



First 100 Years

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Abstract

The founder of the First 100 Years project, Dana Denis-Smith, records the key figures and their journeys in advancing the opportunities for all women in the law, after the Sex Disqualification (Removal) Act of 1919.

Keywords

First 100 Years, women in law, role models, 1919 Sex Disqualification (Removal) Act.

I. INTRODUCTION

“Is the modern woman a hussy?” Robert Blatchford, a war journalist, asked in an editorial in the Lincolnshire Echo on 14 June 1919. The idea that the women’s suffrage movement had been a corrupting force was relatively commonplace at a time of national recovery after the First World War. But this name-calling was a far cry from the social standing women expected following their contribution to the war effort. One mother, writing to the Daily Mail in November 1919, responded: “All girls are not painted dolls.”

No one seemed to know how this “modern woman” could be prevented from having too many ideals and aspirations that might clash with those of men. Having partially secured the vote, the “modern woman” was now intent on joining the professions, which promised rewarding career paths in terms of wages and social status. With the shadow of the war still hanging over the country and an ongoing economic crisis, women were divided among themselves about what type of emancipation they wanted and how far they were willing to push for equal rights.

“I am a single woman working for a living, but do it willingly, and do not call all men bad, because I do not happen to have married one,” wrote one woman in a letter to the Hull Daily Mail on 20 November 1919. Another, a sister to three brothers, retorted: “What sweet thoughts a man must have after serving his country for five years to come home and find a girl has filled up his job for a less wage.”

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But there was no doubt that women had caught the taste of independence through war work, and although for a while they agreed to relinquish jobs to ex-servicemen, their ideals and aspirations had been fuelled: "During the war," wrote "Miss Twenty One" in her letter of 20 November, "I have taken part in clerical work with a large business house in Hull and have been associated with a very intelligent class of young ladies, who have filled important positions entrusted to them with the utmost ability. In my opinion they are girls to be proud of."

But it took an Act of Parliament to open the door for them to take their place among professionals. Before 1919, when the Sex Disqualification (Removal) Act was passed, the professions - except for teaching and medicine - were closed to women. In 2014 - and in preparation for the centenary of the 1919 Act in 2019 - I started **The First 100 Years** project. Its aims were simple - to celebrate, inform and inspire generations of lawyers by informing them about their past to change the future of the legal profession. We set about quite methodically to build around a timeline for a series of multimedia projects¹ - from films to podcasts to our book.² We started by 1) collecting and sharing the stories of women pioneers that had long been forgotten; 2) creating our own original video archive of the lives and work of the trailblazers still alive to leave to future generations of researchers; and 3) sharing the wealth of materials we collected with the widest possible public. Our First 100 Years exhibition has already had one million visits in one year.

The 1919 Act was passed at a time of reconstruction and a growing realisation among men, returning from war, of a lack of employment opportunities and the challenge of rebuilding their families and supporting them. After the First World War, women's emancipation might have seemed inevitable. After all, women had secured a partial right to vote in 1918³ and a universal right to vote in local elections, which returned a good number of women candidates across the country in the June local elections. By 22 July 1919, both the coalition government and the Labour opposition were racing to settle "the question of sex" and not one but two bills were read in Parliament "to remove certain restraints and disabilities imposed upon Women". Following the Opposition's Women Emancipation Bill, which was presented to the House of Commons on 21 March 1919, the coalition government tabled its own version, the Sex Disqualification (Removal) Bill. It was this Act that was passed on 23 December 1919.

Although women had won the partial right to vote in 1918, they could not become lawyers or accountants, or hold senior teaching jobs or generally aspire to join the ranks of the "professionals" before 1919. At the time, professional bodies such as the Law Society relied on legislation that classified women as "non-persons" and they were therefore rejected as members.⁴ This placed an insuperable obstacle to practising in any profession. The first-wave feminism that delivered suffrage did not automatically give women equal rights to be educated and assume jobs that commanded higher pay. The 1919 Act played a crucial role in highlighting the important role played by a handful of pioneering women lawyers who used legislation to create lasting change.

¹ First 100 Years: <https://first100years.org.uk/>.

² First: 100 Years of Women in Law, <https://www.scalapublishers.com/first/>.

³ Representation of the People Act 1918 (6 February 1918).

⁴ See *Bebb v Law Society* [1914] 1 Ch 286.

Just as the 1918 right to vote was only a partial victory for women – to vote they had to be over 30, married and have property⁵ – so the Sex Disqualification (Removal) Act 1919 was a partial victory for women who wanted to become professionals. Because the Act was cleverly phrased and not very detailed, it had the effect of removing “all disqualifications” without purporting “to confer any right.”

As recently as 2017 the Act was being invoked in the Houses of Parliament in relation to the right of women to sit in the House of Lords by inheriting the peerage through the female line.

Often, the first women to join the professions found themselves the only woman in a room full of men. They had to take lunches and teas in separate rooms, segregated from their male colleagues. Yet, despite this, they continued to strive to advance their careers. Many never married or had children; instead they dedicated their lives to their work. They succeeded because they found a way of conducting perhaps the biggest and yet quietest revolution of the past century: taking jobs that had previously been seen as “men’s jobs.”

II. HOW DID WE GET TO THE 1919 ACT BEING PASSED?

There were several efforts by women to break into the professions in the years before the end of the First World War in the face of repeated rejection. For example, Bertha Cave was rejected by Gray’s Inn as a student at the English Bar in 1903. In 1913, four women graduates took the Law Society to court for refusing them permission to register for its examinations. The decision centred on a rather unusual question: “Is a woman a person?”

*Bebb v Law Society*⁶ went to the Court of Appeal. Its decision supported the governing body of the Law Society and relied on a medieval treatise which laid down that “all who are not prohibited by law may be attorneys but the law will not suffer women to be attorneys nor infants nor serfs.”⁷ The law only allowed a “person” to be a lawyer – and a woman was not a person.

The First World War deprived the legal profession of many men, both temporarily and permanently. Some 3,500 solicitors are believed to have served in the armed forces and of those, around 600 died. The profession opened a book of remembrance, and its pages are still turned daily in the Law Society reading room. The Law Society supported the Solicitors (Articled Clerks) Act 1918, which permitted articled clerks to count time spent in the forces as good service for qualifying to become solicitors to make up for the shortage of lawyers. But it still refused entry to women.

Gwyneth Bebb, the plaintiff in the Law Society case, did not give up after losing her landmark case. In 1918, she applied to be accepted by Lincoln’s Inn but was rejected. As soon as the 1919 Act was passed and came into law on 24 December 1919, she reapplied and became a student in January 1920. She was awarded an OBE for her war work in 1921; later that year she died from childbirth complications after the birth of her second daughter. She was just 31.

⁵ Representation of the People Act 1918, section 4.

⁶ [1914] 1 Ch 286.

⁷ See *Bebb v Law Society*.

III. EARLY WOMEN LAWYERS

a. *Maud Crofts*

On the back page of a local newspaper, *The Courier*, dated 16 November 1928, next to an advert for the “Wonder Washer” depicting a woman avoiding the drudgery of life as a housewife, there is a brief nondescript column about a local prize-giving ceremony at an all-girls school: Hamilton House in Tunbridge Wells, Kent. The guest of honour is a Ms Maud Crofts. Her claim to fame? To have been both an “old girl” of the school and the record-bearer for the best cricket performance by a pupil. Perhaps more importantly for those listening to her address, Ms Crofts was notable for something else: like a good number of ambitious middle-class women, she did well in school and went on to Cambridge University. She later scored a first in the legal profession when she became the first woman solicitor to practise in England and Wales, having been officially admitted to the roll in June 1923. She too was initially part of the *Bebb v Law Society* case of 1913, seeking admission to the roll. In 1925, she made history again when she became the first British woman lawyer to use her knowledge to inform other women of their legal rights, publishing a short handbook, *Women under English Law*.⁸

According to *The Courier*:

“She advised all the girls to go to university. She believed that in the future all the best and most interesting jobs would be given to university women because in the fierce competition nowadays, it was only the best-equipped women who had a chance of getting to the top. Some of them didn’t realise how recent advances in the status of women had been.”

We cannot fault Ms Crofts for painting such an optimistic picture of the future for women in the professions when she said, “the Church and diplomatic service are about the only worlds left for them to conquer.” History teaches us that after the rise comes the fall. Some professions, including the law, remained resistant towards the advancement of women decades after her fateful prediction. But she was right in encouraging girls to study, which has led to a rise in the number of women graduating and expecting an independent life and a well-paid job.

b. *Helena Normanton*

On 24 December 1919, Helena Normanton became the first woman to be admitted by an Inn of Court as a student barrister – by Middle Temple, the Inn that rejected her initial application in February 1918. In that application, she said:

⁸ *Women under English law* by Maud I Crofts; with a foreword by Dame Millicent Fawcett (1925).

"I believe that the sex-exclusiveness of the legal profession is doomed. Women won't stand it, and men, who have been learning a great deal lately about women's capabilities, will not tolerate it either."

She was called to the Bar in November 1922, a few months after Dr Ivy Williams, who became the first woman barrister at Inner Temple in May that year.

Normanton went on to forge an outstanding legal career which featured several notable firsts. She was the first female Counsel in a case in the High Court of Justice, the first woman to obtain a divorce for a client, and (along with Rose Heilbron) the first woman King's Counsel in England and Wales in 1949.

Throughout her life, Normanton campaigned for women's rights and women's suffrage. In 1924, as a qualified barrister, she achieved another first, becoming the first married woman to hold a passport in her maiden name. She fought a court case to earn the right.

IV. THE 1930s AND 1940s

Two major events determined the way the story unfolded for women after the 1919 Act was passed: first was the 1930s Great Depression, which saw unemployment rocket for men and women alike, although the latter are often unaccounted for in statistics as they "disappeared" into marriages, unable to claim any welfare benefits or join any training schemes to improve their prospects. Most professional organisations did not collect data on the number of their women members – the Law Society for example only started recording this figure in 1950 when they listed just 26 women on the solicitors' roll. The total number of practising solicitors at the time was 17,053 so it is unlikely that during the previous decade the number of women in the legal profession – solicitors and barristers together – exceeded 50. The other event that stalled progress for women was the start of the Second World War in 1939 – this put paid to many of the demands for equality that had started to take shape earlier in the decade.

We did record some important firsts such as Margaret Bondfield, a politician, who became the first female cabinet minister in 1929 and the first woman to be a Privy Counsellor in the UK, when she was appointed Minister of Labour; she was also the first woman chairman of the General Council of the TUC.⁹ Maybe women had not risen through the legal profession, but they started to gain in prominence in the public sphere.

"This woman of the future is what the fellows are coming back to find. She will be more understanding, for she has done his work and knows the snags. She will be more confident in herself, for she has achieved respect. She will know how necessary it is to have her "say" in the world, for she is a wage-earner and her service is useful. Her captivity is a myth. She has been emancipated. She is AWAKE. Is she?"¹⁰

The outbreak of the Second World War resulted in women taking a central role in the war effort with men on the front line. Larger numbers entered undergraduate courses. Women were not the first choice for professional jobs, but because of the drafting into service of many men there were more roles for them. It was estimated that there were around 40,000 more

⁹ Elected to the General Council of the Trades Union Congress (and becomes chair in 1923); Minister for Labour, 1929-31.

¹⁰ Suffragette Looks Back, Liverpool Echo (Thursday, 22 April 1943).

women in business and the professions than men, at around 438,000. In a review of 1949, the Gloucestershire Echo reported that “each year barriers against women in the professions and public life get fewer. During 1949 thirteen ‘first footings’ were made by women in Britain” across the professions and the civil service.

a. *Dame Rose Heilbron*

Dame Rose Heilbron (1914 – 2005) was the first female barrister to take centre stage and lead the defence in a British murder trial. Aged 34, she became a King’s Counsel. She was a working mother, with a new-born baby at home and the personal ambition to reach the top of the legal profession. Having graduated with a first in 1935, Rose was awarded a scholarship to Gray’s Inn and, after completing her masters of law degree, was called to the Bar in 1937.

She had a remarkable catalogue of firsts, which reads like a record book: her career was truly unprecedented. She was the first woman to receive a first-class Law degree from Liverpool University; the first woman to win a scholarship to Gray’s Inn; one of the first two women to be appointed KC (the other, Helen Normanton, was nearly twice Rose’s age at the time); the first woman to lead in a murder case; the first woman Recorder; the first woman judge to sit at the Old Bailey, before becoming a High Court Judge in 1974. She was the first woman Treasurer of Gray’s Inn.

Such a list of achievements tells only half the story. She inspired a film starring Anna Neagle playing a female QC. She was name-checked in “Hancock’s Half Hour,” and was described in the press as “That girl Rosie ... the Greatest Lawyer in the World.”

Even reluctant clients – as often they did not want to be represented by women – acknowledged her tremendous skill as an advocate. “That girl Rosie is the greatest lawyer in the world,” said Jack Spot after she got him acquitted in September 1955.

At the same time media reports of her often focused not on her work but on her “crimson lipstick” and showed her in evening gowns.

b. *Sybil Campbell*

On the other side of the courtroom, Sybil Campbell was the first woman to be appointed to the professional judiciary full-time in Britain, when she became a stipendiary magistrate at Tower Bridge Magistrates Court in 1945. Sybil Campbell, a graduate of Girton College, Cambridge, made legal history as one of ten women admitted at Middle Temple in November 1922, when women were first called to the English Bar. She remained the only full-time female professional magistrate or judge in England until she retired in 1961.

In March 1945 Sybil applied for the vacant position of metropolitan police magistrate in the Tower Bridge police courts. By 1945 there were around 3,700 female justices of the peace, but no woman had ever been appointed as a professional judge. The Home Secretary at the time, Herbert Morrison, was keen to appoint a woman to the judiciary, and supported Sybil’s application. During the twelve years from 1921 that Sybil Campbell worked as Honorary Secretary to the British Federation of University Women (“BFUW;” now the British Federation of Women Graduates (“BFWG”)), she spearheaded the fundraising campaign to establish an international hall of residence for women students at Crosby Hall in Chelsea. With others, she enthusiastically built up the Library as a research resource for students living there. Her gift of £2,000 to the Library in 1975 was a major addition to the Trust Fund which had been

established by BFUW in 1955. The Trust Fund continues today to finance the activities of the Library which was named in her honour in 1965 when it first occupied its purpose-built room at Crosby Hall.

Sybil's appointment was announced on 3 April 1945. While the press was generally positive, the Law Journal voiced doubts, questioning whether "the hearing of very unpleasant matters" was "the most suitable judicial appointment for a woman."¹¹ The appointment was also questioned by members of the Bar in a letter to *The Times*. In Parliament, Russell Thomas MP also raised a question with the Home Secretary "on what grounds he departed from precedent."¹² After her retirement to her family home in Argyll, Sybil devoted herself to gardening and her duties as Churchwarden. She died on the 29 August 1977 in Glasgow, remembered for her wit, determination, and sense of duty.

V. THE 1940s AND 1950s

"Men must work, women must weep" is the secret to marital success, according to Mr and Mrs Findlater in a BBC TV documentary broadcast in April 1958. The couple tracked the routines of three married couples – each from different economic and educational classes – in search of the recipe of a happy marriage. "Let's face it, for men going to work is like going to a club – no women admitted!", Mrs Findlater exclaimed. Mrs Clark, the only one of the three wives in work, to supplement the wage of her husband, a lorry driver, said "We wives don't get the chance to say a lot, but we think a lot."

Mr Gyle-Thompson, a business executive with a large 8-bedroom, 3-bathroom house, and 3 grown-up children, deplored having to work 70 hours in a 5-day week and the need to travel: "I detest it as it breaks into my relaxation." The programme ends wistfully: "Two separate worlds, two separate lives, they seem separate even when men and women are together."

As men returned from war, businesses quickly switched to employing "veterans" as the primary labour force. Women had provided "manpower" during the war years but were now expected to retreat to the domestic front and take a step back from the work front. In fact, women were made to feel guilty for trying to get jobs in place of men, as whole families were dependent on the latter.

As soon as they married, professional women were expected to resign. This might explain why by the end of the 1950s we see a sharp drop in the number of women entering the professions – for example, in architecture, where women had made up most graduates at the Architectural Association between 1944 and 1946, the percentage of women graduating returned to pre-1920 levels, reaching as low as 5%. In law, 1957 is the first year when the Law Society listed the number of women holding practising certificates in its annual report – this stood at 356. At the start of the 20th century, the solicitor profession counted 16,000 practitioners. At the English Bar, in 1954, only 60 women were practising out of a total of 2,000 barristers. Those who continued had to contend with working on small cases which were either family law-related, property or criminal work – often poorly paid and episodic.

Those who managed to continue their professional rise often did so either by not marrying at all or by joining forces with their husbands in setting up joint partnerships in their

¹¹ Patrick Polden, 'The lady of tower bridge: Sybil Campbell, England's first woman judge' (1999) 8(3) *Women's History Review* 505.

¹² *The Times*, 19 April (C. Clayton); Hansard 5th s., 1944-45, vol. 409 (HC), cols. 1979-80 (12 April).

field. “Reader, I married him”, was a common code for professional women. This meant that, however qualified or educated they might have been, wives often travelled wherever their husband’s job took them. It also meant that, if the spouses were associates in the same law firm, they could continue to work and build a professional reputation of their own. However, the solution did not work at scale and so the numbers of professional women continued to rise only marginally and, in percentage terms, to reach new lows reminiscent of the early years of women entering the profession.

“Women want to take themselves seriously, but always they are being judged by men. Kids are marvellous, but all the time women are being told they must live up to a domestic image.”¹³

There was greater acceptance of women participating in the labour market – by 1960s a third of the workforce was female – but positions in leadership were another matter as were those in the professions. By this time, the number of women lawyers on the solicitors’ roll of the Law Society was just 708 out of a total of 23,855 solicitors across England and Wales. Just 439 of them stayed on to practise. By the end of the decade the number of women practising law reached 743 – by this time, 50 years after the profession was opened to women, there were nearly 30,000 solicitors but the increase was down to more men joining. It was common for job adverts to offer “a fine opportunity for the right man” or for “a first class admitted or unadmitted man” but never a woman. At the English Bar, women were not allowed to attend mess, the common dining room, which is part of the tradition of learning from pupil masters.

VI. THE RED ROBES

The 1960s, however, saw one particularly notable huge achievement for women in law and in fact, for the role of women in society at large. In order to tell the story of this achievement, a brief detour is required to explore a thread that connects women across the decades we have covered and affects women to this day. Surprisingly enough, that thread is clothing.

Because sometimes you cannot help but feel that what interests the world most about women, is their appearance - what they are wearing. We have moved away from the constricting fashion of crinolines, corsets and bustles but arguably there is still a constricting judgment placed on women’s clothes - particularly in the professional sphere.

Even in the dystopian future of Margaret Atwood’s novel *The Handmaid’s Tale*, women are organised in groups according to their function and made to wear a uniform to reflect this. The Handmaids wear bright red robes that tell everyone they are there for one purpose and one purpose only: to make babies.

a. *Elizabeth Lane*

There is a little-known story about a woman - when she first donned an illustrious red set of robes – this was a landmark moment in history and the beginning of a female tradition that we all should know about.

¹³ Juliet Mitchell, ‘Women: The Longest Revolution’ (December 1966) 40 *New Left Review*, available: <https://newleftreview.org/issues/140/articles/juliet-mitchell-women-the-longest-revolution> (accessed 20 November 2019).

And for that reason, they mark an exception to the constricting function of women's clothes and the way in which they remove individuality. These clothes do tell the story of the individual women who wore them and what they were like. It is a story which connects ground-breaking women in the law, the prejudices they fought against and the glass ceilings they broke.

It begins in the 1960s and takes us right up to 2019 and goes like this: in 1965, a woman named Elizabeth Lane made history: she became the first female High Court judge in England and Wales. New red robes were created just for her in her new role - a role never previously held by a woman.

These robes are the traditional dress of High Court judges presiding over criminal cases and earn those who wear them the nickname "red judges." For the first time, a woman would be known by that name.

Although Sybil Campbell was the first woman to become a full-time professional judge, this breakthrough represented another major step forward for women in law. The High Court deals at first instance with all high value and high importance cases and has a supervisory jurisdiction over all lower courts and tribunals. This would be the first time a woman would be sitting in this court.

Elizabeth Lane was born in 1905, a time when women did not have the vote, into a wealthy mill-owning family and as was common for many girls of her background, she was educated at home by governesses. She did pass the Higher Oxford examination, which allowed entry to UK universities, but she did not pursue this. Choosing she said, "to be done with academics and have a good time" which says something of her spirited character.

She met her future husband Randall in Canada and she was married at 21. She began her interest in law when her husband started studying for the Bar. She began to read his materials and he soon remarked that she understood the law better than he did. At that time, a university degree was not mandatory, and she launched her career in November 1938 at the Inner Temple, where she and her husband both studied. She passed her final exams in October 1939 aged 35 years old and was called to the Bar in 1940 on the Midland Circuit and made steady progress.

Her phenomenal success in the courtroom led her to achieve an array of unique "firsts." In 1946 she was the first woman to appear in the House of Lords in a murder appeal, became the third woman to be made King's Counsel in 1960 and was the first woman to be appointed Recorder (of Derby) in 1961. She was a chair of the newly created Mental Health Tribunals.

Then she became the first woman County Court judge and, as explained above, the first woman High Court judge in 1965. She was made a Dame Commander of the Most Excellent Order of the British Empire, the equivalent of the Knighthood given to men on appointment to the High Court. She was also made a Bencher of the Inner Temple, the first woman Bencher of any Inn - Benchers are members of the Inns of Court responsible for their governance and are elected by fellow members called to the Bar at that Inn.

Her achievements are a testament to her reputation, work ethic and drive. It must be remembered that judicial appointments were then made by a somewhat opaque process known as the "tap on the shoulder" whereby civil servants in the Lord Chancellor's Department took soundings from other judges and so appointments were purely based on reputation, networks and patronage which, at that time, were exclusively male.

It is suggested that her 1962 appointment to the County Court was to see how she managed and she certainly passed scrutiny - the Lord Chancellor's Department's permanent

secretary described her as “so inherently capable that she would do any second-row judicial job thoroughly competently.”

She was appointed to the Probate Divorce and Admiralty Division of the High Court, which used to be known as “Wills, Wives and Wrecks”! Now it has the somewhat more prosaic title of the Family Division. It was striking that she was appointed to this Division (as would be the next three women High Court Judges) as her expertise was criminal law. In fact, women barristers at that time almost exclusively had to work in criminal practices as they were given no opportunities to work in the more lucrative and prestigious commercial areas.

Lane was the only woman High Court judge for seven years as we had to wait until 1972 for Rose Heilbron to be appointed as the first woman judge to the Central Criminal Court (better known as the Old Bailey). And it took until 1992, some thirty years later than Elizabeth Lane, for Ann Ebsworth to be appointed the first woman High Court Judge of the Queen’s Bench Division and a year later Mary Arden a judge in the Chancery Division in 1993.

Despite these momentous accomplishments, Elizabeth experienced a huge amount of prejudice because of her gender. Again, this is something the robes help remind us of. As a woman, Elizabeth rarely had access to a private robing room where she could put them on, unlike the male judges. This is because there had never been the need for a women’s robing room. Instead, Elizabeth was often given a room with a large notice board saying “GAS: KEEP OUT” to get changed in.

Not only was her career as a High Court Judge important, she was the chair of the 1971 Committee which was commissioned to examine the workings of the 1967 Abortion Act. Her career is marked by hard work, competence and the respect of her peers. She claimed that she stumbled into a legal career because she married a lawyer and put her success down to good health, a capacity for hard work, good temper, her ability to conceal her true feelings, not becoming emotionally involved, a pleasing voice and good luck.

She was an inspiration to other women both in law and outside and was a champion of women herself, giving encouragement to Elizabeth Butler-Sloss, who went on to become the first woman appointed to the Court of Appeal in 1988, who describes her as a mentor, telling her to lower her voice, slow down her speech “listen to what the judge says, what the judge is feeling.”

Elizabeth Lane was a judge who demonstrated both *Sense and Sensibility*, not least in her choice of a retirement place. Following her illustrious career as a judge, Elizabeth retired to Winchester, the resting place of Jane Austen.

b. Subsequent wearers of the Red Robes

While that was the end of Elizabeth’s story, it is by no means the end of the story of the red robes. In 1979, the robes were passed to Margaret Booth, appointed in that year as High Court Judge. She was just the third woman to hold that title by then, despite 14 years passing since Elizabeth Lane’s appointment, and was assigned to the Family Division.

After Margaret Booth’s retirement, the robes soon found their way onto the shoulders of a true legend of the legal world, and a role model for all aspiring women in law. None other than Baroness Hale, the current President of the Supreme Court. The robes were passed on to her when she was appointed a judge of the High Court in 1994. Like the other women who wore the robes, she was a trailblazer from the beginning – becoming the first High Court Judge to have made it into the judiciary with a principally academic career.

Mrs Justice Hale, as she was then, left the High Court in 1999, left the red robes behind, to become the second woman Court of Appeal Judge. After this, her ground-breaking career led her to become the first female Law Lord, at a time when the highest court in the land sat in the Houses of Parliament.

When the Supreme Court was established in 2009, Baroness Hale became the first woman Justice of the Court. The creation of this new court and Baroness Hale's position in it meant that an important court in this country would begin its life with a woman sitting on it.

Eight years after the Supreme Court was set up, Baroness Hale became its first woman President of the Supreme Court. This means, in the centenary year since women could practise law, a woman now sits as the most senior judge in the land.

And what does this woman have in common with the first woman High Court judge, Elizabeth Lane? The red robes, of course. Those robes do not tell us of the roles assigned to women in the society. They tell a story of the roles individual women carved out for themselves, roles women had never previously held.

The latest woman to wear those red robes was Lady Black, who was appointed to the High Court and given the robes in 1999. Lady Black then went on to sit at the Court of Appeal before becoming the second woman on the Supreme Court, joining Baroness Hale, a fellow former owner of the red robes.

These two women, along with a third, Lady Arden, went on to sit in October 2018 as part of the first majority female panel of the Supreme Court. This was an important symbolic landmark. Pioneering women have opened the doors for a time when perhaps the judiciary itself will be half, or even majority female. It also asks the question: who will be the next women to wear the red robes?

VII. THE FIRST 100 YEARS

It is wonderful to have a tradition to remind people of the role models that lived before them. Virginia Woolf said in her speech to the National Society for Women's Service on 31 January 1931:

"Even when the path is nominally open – when there is nothing to prevent a woman from being a doctor, a lawyer, a civil servant – there are many phantoms and obstacles, as I believe, looming in her way. To discuss and define them is I think of great value and importance. [...] Those aims cannot be taken for granted; they must be perpetually questioned and examined. Here in this hall, surrounded by women practising for the first time in history I know not how many professions", it was of "extraordinary interest and importance" to consider how they would carve a path to success."¹⁴

At the time of the passing of the Sex (Removal) Disqualification Act 1919, there was a fear that it would result in a flood of women applying to join the professions. "How she has cheapened paradise," wrote Coventry Patmore. There was a genuine fear that women would compete with men in the professions but at lower rates, thus depriving men of the money they

¹⁴ From "Professions for Women", an abbreviated version of the speech Virginia Woolf delivered before a branch of the National Society for Women's Service on January 21, 1931; it was published posthumously in *The Death of the Moth and Other Essays*.

needed as breadwinners. By the 1970s there was no stopping women gaining the education to become professionals, but they remained blighted by the pay gap of the first generations and, to this day, equal pay remains an aspiration not a reality.

Women sought education as a way of escaping miserable working conditions in factories or, for those from middle-class backgrounds, of exerting their independence to pursue a career not marriage. For women from poorer backgrounds, it was also an opportunity to command a higher income and ensure a better life. It is quite normal for a parent to invest in their child's future, and parents hoped that if they had a daughter, her education would lead to "pleasant" working conditions and a better life than they had enjoyed. But just as it appears women were getting a flying start in their professional careers, their wings were clipped by marriage and other social norms which took away their financial independence and narrowed their future choices:

"[E]veryone still thinks that women, whether employed or unemployed, are a detail of the working world, a quiet, passive unimportant detail, easily exploited, easily oppressed, and not worth bothering about."¹⁵

VIII. THE NEXT 100 YEARS

At the Hay Literary Festival in 2018 I was asked whether 2018 will be remembered as "the year of women." After all, this was the year that has brought to the surface, with the help of social media, the sexual misconduct women routinely face in the workplace, from Hollywood to advertising, to the law. But equal opportunity, equal pay and equal representation remain ambitions and not realities for too many women. Why should this new wave of feminism succeed where previous waves have failed? And what will be the next move? More legislation as has been the case with the previous two waves?

Despite the centenary of the vote celebrations in 2018, fatigue had already started to set in, with male executives on the boards of large businesses bemoaning that "all good women are taken" and that the well of female talent is dry as they attempt to meet a target of 30% of women on boards. The BBC announced that the pay gap at the publicly funded corporation is down to "7.9%" whilst law firms explained their huge pay differentials by the lack of women in highly paid roles. And all this at a time when women are graduating in higher numbers than ever and are starting to form the majority in most professions.

The 1919 Act gave women access to professions, but the Equal Pay Act 1970 did not deliver equal pay and at the current rate of progress, women are facing another 50 years before they achieve parity in terms of leadership positions and being paid equally in those positions. Indeed, the highest pay gap of all – 87% – is at the CEO level. And a recent survey showed that a third of British people believe that a mother should stay at home to look after her young children, which suggests that the cultural shift we expected of the millennial generation is not shifting as quickly as expected.

Should we legislate for a 50:50 parliament? Should we legislate for quotas on boards? Should we create an equal-pay task force that imposes huge fines on those organisations that discount the work of women? How can we enforce the equal take-up of parental leave so that

¹⁵ The Woman's Leader, 19 November 1920.

mothers do not have to explain away their career gap when they return to work? Many of these questions are equally relevant today as they were 100 years ago and have been at the heart of the equality debate throughout the last century. They were tackled with some degree of legislative vigour in the “decade of legislation” in the 1970s but seem to have remained stubbornly current since. It is important that we spend more time studying each of the feminist waves to help us understand what strategies worked and why.

The focus of the next 100 years should be to eliminate the pay gap that still exists between men and women for the same work. Not only will this give women more options to stay at home as mothers or to work, but it will also pay for the help required in the domestic space to ensure they can participate more visibly in public life.

I hope you enjoyed this race through a century of women in law. At times, it might feel that this past century has been a bit of a one-hundred-year long war between men and women, as the latter fought to get their place at the mess table, on the judiciary benches or simply work in a law office to provide for their families. I am pleased to share with you some untold stories about these legal pioneers - from Sybil to Rose or, indeed, Elizabeth Lane; and I hope that it has persuaded you not only that theirs was a story worth sharing, but that they are held up as role models for good reason: for leaving a trace for our generation, and inspiring us to break the mould should that be necessary for women and men to share in the benefits of an equal future.