result of traditional assumptions about the propriety of educating girls in the same manner, and in the same subjects, as boys. But Barbara Bodichon insisted that girls, too, should be trained for adequate and suitable employment. At the National Association for the Promotion of Social Science in 1860, she attacked the appalling standards of existing schools and argued that, in addition to fulfilling their practical needs, a sound general education for girls would eliminate the incalculable of 'vanity, false ideals of what is lady-like and every shallow, showy accomplishment' (see p. 77).

The problems of convention and propriety with which Barbara Bodichon had to contend in the running of Portman Hall in the 1850s was paralleled a decade later in the campaign for women's higher education. Emily Davies and her colleagues fought against a tide of inaccurate but dogmatic opinion. They had to convince their antagonists that education was intrinsically valuable rather than inherently harmful for women. Furthermore, they felt that the only way to succeed was to avoid arousing their opponents' hostility. In her struggle for a woman's college (which would come to fruition with the opening of Girton in 1873), Emily Davies' overriding concern was that the higher education committee should not be associated with the suffrage movement or any 'radicals'. Barbara Bodichon's name was thus omitted and, in the first public meetings called to discuss women's education, Emily Davies carefully placed only pretty and meek-looking women in the front rows (Stephen, 1927, p. 162; Caine, 1982, p. 547).³

The campaign for medical education could not be stage-managed so easily. The idea of women studying to become doctors was greeted with hostility and steadfast opposition. In 1863, Elizabeth Garrett was refused admission as a candidate in the matriculation examinations at London University for no other reason than because she was a woman. Femininity and learning were incompatible. Not only was education morally wrong (women

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should be concerned with their duties as potential wives and mothers) but it also went against the grain of conventional medical wisdom: mental exertion surely would result in physical breakdown, for women were biologically unsuited to academic work. In America, the situation was the same: Elizabeth Blackwell had been turned away by every medical school in Philadelphia and New York as well as by Harvard, Yale and Bowdoin. She had no choice but to study anatomy privately before, eventually, she was accepted by Geneva College. Travelling to London nine years after she qualified, in 1858, in order to help advance professional opportunities for medicine in Britain, she met Barbara Bodichon and Bessie Rayner Parkes. They helped her to organise lectures and published extracts from her writings in *The English Woman's Journal*. A year later, Elizabeth Blackwell became the first woman to have her name entered on the Medical Register of the United Kingdom. The effect of this breakthrough was not immediately apparent to aspiring medical students, however. Inspired by Blackwell's lectures, Elizabeth Garrett resolved to become a doctor only to find herself refused by all the medical schools in England and Scotland. She, too, studied privately. Six years later, in 1865, after a heated debate (to which Emily Davies refers in 'The Influence of University Degrees on the Education of Women'), she was finally allowed to sit the examinations of the Society of Apothecaries. Although she was now qualified to practise, it would take another four years and further struggles before she was able to sit for the full M.D. degree and have her name entered on the British Medical Register.

Opponents had to be persuaded continuously. Many of the apologists justified women's medical education in terms of their conventional nurturing role: in her article, 'What Shall We do with Our Old Maids?', Frances Power Cobbe defended the cause on the grounds that women needed this knowledge in order to care for their children and for other members of the household; Emily Davies used a similar argument in 'Female Physicians', saying that a medical education would help women to realise their true responsibilities whilst, for many patients, 'the sympathy and tenderness of a woman would be absolutely more curative than the possibly superior skill of a man' (see p. 408). Only Barbara Bodichon explicitly argued that the most important benefit of medical training would be experienced by women themselves: as she pointed out, in *Women and Work*, at last women would be able to consult doctors of their own sex. Unlike Davies and Cobbe, who believed that nursing was a vocation, Barbara Bodichon insisted that both medicine and nursing were simply two of a

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number of occupations which should be immediately opened to women.

The question of women's employment had become a subject of public debate from the early 1850s. Reports from the Sadler Committee, the Factory Commission and the Children's Employment Commission had exposed not only the grim conditions which working women and children had to bear but also the extent of their employment. At the same time, the circumstances of middle-class women were publicised, largely as a result of the 1851 census which had revealed that 'the number of females of marriageable age, in Great Britain, will always exceed the number of males of the same age to the extent of half a million'. It was a statistic which, as Bessie Rayner Parkes correctly surmised, effectively destroyed the 'doctrine that married life is a woman's profession' (see p. 177). And yet parents rarely provided for their daughters either by endowment or education (the latter being positively discouraged). The only occupations available to a single, middle-class woman were those deemed to be respectable. She was not spoilt for choice: she could become either a governess or a needlewoman. Both situations were overcrowded and the 'surplus' of women applying for too few jobs had the result of lowering already derisory wages. Without the benefit of an education, these women were unable to command a higher salary and, to make matters worse, they were demeaning themselves in the eyes of society by having to work at all. To become a governess was to 'retire from all the pleasures of life, of rational intercourse, equal society, peace and hope, to penance and mortification for ever' (Austen, 1816, p. 179). Jane Austen's comment was as true in mid-century as it had been when *Emma* was published. Although the Governesses' Benevolent Institution was founded in 1843 in an attempt to furnish these destitute women with loans, annuities and retirement homes, such methods of alleviation could not keep pace with the rapid growth of the problem. Barbara Bodichon continually bemoaned the conditions and restrictions of women's employment. The plight of 'distressed needlewomen . . . the decayed gentlewomen and broken-down governesses' had been exposed and her solution to the problem was unequivocal:

Apprentice 10,000 to watchmakers; train 10,000 for teachers for the young; make 10,000 good accountants; put 10,000 more to be nurses under deaconesses trained by Florence Nightingale; put some thousands in the electric telegraph offices all over the country; educate 1,000 lecturers for mechanics' institutions; 1,000 readers to read the best books for

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working people; train up 10,000 to manage washing-machines, sewing-machines, etc. (p. 44)

In 1858, in the first issue of *The English Woman's Journal*, Bessie Rayner Parkes confirmed the need for better conditions and new opportunities for women: only an education, a training and a wider choice of employment could offer some degree of financial independence and set about 'getting rid of this particular form of destitution arising in great measure from the overcrowding of the Profession of the Teacher' (1858, p. 2). She and Barbara Bodichon had established the journal in an attempt to publicise 'the present industrial employments of women, both manual and intellectual, the best mode of judiciously extending the sphere of such employments, and the laws affecting the property and conditions of the sex' ('Domestic Life', 1858, p. 75). Another member and activist of the Married Women's Property Committee, Isa Craig, had recently taken up the position of Assistant Secretary to the National Association for the Promotion of Social Science. The appointment of a woman, together with the admission of women to the meetings, was a radical development which delighted the staff of *The English Woman's Journal*. The connection enabled them to secure both the attention of influential men and the publicity they needed so badly; it provided a platform for their papers on education, employment, working conditions and on a range of social problems, from hospital nursing to the causes of insanity, many of which they subsequently published.

One young woman, Jessie Boucherett, caught sight of a copy of *The English Woman's Journal* in a railway station bookstall; she was so enthusiastic about its contents that she travelled to London in order to meet its editors. A year later, in 1859, she and Adelaide Anne Procter who, as a close friend of Bessie Rayner Parkes, had been involved with the journal from its inception, established the Association (later Society) for Promoting the Employment of Women. This was intended 'for girls and young women, where they may be specially trained to work in shops by being thoroughly well instructed in accounts, book-keeping, etc.' ('Association for the Employment of Women', 1859, pp. 58-9). An employment register was set up and soon various enterprises were under way. Printers would not accept women apprentices so, in 1860, Emily Faithfull, the Society's Secretary, started the Victoria Press to employ women compositors; henceforth, *The English Woman's Journal* was printed there. The Victoria Press was immediately successful and, six months later, Emily Faithfull was appointed Printer and Publisher in Ordinary to Queen Victoria. In 1863 she

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founded the *Victoria Magazine*, a magazine of general and literary interest which consistently upheld women's rights, frequently publishing articles by Frances Power Cobbe and Emily Davies.

The Society for Promoting the Employment of Women struggled against apathy, prejudice and the enmity of men's trade unions. But, by 1861, Jessie Boucherett, who had started a remedial school in arithmetic and accounting, and her colleagues had found situations for women under photographers, lithographers and dial-painters and as shop assistants, hotel managers, watchmakers, clerks, telegraphists and nurses. Maria Rye opened a Law Engrossing Office at Lincoln's Inn and employed women to copy legal documents; she, too, was involved in founding the Victoria Press and, with Isa Craig, ran the Telegraph School, teaching women how to operate the new technology. So many women were applying for work through the Employment Society and the Telegraph School that Maria Rye sought new ways in which to deal with the problem of unemployed English women: in 1861 she founded the Female Middle Class Emigration Society, whose aims she outlined in the article included here. For the next eight years she helped to organise jobs for countless women in Australia, New Zealand and Canada – countries where cooks, governesses and needlewomen were urgently required and the wages were high. The Society for Promoting the Employment of Women could boast other successes including encouraging women to learn to swim (the Committee persuaded the manager of St Marylebone Baths to admit women on Wednesday afternoons) and establishing The Ladies' Sanitary Association in an effort to raise standards of hygiene and educate women about basic principles of health.

Because the urgency to improve the employment situation arose from the recent revelation about and implications for 'surplus women', women like Bessie Rayner Parkes, Jessie Boucherett and Frances Power Cobbe were eager to change public opinion by proving that other trades need not be demeaning. They argued that work did not necessitate a fall from grace and Victorian ideals but, on the contrary, that it encouraged positive virtues such as self-reliance and industry (Boucherett, 1863; Parkes, 1865; Cobbe, 1881). Emily Davies claimed that industry and domesticity *could* co-exist: 'it is certainly not easy to see why it should be unfeminine for a girl to sit in her father's office, under his immediate eye (and protection if needed) gradually acquiring some experience' (1910, p. 11).

Protagonists, as well as antagonists, were finding the need to progress from philanthropic to paid work difficult to accept. Philanthropy had been the traditional occupation of middle-class

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women; with only gratitude as its reward, this was considered to be a suitable and natural pastime. Charitable deeds were recommended by such popular and well-known reformers as Anna Jameson. For Bessie Rayner Parkes, too, the provision of work which did not resemble paid labour was an important consideration as can be seen in 'What Can Educated Women Do?' and 'The Condition of Working Women in England and France'. And, although Frances Power Cobbe admitted that charitable acts were no longer a sufficient means to an end, she wanted to stretch the possibilities for philanthropy so that a woman would be able to 'devote herself . . . to relieve the miseries of mankind' (1863, p. 106). Such notions of what women's work should entail were staunchly guarded. In 1859, a young student at Queen's College was offered a teaching position. When her father discovered that the job was waged, he wrote in dismay:

I have only this moment heard you contemplate being *paid* for the tutorship. It would be quite beneath you, darling, and I *cannot consent* to it. Take the post as one of honour and usefulness, and I shall be glad. . . . But to be *paid* for the work would be to alter the thing *completely*, and would lower you sadly in the eyes of almost everybody.

Sophia Jex-Blake replied that she had 'fairly earned' the payment and asked 'why should I not take it? You, as a man, did your work and received your payment, and no-one thought it any degradation. . . . Why should the difference of my sex alter the laws of right and honour?' (quoted in Todd, 1918, pp. 67, 68-9). But the logic of her argument failed to convince him; the future physician and founder of the London Medical School for Women was permitted to accept her first job on condition that she refused the salary.

Only Barbara Bodichon insisted on a woman's right to *paid* work. She argued that women were degraded not by financial independence but, on the contrary, by their customary dependence on the benevolence of their nearest male relative (see p. 41). Her earlier concern to establish women's economic rights, in her battle to reform the legislation concerning married women's property, remained central to her argument for women's employment. Unlike other Victorian reformers who considered that 'it is endemic and the ambition of women to be considered in all relations, all the conditions of life, domestic and social, as the helpmate' (Jameson, 1859, p. 346), Barbara Bodichon not only pointed out that gratitude was poor remuneration for women who were in need of money but she also disagreed with the principle

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of philanthropy itself. On this subject, as in all her writings, she attacked the notion that women needed no other occupation than marriage and denied that they were necessarily content to be financial dependents. Because she carved away at the very foundations of women's subordination, her task was formidable and the results were slow to take shape. But it was her bold ambition which remained the driving force behind the Langham Place Group and made the achievements of others possible. Adopting a more radical stand than her colleagues, Barbara Bodichon remained adamant in her demands:

To sum up. Women want work for the health of their minds and their bodies. They want it often because they must eat and because they have children and others dependent on them – *for all the reasons that men want work.* (p. 64)

Candida Ann Lacey
Brighton, December 1985

NOTES

- 1 In 1855, Barbara had considered entering into a permanent relationship with John Chapman, the editor of *The Westminster Review*, who was married with children. Although she decided against such a move and, two years later, married the French doctor whom she had met in Algiers, the marriage was hardly conventional, particularly as she spent six months of each year apart from her husband in order to continue working in London. Hester Burton's (1949) biography of Barbara Bodichon omits significant evidence of her non-conformity: her illegitimacy and her affair with Chapman, for example. Recently, Sheila Herstein (1986) has provided a more accurate picture.
- 2 Caroline Norton (1808–77), the granddaughter of Richard Brinsley Sheridan, left her violent husband in 1836 but, as the law stood, she was unable to obtain a divorce. George Norton refused to give his wife an allowance and, since all her property had passed into his legal possession, she was penniless. She turned to writing and won considerable acclaim; as soon as her literary efforts bore fruit, George Norton asserted his right to his wife's earnings. The final blow came after he had unsuccessfully sued Lord Melbourne, then Prime Minister, for damages on the grounds of adultery with his wife: as a married woman, and therefore a legal nonentity, Caroline Norton was unable to appear in her own defence at the trial; her helpless situation was compounded when George Norton abducted their three young sons and refused to let his wife see them. The first of Caroline Norton's pamphlets, which pointed out the gross injustice of her situation and appealed for legal reform, helped to win the passage of the 1839 Infants Custody Act

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which gave mothers certain limited rights to their children. See Forster (1984), pp. 15–52.

- 3 Although Barbara Bodichon was not a member of the original Committee in 1867, she was actively involved in its progress and donated the largest single sum – £1,000 – to the College fund.

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Adelaide Anne Procter

(1825–64)

The eldest child of Anne Skepper and Bryan Waller Procter, Adelaide Anne Procter was better known as a poet than as a feminist reformer in her own lifetime. She began a long connection with Charles Dickens's *Household Words* when she was twenty-eight (initially under the pseudonym of 'Mary Berwick') and five years later published her collected poems in two volumes entitled *Legends and Lyrics*. Reputedly Queen Victoria's favourite poet, she sold more volumes of her poetry than any other contemporary poet except Tennyson. It was her concern for women's rights, however, which won her a place on the National Association for the Promotion of Social Science's committee in 1859 to consider fresh ways of providing employment for women. At the same time, she helped to establish the Society for Promoting the Employment of Women with Bessie Rayner Parkes and Jessie Boucherett. Shortly afterwards she contracted tuberculosis and, after fifteen months as an invalid, died in February 1864. Jessie Boucherett selected this poem for her obituary in *The English Woman's Journal*.

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Now

Rise! for the day is passing,
And you lie dreaming on;
The others have buckled their armour,
And forth to the fight have gone:
A place in the ranks awaits you,
Each man has some part to play;
The Past and the Future are nothing
In the face of the stern To-day.

Rise from your dreams of the Future –
Of gaining some hard-fought field;
Of storming some airy fortress,
Or bidding some giant yield:
Your future has deeds of glory,
Of honour (God grant it may!)
But your arm will never be stronger,
Or the need so great as To-day.

Rise! if the past detains you,
Her sunshine and storms forget;
No chains so unworthy to hold you
As those of vain regret:
Sad or bright, she is lifeless ever.
Cast her phantom arms away;
Nor look back, save to learn the lesson
Of a nobler strife To-day.

Rise! for the day is passing;
The sound that you scarcely hear
Is the enemy marching to battle –
Arise! for the foe is here!
Stay not to sharpen your weapons,
Or the hour will strike at last,
When, from dreams of a coming battle,
You may awake to find it past!

ADELAIDE ANNE PROCTER

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Barbara Leigh Smith
Bodichon
(1827–91)

The eldest of five children, Barbara Leigh Smith was the daughter of Anne Longden, a milliner, and Benjamin Leigh Smith, a Radical MP for Norwich whose house was frequently used as a meeting-place for abolitionists and political refugees from Europe. In 1849, she enrolled at the newly formed Ladies' College in Bedford Square where she studied law, political economy and art. Shortly afterwards she founded and taught in the innovative Portman Hall School where children from different classes and religious backgrounds were educated together. In 1854, she began her career as a writer and feminist reformer with the publication of the provocative and highly successful *A Brief Summary, in Plain Language, of the Most Important Laws of England concerning Women*. It is not surprising, since with its particular reference to married women's property rights the pamphlet implicitly cast doubt on the merits of matrimony, that it was at this time that Barbara was considering a permanent extra-marital relationship with John Chapman. However, her father refused to countenance the proposed arrangements and the affair ended. Barbara left for Algiers where she met Eugene Bodichon, whom she married in 1857. Together they embarked on a tour of America where they met leading abolitionists and prominent figures in the American Women's Rights Movement. Barbara Bodichon was overwhelmed by the implications of American liberty but she vigorously attacked the great paradox of slavery, publishing several articles in *The English Woman's Journal* on the subject. Her other interests included painting: she gave her profession as 'artist' on her marriage certificate. She was a prolific artist, competent enough to have studied in Corot's studio and frequently exhibiting her work. When she died she left £10,000 to Girton College, the proceeds from the sale of her paintings.

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A Brief Summary, in Plain Language, of the Most Important Laws Concerning Women: Together with a Few Observations Thereon

(1854)

Legal Condition of Unmarried Women or Spinsters

A single woman has the same rights to property, to protection from the law, and has to pay the same taxes to the State, as a man.

Yet a woman of the age of twenty-one, having the requisite property qualifications, cannot vote in elections for members of Parliament.

A woman duly qualified can vote upon parish questions, and for parish officers, overseers, surveyors, vestry clerks, etc.

If her father or mother die *intestate* (i.e., without a will) she takes an equal share with her brothers and sisters of the personal property (i.e., goods, chattels, moveables), but her eldest brother, if she have one, and his children, even daughters, will take the *real* property (i.e., not personal property, but all other, as land, etc.), as the heir-at-law; males and their issue being preferred to females; if, however, she have sisters only, then all the sisters take the real property equally. If she be an only child, she is entitled to all the intestate real and personal property.

The church and nearly all offices under government are closed to women. The Post-office affords some little employment to them; but there is no important office which they can hold, with the single exception of that of Sovereign.

The professions of law and medicine,¹ whether or not closed by law, are closed in fact. They may engage in trade, and may occupy inferior situations, such as matron of a charity, sextoness

of a church, and a few parochial offices are open to them. Women are occasionally governors of prisons for women, overseers of the poor, and parish clerks. A woman may be ranger of a park; a woman can take part in the government of a great empire by buying East India Stock.

A servant and a master or mistress are bound by a verbal or written agreement. If no special agreement is made, a servant is held by the common custom of the realm to be hired from year to year, and the engagement cannot be put an end to without a month's notice on either side.

If a woman is seduced, she has no remedy against the seducer; nor has her father, excepting as he is considered in law as being her master and she his servant, and the seducer as having deprived him of her services. Very slight service is deemed sufficient in law, but evidence of some service is absolutely necessary, whether the daughter be of full age or under age.

These are the only special laws concerning single women: the law speaks of men only, but women are affected by all the laws and incur the same responsibilities in all their contracts and doings as men.

Laws Concerning Married Women

Matrimony is a civil and indissoluble contract between a consenting man and woman of competent capacity.

These marriages are prohibited – A widower with his deceased wife's sister; a widow with the brother of her deceased husband; a widower with his deceased wife's sister's daughter, for she is by affinity in the same degree as a niece to her uncle by consanguinity; a widower with a daughter of his deceased wife by a former husband; and a widower with his deceased wife's mother's sister. Consanguinity or affinity, where the children are illegitimate, is equally an impediment.

A lunatic or idiot cannot lawfully contract a marriage, but insanity after marriage does not make the marriage null and void.

A lunatic may contract a marriage during a lucid interval. Deaf and dumb people may marry by signs.

The consent of the father or guardians is necessary to the marriage of an *infant* (i.e., a person under twenty-one), unless the marriage takes place by banns. The consent of the mother is not necessary if there be a father or a guardian appointed by him.

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A second marriage while a husband or wife is living is felony, and punishable by transportation.

An agreement to marry made by a man and woman who do not come under any of these disabilities is a contract of betrothment, and either party can bring an action upon a refusal to complete the contract in a superior court of Common Law.

Marriages may be celebrated as a religious ceremony after the requisite public proclamations or banns, or as a secular form.

The object of the Act for authorising civil marriages was to relieve Dissenters and those who could not conscientiously join in the formulary of the Church. Due provision is made for necessary publicity, and the marriage can be legally contracted in a Register Office. Marriages in the Church of England (without banns or licence), marriages of Quakers, Jews, Dissenters, and Roman Catholics, and marriages according to the civil or secular form, must be preceded by a given notice from one of the parties to the Superintendent-Registrar of the district.

The marriage law of Scotland is founded upon the *Canon Law* (i.e. rules drawn from Scriptures and the writings of the Church). In Scotland there are regular and irregular marriages. Irregular marriages are legal without any ceremony, and are of three sorts.

1. By a promise of marriage given in writing or proved by a reference to the oath of the party, followed by consummation.

2. By the solemn mutual declaration of a man and woman, either verbally or in writing, expressing that the parties consent to take each other for husband and wife.

3. By notorious cohabitation as man and wife.

Persons living in England and having illegitimate children, cannot by going to Scotland, there marrying, and then returning, legitimatise their children in England. A domicile (or abiding home) in Scotland, and a marriage of the father and mother, legitimatises the children in Scotland whenever born.

Lawful marriages in foreign countries are valid in England unless they are directly contrary to our laws.

Marriage with a deceased wife's sister is valid in England, if it has been celebrated in a country where such marriage is legal, provided the parties were at the time of the marriage domiciled in such country.

A man and wife are one person in law; the wife loses all her rights as a single woman, and her existence is entirely absorbed in that of her husband. He is civilly responsible for her acts; she lives under his protection or cover, and her condition is called *coverture*.

A woman's body belongs to her husband; she is in his custody, and he can enforce his right by a writ of *habeas corpus*.

What was her personal property before marriage, such as money in hand, money at the bank, jewels, household goods, clothes, etc. becomes absolutely her husband's, and he may assign or dispose of them at his pleasure whether he and his wife live together or not.

A wife's *chattels real* (i.e. estates held during a term of years, or the next presentation to a church living, etc.) become her husband's by his doing some act to appropriate them; but, if the wife survives, she resumes her property.

Equity is defined to be a correction or qualification of the law, generally made in the part wherein it faileth, or is too severe. In other words, the correction of that wherein the law, by reason of its universality, is deficient. While the Common Law gives the whole of a wife's personal property to her husband, the Courts of Equity, when he proceeds therein to recover property in right of his wife, oblige him to make a settlement of some portion of it upon her, if she be unprovided for and virtuous.

If her property be under £200, or £10 a year, a Court of Equity will not interpose.

Neither the Courts of Common Law nor Equity have any direct power to oblige a man to support his wife – the Ecclesiastical Courts (i.e. Courts held by the Queen's authority as governor of the Church, for matters which chiefly concern religion) and a Magistrate's court at the instance of her parish alone can do this.

A husband has a freehold estate in his wife's lands during the joint existence of himself and his wife, that is to say, he has absolute possession of them as long as they both live. If the wife dies without children, the property goes to her heir, but if she has borne a child, her husband holds possession until his death.

Money earned by a married woman belongs absolutely to her husband; that and all sources of income, excepting those mentioned above, are included in the term personal property.

By the particular permission of her husband she can make a will of her personal property, for by such a permission he gives up his right. But he may revoke his permission at any time before *probate* (i.e. the exhibiting and proving a will before the Ecclesiastical Judge having jurisdiction over the place where the party died).

The legal custody of children belongs to the father. During the lifetime of a sane father, the mother has no rights over her children, except a limited power over infants, and the father may take them from her and dispose of them as he thinks fit.

If there be a legal separation of the parents, and there be neither agreement nor order of Court, giving the custody of the children

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to either parent, then the *right to the custody of the children* (except for the nutriment of infants) belongs legally to the father.

A married woman cannot sue or be sued for contracts – nor can she enter into contracts except as the agent of her husband; that is to say, her word alone is not binding in law, and persons giving a wife credit have no remedy against her. There are some exceptions, as where she contracts debts upon estates settled to her separate use, or where a wife carries on trade separately, according to the custom of London, etc.

A husband is liable for his wife's debts contracted before marriage, and also for her breaches of trust committed before marriage.

Neither a husband nor a wife can be witnesses against one another in criminal cases, not even after the death or divorce of either.

A wife cannot bring actions unless the husband's name is joined.

As the wife acts under the command and control of her husband, she is excused from punishment for certain offences, such as theft, burglary, housebreaking, etc., if committed in his presence and under his influence. A wife cannot be found guilty of concealing her felon husband or of concealing a felon jointly with her husband. She cannot be found guilty of stealing from her husband or of setting his house on fire, as they are one person in law. A husband and wife cannot be found guilty of conspiracy, as that offence cannot be committed unless there are two persons.

Usual Precautions Against the Laws Concerning the Property of Married Women

When a woman has consented to a proposal of marriage, she cannot dispose or give away her property without the knowledge of her betrothed; if she make any such disposition without his knowledge, even if he be ignorant of the existence of her property, the disposition will not be legal.

It is usual, before marriage, in order to secure a wife and her children against the power of the husband, to make with his consent a settlement of some property on the wife, or to make an agreement before marriage that a settlement shall be made after marriage. It is in the power of the Court of Chancery to enforce the performance of such agreements.

Although the Common Law does not allow a married woman

Barbara Leigh Smith Bodichon

to possess any property, yet in respect of property settled for her separate use, Equity endeavours to treat her as a single woman.

She can acquire such property by contract before marriage with her husband, or by gift from him or other persons.

There are great difficulties and complexities in making settlements, and they should always be made by a competent lawyer.

When a wife's property is stolen, the property (legally belonging to the husband) must be laid as his in the indictment.

Separation and Divorce

A husband and wife can separate upon a deed containing terms for their immediate separation, but they cannot legally agree to separate at a *future* time. The trustees of the wife must be parties to the deed, and agree with the husband as to what property the wife is to take, for a husband and wife cannot covenant together.

Divorce is of two kinds:

First, divorce à mensâ et thoro, being only a separation from bed and board.

Second, divorce à vinculo matrimonii, being an entire dissolution of the bonds of matrimony.

The grounds for the first kind of divorce are, first, Adultery, second, Intolerable Cruelty, and third, Unnatural Practices. The Ecclesiastical Courts can do no more than pronounce for this first kind of divorce, or rather separation, as the matrimonial tie is not severed, and there is always a possibility of reconciliation.

The law cannot dissolve a lawful marriage; it is only in the Legislature that this power is vested. It requires an act of Parliament to constitute a divorce à vinculo matrimonii, but the investigation rests by usage with the Lords alone, the House of Commons acting upon the faith that the House of Lords came to a just conclusion.

This divorce is pronounced on account of adultery in the wife, and in some cases of aggravated adultery on the part of the husband.

The expenses of only a common divorce bill are between six hundred and seven hundred pounds, which makes the possibility of release from the matrimonial bond a privilege of the rich.

A wife cannot be plaintiff, defendant, or witness in an important part of the proceeding for a divorce, which evidently must lead to much injustice.

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Laws Concerning a Widow

A widow recovers her real property, but if there be a settlement she is restricted by its provisions. She recovers her chattels real if her husband has not disposed of them by will or otherwise.

A wife's paraphernalia (i.e., her clothes and ornaments) which her husband owns during his lifetime, and which his creditors can seize for his debts, becomes her property on his death.

A widow is liable for any debts which she contracted before marriage, and which have been left unpaid during her marriage.

A widow is not bound to bury her dead husband, it being the duty of his legal representative.

If a man die intestate, the widow, if there are children, is entitled to one-third of the personalty; if there are no children, to one-half; the other is distributed among the next of kin, among whom the widow is not counted. If there is no next of kin the moiety goes to the crown.

A husband can, of course, by will deprive a wife of all right in the personalty.

A right is granted in Magna Charta to a widow to remain forty days in her husband's house after his death, provided she do not marry during that time.

A widow has a right to a third of her husband's lands and tenements for her life. Right of dower is generally superseded by settlements giving the wife a jointure. If she accept a jointure she has no claim to dower.

Laws Concerning Women in Other Relationships

A woman can act as agent for another, and, as an attorney, legally execute her authority. A wife can so act if her husband do not dissent.

An unmarried woman can be vested with a trust, but if she marry, the complexities and difficulties are great, from her inability to enter alone into deeds and assurances.

A single woman can act as executrix under a will, but a wife cannot accept an executorship without her husband's consent.

A woman is capable of holding the office of administratrix to an intestate personalty, and administration will be granted to her if she be next of kin to the intestate. But a wife cannot act without the consent of her husband.

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If a man place a woman in his house, and treat her as his wife, he is responsible for her debts.

Laws Concerning Illegitimate Children and Their Mothers

A single woman having a child may throw the maintenance upon the putative father, so called to distinguish him from a husband, until the age of thirteen.

The law only enforces the parents to maintain such child, and the sum the father is obliged to pay, after an order of affiliation is proved against him, never exceeds two shillings and sixpence a week.

The mother, as long as she is unmarried or a widow, is bound to maintain such child as a part of her family until such child attain the age of sixteen.

A man marrying a woman having a child or children at the time of such marriage is bound to support them, whether legitimate or not, until the age of sixteen.

The rights of an illegitimate child are only such as he can acquire; he can inherit nothing, being in law looked upon as nobody's son, but he may acquire property by devise or bequest. He may acquire a surname by reputation, but does not inherit one.

The only incapacity under which he labours is that he cannot be heir-at-law nor next of kin to any person, nor can he have collateral heirs, but only lineal descendants; if he acquire property and die without a will, such property will go to the crown unless he have lineal descendants.

Remarks

These are the principal laws concerning women.

It is not now as it once was, when all existing institutions were considered sacred and unalterable; and the spirit which made Blackstone an admirer of, rather than a critic on, every law because it was *law*, is exchanged for a bolder and more discriminating spirit, which seeks to judge calmly what is good and to amend what is bad.

Philosophical thinkers have generally come to the conclusion that the tendency of progress is gradually to dispense with law –

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that is to say, as each individual man becomes unto himself a law, less external restraint is necessary. And certainly the most urgently needed reforms are simple erasures from the statute book. Women, more than any other members of the community, suffer from over-legislation.

A woman of twenty-one becomes an independent human creature,² capable of holding and administering property to any amount; or, if she can earn money, she may appropriate her earnings freely to any purpose she thinks good. Her father has no power over her or her property. But if she unites herself to a man, the law immediately steps in, and she finds herself legislated for, and her condition of life suddenly and entirely changed. Whatever age she may be of, she is again considered as an infant – she is again under ‘*reasonable restraint*’ – she loses her separate existence, and is merged in that of her husband.

‘In short,’ says Judge Hurlbut, ‘a woman is courted and wedded as an angel, and yet denied the dignity of a rational and moral being ever after.’

‘The next thing that I will show you is this particularitie of law; in this consolidation which we call wedlock is a locking together; it is true that man and wife are one person, but understand in what manner. When a small brooke or little river incorporateth with Rhodanus, Humber, or the Thames, the poore rivulet loseth her name, it is carried and recarried with the new associate, it beareth no sway, it possesseth nothing during coverture. A woman as soone as she is married is called covert, in Latine nupta, that is veiled, as it were clouded and overshadowed she hath lost her streame. . . . I may more truly farre away say to a married woman, her new selfe is her superior, her companion, her master. The mastership shee is fallen into may be called in a terme which civilians borrow from Esop’s Fables, Leonina societate.’³

Truly ‘she hath lost her streame’, she is absorbed, and can hold nothing of herself, she has no legal right to any property; not even her clothes, books, and household goods are her own, and any money which she earns can be robbed from her legally by her husband, nay, even after the commencement of a treaty of marriage she cannot dispose of her own property without the knowledge of her betrothed. If she should do so, it is deemed a fraud in law and can be set aside after marriage as an injury to her husband.

It is always said, even by those who support the existing law, that it is in fact never acted upon by men of good feeling. That is true; but the very admission condemns the law, and it is not right that the good feeling of men should be all that a woman can look to for simple justice.

There is now a large and increasing class of women who gain their own livelihood, and the abolition of the laws which give husbands this unjust power is most urgently needed.

Rich men and fathers might still make what settlements they pleased, and appoint trustees for the protection of minors and such women as needed protection; but we imagine it well proved that the principle of protection is wrong, and that the education of freedom and responsibility will enable women to take better care of themselves and others too than can be insured to them by any legal precautions.

Upon women of the labouring classes the difficulty of keeping and using their own earnings presses most hardly. In that rank of life where the support of the family depends often on the joint earnings of husband and wife, it is indeed cruel that the earnings of both should be in the hands of one, and not even in the hands of that one who has naturally the strongest desire to promote the welfare of the children.

All who are familiar with the working classes know how much suffering and privation is caused by the exercise of this *right* by drunken and bad men. It is true that men are legally bound to support their wives and children, but this does not compensate women for the loss of their moral right to their own property and earnings, nor for the loss of the mental development and independence of character gained by the possession and thoughtful appropriation of money; nor, it must be remembered, can the claim to support be enforced on the part of the wife unless she appeals to a court of law. Alas, how much will not a woman endure before she will publicly plead for a maintenance!

Why, we ask, should there be this difference between the married and unmarried condition of women? And why does marriage make so little legal difference to men, and such a mighty legal difference to women? In France it is somewhat more equal; married women have a right, if they marry without a marriage contract, to claim at the death of a husband half of whatever he possessed at the time of marriage, or may have gained afterwards. If a woman have property of her own, she may if she please marry under the '*régime de séparation de corps et de biens*', in which case she has the entire control of her own fortune, and has no need of trustees. But usually marriages in France are of another description, or under the '*régime dotal*', in which case a portion of the property of the wife is left at the disposal of the husband, and the rest placed in the hands of trustees, much as it is with us in England. The choice which the French law allows is however a great improvement on our law.

Laws Concerning Women

In Turkey, daughters succeed equally with sons in houses and landed property, and always take one-third of the personal property. A widow receives one-eighth of the personal property, and must be provided for during her life by the heirs. Women control their own inheritance when married; the husband has no power over the inherited portion of his wife or wives.

In Hungary, the common law, before 1849 (the German law is now introduced), made a broad distinction between *inherited* and *acquired* property, whether landed or personal. Whatever was inherited went to the heirs; it could not be subject to a will.

As to *acquired* property, the law only interfered to give half to the wife; it was her absolute property, of which she might dispose in any way during life or by will. Among the nobility this law did not obtain. In cases where inherited property had been so left by the will of the first *acquisitor* as to exclude the female sex, the brothers were obliged to give a handsome sum if they married to their sisters, and provide for them in a becoming way if they remained single.

The rights of a widow were great; she was guardian of children, administrator of property, and, as long as she bore the name of her husband, she could exercise all the political rights of a man; she could vote in elections of county officers, and in those of the Deputies to the Diet.

Single females, according to the Hungarian law, were considered as minors, who became of age upon marriage, and by marriage came into full control of all their estates. They were not liable for the debts of their husbands; they were not even bound to provide for the domestic expenses, the care of providing for the house and the education of the children being incumbent on the husband. Wives could make wills and sign deeds without the consent of the husbands. If a wife died intestate, her property went to her children or collaterals.

In fact a wife was not regarded in Hungary as a minor, her husband was not her guardian, nor were there trustees appointed for her property. 'None of my countrywomen would ever have submitted to such a marriage settlement as is usual in England,' said a Hungarian lady, well known for her genius and reputation. With the one exception of considering all unmarried women as minors, the Hungarian law is very much in advance of ours.

The laws in the United States are generally much the same as ours. As a general rule married women cannot make a devise of real estate. In some of the States there are more reasonable laws, and a married woman may make a will and devise lands in the same manner as men. These States are Ohio, Illinois, Connecticut,

Mississippi, and Louisiana. In Ohio the laws are remarkably liberal to women. The first section of the statute of wills in Ohio declares that any person of full age and sound mind and memory may make a will. By the statute of Ohio it is expressly provided that the will of an unmarried woman shall *not* be revoked by her subsequent marriage.

What changes we find in the American laws are improvements upon ours. Is there not evidence in our English laws of old opinions relating to women which are passing away with the old state of things which engendered them? In the early times, when women were obliged by the violent state of society to be always under the guardianship of father, brother, or husband, these laws might be necessary; but in our peaceful times, such guardianship is proved to be superfluous by the fact of the secure, honourable, and independent position of single women who are sufficiently protected by the sanctuary of civilization.

Since all the unmarried women in England are supported either by their own exertions or by the exertions or bequests of their fathers and relations, there is no reason why upon marriage they should be thrown upon the pecuniary resources of their husbands, except in so far as the claims of a third party – children – may lessen the wife's power of earning money, at the same time that it increases her expenses. Of course a woman may, and often does, by acting as housekeeper and manager of her husband's concerns, earn a maintenance and a right to share in his property, independent of any children which may come of the marriage. But it is evident that daughters ought to have some sure provision – either a means of gaining their own bread, or property – as it is most undesirable that they should look upon marriage as a means of livelihood.

Fathers seldom feel inclined to trust their daughters' fortunes in the power of a husband, and, in the appointment of trustees, partially elude the law by a legal device. Also, the much abused Court of Chancery tries to palliate the Common Law, and recognises a separate interest between husband and wife, and allows the wife alone to file a bill to recover and protect her property, and trustees are not necessary if there has been an agreement.

Why should not these legal devices be done away with, by the simple abolition of a law which we have outgrown?

We do not say that these laws of property are the only unjust laws concerning women to be found in the short summary which we have given, but they form a simple, tangible, and not offensive point of attack.

Laws Concerning Women

NOTES

- 1 Elizabeth Blackwell, M.D., received her diploma in America before she walked [into] St Bartholomew's Hospital in London.
- 2 With regard to the property of women, there is taxation without representation, for they pay taxes without having the liberty of voting for representatives, and indeed there seems at present no reason why single women should be denied this privilege. *Note to Christian's Blackstone.*
- 3 The Lawe's Resolutions of Women's Rights, A.D. 1682.

Women and Work

(1857)

For we are all the children of God by faith in Christ Jesus; for there is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female, for ye are all one in Christ Jesus.

ST PAUL

Be sure, no earnest work
Of any honest creature, howbeit weak,
Imperfect, ill adapted, fails so much
It is not gathered as a grain of sand
For carrying out God's end. No creature works
So ill, observe, that there he's cashiered.
The honest, earnest man must stand and work;
The woman also; otherwise she drops
At once below the dignity of man,
Accepting serfdom.

ELIZABETH BARRETT BROWNING

PREFACE

This Tract is addressed especially to men and women who live by the work of their hands or heads; their ears are always the most open to reason; they are the main mass and the hope of our

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country; and it is they who are the most to blame in not training up their daughters to work.

I beg all of you who read, to think seriously over my words; if they have truth in them, it is a matter between God and your own souls that you act upon them.

Women Want Professions

Cries are heard on every hand that women are conspiring, that women are discontented, that women are idle, that women are overworked, and that women are out of their sphere. God only knows what is the sphere of any human being.

Again, we hear cries that the world is going wrong for want of women, that moral progress cannot be made without their help; that Science wants the light of their delicate perceptions; that Moral Philosophy wants the light of their peculiar point of view; Political Economy, their directness of judgment and sympathy with the commonalty; Government, the help of their power of organising; and Philanthropy, their delicate tact. Hospitals must have them, asserts one; Watches must be made by them, cries another; Work-houses, Prisons, Schools, Reformatories, Penitentiaries, Sanatoriums, are going to rack and ruin for want of them; Medicine needs them, the Church calls for them, the Arts and Manufactures invite them.

One great corresponding cry rises from a suffering multitude of women, saying, 'We want work.'

Women are God's children equally with men. In Britain this is admitted; because it is a Christian country: in Mahommedan countries this is denied. We admit it as a principle, but we do not admit all that can be deduced from it: in practice we deny what we affirm in theory. If we are God's children, we owe certain duties to Him. The life of most women is a practical denial of such duties.

God sent all human beings into the world for the purpose of forwarding, to the utmost of their power, the progress of the world. We must each leave the world a little better than we found it. Consider all the evils in the world; you will see they are such as God has given us power to cure. We could not prevent good if we set about it, but evil we can hinder; it has in it the seeds of death, while all good influences are protected by God. This is a striking example:

'In the present state of ethnological science these principles are established:

First, between two races which mix, the more beautiful reproduces its type, in preference to the more ugly.

Second, two ugly races who mix, produce, nevertheless, a cross finer than their father and mother.

This generic law ought not to surprise us, for nature tends without ceasing to perfect humanity.¹

One duty in this world is to try and make it what God intends it shall become: we are His tools. By working for the salvation of this world, we may chance to achieve our own in another, but never by any other means. To set to work to save our own souls is as foolish as for a man on horseback to try and pull up his fallen horse, or endeavour to use a lever without a fulcrum. To do God's work in the world is the duty of all, rich and poor, of all nations, of both sexes.

No human being has a right to be idle, no human being must use the earth as a stable, and 'eat off his own head'. Whatever comes under our hands should be bettered by the touch of our fingers. The land we own we should drain and make more fertile for ever. The children who are in our power should be educated. If a sickness falls upon our town, we must try to stop its progress, and to alleviate the sufferings it occasions. If an old roof lets in the rain, we must new-slate it. If an old pot comes to us to mend, we must mend it as best we can. *And we must train ourselves to do our work well.* It is a good thing to ask ourselves daily the question, 'Have I eaten my head off to-day?' Women must, as children of God, be trained to do some work in the world. Women may not take a man as a god: they must not hold their first duty to be towards any human being.

Never, since the world began, have women stood face to face with God. Individual women have done so, but not women in general. They are beginning to do it now; the principle that Jesus Christ laid down is beginning to be admitted. Young women begin to ask at the age of sixteen or seventeen, 'What am I created for? Of what use am I to be in the world?' According to the answer is often the destiny of the creature.

Mothers! the responsibility lies with you: what do you say in answer? I fear it is almost always something to this purport: 'You must marry some day. Women were made for men. Your use is to bear children; to keep your home comfortable for your husband. In marriage is the only respectable life for woman.'

If a girl has a religious or an inquiring mind, she will be much dissatisfied with this answer, and say, 'But if no one ask me to marry whom I can love? or suppose I do not want to marry?

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Suppose my husband dies? or what am I to do all the years I have to wait for a husband? Is there nothing I can do for anybody?

The newness of the world and the vigour of young life will prevent some years from being absolutely miserable. Among the rich, music, languages, drawing – ‘accomplishments’, in fact, fill up much of life, and stop the questionings and discontent of heart. In so far as they do this they are pernicious. In so far as they are amusements only, they are killing to the soul. It is better far to hear the voice of the hungry soul loud and crying. It is better to have the bare fact of idleness, than to be busy always doing nothing. Accomplishments, which are amusements only, do more harm than good. Do not misunderstand: all ‘accomplishments’ may be works, serious studies; and may, by helping others to bear life better, and giving pleasure to those who have none, be made worthy work for women; but for this end they must be studied faithfully and with self-devotion.

Women in modern life, even in the humblest, are no longer spinsters. Their spinning is all done by the steam-engine; their sewing will be soon all done by that same mighty worker. The work of our ancestresses is taken away from us; we must find fresh work. Idleness, or worse than idleness, is the state of tens of thousands of young women in Britain: in consequence, disease is rife amongst them; that one terrible disease, hysteria, in its multi-form aspects, incapacitates thousands.

There is nothing in the world so sad, so pitiful to see, as a young woman, who has been handsome, full of youthful joy, animal spirits and good nature, fading at thirty or thirty-five. Becoming old too soon, getting meagre, dried up, sallow, peevish, the one possible chance of life getting very uncertain, and the mind so continually fixed on that one hope that it becomes gradually a monomania.

It is difficult for fathers and mothers when they look at their daughters young, charming, full of cheerfulness and life, to think that they can change; but alas! probably they will in ten years change sadly. No cheerfulness that does not spring from duty and work can be lasting.

I believe more than one-half the women who go into the Catholic Church join her because she gives work to her children. Happier far is a Sister of Charity or Mercy than a young lady at home without a work or a lover. We do not mean to say work will take the place of love in life, that is impossible; does it with men? But we ardently desire that women should not make *love their profession*.

Love is not the end of life. It is nothing to be sought for; it

Barbara Leigh Smith Bodichon

should come. If we work, love may meet us in life; if not, we have something still beyond all price.

If women were in active life mixing much with men, the common attraction of sex merely would not be so much felt, but rather the attractions of natures especially adapted to each other.

Whoever says
To a loyal woman, 'Love and work with me',
Will get fair answer, if the work and Love,
Being good themselves, are good for her, the best
She was born for. Women of a softer mood,
Surprised by men when scarce awake to life,
Will sometimes only hear the first word, Love,
And catch up with it any kind of work
Indifferent, so that dear Love go with it.
I do not blame such women, though for love
They pick much oakum.

'Certainly it would make unmarried women happier to have professions. But is it not discouraging to give a girl a training for a trade when we know that if she marries she will most surely give it up? She must, you know, if she has children, and nine out of ten women do marry and have children.'

Taking your statement as true, which, by the bye it is not, (for, of women at the age of twenty and upwards, forty-three out of the hundred in England and Wales are unmarried) we can answer that it is worth while. Firstly, a girl will make a better wife for having had such serious training. Secondly, your daughter may not marry. It is your duty to provide for that possibility; and she will surely be ill, miserable, or go mad, if she has no occupation. Thirdly, it may be years before your daughter finds a husband. It is your duty to give her worthy work, or to allow her to choose it; and certainly she is more likely to be attractive and to get a good husband if she is cheerful and happy in some work, than if she, being miserable and longing for a change, clutches at the first offer made her. Fourthly, suppose the man she may love is poor, by her labour she can help to form their mutual home. Birds, both cock and hen, help one another to build their nest. Fifthly, your daughter may be left to act as both father and mother to children dependent on her for daily bread.

But is it certain that a girl will give up her occupation when married? Are there not quite enough women carrying on business, professions, different works after marriage, to prove that it is possible, and much for the benefit of husbands and children? It is

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absurd to look to remote consequences and possibilities; all we can do is to walk straight on the little bit of way we see clearly with our foggy vision? If it be right for girls to ask for work, give it to them. If your daughter says, 'Teach me a trade', you have no right to refuse her. She may have to earn her own living; and hard indeed will be the struggle, if with no training, no habits of work, she enters into competition with the skilled workers of the world, and those who have habits of hard application.

Every human being should work; no one should owe bread to any but his or her parents. A child is dependent on its parents for bread as a child: idiots and imbeciles must be fed all their lives; but rational beings ask nothing from their parents save the means of gaining their own livelihood. Fathers have no right to cast the burden of the support of their daughters on other men. It lowers the dignity of women; and tends to prostitution, whether legal or in the streets. As long as fathers regard the sex of a child as a reason why it should not be taught to gain its own bread, so long must women be degraded. Adult women must not be supported by men, if they are to stand as dignified, rational beings before God. Esteem and friendship would not give or accept such a position, and Love is destroyed by it. How fathers, knowing men, can give up their daughters to be placed in such a degrading position, is difficult to understand. Human nature is better than human institutions; and there is, in spite of all the difficulties and dangers, a good deal of happiness in married life in Britain. But how much misery that might be prevented! Women must have work if they are to form equal unions. Work will enable women to free themselves from petty characteristics, and therefore ennoble marriage. The happiest married life we can recall ever to have seen is the life of two workers, a man and a woman equal in intellectual gifts and loving hearts; the union between them being founded in their mutual work.

Women who act as housekeepers, nurses, and instructors of their children, often do as much for the support of the household as their husbands; and it is very unfair for men to speak of supporting a wife and children when such is the case. When a woman gives up a profitable employment to be governess to her own family, she earns her right to live. We war against idleness, whether of man or woman, and every one is idle who is not making the best use of the faculties nature has given them.

How often dreary years of waiting for marriage might be saved by the woman doing just so much work as would keep her soul alive and her heart from stagnation, not to say corruption! We know an instance, a type of thousands. B, a young man was