

## INTRODUCTION

The Women's Movement is the term usually given to the organised participation of women in public life, especially in the late 19th and early 20th Centuries. This participation grew out of their greater awareness of themselves and their position in society, and was an active expression of the belief that women must act for themselves to improve their legal and general status, and must enlist the co-operation and support of other organisations and individuals to this end.

The movement was strongest in the last half of the 19th century, though it had its beginnings earlier. In particular the years between 1870 and 1914 were significant ones because between these dates the bulk of the important legislation improving women's legal position was passed in those oversea countries which influenced Australian legislation, and in Australia itself.<sup>1</sup> It was this improving legal position which effectively helped to bring the women's movement into existence and which in turn helped to ensure that the removal of remaining legal disabilities would be constantly sought.

Although the movement survived the first World War and is still extant, the prestige, *raison d'être* and influence of the original movement had been declining steadily as the

1. With the exception, in most cases, of the female suffrage.

number of laws benefitting women had increased. The outbreak of the first World War changed much of the movement's essential character because it altered many conceptions of the essential role of woman, and because it marked the end of a long period of striving on the part of women for improved legal status and the beginning of the search for different goals.

Present day organisations of women, though retaining some of the ideals of the earlier movement, have had their aims consistently modified and changed over the years.

At the peak of its existence, however, the women's movement was of considerable importance. It represented the aspirations of women belonging to a number of organisations formed to work for specific causes. No one organisation represented every one of the causes with which women were concerned and no one organisation can be said to be truly representative of the whole movement.

Membership of an organisation was not in itself unusual, as a tradition of organisation for charitable and religious purposes was already of long standing and contributed much in the way of experience to the movement. What was unusual was the evolving of organisations for other purposes in the 19th century, with an enrolment, sometimes an exclusive enrolment, of women.

2. The present day encouragement of women into a wider variety of organisations is being conducted in a different manner, in a different context and for more complicated reasons. It is supported by women's organisations, particularly in recent years, but it was only a marginal part of the original aims of the movement and in New South Wales hardly existed at all.

All these organisations worked for the furtherance of women's rights and in every country where they appeared, they flourished in conjunction with a general interest in the liberalisation of social laws. This interest made it possible for the movement to operate successfully, and was in turn affected by it. At the same time, the growth of industrialisation in the second half of the 19th century when the movement was at its peak, produced a strong middle class, which in turn, produced the movement's members.

There were a great many of these organisations in existence in New South Wales by 1914, both charitable and non-charitable. The formation of some of the most important of them, their interests and their achievements, will be discussed in this thesis in order to show the extent and limitations of women's interests in public life during this period. The thesis does not attempt to cover the work of women's religious groups.

There was basically very little in the Australian women's movement which was original; nearly all their organisations were based on overseas models and their campaigns borrowed freely from those in other parts of the world. In particular they followed English and United States examples and these two countries will be mainly referred to in this thesis. Women kept in touch with the course of overseas movements, despite their frequent inability to enter into the spirit of them. The nature of the opposition to their

requests in New South Wales and other Australian states was not so violent, unexpected or entrenched that they were forced to evolve new methods or give original expression to older tried ones. More important, they were able to marry their goals to traditional feminine interests far more successfully, and in a far more charitable climate of public opinion, than were the women of England or the United States, with the result that their demands were met far more quickly and easily.

What the movement was responsible for in New South Wales was the encouragement of women to enter public life. At first clinging to the fringes because their participation was seen only as a natural extension of their traditional interests, women saw their involvement gradually enlarged until by the end of the period under review, they had taken part officially or unofficially in most of the social questions and causes of the day. Though they claimed to have achieved more than they actually did, their influence as a pressure group was strong and they managed to keep their requirements before the public eye and have them debated in the legislature. Very often, however, the extent of their involvement was not great; nearly always women evaded the greater question of what equal rights really implied, and when on occasion they attempted greater participation they could not successfully overcome male prejudices or differences of opinion in their own ranks.

These evasions and partial involvements led to failure of purpose and, quite frequently, to inability to define their purposes at all. They were sometimes unable, but more often unwilling, to follow the granting of equal rights by a demand for equal opportunities and equal responsibilities.

Such attitudes gave the Australian women's movement a unique flavour. If Australian women marked time after the granting of the full adult franchise, something which their overseas counterparts could never understand, it was the direct result of their almost complete dedication to Victorian standards of behaviour and their unwillingness to alter their conception of themselves, or of their role in society. There is no evidence that they saw their movement as part of a unique Australian democratic experiment which would give them social liberties and special opportunities in politics and employment in advance of women elsewhere in the world. Nor did they want or expect these things. The movement remained, for most, basically an intellectual aspiration or the fulfilling of an ideal. This very conservative attitude helped a franchise campaign in most states, which engendered no marked enthusiasm or opposition from anyone, and which traced its success to a variety of causes unconnected with the ideal of legal equality of the sexes. It also explains why Australian women did so

3. It was reported at a 1908 Conference of the National Council of Women at Geneva that Australian women had made so little use of the franchise that they were in danger of losing it.

little after the success of the campaign. The fact that the franchise was gained without recourse to militant methods, is not really so significant or so important, as the fact that it was gained without any need of them and before the ideal of Victorian womanhood was challenged. Though their speeches often seemed to show New South Wales women striving to be both new women and Victorian women, there was no real dichotomy in their aims. They saw the two as quite compatible, if not virtually the same thing.

Australian women gained what they wanted - an important fact in itself because there were definite limitations to their ambitions for a number of years - without revising any of their ideas about themselves or recognising any need to do so. Indeed in the first decade of the 20th century, they were confirmed in their positions and their ideas by the enactment of State and Federal legislation designed to make the Australian family economically secure. This also had the effect, as far as women were concerned, of further stressing their traditional sphere of influence, not only emphasising current social attitudes shared by all classes in the community, but doing much to perpetuate them.

These views were not, of course, satisfying to all women or to all organisations; there were definite attempts at various times before 1914 to gain support for women as

active politicians. Nevertheless, even the most dissatisfied of women failed to appraise the causes of their general failure to make themselves more effective, or to call for a reassessment of the position. The range of women's interests had widened somewhat, but as a body Australian women had been left virtually in their old positions as advisers, associates and workers. The movement did very little to show them they might also, if they cared to try, become full partners with men and law makers in their own right.

CHAPTER 1.THE LEGAL AND SOCIAL POSITION OF 19th CENTURY WOMENINTRODUCTION

The 19th century western woman probably had more lip-service paid to her prestige, her influence and her moral example than any other woman in history. Yet in the early part of the century, particularly if she were married, she enjoyed fewer legal rights than the women of many preceding generations.<sup>1</sup>

Both the legal and social positions of women had never been wholly static, but had been undergoing steady changes throughout history. Christianity had improved women's personal status, but had also put them firmly in their places, something for which they had chiefly to thank St. Paul.<sup>2</sup> His opinions on women reaped for him a posthumous harvest of acute dislike, if not actual hatred from 19th century feminists, who attacked his views publicly whenever they had the opportunity, whether or not they were sharing a public platform with members of the clergy.<sup>3</sup> Texts from St. Paul became less frequent as the subject of Sunday sermons after the granting of the franchise.

1. In the Middle Ages women had wielded considerable power in some fields. Abbesses of Convents were frequently so important that they have been called the first career women.
2. See Ephesians 1; 5, 22 and 23. "Wives, submit yourselves unto your own husbands as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the Church and He is the saviour of the body". Similar references may be found in Corinthians 14; 3, 4 and 35; and Peter 3; 1.
3. In time members of the clergy became their firmest supporters. Pamphlets by them went to considerable lengths to quote texts contradicting St. Paul.



Women had been somewhat more fortunate after the Reformation. Though it was basically conservative in its attitude to women, the economic, political and religious changes it effected did influence attitudes to them and many were at first able to profit from the new emphasis laid on secular education.<sup>4</sup> It was also a period in which women, if they were important and wealthy enough, could exert some influence on public affairs.<sup>5</sup> The century after the death of Elizabeth was, in fact, a period of some advancement for them, and the case of a travelling businesswoman, working in partnership with her husband was not uncommon. Probably this period of advancement reached its zenith about the middle of the 18th century, before the full force of the industrial revolution made itself felt and competition put the small businesses out of action and discouraged women as administrators of the larger. Success in business from this point became largely the preserve of men and meant for their wives a life of luxury and refinement. Their chief business function was as hostess, not business partner.

4. Women of the nobility were often highly educated in Elizabethan England. Elizabeth I was known for the extent of her learning and so was her kinswoman, Lady Jane Grey.
5. Wealthy landowners with Parliamentary influence were frequently women. A 17th century Countess of Dorset was a local force in Parliamentary elections.

### SOCIAL POSITION

Socially women were accepted as the equals of men and had been for many decades. With a Queen on the English throne, Victorian women were in fact, in an exceptionally favourable position. Depending on their character and circumstance they held important personal positions in their households and in society. With Victoria as their example, a great deal was expected of them and excellence in behaviour and good moral example were expected and constantly saluted. Some women played their idealised roles extremely well and if a great many did not conform, and certainly were not expected by men to conform, the role was still the standard and accepted one and earned for women in general profound expressions of respect. Nor was it a role confined to the middle, the upper middle classes and the aristocracy. It became the ideal of all classes of society and its firm acceptance made it difficult to concern many women in the enlargement of their traditional interests and activities.

### WOMEN AT WORK

Industry had swallowed up many women with some previous small claim to independence by the 19th century, so that it scarcely left many with the means or the energy for activities outside those of wage-earner or housekeeper. The women who worked in 19th century worked as domestic servants, in factories, in shops and before the English Reform Laws, in mines. Somewhat higher up the working scale and representing almost the only positions available to the better born and better educated, were the governesses

companions and teachers of the rich and influential. In very few of these positions did Victorian women find a satisfactory outlet for their energies or for any latent ambitions. In fact there was no satisfactory outlet unless they were artistic in some way. Outside of women working for some special cause, the most outstanding and best known women of the period were usually writers or on the stage. If the stage was not yet completely respectable, it was becoming so, but there was little, if any, prejudice against women writers. They were considered to be following a bent not at all unfeminine.

With few exceptions, however, women in most occupational categories made little or no early contribution to any movements for the reform of women's position. The impetus came from the prosperous middle and upper middle classes who had the opportunity and means to campaign against something which only they had the time to examine. Their very ability to be idle, in the end, forced them into unexpected activity.

#### THE LEGAL POSITION.

Apart from the inability to vote, in England, Australia and the United States, women were regarded as equal with men in the eyes of the law. In practice a woman's legal status, especially if she were married, was considerably inferior. Most inequalities arose from the legal assumption that on her marriage a woman lost her individuality in the marriage partnership. The man was considered

the dominant influence in the partnership and a woman's interests were hardly considered to exist outside his. Legally she almost ceased to function and if, as many did, she had exchanged her single status for the social security of marriage, she often found she had made a bad bargain.

Laws applying to the personal rights of women around which most changes in legislation in the following century revolved therefore, were those affecting their ability to obtain a divorce, hold and transmit property, sue and be sued, and make provision for the guardianship and education of their children. Within the period from 1839 to the end of the century something like a major revolution had taken place in all fields concerning married women, and consequently in civil law as well. Rules of evidence, contract and tort were all subsequently affected.

A woman, had, until 1839, no say in the guardianship of her child and English Law saw no alternative. In 1827 a judgement delivered in the case of the guardianship of three children where the father had been proved to have committed adultery was given in his favour.

If any [alternative] would be found, said the judge, I would most gladly adopt it; for, in a moral point of view, I know of no act more harsh or cruel than depriving the mother of proper intercourse with her child.

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6. R.H. Graveson and F.R. Crane, (ed.), A Century of Family Law. London 1957. The changes in English Law which affected women in England are discussed in detail in this book. This brief account is based on information contained in it.

7. Ibid.p.61.

Liberty of access frequently was denied to a mother and a voluntary covenant to allot it in a separation deed was not considered legally binding. The willing away from a mother of the guardianship of a child by a husband who died before the child was born was also not unknown. Drunkenness and profligancy were not enough to prejudice a father's rights, though bankruptcy, felony and non-support were considered more serious and in certain circumstances the Court of Chancery could interfere.<sup>8</sup> But until 1839 there was no real improvement in a woman's right to claim. In that year the Custody of Infants Act allowed a mother access to infants if the father or guardian agreed, unless she had been proven guilty of adultery. It was nearly fifty more years before an Act allowed a mother to become the guardian of her children on the death of their father.

The right to divorce was resisted less strenuously by men when the issue was officially raised. Indeed in most countries it received a highly sympathetic press. Before 1857 divorce in England was the province of the Ecclesiastical Courts of the Church of England and the law rested on the pre-Reformation Canon Law. A divorce granted by these Courts was only a form of judicial separation not an end to marriage. This could only be obtained by Act of Parliament.<sup>9</sup>

8. The 1873 Custody of Infants Act repealed the 1839 Act. The next advance came in 1886. Agitation and writing of Mrs. Caroline Norton contributed to public support at this time. She was separated from her husband and consequently her children.
9. Only about 250 such Acts were recorded between 1658 and 1858. At approximately £800 Stg. each, divorce was an expensive business and effectively prevented all but the rich from obtaining one.

A woman who obtained a judicial divorce found herself with fewer rights than formerly. She could not, for example, appear or be represented in her own defence in any action brought by her husband to prove adultery, and if the separation were granted could not be sure of her support, as alimony was not a debt in law.

In regard to laws of property, the Court of Chancery had in the 17th and 18th centuries developed a doctrine of the wife's separate property, but it could not operate unless the proper conveyancing devices were concluded. Where large properties were involved, women did enjoy independence because parents and guardians made this provision for them. <sup>10</sup> But the majority of women married without a property settlement, and their possessions and their present and future earnings, if any, passed <sup>11</sup> into the ownership of their husbands.

In 1850 these laws were basically the same in England and Australia, and on the whole, in the United States.

10. Allowing the rich woman property rights in the same way as the possibility of divorce.
11. The first Married Woman's Property Act was passed in England in 1870. Others followed in 1874 and 1882.