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MEMORANDUM

ON

THE POSITION OF ENGLISH WOMEN IN RELATION TO THAT OF ENGLISH MEN

By

PHILIPPA STRACHEY

Published by the
London & National Society for Women's Service,
29, Marsham Street, Westminster.

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PREFACE.

The following memorandum is an attempt to give a simple account of the present position of the women of England as compared with that of the men. The laws of England cover Wales also. Scots Law differs from English law, particularly in those parts of it which have been handed down from the past, and no attempt is here made to give an account of the Scottish position. There would be little difference to record in regard to their political and economic status; in their legal position, especially in all matters relating to marriage, its rights and responsibilities, material differences exist. A few important instances are mentioned in the footnotes, but attention is here called to the general fact.

Such a work as this becomes rapidly out of date and since the present statement was compiled in May 1935 the passage of time has rendered it incorrect in four particulars. These changes are recorded in footnotes while the original statements have been left unaltered, as there appears to be some interest in this proof of rapidly advancing progress.

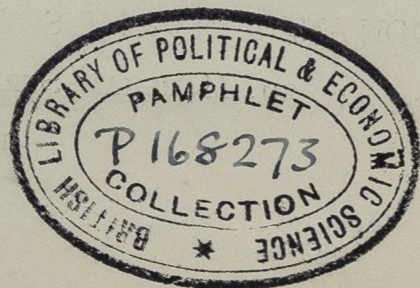
The facts have been collected from material in the Women's Service Library at 29, Marsham Street; advice has been sought from experts on various points and I record my thanks to Dr. Erna Reiss, to Mrs. Oliver Strachey and to Miss J. I. Wall for substantial help in certain sections.

The memorandum was drawn up at the suggestion of the Council for the Representation of Women in the League of Nations whose generous help has made its publication possible. It has been used by the National Council of Women of Great Britain as their contribution towards a general statement on the position of women drawn up by the International Council of Women with a view to the discussion of this subject in the Assembly of the League of Nations in September 1935.

P. STRACHEY.

August 1935.

Woman - Legal status, laws, etc.
- U.K.



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MEMORANDUM

ON

The Position of English Women in relation to that of English Men.

A. POLITICAL STATUS.

I. The Legislature.

1. THE CROWN. Sons rank before daughters in the succession to the Crown. Failing a son, a daughter succeeds. A Queen regnant has the same rights and powers as a King.

2. THE UPPER HOUSE. The House of Lords is composed of Lords Spiritual and Lords Temporal. The Lords Spiritual are holders of high office in the Church to which women are not admitted as priests. (See Section C. below). The Lords Temporal are Peers who receive a Writ of Summons to Parliament. The Peerage is hereditary and though there are some women who are peeresses in their own right they do not receive the Writ of Summons to Parliament. Women are therefore not represented in the House of Lords.

3. THE LOWER HOUSE. There is no distinction of sex in the rights to vote for or sit in the House of Commons. There are at present fourteen women members of Parliament. Men and women M.P.'s receive the same payment.

II. Central Government.

1. THE GOVERNMENT. Women may become Ministers of the Crown and may hold Cabinet rank. Men and women ministers receive the same payment. There is no marriage bar.

2. GOVERNMENT COMMISSIONS AND COMMITTEES. Commissions and Committees of varying degrees of importance are set up by Government from time to time to investigate and report upon affairs of public concern; members are usually appointed on the grounds of their special knowledge and it is increasingly the habit to include women upon these bodies. In some few cases it is made a statutory obligation to appoint a woman member.

3. LEAGUE OF NATIONS.

(a). *Assembly*. Great Britain sent a woman as a Substitute Delegate to the 3rd Assembly in 1922 and has continued to include a woman as full or substitute delegate in each subsequent delegation.

(b). *International Labour Conferences*. In 1924 (6th Conference) and 1930 (13th Conference) a woman was appointed as a Government delegate. Except at the 2nd, 4th and 9th Conferences British women have been sent as advisors to every Conference.

(c). *Hague Conference for the Codification of International Law*.

In 1930 when the question of nationality was considered a woman was appointed by the Government as a technical adviser.

(d). *Disarmament Conference 1933*. A woman was appointed by the Government as a member of the British delegation.

III. Local Government.

There is no distinction of sex in the rights of franchise for or eligibility to the Local Councils, nor in the right of holding offices in local government. Women have been Mayors or Lord Mayors of many towns, including Liverpool, Oxford, Cambridge, Norwich, Southampton and several of the Metropolitan Boroughs.⁽¹⁾

The case of the City of London is exceptional for it retains its ancient constitution with two historic Councils of the City Guilds by which its chief officers are elected. Women are not debarred by law from holding the office of Lord Mayor of London, and though that event may be distant a first step towards it has been taken by their admission as "Liverymen" to more than one of the City Companies, in which capacity six women were this year included in one of the Councils by which the present Lord Mayor and Sheriffs were elected.

On certain Statutory Committees of Local Councils it is laid down by law that women must be included, viz., on the Committees dealing with Maternity and Child Welfare,⁽²⁾ Public Assistance,⁽³⁾ Education,⁽⁴⁾ Local Pensions⁽⁵⁾ and the Care of the Mentally Defective.⁽⁶⁾

IV. Judicature.

There is no distinction of sex in respect of the right of holding judicial offices or posts.⁽⁷⁾

I. JUDGES. No woman has as yet received an appointment as judge, but the opening of the legal profession to them is recent and it could hardly have been expected that a woman should yet have attained this rank.

⁽¹⁾ In Scotland also, the corresponding offices of Provost and Lord Provost have frequently been held by women.

⁽²⁾ Maternity and Child Welfare Act, 1918.

⁽³⁾ Local Government Act, 1929.

⁽⁴⁾ Education Act, 1921.

⁽⁵⁾ War Pensions Act, 1921.

⁽⁶⁾ Mental Treatment Act, 1930.

⁽⁷⁾ Sex Disqualification (Removal) Act, 1919.

2. MAGISTRACY. Over three thousand women have been appointed as Justices of the Peace (unpaid), but there still remain some sixty benches on which there are no women. There are no women stipendiary (i.e., paid) magistrates.

In the case of the Juvenile Courts which are constituted of not more than three justices, it is laid down by law that in the Metropolitan area one of these must be a woman⁽⁸⁾ and that outside the Metropolitan area so far as practicable one must be a woman.⁽⁹⁾

3. JURY SERVICE. Subject to certain minor exceptions on medical grounds, women are called upon for jury service on the same terms as men. Nevertheless

(a) The Judge may make an order that the jury shall be composed of men only or of women only, and women may be exempted from serving in any case by reason of the evidence to be given.

(b) The Jurors being drawn from householders, the numbers of women called upon to serve are comparatively small and there is a large majority among them of widows and unmarried women.

B. LEGAL STATUS.

I. Unmarried Women.

Broadly speaking there is no difference of legal status between an unmarried woman and a man, with one serious exception, the existence of special laws that apply only to prostitutes.

II. Married Women.

The position of the married woman still shows many traces of a past period when her legal individuality was merged on marriage in that of her husband. Much has been done to improve her status and proposals are now being formulated by the Government which would improve it further.⁽¹⁰⁾ The position now is as follows:—

I. NATIONALITY.

Marriage does not affect the nationality of a man.

A woman, on marriage to an alien loses her British nationality excepting in cases

⁽⁸⁾ Children's and Young Persons' Act, 1933.

⁽⁹⁾ Children's and Young Persons' Act (Lord Chancellor's Rules, June 1933).

⁽¹⁰⁾ These proposals were carried into law by the enactment on August 2nd, 1935, of the law Reform (Married Women and Tortfeasors) Act which affects the following paragraphs 3, 4, 5, and 6, as shown in the notes.

- (a) When she does not acquire her husband's nationality by the marriage.⁽¹¹⁾
- (b) When the husband loses his British nationality during marriage, in which case she is entitled to retain her her own if she applies within twelve months of the date of the change in her husband's.⁽¹¹⁾

On the death of her husband or the dissolution of her marriage she can immediately regain her nationality by naturalisation.

2. DOMICIL.

A man has a domicile, of birth or of choice.

A married woman has the domicile of her husband and cannot acquire one of her own as long as the marriage lasts. Nor does desertion or a judicial separation make any difference.

3. PROPERTY.

A married woman has complete control over her property whatever its nature⁽¹²⁾ except that—

(a) For income tax purposes the income of a married woman living with her husband is reckoned as part of her husband's income. The liability to pay is his and it is he who is entitled to any rebate that may be made upon it.

(b) In the case of a married woman a settlement of property may be made under which she is unable to bind the future income arising from it and a creditor is entitled only to the income she possessed at the time the debt was made. This is known as the Restraint on Anticipation.⁽¹³⁾

4. POWER TO CONTRACT.

(a) A married woman's power to contract is limited as shown in the preceding paragraph.⁽¹³⁾

(b) She cannot be committed to prison for debt, though a single woman or a man may be.⁽¹⁴⁾

(c) The bankruptcy laws apply only to such married women as are carrying on trade.⁽¹⁴⁾

5. LIABILITY OF HUSBAND AND WIFE FOR EACH OTHER'S CONTRACTS.

(a) A husband is liable for his wife's ante-nuptial debts to

⁽¹¹⁾ British Nationality and Status of Aliens Act, 1933.

⁽¹²⁾ Married Women's Property Acts, 1870 to 1907.

⁽¹³⁾ It will become illegal to make such settlements after Jan. 1st, 1936, but those made before that date will continue to hold good.

⁽¹⁴⁾ A married woman is now subject to the same laws and penalties in regard to debts and bankruptcy as a man or a single woman.

the extent of all property belonging to his wife which he acquired.⁽¹⁵⁾

(b) A woman co-habiting with a man (whether she is his wife or not) is presumed to have his authority to pledge his credit for necessaries suitable for his position in life, and the largeness of her income and the smallness of his does not affect this.

The husband can take certain steps in self-protection against the abuse of this right, but even against his will a wife is entitled to pledge his credit for the absolute necessities of life.

A husband has no right to pledge his wife's credit without her authority.

6. LIABILITY OF HUSBAND AND WIFE FOR TORTS. (i.e., Wrongs not arising from contract and not coming under Criminal Law, e.g., libel).

(a) A husband may be held liable with his wife for torts committed by her during marriage and for her ante-nuptial torts to the extent of her property which he acquired.⁽¹⁶⁾

(b) A wife can bring an action against her husband for the protection of her separate property though for no other tort.

A husband cannot bring any civil action against his wife.

7. DIVORCE.

(a) Grounds for divorce are the same for men and women;⁽¹⁷⁾ with the exception that a woman can obtain a divorce on the ground of an unnatural offence and a man cannot.

(b) A husband can claim damages and costs from his wife's partner in adultery.

A wife cannot claim damages from her husband's partner in adultery, but can obtain costs from her, though if she is a married woman only from her separate estate.

8. JUDICIAL SEPARATION.

(a) The grounds for this, when action is taken under the High Court, are the same for men and women.

(b) Orders for separation may, however, also be obtained under the Courts of Summary Jurisdiction in which cases the grounds differ for the sexes.

⁽¹⁵⁾ A married woman is now solely responsible for her ante-nuptial debts.

⁽¹⁶⁾ A married woman is now solely responsible for her torts whether committed before or after marriage.

⁽¹⁷⁾ Matrimonial Causes Act, 1923.

A husband may obtain an order only on grounds of habitual drunkenness, drug taking, and persistent cruelty to children.

A wife in addition to the above grounds may obtain an order for desertion, cruelty, neglect to maintain her and her infant children and a few other causes.

9. LIABILITY OF HUSBAND AND WIFE FOR EACH OTHER'S MAINTENANCE.

(a) A wife may obtain an order for maintenance of herself and her infant children if her husband fails to support her or if she has been granted a Separation Order.

(b) In the event of a husband or wife becoming destitute and receiving public relief the husband is liable to be charged under the Poor Law for the maintenance of his wife and the wife, if she has separate property, for that of her husband.

10. CHILDREN.

(a) *Legitimate.*

(i) The husband and wife have equal rights and responsibilities in respect to the guardianship of their children. In the event of a dispute between the parents it falls to the High Court to decide the matter with a sole view to the welfare of the child without considering whether from any other point of view the claim of the father or the mother may be superior.⁽¹⁸⁾

(ii) In the event of children being destitute and thrown on public relief both parents are liable to be charged under the Poor Law, but the responsibility falls in the first place on the father.

(b) *Illegitimate.*⁽¹⁹⁾

(i) The mother has the rights over her illegitimate children. It is she who is chargeable under the Poor Law in the event of her child receiving public relief.

(ii) The putative father may be obliged to pay towards the maintenance of the child through an Affiliation Order obtained from a Court of Summary Jurisdiction.

II. DEVOLUTION OF PROPERTY.

(a) *By Will.*

All persons have complete freedom to dispose of their whole property by will, and neither husband nor wife is compelled by law to make any provision for the surviving spouse or children.⁽²⁰⁾

⁽¹⁸⁾ Guardianship of Infants Act, 1925.

⁽¹⁹⁾ Scots law differs on this matter.

⁽²⁰⁾ Scots law differs on this point.

(b) *By Intestacy.*

There is no distinction of sex in the laws governing inheritance through intestacy. The rights of a wife in the property of a husband dying intestate are the same as those of a husband in the property of a wife dying intestate. The rights of a father and mother are the same in the property of a child dying intestate. The rights of sons and daughters are the same in property they inherit through intestacy.

12. CRIMINAL LAW.

A married woman may plead in defence that she has acted under the coercion of her husband. A married man may not put forward such a defence.

III. Criminal Law Generally.

I. PROSTITUTION.

Prostitution is not in itself an offence against either the common law or statutory law but, under laws dealing with vagrancy and the maintenance of public order, certain conduct by common prostitutes is expressly punishable in a manner which is different from that in which the same conduct would be punishable if practised by any other person, and the penalty may be more severe. To this extent it may be stated that there are legislative provisions directed specifically against the common prostitute.

Briefly the enactments on common prostitutes provide as follows:

(a) Any person may take into custody a common prostitute wandering in a public place who is behaving in a riotous or indecent manner. The punishments for this offence may be increased substantially after the first conviction.⁽²¹⁾

(b) Any police constable may arrest without a warrant a common prostitute whom he sees to be loitering in a street and importuning passers by to their annoyance. Corroboration of annoyance is rarely obtainable. The maximum punishment for this offence is comparatively small.⁽²²⁾

(c) The offence of procuring by false pretences a woman for an immoral purpose is punishable except where that woman is a common prostitute or of known immoral character.⁽²³⁾

(d) It is a punishable offence for any person, man or woman, to live knowingly on the immoral earnings of a woman.⁽²⁴⁾

⁽²¹⁾ Vagrancy Act, 1824. (Sections 3 to 6).

⁽²²⁾ Town Police Clauses Act, 1847, (Sections 15 and 28) and, for London, The Metropolitan Police Act, 1839 (Sec. 54).

⁽²³⁾ Criminal Law Amendment Act, 1885 (Section 3 (3)).

⁽²⁴⁾ Vagrancy Act, 1898 and Criminal Law Amendment Act, 1912 (Section 7).

(e) There are special provisions punishing the use of premises as a brothel.⁽²⁵⁾

2. SEXUAL OFFENCES.

(a) In general the law relating to sexual offences does not punish immoral conduct between adult men and women except in the following cases—where force or fraud is used, where the woman is not compos mentis, where there is absence of consent on her part, or where a special relationship exists between the parties, as in incest,⁽²⁶⁾ when both the man, and woman, if over 16 years of age, may be prosecuted.

(b) All sexual offences against girls under 16 years of age are punishable⁽²⁷⁾ (and up to 18 years in the case of abduction), and it is not a defence (except in certain circumstances for a young man under 23 years of age) to prove that the girl consented to the offence.⁽²⁸⁾

(c) Homosexuality is punishable in the case of men (a boy under 14 cannot be prosecuted) but not in the case of women. In the case of an indecent assault on a boy under 16 it is no defence to say that he consented to the act.⁽²⁹⁾

(d) Certain unnatural offences are punishable in the case of both men and women,⁽³⁰⁾ but there are a few offences against decency, which can be committed by either sex, for which men only are subject to penalties.

3. PUNISHMENTS.

a. The crime of murder committed by a person over 16 is punishable by death, and capital punishment may be inflicted on a woman equally with a man except that

(i) Sentence of death may not be passed on an expectant mother.⁽³¹⁾

(ii) A woman who wilfully causes the death of an infant before she has fully recovered from its birth is held to be guilty, not of murder, but of Infanticide, which is not punishable by death.⁽³²⁾

b. The punishment of whipping is inflicted on males, but is illegal for females.

⁽²⁵⁾ Criminal Law Amendment Act, 1885 (Section 13) and later Acts of 1912 and 1922.

⁽²⁶⁾ Punishment of Incest Act, 1908 (Sections 1 and 2).

⁽²⁷⁾ Criminal Law Amendment Act, 1885 (Sections 2 to 7).

⁽²⁸⁾ Criminal Law Amendment Act, 1922 (Sections 1 and 2).

⁽²⁹⁾ Offences against the Person Act, 1861 (Section 61).

⁽³⁰⁾ Criminal Law Amendment Act, 1885 (Section 11) and Vagrancy Act, 1824 (Section 4).

⁽³¹⁾ Sentence of Death (Expectant Mothers) Act, 1931.

⁽³²⁾ Infanticide Act, 1922.

C. STATUS IN THE CHURCH.

The priesthood of the Church of England is not open to women, though women have been permitted to preach in Anglican churches. Women may be ordained as Deaconesses, but do not receive the same position as is given to Deacons. Women have the right to elect to and sit in the House of Laity of the National Assembly of the Church of England.

Amongst the Free Churches the Congregational, Baptist, and Unitarian Churches alone admit women to be ordained as Ministers. In the organisation of the Society of Friends there is no differentiation of sex, and this is equally the case in the organisation of the Salvation Army.⁽³³⁾

D. ECONOMIC STATUS.

I. Public Services and Professions Generally.

It is laid down by law⁽³⁴⁾ that a person shall not be disqualified by sex or marriage from the exercise of any public function or from being appointed to or holding any civil or judicial office or post, or from entering or assuming or carrying on any civil vocation, or from admission to any incorporated society.

It must be noted, however, that although this law removes any legal disability attaching to sex or to marriage it does not deprive employers of the right of restricting their appointments to men or women only, or to unmarried persons only.

Further a clause relating to the Civil Service permits of Regulations being made⁽³⁵⁾ which (a) prescribe the mode of admission of women and their conditions of service; (b) reserve to men any posts overseas.

1. Government Services.

a. OPPORTUNITY.

The underlying principle now accepted⁽³⁶⁾ in the higher branches of the Civil Service is that of complete equality of opportunity between the sexes; that men and women should be recruited on their merits regardless of sex, that they should be employed indifferently on the same duties and should be placed on one and the same line for promotion, the highest posts being equally open to both.

Entrance to the principal classes is through competitive examination open to men and women, and appointments are open to both with the following exceptions:—

⁽³³⁾ The United Free Church of Scotland (Continuing) in 1930 threw open to women all offices, not excepting that of Moderator of Assembly.

⁽³⁴⁾ Sex Disqualification (Removal Act) 1919.

⁽³⁵⁾ By Order in Council notified beforehand to the House of Commons.

⁽³⁶⁾ Treasury Agreement March 1934.

- i. Posts overseas are reserved to men. (e.g., Diplomatic and consular services).
- ii. Posts may be reserved either to men or women in cases where adequate and publicly announced reasons exist for the reservation. (e.g., for men—numerous posts in the defence departments, posts involving direct supervision of industrial male workers. For women—posts as Lady Supervisors in charge of the welfare of women staff).

A few women hold high offices in the Government Service, but the principle of complete equality of opportunity has so recently been conceded that some time must elapse before it becomes effective. It is contravened by the existence of a very large class consisting entirely of women by whom the lower grade clerical work is in the main carried out.

b. MARRIAGE.

The principle of equal opportunity is further contravened by a general prohibition of the employment of married women in the Civil Service. Women are required to retire from the service on marriage, and exceptions to this rule may only be made in the case of individual women whose qualifications or experience are held to be of special value to the departments in which they are serving.

c. PAYMENT.

Women receive less pay than men though they enter by the same examinations and are occupied on the same work which is commonly interchangeable. In the Administrative, Executive and Higher Clerical Classes men and women start at the same rates, but after reaching a certain point higher increases are paid to the men until at the maximum the women receive approximately three-quarters or four-fifths of the pay of the men. There is, however, no general rule in regard to the differentiation in pay. In the multitude of employments under government, which include professional, scientific and technical openings, a great variety exists in regard to payment; the differentiation is in some cases greater and in some less, and in a very few small classes there is equal pay for the two sexes.

2. Local Government Services.

There are over two thousand elected County, Town and District Councils in Great Britain and there is no uniformity in the conditions of recruitment and employment of their respective officers. The position of women varies under each Council and it is impossible therefore within the limits of this memorandum to make any but the most general statements in regard to it.

Broadly speaking the facts are as follows:—

a. OPPORTUNITY.

i. *In the Administrative Services.* Women have a very small share in the responsible posts and are found mainly amongst the clerical workers.

ii. *In the Educational Services.* See Section E below.

iii. *In the Public Health Services and in Public Assistance.* Women take an important part as Medical Officers; Dentists; Visitors for Health, Tuberculosis and Infant Life Protection; Superintendents of Maternity and Child Welfare Centres; Hospital and Institution Matrons; Hospital, Mental Clinic, and School Nurses; Pharmacists; Inspectors of Midwives; Sanitary Inspectors; Inspectors of Homes for Children; Public Assistance Officers, etc., etc. Women Hospital Almoners are now also beginning to be employed by local authorities.

iv. *In Housing.* Women Property Managers are being employed in increasing numbers to look after the Council's Housing estates and collect the rents from tenants.

v. *In Public Libraries.* Women librarians are employed mostly in sub-ordinate positions, but this is not invariable.

vi. *In the Police.* The police in Great Britain, except in the Metropolis, are under the management of local authorities which vary in their willingness to employ women. Throughout the country there were in 1934, 142 fully attested policewomen of whom 53 were in London. In addition there were 19 non-attested policewomen.

vii. *In other Services.* Individual women are found in many other capacities under local authorities; e.g., Inspectors under the Shop Acts, Inspectors of Employment Registries, Rate Collectors, Registrars, etc. Women are employed also in considerable numbers in the lower grades, such as the superintendents of baths and wash-houses, and of course as cleaners and in the domestic work required in the various institutions.

(b.) MARRIAGE.

Many Local Authorities require the women in their employment to retire on marriage and this tendency appears to be increasing.

(c.) PAYMENT.

Women in many cases receive lower rates of pay than men doing the same work, but this is not invariable. Under the London County Council the men and women employed on the higher grade work receive the same pay.

3. The Professions.

As stated above there is no distinction of sex in the right of entering any civil vocation.

(a.) MEDICINE.

Since 1877 this profession has been open to women and in 1933 there were 2,810 women doctors in practice in Great Britain and 5,391 on the Medical Register. Men and women students are trained together in the provincial Medical Schools, but except for a small number this is not the case in London. (See Section E. below).

Medical women employed by the Government and by many Local Authorities are required to resign their appointments on marriage.

Medical men and women receive the same pay. This rule holds good in Government employment also, with the exception that under the Post Office which employs four whole-time women doctors, and the Scottish Board of Control which employs one medical woman as a Deputy Commissioner, the women receive less pay than the medical men in the same positions.⁽³⁷⁾

(b.) LAW.

Men and women enter the two branches of this profession and practice in it on equal terms, with the exception that women solicitors employed by the Government receive less pay than men solicitors and are required to resign on marriage.

(c.) ENGINEERING.

Though all branches of this profession are open to women their opportunities for practising in it are small, prospects being best in Electrical Engineering.

In aeronautics some women obtain ground engineers' licenses and some are licensed pilots. A few women engineers are employed on the scientific staffs of government departments where in most cases they receive less pay than men doing the same work and in all cases are required to retire on marriage. A small but active Society of Women Engineers exists.

II. The Arts.

In the arts it would appear that the talent of the artist must prevail irrespective of sex. The work of art must, however, reach the light of day before it can find its level and in this way sex prejudice may hinder the development of the woman artist. There are no legal barriers to the admission of women to official positions, and full membership of the Royal Academy of Arts is open to them.

I. PAINTING AND SCULPTURE. In these branches women appear to have a fair field and their works are seen in exhibitions of all sorts.

⁽³⁷⁾ In May 1935 the women Medical Officers under the Post Office were placed on the same scale of payment as the men, though the men can attain a maximum that is £100 a year higher than that of the women, being liable to be called on for certain work which is not allotted to the women.

2. ARCHITECTURE. The difficulties of the woman architect are far greater than those of the man. After leaving the Schools it is necessary to obtain experience in the office of a practising architect and this is not always easy. At a later stage also, considerations arise beyond that of the talent of the designer, and modern methods of large scale building demand an understanding of engineering problems, and a capacity for handling business and dealing with contractors of labour which cause clients to hesitate to entrust their work to women. The openings are therefore scarce and are mainly in domestic architecture, but in spite of all obstacles there are successful women architects and the number of women who enter the profession increases.

3. MUSIC. There has been a revival of music in this country of late years, in which women have their share. It is not easy for musicians, whether men or women, to gain a livelihood at the present time and the employment of women in orchestras has been strenuously opposed by the men's Trade Union; this obstruction is being broken down with the help of one or two leading conductors who have insisted upon their right to appoint instrumentalists on grounds of merit rather than of sex.

4. LITERATURE AND THE DRAMA. The question of the sex of the author does not appear to have much weight in the public estimation of books and plays. On the stage the participation of both sexes being necessary, equality of opportunity and of payment is here found in a very unusual degree.

III. Business.

Generally speaking the more responsible and better paid posts are filled by men and the routine and lower paid posts by women. A very large number of women are employed in clerical and secretarial work and salesmanship and their number is increasing.

1. BANKING. With a few exceptions women are employed only in the routine and clerical work.

2. ACCOUNTANCY. There is no sex differentiation in the entrance to professional accountancy, but there is reluctance to employ women in responsible work.

3. STOCK EXCHANGES. These are private corporations from which women are excluded. A few women, however, deal in stocks and shares outside the Stock exchanges.

4. INSURANCE. There are women holding good positions in some branches of Insurance, but they have not yet attained the highest offices and women are excluded from the great corporation of Lloyd's.

5. INDUSTRY and TRADE. The number of women holding responsible positions in industry and trade though not large is

increasing, especially in the distributive trades, and there are women making large earnings as directors of companies, as heads of firms, and in high executive positions.

IV. Agriculture.

1. OPPORTUNITY. Over fifty-five and a half thousand women are employed in agriculture in England and Wales. There are customary restrictions upon their employment in some work (such as thrashing by machine and ploughing) but they are not debarred from any work when farming independently.

2. PAYMENT. Wages for women are definitely lower than for men and the Agricultural Wages Boards which fix minimum wage rates make a difference between men's and women's rates of 2d. to 3d. when paid by the hour, and 7s. to 11s. when paid by the week.

V. Domestic Service.

Nearly two million women are employed in Personal Service (including hotel and lodging house work, hairdressing, etc.). Of these one million three hundred thousand are indoor domestic servants and one hundred and forty thousand are office cleaners. The proportion of men employed in this work is increasing and is now 19% of the total.

No restrictions are applied in this occupation but there is a customary reservation to men of posts as Chefs.

Wages for men are throughout higher than for women, but there is a noticeable upward tendency in women's wages as well as a growing improvement in their hours and conditions of work.

VI. Industry.

Over 35.6% of the industrial workers of England and Wales are women; over one million eight hundred thousand women are so employed and both their actual numbers and their numbers relative to those of men are increasing.

I. OPPORTUNITY.

Restrictions not applying to the work of men are placed on the work of women by custom and by law as follows:—

(a.) Customary Restrictions.

Generally speaking the work of men and women is not interchangeable and there is a demarcation of "men's work" and "women's work." This division is not based on physical strength or natural capacity; the work reserved to men includes, not only the heavy metal trades, mining, building and the like, but also such occupations as watch making and typesetting. In general the skilled processes in the trades are held to be men's work, while the unskilled and repetitive processes are women's work. The restriction thus imposed on the women's choice of employment,

not only inflicts personal hardship, but overcrowds the market for the work open to them and depresses their wages. It is confirmed in the majority of processes by agreements between the Trade Unions and the employers. It does not exist in the Textile trades in which men and women work side by side and where, in the weaving of cotton and wool, women become highly skilled. In the pottery trades also women may become skilled workers and a few trades such as dressmaking, upholstery and laundry are regarded as women's skilled trades.

During the war the barriers were broken down and over a million and a half women took up work usually reserved for men. They showed an entirely unexpected capacity, especially in engineering and proved the arbitrary character of the custom which excluded them from skilled work. At the end of the War, the pre-war practices were restored by law⁽³⁸⁾ and the men were reinstated in the processes formerly reserved to them; the employment of women in these processes became illegal for a year and since that period their exclusion has been maintained by custom and trade union agreements.

(b.) Legal Restrictions.

A. Restrictions of Hours and Overtime.

- (i) Restrictions on the total hours worked:—
Although legal restrictions exist which apply to women only, they are not operative, as the hours worked by men are restricted by Trade Union agreement though not by law, and the hours worked by both men and women fall far short of the limit imposed by law for women.
- (ii) Prohibition of Night Work, except for women employed in non-manual and managerial work.
- (iii) Prohibition (with certain exceptions) of Sunday Work.

B. Restrictions in view of Danger.

- (i) Prohibition to work underground in mines.
- (ii) Prohibition to work in certain processes considered dangerous, including the painting of any part of a building with lead paint. N.B.—Additional processes are prohibited to female young persons.
- (iii) Regulations in regard to conditions under which work considered dangerous or unhealthy is carried on.
- (iv) Prohibition to clean machinery in motion.
- (v) Regulations in regard to weight lifting.
- (vi) Requirement of Fire Drill.

C. Various Regulations in regard to Welfare.

(e.g. Supply of seats³⁹, accommodation for Clothing, arrangements for taking meals and for supervision).

D. Restriction in view of Maternity.

Prohibition to work in a factory or workshop for a period of four weeks after childbirth.

⁽³⁸⁾ Restoration of Pre-War Practices Act, 1919.

⁽³⁹⁾ The Provision of seats for female assistants only is required also in Shops.

2. MARRIAGE.

In the great majority of industries it is customary for women to retire on marriage and this is expected by most employers. There is, however, no general marriage bar in industry except in the case of a few industrial firms. In the textile, and to a less degree in the pottery trades, it is customary for women to remain at work after marriage and the numbers of married women who remain in work in all industries are increasing. The probability of their retirement on marriage is a serious handicap to the prospects of women in industry as it accounts for the concurrence of employers in their exclusion from skilled work.

3. PAYMENT.

(a.) General.

The restricted scope of women's employment in industry is accompanied by a generally depressed level of wages. Both piece-work and time-work rates for women are in general substantially lower than the rates for men. In 1926 the average weekly earnings for men and women in the pottery trades, for example, were 55/6 and 22/3 respectively. This comparative lowness of wages has been a leading factor in the increased employment of women as it makes it profitable to introduce new processes to which existing Trade Union agreements do not apply and for which female labour can be used.

In the Textile Trades it has always been customary to pay equal piece-work rates to men and women in weaving. This has favourably affected the women's position in all branches of textile work and they have attained a close approximation to equality of pay and opportunity throughout these trades.

(b.) Trade Boards.

In certain ill-organised trades in which gross underpayment can be proved to exist, Trade Boards are set up by the Ministry of Labour with power to fix and enforce minimum rates of pay. Here also the separation of processes into "men's work" and "women's work" prevails and the rates fixed by the Trade Boards are with very few exceptions lower for women than for men.

VII. Trade Unions.

The Trade Unions occupy a recognised position of great importance in the structure of the nation. The organisation of labour both in occupations and industries forms a complicated system of cross-classification which works through local and central councils. The position of women in the Trade Unions corresponds to their position in industry itself. In the Textile Unions they are strong in numbers and in influence, taking an equal place with the men, while they are excluded from Unions of skilled workers in other trades; in general they form a shifting membership difficult to

organise and usually united in women's branches of men's Unions. There have been among them, and still are, women of outstanding ability to whom is due the fact that through a Women's Group two women are assured of election to the General Council which is in effect the Executive of the National Trade Union Congress. The official policy of the organised women is put forward by the Standing Joint Committee of Industrial Women's Organisations which, however, includes not only the representatives of the women workers, but representatives also of the Women's Co-operative Guild and the Railway Women's Guild which comprise wives of working men.

VIII. National Insurance and Pensions.

I. NON-CONTRIBUTORY OLD AGE PENSIONS.

Men and women equally, if they satisfy certain tests, are entitled to receive a weekly pension at the age of seventy without having made any contribution towards insurance.

Blind men and women are entitled to this pension at the age of fifty.

2. COMPULSORY INSURANCE.

Generally speaking, all men and women, married and single, employed in manual labour, and all others whose earnings do not exceed a certain limit are required to contribute towards insurance for Health, Widows' Pensions and Allowances, Orphans' Pensions, and Old Age Pensions; and all such men and women (with the exception of those employed in certain specified occupations) are required to contribute towards insurance for Unemployment.

The employers and the state also contribute respectively to the various insurance funds.

(a). HEALTH INSURANCE.

The contributions required from a woman whether married or single are less than those required from a man in the ratio of 8 to 9.

The benefits received by women are less in a greater proportion.

Benefits of medical attention and the provision of medicine and appliances are the same for all.

Benefit in the form of a weekly money payment during illness and disablement is less for a woman than a man and less for a married woman than for a single woman; the single woman's benefit is in the ratio of 4 to 5 of the man's and that of the married woman in the ratio of 3 to 4 of the man's.

An insured woman who marries is placed in a class apart and subjected to special regulations. If she gives up work her benefits are at once reduced, and after the expiration of a year they cease, with the exception that she retains a right to one maternity benefit within the first two years; if she continues in employment she is liable to lose the benefit of the contributions she has paid before

marriage if she is unable to satisfy conditions not required of other insured persons.

Maternity benefit in the form of money payment is received by an insured woman, married or single, equally with the wife of an insured man. An insured woman who is married receives a double benefit whether her husband is insured or not. In all cases the money so paid is the property of the woman.

(b). WIDOWS', ORPHANS' AND CONTRIBUTORY OLD AGE PENSIONS.

Under this scheme the contribution required from a woman is in the ratio of 4 to 9 of that required from a man.

The benefits are as follows:—

i. *Widows' Pensions and Children's Allowances.*

The widow of an insured man receives a weekly pension until she marries, or at the age of 70 becomes entitled to an Old Age Pension without being obliged to satisfy the tests required of non-contributory Old Age Pensioners. Further she receives a weekly allowance for each child till the age of 14, or 16 if it remains at school. If the mother remarries the children's allowances are continued.

ii. *Orphans' Pensions.*

The orphans of an insured widow equally with those of an insured widower receive a weekly pension till the age of 14, or 16 if they remain at school.

iii. *Contributory Old Age Pensions.*

Insured men and women equally receive a pension of 10/- a week for life at the age of 65, without the necessity of satisfying the tests required of those who receive the non-contributory Old Age Pensions. The wife of a man who is actually in receipt of this pension is also entitled to it on the same terms even when not herself insured.

Though this insurance scheme is of very great benefit to women as a whole, its benefits are not clear-cut as between the insured man and the insured woman, and cannot be shown in the form of a ratio. The great majority of insured women marry and may profit by any of the benefits. Yet the insured woman who does not marry receives only the small benefit of an Old Age Pension free from restrictions and at an earlier age than she would otherwise have obtained it, while the wife of an insured man who may never herself have been a contributor is entitled to full benefits.

(c.) UNEMPLOYMENT INSURANCE.

Certain classes of employment are excluded from National Insurance, the most important of which are agriculture⁽⁴⁰⁾, and

⁽⁴⁰⁾ The Government in May 1935 announced their acceptance of the principle that agricultural workers should be included in Unemployment Insurance.

domestic service except in employment carried on for gain, e.g., hotel work.

The rates of contribution and benefit are graded in accordance with the age of the worker.

The contributions required from girls and women are less than those required from boys and men, and the benefits they receive are less in a greater proportion.

The benefits consist of a weekly money allowance to the insured person during periods of unemployment with additional allowances for one adult dependent and for dependent children.

For every penny paid in contributions by the adult man and woman the man receives a benefit of 20.4 and the woman a benefit of 20.

The allowances for dependents are the same for a woman as for a man.

A large number of insured women on marriage lose the benefit of the contributions they have paid since entering upon work; if they remain in employment after marriage they are subjected to special regulations and are obliged to satisfy conditions not required of others.

(d.) NOTE ON HEALTH AND UNEMPLOYMENT INSURANCES.

In Health Insurance the wide discrepancy between the rates of benefit paid to men and women in proportion to their contributions is officially excused by the fact that there is a higher rate of sickness among women than among men, but in Unemployment Insurance also the woman's benefit is proportionately lower than the man's in spite of the fact that there is a higher rate of unemployment among men than among women.

It must be noted further that there is no insurance except for persons in paid employment. The working-class married women therefore, who work as hard and with as little relaxation as any class in the community, are outside National Insurance except for the maternity benefit, and this undoubtedly results in a neglect of their health in the early stages of illness which is injurious both physically and economically.

E. STATUS IN EDUCATION.

I. As Pupils.

I. GENERAL.

Girls and young women have equal opportunities with boys and young men throughout the educational system of the country from the elementary school to the University with few exceptions, of which the following may be noted:—

(a.) IN THE UNIVERSITIES OF OXFORD AND CAMBRIDGE.

- i. These ancient Universities place a limit on the numbers of women students admitted.

- ii. Cambridge University still refuses to admit women to the full rights of membership; it grants them only titular degrees and they have therefore no share in the government of the University.
- iii. Oxford University withholds from women the right to take degrees in divinity⁽⁴¹⁾ or to hold the office of Vice Chancellor or certain other minor official positions.

(b.) IN THE LONDON MEDICAL SCHOOLS.

The Provincial Medical Schools are open to men and women equally, but nearly all the Schools attached to London Hospitals are barred to women students, whose training in London is mainly carried on at the London School of Medicine for Women. In this particular the University of London fails to offer complete equality of opportunity to men and women.

(c.) IN TECHNICAL TRAINING FOR INDUSTRIAL CAREERS.

Technical education is provided by Local Education Authorities to supply the place of training formerly received through apprenticeship in the skilled trades.

This is carried out

i. At *Junior Technical Schools*, where children, in addition to continuing their general education, are prepared for industrial or commercial employment in full-time courses of two or three years. These schools are limited in number (there were in 1934 118 for boys, 36 for girls and 37 for both), but between them they offer to the boys of the country a free choice of the occupation most fitted to each individual capacity, ranging from such employments as building and engineering to an office life through every kind of trade including tailoring, cooking and hairdressing. The girls on the other hand have to choose between the various branches of domestic service, an office life and the "women's skilled trades" of dressmaking, lady's tailoring, millinery, hair-dressing, laundry work, trade embroidery and upholstery.

ii. At *Technical Day Classes* where full-time and part-time instruction is given to students over school-leaving age.

iii. At *Evening Classes* where persons who are at work in the day can obtain instruction in skilled trades of every description. These classes are numerous and widely distributed over the country. Nominally men and women are admitted to them on equal terms, but this is in fact illusory, as generally speaking the technical courses are limited to persons already in the trade, and women being excluded from the Trades are debarred also from instruction which might enable them to widen the limited sphere of their

⁽⁴¹⁾ This anomaly was abolished on June 4th, 1935, when the Senate of Oxford University passed a Statute providing that all degrees shall be open to men and women equally.

employment. This limitation is supported by certain Trade Unions with a view to safeguarding the position of skilled workers by limiting the number of fresh entrants and so preventing a disregard of Trade Union practice and consequent possible degradation of wages. It would seem that a more enlightened policy would have met the danger of undercutting on the part of women by admitting them on equal terms to the skilled processes and maintaining the appropriate payment for the job whether done by man or woman.

2. ADULT EDUCATION.

Men and women profit equally from the movement to provide fuller education for adults which is organised by the Universities working in co-operation with voluntary organisations and latterly with Local Educational Authorities. Courses are attended by many industrial women and a successful residential college for working women is supported alike by employers and Trade Unions.

3. SCHOLARSHIPS.

These are of three kinds:—

- (a.) Scholarships arising from ancient endowments. These are almost exclusively for the benefit of boys and young men and in consequence there are many more scholarships available for boys than for girls.
- (b.) Scholarships arising from modern endowments and gifts. Many of these are for the benefit of girls and young women.
- (c.) Scholarships arising from public grants. These are fairly distributed and the benefits both to boys and girls vary under the different Local Authorities. In London a girl at the age of eleven may win a Council scholarship which gives her free education at a secondary school for five years, and at sixteen may win another which will carry her on till she is able to enter for a University Scholarship. Grants for maintenance are given also to girls as well as boys.

II. As Teachers.

I. OPPORTUNITY.

In the Universities posts as professors, readers and lecturers are open to women equally with men, but there are actually few women professors and this is not necessarily due to inferior qualifications on the part of women candidates for such posts.

The heads of Girls' Schools are almost invariably women, and women may and do become heads of mixed schools.

2. MARRIAGE.

In the Universities there is at present no marriage bar.

In the public schools the engagement of teachers lies in the

hands of Local Authorities many of which, as in London, ⁽⁴²⁾ refuse to employ married women teachers.

3. PAYMENT.

In University posts men and women receive the same pay. In the women's colleges of the older Universities, however, which have not large funds at their disposal, the payment of the staff is below that of the men's colleges in these Universities, which are supported by endowments.

The scales of pay for teachers in elementary, secondary and technical schools are laid down by a committee representing the Educational Authorities and the teachers' organisations; they allow to women 4/5 of the salaries paid to men equally qualified and doing the same work.

III. Administration.

The general control of the educational system is in the hands of a Government Department—the Board of Education. All posts in it are open to women, but so far hardly any women have entered the Administrative and Executive grades though there are women in responsible positions on the Inspectorate.

The administration of public education locally is in the hands of Local Authorities whose practice in regard to the employment of women officials varies, but there are very few instances of women employed in the local administration of Education.

⁽⁴²⁾ No longer accurate since August 1st, 1935, when non-residential posts for teachers and doctors under the London County Council were opened to married women.

CONCLUSION.

The foregoing statements show that women in this country are far advanced on the way towards the free exercise of responsibility. They owe their position in part to an inherited love of personal liberty and aptitude for public affairs, in large measure to the wisdom of those who in the nineteenth century concentrated their endeavours upon the claim to education, and in some measure also to the support of the great leaders of the humanitarian movement in that century and the influence of those leaders on their outlook. In 1918 when, with the united good-will of all political parties, they attained their enfranchisement they were ready to make good use of it, and it will be seen from a glance at the foot-notes how much has been achieved since that date.

The energies of the new voters have been hitherto bent mainly upon philanthropic and moral issues and it will be seen that it is in the economic sphere that the position of women in England remains at the present time gravely inferior to that of men. A great step forward has here also been taken but an antiquated outlook still prevails on this matter which is out of keeping with modern conditions of life and with the political and legal status of English-women of to-day. It appears from the preceding pages that three main obstacles here remain to be overcome.

1. Freedom in the choice of their work is denied to the great majority of women. For the professional and middle classes the way has been opened, and it lies with the individual women in these ranks to avail themselves of their opportunities, to combat the prejudice and difficulties which beset newcomers and to make an easier road for their successors. For the industrial classes the position is very different. These women are refused the right of employing their natural aptitudes in earning their livelihood. Their enforced subjection to unskilled labour excepting in domestic service and a few trades arbitrarily labelled as "women's" inflicts a burden of suffering in their daily lives, as well as severe financial loss. The extent to which their faculties are repressed was not realised, even by those most interested, until the brief period of their emancipation during the War revealed their astonishing readiness and enjoyment in every variety of work and showed in particular their marked mechanical proclivities.

Protection of women workers which is not extended to men also, results in further restrictions upon their employment. The protection they need is freedom to follow their natural bent in work that individually suits them, and the tyranny which keeps them from the skilled and therefore better paid processes, deprives the nation of a great store of energy and ability.

2. The custom of paying lower rates to women than to men for equal work is a source of many evils, and a reform in this custom is a necessary adjunct to the entrance of women to the skilled trades. The present system is injurious to the men as well as to the women and its effects are far-reaching in the economic field. It contributes to depress the general level of women's wages in the occupations to which they are confined, and this generally low level of pay results in a generally lower level of health among women than among men.
3. The denial of the right of married women to earn is the third great hindrance, but this is one which affects the middle-class rather than the industrial woman. In the present state of society few young women can look for any endowment from their fathers beyond a serious preparation for a self-supporting life, while few young men are able to earn enough to support a family. In these circumstances the standards of the past must be discarded and new adjustments made. To forbid young people to marry unless the wife gives up her work is a most serious interference with their personal liberties; it constitutes a restraint upon marriage and is a direct incentive to immorality.

In the sphere of employment generally women are shown as beginners. They are handicapped in many ways, by the lack of financial standing, by the lack of experience, by their scrupulous observance of family ties, by their potential marriage. They have to face prejudices of every sort. These can in actual practice soon be proved to be fallacies; more serious is the fact that prejudices in some degree cloak what is in reality a dislike of the advent of women competitors in the struggle for the well paid post and the consideration that goes with it. As the novelty of the situation wears off, we may expect that this sex-consciousness will wear off also.

In the other sections of the memorandum various inequalities appear. The most outstanding is perhaps the woman's loss of nationality on marriage to an alien, an anomaly which seems to have no public supporters though all efforts to bring it to an end are defeated.

On the whole it would appear that legislation has effected a remarkable improvement in the position of women in this country since they obtained the franchise, but that work remains for them to do before they are completely free from the shackles of the past.