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WOMEN.

NATIONAL COUNCIL OF WOMEN OF  
GREAT BRITAIN AND IRELAND.

WOMEN ON JURIES.

BY MRS. EDWIN GRAY, J. P.

People whose business, interest, or curiosity takes them to Courts of Law have now become quite accustomed to the sight of women jurors, and the women jurors have for the most part taken up their new job with conscientious seriousness. Even those who would have voted against it have accepted the inevitable and have shown interest. The cases where serious efforts have been made to refuse service have been comparatively rare, although summoning officers—at any rate for the County—say that double the number of excuses, medical or otherwise, are received from women as are received from men. But the quiet and smooth working of the Act in regard to women jurors must not cause us to forget or pass over without serious thought two or three aspects of the matter, which are of great moment to those who believe that it is best for all concerned that no arbitrary barrier should be placed in the way of women giving their services as citizens, and that nature should be left to decide what (if any) barriers to such service there may be.

Section 1 of the Sex Disqualification (Removal) Act, 1919, provides that “a person shall not be exempted by sex or marriage from the liability to serve on a jury.”

Section 1 (b) however, provides that “Any Judge, Recorder, or Chairman of Quarter Sessions before whom a case may be heard, may, in his discretion, or on application made by, or on behalf of the parties, or at his own instance, make an order that the jury shall be composed of men only or of women only, as the case may require.” Thus with one voice the law summons women to attend as jurors, and with the other gives full power to an individual to exclude them from such service—an illogical pronouncement, surely, and one singularly unsuited to the spirit of to-day.

But worse even than the enactment has been the way it has been carried into effect. Some judges have asked the women if they wanted to be excused; others have asked the defending Counsel if he intended to challenge the women; others have ordered the women away, making lengthy and grandfatherly remarks on the occasion.

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Fancy the feelings of those who, having responded to their legal responsibility, have attention thus drawn to them, and their presence and service questioned on the mere ground that they are women! No wonder that, as a rule when the women are asked if they would desire to be excused, they say "yes." If they say "no," they lay themselves open to the suggestion that they are people lacking in ordinary delicacy of feeling. The whole thing, both the law and the procedure, is thoroughly objectionable; it is insulting to women and does not redound to the credit of men.

It is quite time a strong effort was made to get this Section repealed. But in the meantime it cannot be too strongly urged upon women who are summoned on juries, that they should firmly refuse to avail themselves of an invitation to retire from any case where women or children appear, either in the dock or as witnesses.

Of course if the judge orders the women to retire there is nothing more to be said: such an order is within his province and is at present the law of the land. But he often asks the question "Do the women want to go?" suggesting that the women ought to go. Then the duty of the woman juror is clear: she should reply that she considers it her duty to stay. She must not forget that some woman or some girl is concerned and that it is her duty as a citizen to support that woman or girl by her presence.

In this matter those women who for long have been familiar with the idea of Equal Citizenship and realize the value of that idea to the State, must be very calm and encouraging in their attitude towards those women who have not so far studied these questions, and who probably have not had the opportunity of doing so, nor the environment which encourages such study.

No one likes jury service, but it is a duty that has been imposed on men from time immemorial, and now that women share the duty the right way and the only way to look at it, both from the legal and from the administrative standpoint, is the way which was summed up by one of our Judges, he said—interrupting a barrister who was commenting upon the pros and cons of a mixed Jury—"Women are here by law and are here as a matter of course".

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