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# Women in Law and Lawmaking in Nineteenth and Twentieth-Century Europe

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## Chapter 2

# Feminist Lawyers and Legal Reform in Modern France, 1900–1946

Sara L. Kimble

### Introduction: Pioneering Lawyers as Activists

In the early twentieth century, France was home to the largest concentration of female lawyers anywhere in the world. Women were officially admitted to the bar first in France (1900), Romania (1901), the Netherlands (1903), Norway (1904) and Denmark (1906). Frenchwomen rapidly moved into the profession and advocated for their clients in a variety of courts, from criminal to military. By 1921, women constituted perhaps 8 per cent of the French legal profession, while in the US, by comparison, women accounted for only 1.4 per cent.<sup>1</sup> By contrast, women in Britain and Germany could not practise law at all until 1922.

This research considers how French female lawyers participated in legal reform during the period from 1900 to 1940. Frenchwomen were admitted to the legal profession in 1900 by an act of parliament and this reform brought political implications in its wake. My research on the first cadres of female lawyers illustrates that they were unusually politically active. As unequal members of the profession and unequal citizens in society many of these new professionals engaged in a vigorous defence of equality and justice.<sup>2</sup>

Reform-oriented French women were disadvantaged by the fact that they could not vote until 1944. Socialist politician René Viviani once said that

<sup>1</sup> Christine Bard, *Les Filles de Marianne. Histoire des féminismes 1914–1940* (Paris, 1995), p. 178.

<sup>2</sup> The sources for this research arise primarily from printed and manuscript material found in French archives and library collections. The history of women's presence in the Paris Faculté de droit can be derived in part from the archival materials at the Archives nationales. I have drawn on legal testimony from civil and criminal cases (from the Archives de Paris) and newspaper articles in order to illustrate how feminist lawyers used the courts and the mass media to disseminate legal knowledge, defend women's existing rights, and advocate for new laws. A few lawyers wrote memoirs, letters, articles, and pamphlets about their personal experiences at work. These materials, some housed at the Bibliothèque Marguerite Durand (BMD), the Centre des Archives du Féminisme (in Angers) and the Bibliothèque Historique de la Ville de Paris (BHVP), are essential for restoring their voices to the historical record.

'legislators make the laws for those who make the legislators', meaning that those who do not vote, do not count in French society.<sup>3</sup> Feminists' efforts to reform women's rights, especially to revise the antiquated Civil code that was a central source of women's subordination in the family, seemed impossible without the enfranchisement of women. Nevertheless, in the face of their formal exclusion from political power, *avocates* (female lawyers) used varied means to articulate their demand for women's emancipation and foster support for substantive legal reform. These activities constitute serious political engagement such that many of the leading lawyers should be seen as *avocates engagées* (politically engaged lawyers). The evidence of the collective activities of these historical actors reveals the presence of a collective feminist lawyers' movement.

French female lawyers also used special political and rhetorical strategies to defend their clients and to critique inequalities of power in society. *Avocates* were moral activists who worked on behalf of others in the following ways: first, their reform campaigns were designed to introduce a humanitarian vision and ethical language into national and international sites of political power. Second, they took on test cases and made moral arguments during legal trials. Third, they educated and empowered the public through educational activities and publications. These reform-oriented strategies addressed specific topical concerns such as the organization of justice, family law, civil and criminal law, and women's and children's social and political rights. Legal theorists describe contemporary behaviour in this model as altruistic lawyering or 'cause lawyering'.<sup>4</sup> This chapter draws on such insights and applies them to the historical record.

The movement of politically engaged female lawyers was an urban phenomenon centred in the French capital where the highest concentration of lawyers also worked. Nevertheless, this urban movement was not exclusively Parisian. Feminist lawyers in Algiers, Avignon, Bordeaux, Toulon, Toulouse and Marseilles networked with their peers across the nation.<sup>5</sup> Across the nation and in the French colonies, feminist lawyers were also involved in a host of related organizations such as groups of university women, professional and non-political groups of lawyers and judges, social welfare groups concerned with juvenile justice and some religious organizations. The interplay between the

<sup>3</sup> Steven Hause and Anne Kenney, *Women's Suffrage and Social Politics in the French Third Republic* (Princeton, 1984), quoted p. 32.

<sup>4</sup> See Austin Sarat and Stuart A. Scheingold (ed.), *Cause Lawyering: Political Commitments and Professional Responsibilities* (New York, 1998); Austin Sarat and Stuart A. Scheingold (ed.), *Cause Lawyers and Social Movements* (Stanford, 2006).

<sup>5</sup> See Sara L. Kimble, 'Justice Redressed: Women, Citizenship, and the Social Uses of the Law in Modern France, 1890–1939', PhD diss. (University of Iowa, 2002), and her forthcoming book, *Women, Feminism, and the Law in Modern France: Justice Redressed* (New York, 2015).

women's rights movement and the feminist lawyers' movement was mutually supportive and generally fruitful.

Moreover, international lawyers and feminists made connections through correspondence and travel from the end of the nineteenth century. For example, the intrepid Jeanne Chauvin, who was responsible for opening the bar to women in France, was connected to American reformers from the 1890s when she was invited to participate in the Chicago conference of the International Council of Women (ICW) of 1893.<sup>6</sup> This is but one example of *advocates'* transatlantic and pan-continental alliances that grew strong between the 1890s and 1940s.<sup>7</sup> French female lawyers were also involved in national and international women's rights organizations. In these capacities, feminist lawyers provided legal expertise that facilitated organizational efforts to communicate with political leaders nationally and internationally. This was especially important when lawyers could make their voices heard on matters of constitutional, international or national code reform. The close intersection between the feminist movement and women's participation in the legal profession had its origins in the history of the profession itself.

### **The Role of Gender in Access to the Legal Profession in France**

France was the first civil law country in Europe to grant women access to the bar through a legislative act. The question of women's right to practise law in France emerged after the issue had arisen in neighbouring countries such as Italy and Belgium during the 1880s.<sup>8</sup> The French effort was spearheaded by Jeanne Chauvin, the daughter of a provincial notary, who requested the right to join the Paris bar after completing her doctorate in law. Chauvin's controversial doctoral dissertation, *A Historical Study on the Professions Accessible to Women* (1892), argued that the appearance of women's inequality was the result of their inferior educational opportunities, the constraints of law and legislation, and other

<sup>6</sup> Jeanne Chauvin, 'La Condition juridique de la femme française', *Société pour l'amélioration du sort de la femme et la revendication de ses droits. Rapports adressés au Congrès des femmes représentantes tenu à Chicago, 1893* (Paris, 1893).

<sup>7</sup> On the Franco-American relationship see, Sara L. Kimble, 'Portia's Sisters: Transatlantic Networks for Women in the Legal Professions', paper presented at the American Historical Association Annual Meeting, Chicago, 8 January 2012.

<sup>8</sup> On Italy see Vittorio Olgiati, 'The Case of the First (Failed) Woman Lawyer in Modern Italy', in Ulrike Schultz and Gisela Shaw (ed.), *Women in the World's Legal Professions* (Oxford; Portland, 2003), pp. 419–35. See also Mary Jane Mossman, *The First Women Lawyers* (Oxford; Portland, 2006).

social oppressions.<sup>9</sup> She believed that women were as capable as men to practise law because the modern liberal professions required gender-neutral standards of merit that women could meet by fulfilling the same procedures established for men, namely: academic study and apprenticeship. Moreover, she argued that the French republican tradition obligated the government to grant equal rights and duties to women. Although the faculty at the Sorbonne praised Chauvin's intellectual achievements, male students disrupted her defence and protested her ideas.<sup>10</sup>

The fact that Chauvin was already known as a supporter of women's rights likely exacerbated the negative reaction to her ideas among students. A republican feminist, Chauvin advocated women's equal rights in the family, education, the workplace and under the law. Her most important fin-de-siècle political commitment was to Jeanne-Elisabeth Schmahl's civil rights-oriented group *L'Avant Courrière* (The Front Runner), where she drafted and promoted model legislation on the issues of married women's right to serve as witnesses and autonomous control over their earned income.<sup>11</sup> Legislative progress was made on both fronts in 1897 and 1907 respectively. Chauvin would also publish a well-received introductory legal textbook promoting legal education for girls and based on her own experience as a girls' schoolteacher.<sup>12</sup>

In pursuit of women's right to work in the legal profession, Chauvin approached the Paris bar association with a request to become a practising lawyer, a demand supported by the feminist movement and the burgeoning feminist press. Her request was refused and her case rejected by the *cour d'appel* (appeals court) in 1897. The French court was influenced by the preceding Italian and Belgian decisions that had cited women's biological inequality and the French Civil code of 1804 as sources that justified the exclusion of women from the bar. Nevertheless, she found sympathetic politicians in the Chamber of Deputies and the Senate who were willing to champion her cause.<sup>13</sup>

Independent socialist and Deputy René Viviani sponsored a bill that would allow women to become lawyers for the purpose of putting into action 'the grand principles of liberty and equality in education and in work for all women as it

<sup>9</sup> Jeanne Chauvin, *Des professions accessibles aux femmes en droit romain et en droit français évolution historique de la position économique de la femme dans la société* (Paris, 1892).

<sup>10</sup> Henri Dabot, *Calendriers d'un bourgeois du quartier latin du 1 janvier 1888 au 31 décembre 1900* (Paris, 1905), pp. 103–4.

<sup>11</sup> Jeanne Chauvin, 'La Capacité légale des femmes', *La Fraternité*, 3 May 1893.

<sup>12</sup> Jeanne Chauvin, *Cours de droit professé dans les lycées de jeunes filles de Paris* (Paris, 1895). See also Archives nationales de France, AJ/16/1012, dossier, *Jeanne Chauvin*.

<sup>13</sup> See Kimble, 'Justice Redressed'; Christine Alice Corcos, 'Lawyers for Marianne: The Nature of Discourse on the Entry of French Women into the Legal Profession, 1894–1926', *Georgia State University Law Review*, 12/2 (1996): pp. 435–75.



is for all men.<sup>14</sup> His legislation received support from solidarist deputies who believed that everyone needed 'equal opportunity [gained] through education, guaranteed employment, comprehensive welfare and social security services'.<sup>15</sup> Jeanne's brother, Émile Chauvin, was a deputy in the Chamber at the time but he remained silent on the official public record concerning the bill brought on his sister's behalf. The wide-ranging parliamentary debate evoked strong language about the threats posed by feminism and socialism to the family on the one hand, and the enlightenment promised by emancipation on the other. Anxiety about the transformation of gender roles aside, the Chamber of Deputies voted 312 in favour and 160 against on 30 June 1899 to admit women to the bar as lawyers. When the Senate finally took their vote on 13 November 1900, the bill passed by 172 in favour and 34 against, a wider margin.<sup>16</sup> The resulting law of 1 December 1900 was hailed by optimists as a revolutionary feminist triumph and acknowledged by pragmatists as a modest step forward.

The most significant limitation of the legislation passed on Chauvin's behalf was the fact that it created two unequal paths within the legal profession. Women in France who joined the bar before 1946 were not authorized to become judges, magistrates, prosecutors, notaries or other officials of the court. The structural inequality within this otherwise landmark legislation was a result of instructions issued by the Ministry of Justice and the failure of the legislative champions to insist on the equal treatment of women.<sup>17</sup> Despite the law's limitations, historians see its passage as an extraordinary breakthrough in European civil law.<sup>18</sup>

The law of 1900 did nothing to address the anomaly that women had the right to argue cases in various courts – from military to criminal – but they could not serve as judges or prosecutors. Although men were eligible for the bar before the age of majority, the women's civil inferiority made them 'eternal minors' under the law.<sup>19</sup> In other words, the jurisprudence of the era translated thusly: women did not have the right to judge because they did not have the right to vote.

The inequality of the law of 1900 had several consequences beyond the fact that it simultaneously opened up a professional opportunity and also reinforced women's legal inferiority. The limitations of the law politicized the women who entered the profession under unequal conditions who saw the need to fight for equal treatment. By extension, these lawyers remained cognizant of the role that

<sup>14</sup> *Chambre des Députés de l'Assemblée Nationale. Annales et documents parlementaires, 1871–1942*, no. 3145 (22 March 1898), vol. 54 (Paris, 1898), p. 924.

<sup>15</sup> J.E.S. Hayward, 'The Official Social Philosophy of the French Third Republic: Léon Bourgeois and Solidarism', *International Review of Social History*, 6/1 (1961), p. 30.

<sup>16</sup> André Daniel, *L'Année politique 1900* (Paris, 1901), p. 324.

<sup>17</sup> Archives nationales de France, AN C//5595 Dossier 1892.

<sup>18</sup> Bard, *Les Filles de Marianne*, pp. 178–9.

<sup>19</sup> See Kimble, *Women, Feminism, and the Law*.

the Constitution and the Civil code played in defining all women's inequality in the family and society. The revolutionary nature of the law, however, inspired much discussion throughout Europe on the evolution in gender roles. The opening of this profession provided women with the opportunity to demonstrate their skills as advocates, critical thinkers and orators. The occasion engendered discussions about the nature of gender-appropriate legal work. The traditionally male legal profession had monopolized the field of juvenile justice and the admission of women into the legal field raised questions about women's potential roles with delinquent youth and the newly emerging juvenile courts (established in 1912).<sup>20</sup> Broadly speaking, the central issues for the following decades were the interplay between women's experiences in the legal profession and women's struggle for equality under the law.

### Cause Lawyering and Moral Arguments

In French history, politically engaged lawyers used the courts as sounding boards for *idées-forces*, ideas that were capable of influencing the mentality of others and the structures of their society. Commitment to political ideas was not always the best way to win a case, but it could be an effective strategy to influence public opinion. Political engagement by lawyers could be signalled in court by the use of a rhetorical technique called *la plaidoirie de rupture* wherein the lawyer espoused the political opinions of his or her client, attacked the establishment and spoke in defence of individual liberties.<sup>21</sup> French legal sociologist Lucien Karpik found that lawyers have also used their defence arguments as 'political pedagogy', generating explanations that liberal forces outside the judicial system could use to 'consolidate and extend true civil and political citizenship'.<sup>22</sup> The work of the pioneering French feminist lawyers engaged in such strategies to benefit the women's rights movement and other republican-based political movements.

Maria Vérone was among the exemplars of politically engaged lawyers who used legal knowledge to advocate for judicial and legal change inside and outside the courtroom. A true *doyenne* (leader) of the Paris bar, Vérone's female colleagues saw her as a mentor and admired how her professional work

<sup>20</sup> Sara L. Kimble, 'No Right to Judge: Feminism and the Judiciary in Third Republic France', *French Historical Studies*, 31/4 (2008), pp. 609–41.

<sup>21</sup> Bernard Sur, *Histoire des avocats en France, des origines à nos jours* (Paris, 1997), pp. 196–9.

<sup>22</sup> Lucien Karpik, 'Builders of Liberal Society: French Lawyers and Politics', Nora Scott trans., in Terence C. Halliday and Lucien Karpik (ed.), *Lawyers and the Rise of Western Political Liberalism: Europe and North America from the Eighteenth to Twentieth Centuries* (New York, 1997), p. 109.

reflected her ideological commitments.<sup>23</sup> Moreover, she advocated individual rights by means of *la plaidoirie de rupture* and was one of the few pioneers to receive wide approbation during her lifetime.<sup>24</sup> Vêrone was born into a family of modest means in Paris where her father worked as an accounting clerk, and her mother worked in shops as a *fleuriste-plumassière* decorating women's hats and clothes with feathers and fabric flowers.<sup>25</sup> Her father, Gustave Vêrone, was among a small cohort of men and women who established the National Federation of the Free Thinkers, an organization Maria joined while still a teenager. In this group, Maria likely met a handful of influential professional women, including education inspector Pauline Kergomard, Maria Pognon, and Marie Bonneviel, the president and secretary-general of the French Women's Rights League.<sup>26</sup> After Vêrone was fired from her first teaching job for a speech on secular education, she was fortunate to land at Marguerite Durand's *La Fronde* as a reporter. In the late 1890s, starting at the age of 23, she wrote about legal topics under the pseudonym 'Themis', Greek goddess of good counsel and social order. As historian Steven Hause noted, Vêrone and her colleagues 'forced exclusively masculine institutions such as the stock exchange to accredit women as journalists for the first time'.<sup>27</sup> At that time, Vêrone was one of the few women who also secured admission to professional journalism associations and briefly became a pioneering legal reporter.<sup>28</sup> Vêrone entered law school while simultaneously working for *La Fronde* (1897–1905) and serving as general secretary of the French Women's Rights League. She would complete her law degree in 1907 and become the fifth woman to join the Paris bar.

Vêrone believed that women's political participation and legislative reform were the keys to improving the condition of the disadvantaged. She was involved in many social justice and women's rights organizations, the most important of which were the French Women's Rights League and the National Council of French Women (an ICW affiliate). From 1912 on, she also served on the influential extra-parliamentary Committee to Defend Children in the Justice System and revised the law to improve the treatment of delinquent youth.

<sup>23</sup> Vêrone's involvement in the feminist movement has been described most comprehensively by Hause and Kenney, *Women's Suffrage*, and Bard, *Filles de Marianne*.

<sup>24</sup> See Raymond Hesse and Lionel Vastorg (ed.), *Leur Manière* (Paris, 1925).

<sup>25</sup> Hause and Kenney, *Women's Suffrage*, p. 53.

<sup>26</sup> Jacqueline Lalouette, *La Libre pensée en France: 1848–1940* (Paris, 1997), pp. 94–5. On these women see Linda L. Clark, *Women and Achievement in Nineteenth-Century Europe* (Cambridge, 2008).

<sup>27</sup> Hause and Kenney, *Women's Suffrage*, p. 35.

<sup>28</sup> Sara L. Kimble, 'Popular Legal Journalism in the Writings of Maria Vêrone and *Le Droit des femmes*', paper presented at the Western Society for French History conference, Portland, 12 November 2011.

She is credited with catalysing votes on at least three laws related to juvenile welfare alone.<sup>29</sup>

By 1909, Vérone had developed a grand vision of republican universalism that she would promote throughout her lifetime that held:

Woman, a human being like man, endowed like him with reason, giver of life and first teacher to the child, bound to the same duties in the family and society as he, vulnerable to the same pains as he, must possess the same rights as man and participate in the creation of laws with him.<sup>30</sup>

She argued that the declaration of the *Rights of Man and Citizen* from 1789 was 'one of the best steps in the path of human progress' and that a proclamation of human rights needed to be issued to affirm the equality of the sexes.<sup>31</sup>

During the first full year of her career, Vérone cemented her reputation as an *avocate engagée*. In 1908, Vérone argued on behalf of Henriette Roussel, a young florist who had been arrested in July 1907 along with 41 others for posting antimilitarist flyers at a train station in Paris. This incident was part of a series of explosive antimilitarist demonstrations that emerged as an outgrowth of the early twentieth-century French labour movement.<sup>32</sup> When she was arrested, Roussel had copies of an antimilitarist pamphlet in her possession, the *Young Recruits' Manifesto*, a document that incited soldiers to desert the military. In her defence argument, Vérone did not try to persuade the jury that her client was innocent; rather, she characterized Roussel as a pacifist and argued that it was women's duty to protest against war. Vérone was 'armed with evidence, spoke with a clear voice, and made graceful gestures' to justify Roussel's participation in anti-government demonstrations.<sup>33</sup> Vérone claimed that pacifists strengthened the nation in their effort to preserve the lives of their children, brothers and husbands. Moreover, she claimed that women's campaigns for peace were not a threat to society (unlike the anarchists), and rather that women had a special stake in the prevention of war and disease.<sup>34</sup> Drawing on contemporary ideas about women's moral superiority, Vérone argued that women should be allowed to take a greater role in society, to civilize it in the interests of peace even

<sup>29</sup> Maurice Hamburger, *Nos grands avocats* (Paris, 1930), pp. 170–76.

<sup>30</sup> Maria Vérone, *Appel à la justice adressé par le Conseil national des femmes françaises à la Chambre des députés et au Sénat. Rapport de la section du suffrage du Conseil national présenté par Mme Maria Vérone* (Paris, 1909), p. 20.

<sup>31</sup> Ibid.

<sup>32</sup> Gordon Wright, *France in Modern Times* (New York, 1987), p. 263.

<sup>33</sup> 'Antimilitarisme en Cour d'assises', in *Revue des grands procès contemporaine*, in Emile de Saint-Auban (ed.), vol. 26 (Paris, 1908), p. 302.

<sup>34</sup> Ibid., p. 307.

when such participation violated the law. V rone's arguments won Roussel her freedom: she was acquitted of all charges.<sup>35</sup>

Later that same year, V rone sought to test the 1885 court decree that prohibited women from exercising political rights. In this extra-judicial affair, V rone served as the legal counsellor to Jeanne Lalo , a candidate for the Municipal Council of Paris. Lalo  ran on a feminist platform calling for free nurseries and greater government subsidies for housing. The newspaper *Le Matin* supported Lalo 's candidacy as a kind of publicity stunt. V rone, however, used the occasion to promote women's electoral rights. V rone's persistence and willingness to challenge authority enabled Lalo  to hold an electoral meeting on public property, despite the obstructionism of the local mayor.<sup>36</sup>

In the final tally of ballots cast by men in the Paris municipal elections of 1908, Lalo  received approximately 22 per cent of the votes. Election officials ruled her candidacy invalid and annulled these ballots because women did not have the right to run for or be elected to office. V rone protested the official decision to dismiss the ballots, arguing that the administration was attempting to substitute its own will for popular sovereignty as expressed in the contested ballots. She asserted that public opinion and jurisprudence were on the side of feminism and that equality and justice would prevail.<sup>37</sup> In the end, V rone succeeded by facilitating the first electoral campaign, though not the election, of a female candidate in twentieth-century France. At the July 1908 Congress on women's civil rights and suffrage, she argued that the time was ripe to push for political rights on the municipal level. The following year, the National Council of French Women, the largest women's rights organization in France, decided to lobby for voting rights at this level.

Many of the women who followed V rone into the legal profession were equally motivated to address feminist issues as matters of law and social policy. The stars of this generation included Agathe Dyvrande, Suzanne Grinberg, Marcelle Kraemer-Bach, Andr e Lehmann, Yvonne Netter and Odette Simon-Bidaux. These women followed V rone's example in their dedication to the legal profession, their engagement with legal issues through journalism and public speaking, and their leadership in social justice and women's rights organizations. The most important campaigns included securing women's right to work on an equal basis, reforming women's rights in the Constitution and under the Civil code, and building alliances with other female lawyers across national borders.

<sup>35</sup> 'La premi re d fenderesse en cour d'assises', *La Fran aise*, 12 January 1908.

<sup>36</sup> Steven C. Hause and Anne Kenney, 'Women's Suffrage and the Paris Elections of 1908', *Laurels*, 1/41 (1980): pp. 21-32.

<sup>37</sup> Maria V rone, 'Actualit . Victoire F ministe', *La Fran aise*, 10 May 1908.

**Equality for Women in the French Legal Profession and 'the Right to Judge'**

Throughout the early twentieth century, female lawyers objected to the fact that their career opportunities were truncated because they were women. The law of 1 December 1900 was written so narrowly as to admit women only as *avocates*. No provisions were granted to admit them to a variety of posts for which, except for gender, they would have been qualified. This meant that women could not work as court clerks or notaries, and they were ineligible for appointments to the judiciary or public prosecution. Attorney Agathe Dyvrande faulted the narrowness of the 1900 law for 'establishing an inequality, prejudicial to women, between lawyers of the two sexes; it closes the door by which women have already entered into the sanctuary of justice itself'.<sup>38</sup> Dyvrande, the daughter of a prosecutor, had an active legal career from 1907 and vigorously supported the women's rights movement.<sup>39</sup> In 1911, while working for the successful lawyer Eugène Balliman, she requested that women be admitted to plead cases in the higher courts. Specialized lawyers, such as Balliman, enjoyed a near monopoly over all cases heard before the high court, with the exception of electoral ones. The governing council of the bar rejected her argument on the grounds that such access constituted admission to a 'ministerial office' and thus required candidates to have full political and civil rights.<sup>40</sup> This was a convenient argument that put voting rights as an explicit prerequisite for the judiciary.

Feminist lawyers did not relent in their search for ways to convince the members of their profession and the legislature that women merited the opportunity for 'the right to judge'. One of the important battles in this campaign occurred during the debates about the creation of the French juvenile courts. Juvenile court reformers and feminists both hoped to see women employed as juvenile court judges. Since 1907, when a precursor of the juvenile court system opened to serve the Paris region, the new cohort of female lawyers was disproportionately assigned to represent juvenile defendants. The *avocates* could speak from experience about the limitations of the current system. Maria Vérone observed that the juvenile trials were chaotic and fruitless. She criticized the judges for their lack of specialized knowledge, their superficial treatment of individuals and for meting out punitive rather than rehabilitative sentences. She faulted the system for creating unworkably heavy caseloads and providing scanty pre-hearing evidence.<sup>41</sup> Drawing on maternalist rhetoric, Vérone argued

<sup>38</sup> Mme [Ghénia] Avril de Sainte-Croix (ed.), *Dixième congrès international des femmes. Oeuvres et institutions féminines, droits des femmes. 2 Juin 1913, Paris* (Paris, 1914), pp. 577, 407, 397.

<sup>39</sup> 'Une Nouvelle 'avocate', *Le Temps*, 6 November 1907.

<sup>40</sup> 'A Travers Paris', *Le Figaro*, 1 April 1911.

<sup>41</sup> André Mouffler, 'Le meeting du 27 Juin 1911', *Le Droit des femmes*, January 1912, pp. 12–15. See Kimble, 'No Right to Judge'.

for the employment of women as judges in the future juvenile courts because women 'know how to love and to forgive, and also to correct and punish'.<sup>42</sup> The influential jurist Emile Garçon, who opined in 1911 that 'no eloquent, persuasive speeches' were required to justify women's 'obvious and logical role' in the juvenile courts, supported her position.<sup>43</sup> Despite the appeal of such argument, the issue of women's right to serve as judges in the juvenile courts was not so easily resolved. Appointments to the juvenile court bench were made through the same procedures as other jurisdictions, and no special dispensation was then granted to women.

The controversy about the possibility of female judges was primarily a political one. The fact that women were eligible to serve in the commercial courts demonstrated that the issue was not ability but women's civil and political status. In the commercial courts, women could vote and be elected as judges in the lower labour arbitration courts by 1900 and the superior courts by 1903.<sup>44</sup> In the case of the *conseils de prud'hommes* (labour courts) that oversaw disputes between employers and employees, women had been eligible to run for the elected positions since the laws of 1907 and 1908, and, at least by 1930, women were serving as lay judges on an equal basis with men.<sup>45</sup>

The fact that women's unequal citizenship made them ineligible for judicial appointments rankled experienced female lawyers. In the aftermath of World War I, when too few male lawyers were available to fill judicial positions, the National Association of Lawyers debated the issue. Vérone argued passionately for the admission of women to the judiciary, remarking that more than 200 women then worked at the Paris bar alone, and following such a reform, the proportion of female law students would certainly increase from its current 12 per cent.<sup>46</sup> Anticipating that veteran female lawyers would seek places on the bench, Vérone counselled that it would be 'much better to plead in front of a capable competent, experienced woman' than to have one's case judged by a young, inexperienced and less competent man.<sup>47</sup> Her argument was rejected

<sup>42</sup> Jean Lefranc, 'Les enfants coupables et leur protectrice', *Le Temps*, 14 May 1911.

<sup>43</sup> Emile Garçon, 'Quelques observations sur le projet de loi relatif aux tribunaux pour enfants', *Revue politique et parlementaire*, 70 (1911), p. 72.

<sup>44</sup> Georges Scelle, 'La Représentation politique', *Revue du droit public*, 28 (1911), p. 547.

<sup>45</sup> Articles 5–6 of the law of 27 March 1907 extended voting and electability to women. See René Bloch and Henry Chaumel, *Traité théorique et pratique des conseils de prud'hommes* (Paris, 1925), p. 10. Vérone, *Appel à la justice*, p. 9.

<sup>46</sup> Based on total enrolment of 9,971 law students, academic year 1929–30. *Annuaire statistique de la ville de Paris, 1929, 1930 et 1931* (Paris, 1933), p. 533.

<sup>47</sup> Maria Vérone, 'Le Congrès de Marseille', *Le Droit des femmes* (December 1930), 298–300; *Le Congrès d'Alger de l'Association nationale des avocats* (22–24

in favour of lowering the age qualification for men to 23 with the law of 16 July 1930.

As I argue elsewhere at greater length, female lawyers were vigorous and persistent campaigners to open the judiciary to women.<sup>48</sup> They believed their cause would simultaneously advance women's rights, the welfare of defendants and the needs of the nation. The opposition forces argued that women's ineligibility for the judiciary rested with their biological, social and political inequality.<sup>49</sup> Judicial reformers also struggled against the fact that married women's civil rights – including their right to work, to appear in court and to contract – were subject to spousal approval under the Civil code. While these constraints were viewed increasingly as anachronistic, they constituted a bulwark to change nonetheless. The reform movement was disadvantaged not only by law but also by culture. Cultural prejudices painted women as lacking the essential characteristics that judges typified, that is intellect, sangfroid, objectivity and impartiality. Consequently, the battle to remove the gender requirement from the judiciary was a challenge to male hegemony in society.

Although feminists fought for decades to secure those rights, among others, women did not gain the right to become judges until 1946, two years after they were enfranchised. The right to judge would be secured by special legislation initiated by new female representatives in the Constituent Assembly.<sup>50</sup> Dyvrande's demand from 1911 that women be admitted to the ranks of the lawyers arguing in the highest courts was a long time coming. In 1976, Martine Luc-Thaler became the first woman admitted to this exclusive group.<sup>51</sup>

### **Female Lawyers and Civil Code Reform**

Feminist jurisprudence on French Civil code was the special purview of female lawyers. The Civil code was compiled in 1804, under Napoleon, and combined elements from Roman and French law into a coherent national set of standards. The French Civil code proved to be more enduring than any of France's constitutions. Over the past two centuries, the French have lived under 10

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avril 1930). *Bulletin de l'Association nationale des avocats inscrits aux barreaux de France, des colonies et pays de protectorat* (Paris, 1930), pp. 111–12.

<sup>48</sup> See Kimble, 'No Right to Judge', pp. 609–41.

<sup>49</sup> On *capacité politique* in the 1930s, see Anne Boigeol, 'Les femmes et les Cours. La difficile mise en œuvre de l'égalité des sexes dans l'accès à la magistrature', *Genèses*, 22 (March 1996), p. 111.

<sup>50</sup> Kimble, 'No Right to Judge', pp. 635–6.

<sup>51</sup> 'Luc-Thaler (Martine)' in *Who's Who in France. Dictionnaire biographique de personnalités françaises vivant en France et à l'étranger, et de personnalités étrangères résidant en France* (Paris, 2009).



constitutions but only one Civil code. Civil law is the ‘heart’ of French law, and governs relations between individuals – in the family, property, contracts, marriage and succession.<sup>52</sup> Moreover, the influence of the Code spread across Europe both directly during Napoleonic conquests, and indirectly when it was used as a model during legal reform elsewhere.

The Civil code inscribed women’s inequality for the purpose of securing public virtue through control of private virtue. The articles of the Code concerning marriage (Articles 212–26) stipulated that husbands owed protection to their wives, in exchange for which wives owed obedience to their husbands. Patriarchal authority within the family depended upon the subordination of women. Napoleon likened women to possessions – notably fruit-bearing trees – who were ‘destined to make children.’<sup>53</sup> Under the Code, a husband had *puissance maritale* (marital authority) over his wife, her body, her children and her property which included, a right to supervise his wife’s personal conduct and movement, the right to forbid her actions, and, by extension, the imposition of his nationality upon marriage. In practical terms, married women could not move or travel where they wished; they could not open individual bank accounts; and they could not make contracts or work without marital authorization. The Code essentially stripped married women of their basic rights and rendered them ‘eternal minors’ in legal terms.

Dismantling the inequality inherent in the Civil code was a priority for feminist lawyers. By 1896, Jeanne Chauvin optimistically declared that ‘today, more young women and women of the world dare to call themselves feminists, and are convinced of the injustice of the Code.’<sup>54</sup> Chauvin predicted that women who identified with feminism would increasingly hesitate before getting married because of their knowledge of the Civil code, and would also feel empowered to communicate their desire for legal reform to lawmakers.<sup>55</sup> By the centenary of the promulgation of the Civil code in 1904, the collective feminist position was clear: ‘It crushes women!’<sup>56</sup> Shortly after the feminist protests, the French government organized its first extra-parliamentary commission to review the possibility of revising the Civil code. The commission contained 60 men and no women. The Fraternal Union of Women lodged a protest that eligible women, notably lawyers Marguerite Dilhan and Chauvin, had been excluded from the

<sup>52</sup> René David, *French Law: Its Structure, Sources, and Methodology*, trans. Michael Kindred (Baton Rouge, 1972), pp. 108–12.

<sup>53</sup> Albert Damez, *Le Libre salaire de la femme mariée et le mouvement féministe* (Paris, 1905), quote p. 22.

<sup>54</sup> Jeanne Chauvin, ‘La Question féministe devant les chambres françaises’, *La Ligue. Organe Belge du droit des femmes* (1896): 57–65; quote p. 64.

<sup>55</sup> *Ibid.*, pp. 57–65.

<sup>56</sup> Felicia Gordon, *The Integral Feminist: Madeleine Pelletier, 1874–1939* (Oxford, 1990), p. 86.

new commission.<sup>57</sup> An independent citizens' commission of men and women was formed to provide an alternative proposal. Their plan to make 'civil equality of the two sexes' the 'fundamental principle of modern law' translated into a proposal to change 83 articles of the Code.<sup>58</sup> This idealistic plan signalled a vision for reform where eventual enactment in 1938 would require cooperation from male legislators and government officials.<sup>59</sup>

Although feminists would have preferred to see women's legal inferiority swept away in one effective overhaul, the actual process was gradual. Married women were granted small rights through legislative action in a piecemeal fashion through the cooperation of feminists and their political supporters. For example, married women gained limited financial autonomy to open savings accounts (1881, 1895); control over their salaries (1907); to serve as guardians in the family (1917); to join a union without marital permission (1920); and to choose their own nationality (1927). All women gained the right to serve as witnesses in civil acts (1897), file paternity suits (1912), and a right to equal pay (1919). The government responded to the post-war demographic crisis and the financial fragility of families by establishing penalties for family abandonment (1921), extending paid maternity leaves (1928), and providing other assistance to families with children. Feminists had a hand in all these changes.<sup>60</sup>

Feminist lawyers were particularly active in the effort to legalize paternity suits. Paternity suits were essentially outlawed by the Civil code in Article 340 to protect the 'legitimate family', with little regard to the quality of life for out-of-wedlock children.<sup>61</sup> Jeanne Chauvin argued in a public speech that Article 340 of the Civil code should be rewritten to permit paternity suits and require fathers to pay for the food, living expenses and education of their children. She also wanted mothers to be able to file suits claiming damages and interest against fathers. In 1900, at the Second International Conference of Feminine Organizations, Chauvin and radical republican lawyer and *homme politique* Marc Réville proposed legal strategies to pursue absent fathers to provide for

<sup>57</sup> 'Le Mouvement féministe', *Le Devoir*, 29 (1905), p. 105.

<sup>58</sup> Henri Coulon quoted in Iwan Bloch, *The Sexual Life of Our Time: In Its Relations to Modern Civilization* (London, 1908), pp. 219–20; quote p. 220. See also Henri Coulon and René de Chavagnes, *Le Mariage et le divorce de demain* (Paris, 1908).

<sup>59</sup> The reforms enacted in 1938 did little to alter the legal powers of the husband. See Paul Smith, *Feminism and the Third Republic: Women's Political and Civil Rights in France* (Oxford, 1996), pp. 163–211.

<sup>60</sup> See Bard, *Filles de Marianne*; Laurence Klejman and Florence Rochefort, *L'Égalité en marche. Le féminisme sous la Troisième République* (Paris, 1989); and Karen M. Offen, *European Feminisms 1700–1950: A Political History* (Stanford, 2000).

<sup>61</sup> See Rachel G. Fuchs, *Contested Paternity: Constructing Families in Modern France* (Baltimore, 2008).

their children through the court system.<sup>62</sup> Chauvin's vision of social justice for women depended on reforming legislation, consciousness-raising and court enforcement of laws. To combat women's own ignorance of the law, Chauvin offered free law classes at the city hall on family law topics including paternal authority and mother's rights.<sup>63</sup>

The right to file paternity suits was finally enacted in 1912, yet feminist lawyers criticized the law for its shortcomings and strict evidentiary requirements. The new 1912 law gave single mothers the right to sue fathers for child support until the child reached the age of majority. Single mothers had to prove that they had been raped or kidnapped at the time of conception, or had cohabited, or could provide proof of a promise of marriage or other concrete evidence of the father's recognition of paternity of the child. Lawyers Vêrone and Kraemer-Bach formulated the position for the National Council of French Women that these restrictive requirements came at the expense of the needs of children.<sup>64</sup> *Avocate* Hélène Miropolsky used a court case to criticize the 1912 law for failing to provide adequate protection for seduced mothers and their children. She argued that under the Code a 'woman is almost fatally condemned to become a complete victim. In cases of seduction, for a woman to obtain recourse, it is necessary to prove the man's clear intention to cause her harm', and such proof was difficult to acquire.<sup>65</sup> Moreover, rigid application of the evidentiary requirements undermined the usefulness of the law. At the time, news of this modest legislative advancement reached few of the women who might have benefited from the law. Few women fully understood what kind of evidence they needed to collect that could help them in court, or that they needed to act quickly to improve their chances of success. To educate the public, female lawyers publicized legal changes through their free law clinics, speech tours, newspaper columns and other publications.

Mothers' rights were just one aspect of the broad campaign by feminist lawyers for equality. Vêrone put legal equality at the top of the platform in her role as President of the French Women's Rights League (1919–38). In 1920, Vêrone published her most important and comprehensive guide to women's legal status: *La Femme et la loi*.<sup>66</sup> Composed in direct and unpretentious language, this work addressed issues of civil law, labour legislation, institutions of social assistance and penal law. In the area of civil law, she was most concerned with reforming married woman's nationality to free it from its state

<sup>62</sup> Léon Parsons, 'Les Congrès de l'exposition. Oeuvres et Institutions féminines', *Revue Bleue*, 4/14 (7 July 1900): pp. 56–9.

<sup>63</sup> Maria Martin, 'Le féminisme marche', *Journal des femmes*, December 1900.

<sup>64</sup> Ann Taylor Allen, *Feminism and Motherhood in Western Europe 1890–1970: The Maternal Dilemma* (New York, 2005), p. 147.

<sup>65</sup> Suzanne Dudit, 'Quand un seul paie pour deux', *Minerva*, 2 April 1933.

<sup>66</sup> Maria Vêrone, *La Femme et la loi* (Paris, 1920).

of dependency. Her publication argued that legal inequalities impinged upon women's freedom and their ability to act for the wellbeing of their family.

By 1925, a delegation of Radical Party women went to the minister of justice to request the abrogation of the Civil code articles that dictated women's inequality within marriage. This resulted in a new extra-parliamentary commission to prepare legislation to improve married legal women's status. The participating female jurists included Grinberg, Kraemer-Bach, Netter, and Simon-Bidaux. As Grinberg remembered it, the central purpose of the commission was not a moral and legal revolution but rather an adaptation of the law to present needs.<sup>67</sup> Kraemer-Bach had believed at the beginning that it would be 'facile' to pass a series of 'short and distinct' laws that would partially modify the Code. She soon learned that this was 'impossible' because one reform to the Code pulls on another, threatening to unravel the entire structure. She supported total revision and defended such an approach as the effective way to 'protect women and children'.<sup>68</sup>

Simultaneously, the national feminist movement lent its weight to push for reform. The 1926 Paris meeting of the International Alliance of Women for Suffrage and Equal Citizenship provided feminist lawyers the opportunity to offer their 'witty' and 'destructive' criticism of the Civil code.<sup>69</sup> Grinberg argued that advanced industrial societies recognized men and women as human beings of equal worth. To bring such an ideal to fruition, laws and institutions must be reformed to end the alienation and subordination of women. She believed that the growing consensus that women were equal was a consequence, in part, of women's participation in traditionally masculine professions. Moreover, women's participation in paid work, which had always been high in France, also required new rights to facilitate their movement in the public world. Optimistically, Grinberg noted that 'little by little, ideas are overturning and reversing established traditions'.<sup>70</sup> Ending discrimination in the Civil code was thus essential to true progress.

In 1929, Vérone called for the total suppression of the incapacity of married women under the law at the *Etats-Généraux du Féminisme* congress. Vérone served then as the president of the legislative section for the National Council

<sup>67</sup> 'D'un romantisme à l'autre et le fameux Code Napoléon. Conference dialoguée de Mme Suzanne Grinberg et de M. Jacques Ditté', *Conférenciia*, 20 February 1930, p. 232 in Bibliothèque Marguerite Durand, dossier Code Napoléon.

<sup>68</sup> Marcelle Kraemer-Bach in Albert Blas (ed.), 'Séance Commune de l'Institut de droit comparé et de la Société de législation comparée, 31 mai 1933', *Bulletin de la Société de législation comparée*, 62/7 (July–September 1933): pp. 355–9.

<sup>69</sup> International Alliance of Women for Suffrage and Equal Citizenship, *Report of Tenth Congress. Paris, France May 30th to June 6th, 1926* (London, 1926), pp. 38–9.

<sup>70</sup> Suzanne Grinberg, 'Le Congrès de l'Alliance internationale pour le suffrage des femmes', *La Renaissance politique, littéraire, artistique* (1926): pp. 1–2.

of French Women. From this powerful position she urged other delegates to see that the Code was at the heart of women's position as civil minors, leaving them 'along with the insane and with children' with few rights. 'The law must be modernized since everything in the law relative to the family is based on the principle of the husband's authority and the obedience of the wife'.<sup>71</sup> She easily persuaded the conference to support a resolution calling for the radical alteration of the Civil code. By 1933, Vêrone was impatient to see the Civil code reform (then in the form of the 'Renoult' bill) brought to fruition. She lamented that 'in the country of the Rights of Man, we are still waiting for the proclamation of the Rights of Woman'.<sup>72</sup>

When a Civil code reform was finally approved, it altered 71 articles of the Code, abrogated another 24 and added new articles on community property.<sup>73</sup> Judge and legal theoretician Marc Ancel claimed that the improvements were a 'result of the feminist movement'.<sup>74</sup> However, the law did not provide for the comprehensive overhaul that feminist had envisioned. With the resulting creation of the law of 18 February 1938, married women theoretically gained the right to exercise a profession, to control their private correspondence, and to apply for passports and identity cards.<sup>75</sup> Husbands retained the right to control where the family lived, and many of their traditional paternal powers. A husband also retained the right to oppose a wife's separate profession (Article 216) if he argued that such work interfered with the interests of the family or housekeeping. Vêrone criticised the results :

[That the law constituted] only weak progress towards addressing the current situation. The law claims to give the wife her full civil capacity but it leaves to the husband the right to choose the domicile and the right to oppose his wife's profession; it suppresses obedience due ... but it acknowledges the husband as the *chef de famille* [head of the family].<sup>76</sup>

<sup>71</sup> *La Française*, 29 February 1929, quoted in Smith, *Feminism*, p. 178.

<sup>72</sup> Maria Vêrone, 'Droits civils ou droits politiques', *L'Oeuvre*, 1 July 1933.

<sup>73</sup> Marc Ancel, 'Le Projet français sur la capacité de la femme et les enseignements du droit comparé de l'Université de Paris I', *Annales de l'Institut de droit comparé de l'Université de Paris I* (1934): pp. 145–68.

<sup>74</sup> *Ibid.*, p. 149.

<sup>75</sup> The right to passports and identity cards was previously granted by the circular of 14 June 1937.

<sup>76</sup> Maria Vêrone, 'La Femme devant la loi à travers le monde', *Bulletin de l'Association juridique internationale* (December 1937), p. 22.

Kraemer-Bach argued that the need to create equality between parents remained 'urgent'.<sup>77</sup> Consequently, feminist lawyers carried on their campaign for full emancipation. After World War II, Andrée Lehmann, feminist lawyer and President of the French Women's Rights League, demanded that the Civil code be 'revised so that the husband and wife are considered to be two associates in law and that any action involving family life should be agreed upon by the two spouses'.<sup>78</sup> Further revisions were approved piecemeal throughout the 1950s, 1960s and 1970s.

The strength of the feminist lawyers' activity in France was facilitated by the vivacity of women's suffrage groups and the rising effectiveness of professional organizations to facilitate networking. Every women's association had its lawyers who wrote for feminist periodicals, spoke at conferences, and drafted or lobbied for specific legal reform.<sup>79</sup> These lawyers were spread out across the left and centre of the political spectrum, representing socialists (Germaine Picard-Moch and Simone Weiler), Catholics (Marie-Thérèse Moreau), the republican Radical Party (Marcelle Kraemer-Bach), and the Parti Démocrate Populaire (Germaine Poinso-Chapuis). These women and their colleagues belonged to numerous other political and professional organizations, and they pushed each one to campaign for women's rights.

Simultaneously, feminist lawyers were involved in associations to build solidarity with other women across national lines. The Franco-American alliance between lawyers cultivated during the belle époque spawned new associations, but they could not expand into other European countries until those locations began to graduate women from law schools and admit them to the profession. A wave of progress in this regard occurred after World War I when new nations, eager to reconstruct their fragile democracies along egalitarian lines, granted women a variety of equal rights. Nevertheless, Paris remained the headquarters for many of the important women's associations, such as the enduring International Federation of Women in Legal Careers (FIFCJ).<sup>80</sup>

During the interwar years, lawyers played key roles in the new organizations formed to protect and defend the interests of educated and working women, such

<sup>77</sup> Marcelle Kraemer-Bach, 'La Capacité de la femme mariée en droit français (loi du 18 février 1938) et en droit comparé', *La Revue pratique de droit international*, 26 (1937), p. 23.

<sup>78</sup> *Le Droit des femmes*, March–April 1946 quoted in Sylvie Chaperon, "Feminism is dead. Long live feminism!" The Women's Movement in France at the Liberation, 1944–1946, in Claire Duchén and Irene Bandhauer-Schöffmann (ed.), *When the War Was Over: Women, War and Peace in Europe 1940–1956* (London, 2000), pp. 146–60; quote p. 155.

<sup>79</sup> Smith, *Feminism*, p. 170.

<sup>80</sup> On the FIFCJ, see Sara L. Kimble, 'Women, Law and Friendship: Activities of the International Federation of Women in Legal Careers between the Two World Wars', paper presented at the Social Science Historical Association Conference, Minneapolis, 5 November 2006.

as the International Federation of University Women (IFUW); the International Federation of Business and Professional Women (IFBPW); the Open Door International (ODI); and the FIFCJ. The FIFCJ played an important role in the early twentieth century to forge bonds between ‘modern Portias’, especially those female lawyers newly emerging in Europe.<sup>81</sup> Feminist jurists understood well that they had to fight on multiple fronts – at international legal forums, within women’s organizations, and through national legislation – to advance the cause of women’s equality. They worked together to support reform efforts in the Second Spanish Republic, France and Estonia. They also opposed legal clauses that discriminated against Jews in Hungary, Romania, Poland and Germany. The hallmarks of their approach included persistence and flexibility at evoking sympathy for their priorities, even from somewhat reluctant partners. These lawyers recognized that ‘the growing interconnectedness of the modern world meant that questions of labour legislation, nationality, and the traffic in women could only be addressed on the international plane.’<sup>82</sup> Consequently, these groups worked together to pressure international organizations such as the League of Nations and the International Labour Office to enact measures to advance women’s equality.

### **The Pen and the Black Robe: Journalism and Lawyering**

Lawyers engaged not only in legal practice and political activity; they were also passionately engaged in writing for the average reader. Numerous lawyer-journalists contributed to greater knowledge about women’s status under the law by publishing in the ‘women’s press’, the legal papers and the mainstream news. Writing for the women’s press began to flourish after the censorship rules were profoundly relaxed by the Press Law of 1881. This period saw the rise of feminist press, including Hubertine Auclert’s paper *La Citoyenne* (1881–91) wherein she advocated the end of women’s subordinate legal status under the Civil code and called for women’s equality under the law. Most famous was Marguerite Durand’s daily newspaper *La Fronde*, published by a nearly all-female staff, which stayed in print from 1897 to 1905.<sup>83</sup> The weekly *La Française*, created in 1906 by journalist Jane Misme, was a paper about ‘feminine progress’.

<sup>81</sup> Marcelle Kraemer-Bach, *Les Inégalités légales entre l’homme et la femme* (Paris, 1927), p. 2.

<sup>82</sup> Leila Rupp, *Worlds of Women: The Making of an International Women’s Movement* (Princeton, 1997), p. 155.

<sup>83</sup> See Sara Kimble, ‘Popular Legal Journalism in the Writings of Maria Vérone,’ *Proceedings of the Western Society for French History*, vol. 39 (2011), pp. 224–235. On *La Fronde* see Mary Louise Roberts, ‘Copie subversive. Le journalisme féministe en France à la fin du siècle dernier,’ *Clio*, 6 (1997): pp. 230–47; and Sandrine Lévêque, ‘Femmes,

*Le Droit des femmes* was founded in 1869 by Léon Richer and Maria Deraismes as an outlet for the French League for Women's Rights, and its publication run extended from 1869 to 1971 with only brief interruptions during the World Wars. *Le Droit des femmes* was an important site for discussion about gender discrimination, feminist protest, and functioned as a watchdog of women's equal rights. Chauvin and Vêrone were among a large group of female lawyers who eagerly published on legal topics.

By the interwar period there were a sufficient number of female lawyers moonlighting as journalists writing in a style that can plausibly be labelled 'feminist legal journalism'. This form of journalism attempted to use the power of the popular press to change laws, soften hearts and promote gender equality in modern French society. Such writing put gender at the centre of legal analysis and the articles were written in such a way as to democratize legal knowledge. Unlike courtroom pleadings, journalism was more conducive to expressing political opinions. This was particularly true for interwar era France, when newspapers were often sponsored by, or aligned with, political organizations.<sup>84</sup>

During her 40-year journalistic career, Vêrone wrote for at least 16 journals, published four books and pamphlets, and contributed chapters to three other books. Her articles and columns appeared in centrist or left-wing publications – including *L'Oeuvre*, *Le Matin*, *La Paix*, *La Bataille Syndicaliste*, *La France Libre* – and in the women's press with feminist leanings: *La Française*, *Le Journal des femmes*, *Minerva* and *L'Action féministe*. Her huge corpus of articles – numbering easily 1,500 – provides scholars with important sources of her ideas and activism. Vêrone published approximately 500 articles in *L'Oeuvre* alone in a regular column that ran from 1926 to 1936 on Wednesdays. In her columns Vêrone typically offered legal advice and provided socio-political commentary, promoted feminism and called for legal reforms to improve the treatment of women and children in society. The primary purpose of Vêrone's articles in *Le Droit des femmes* and *L'Oeuvre* was to bring women's concerns to the forefront while exploring the conflict between existing laws and the reality of women's lives. Most frequently, she addressed the themes of women's inequality under the law; offered critiques of the judiciary; and illustrated the role of feminism in addressing legal questions.<sup>85</sup>

Yvonne Netter was also devoted to addressing the injustice of women's legal situation. Netter had joined the bar in 1920 following an unhappy marriage and divorce. While raising her son, she was active in feminist and Zionist

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féministes et journalistes. Les rédactrices de *La Fronde* à l'épreuve de la professionnalisation journalistique', *Le Temps des médias*, 1/12 (2009): pp. 41–53.

<sup>84</sup> For French press history, see Claude Bellanger (ed.), *Histoire générale de la presse française. Tome 3: De 1871 à 1940*; Christophe Charle, *Le Siècle de la presse: 1830–1939* (Paris, 2004); and René de Livois, *Histoire de la presse française*, vol. 2 (Paris, 1965).

<sup>85</sup> Kimble, 'Popular Legal Journalism'.



organizations while maintaining a successful legal practice and writing for the French press. She wrote hundreds of articles on legal topics for *La Femme de France* and contributed articles on family and civil law for a dozen other newspapers. Netter's column in *La Femme de France* ran from 1928 to 1937. Her topics were invariably practical ones, including the staples of family law: prenuptial agreements, divorce, paternal power, paternity suits, married women's right to earned income (law of 1907) and illegitimate children. She also wrote on political topics such as the suffrage campaign, the efforts to secure an independent nationality for married women and other feminist activities. She regularly incorporated news of current lawsuits, especially those involving murders or family law matters. Her articles and books were a direct response to the kinds of questions she was repeatedly asked in her professional capacity as a volunteer counsellor at the town hall and her decades in private practice. She published legal manuals for lay readers, including *La Code de la femme et enfant* (1926), *Code pratique de la femme et de l'enfant* (1930), and *Plaidoyer pour la femme française* (1936).

Similarly, Marcelle Kraemer-Bach, a Parisian lawyer of immigrant origins, started and edited her own monthly newspaper devoted precisely to providing legal information for women. Kraemer-Bach's *L'Information féminine* (1927) was intended to dispel common confusions about civil and family law. She called her journal the 'First French Revue of Law and Women's Interests'. This periodical spoke in particular about the reform of the Civil code to permit women to become autonomous actors in the public sphere, regardless of their marital status. The purpose of the periodical was to address common confusions about civil and family law from correspondents. The letters from readers testified to married women's difficulty in obtaining passports, opening bank accounts or obtaining joint custody of their children after divorce. The letters also highlighted a lack of awareness about the ways in which the Civil code constrained women's civil rights, particularly those granting the husband authority over his wife, or the legislative gains that improved women's control over their own property.<sup>86</sup> Despite the obvious uniqueness of the monthly magazine it only survived for a few months in 1927. After the paper folded, Kraemer-Bach continued to write legal articles for the popular press and academic journals, as she had done in prior years.

The discussions of legislation, justice and social morality that peppered feminist lawyers' articles constitute central topics in French legal journalism. Such legal discussions had a place in ordinary periodicals because one of the central conceptions of law in French society holds that law is essential for creating justice. As legal historian René David explained, French law is based

<sup>86</sup> The most complete copy of the *revue* exists at the BMD (396 INF Bul; Per B F° Bob, 28).

on 'universality and ... the perfection of a just society'.<sup>87</sup> David argued that the very purpose of law in France is to make (and remake) the social order through the articulation of its principles. Thus, law also instructs citizens on proper behaviour in accordance with communal ideas of morality and justice. Feminist lawyers, with their allies in the women's emancipation movement, sought to change the Civil code and the Constitution precisely because law functions as an expression of social morality and an organizing principle for society.<sup>88</sup>

The rich materials that constitute feminist legal journalism from the interwar period, introduced briefly here, lead to four central observations. First, lawyers' legal columns often included free advice to readers on how – if they faced divorce, wanted to file a paternity suit or file a property claim – they might secure the best outcome for themselves. Consequently, lawyers both shared their reflections on the common workings of the justice system and offered counsel to potential clients. Second, these articles encouraged readers to become more knowledgeable about the impact of the law on their lives. These legal columns were almost invariably about women's legal condition, so plausibly the anticipated readership was female. Third, as lawyers promoted their vision of legal reform they often invoked the good work done by feminist organizations to make the broader movement relevant to readers. Finally, these journalistic activities benefited the authors by solidifying their reputations as public intellectuals. Moreover, journalism generated supplemental income that would have been especially helpful for lawyers such as these who were well known for taking on many pro bono cases.

In this historic context, feminist legal journalism was informed by a view of the world that privileged the clients' experience and anticipated legal ramifications of cases going to court. These legal articles were filled with life lessons that urged ordinary folk to try not to fall into existing traps. If feminist legal journalism succeeded in demonstrating the utility of lawyers to society – primarily as legal counsellors and political critics – then the reputation of the profession might well have received a corresponding boost. These journalistic efforts suggest that the lawyers were invested in pushing the profession away from its connotations as self-serving and apolitical towards an image of lawyers who operated with a moral conscience on behalf of the disadvantaged.

## Conclusion

Recent scholarship by sociologist Anne Boigeol and lawyer Ludovic de Boisbrunet on the post-war French legal profession found that improvements

<sup>87</sup> David, *French Law*, p. 75.

<sup>88</sup> See Kimble, *Women, Feminism, and the Law*.

in the representation of women in the profession only began in the 1970s. Discrimination, harassment and hostility towards women have declined gradually. Ironically, the impressive numbers of women entering the profession since the 1990s has prompted governmental inquiries into this ‘feminization’ of the profession for its threat to status and earnings.<sup>89</sup>

The history of women’s participation in the French legal profession indicates that the republican tradition of political engagement was a defining characteristic for many of the pioneering *avocates*. French female lawyers of the early twentieth century were often engaged in altruistic service or ‘cause lawyering’, using their professional work and expertise to build a better society. In the face of discrimination and in the climate of burgeoning social change, the early *avocates* articulated feminist ideals and joined the politically influential republican and left-wing organizations of the era. By modelling a politics of care and professional excellence, these *avocates* put a positive face on the profession, and made the idea of lawyering both more political and more humane. Given this history, perhaps it should come as no surprise that the profession now attracts historic numbers of women. As of 2010, women constitute 51.2 per cent of the profession.<sup>90</sup>

During the first half of the twentieth century, the feminist lawyers’ movement engaged in varied forms of activism, from test cases to outright political activism for legal reform. Feminist legal criticism was expressed vehemently and widely, whether at conferences, in the press and publications or in the courtroom. While not all female lawyers were feminists, the leadership of the bar was unabashedly committed to campaigning for equality under the law. An important segment of the women who joined the French legal profession in the early decades of the twentieth century were also committed to feminist socio-legal change. Their activism for women’s rights and legal reform led to changes in positive law and impacted gender roles. These lawyers demonstrated through their professional work and political activism that women could act as citizens even when they did not have the right to vote or stand for election. Yet, their arguments and actions clearly aligned them with the values of their French republican society: meritocracy, justice and social solidarity. Not only did they value their republic but they also firmly believed in women’s capacity to contribute to the greater perfection of society. Their political engagement was signalled by their

<sup>89</sup> Boigeol, ‘Les Femmes et les Cours’; and Ludovic de Boisbrunet, *La Justice des femmes. Essai sur la féminisation de la magistrature française* (Paris, 2003). On the feminization of the legal profession, see Marie-Claude Calot, ‘Les Femmes et la magistrature’, *Revue de la recherche juridique. Droit Prospectif*, 2 (1997): pp. 733–41; Martial Kaminske (ed.), *Les Femmes dans les professions libérales* (Paris, 1995); Carrie Menkel-Meadow, ‘Feminization of the Legal Profession: The Comparative Sociology of Women Lawyers’, in Richard Abel and Philips Lewis (ed.), *Lawyers in Society: An Overview* (Berkeley, 1995), pp. 221–80.

<sup>90</sup> Observatoire du Conseil National des Barreaux, ‘Avocats: évolutions et tendances de la profession’ (Paris, 2011), p. 24.

willingness to serve on extra-parliamentary commissions, engage in letter-writing campaigns to government officials and make public arguments about rights. Although *avocates* drafted model legislation and articulated feminist jurisprudence, there is no doubt that their ability to influence the rewriting of the French Constitution and the Civil code was restrained by the lack of formal rights.

These lawyers were also deeply concerned with the administration of justice. They worked frequently, though not exclusively, for poor clients and underage defendants. Consequently, they expressed misgivings about the current system by criticizing the weaknesses of existing formal protections and mechanisms for the delivery of justice. *Avocates'* argument that experienced professional women ought to be incorporated into the judiciary, especially at a time of great need following the devastation of World War I, was a result of their desire to see women serve the nation through the courts. At this point, among others, they were unwavering defenders of women's right to work and the high moral and intellectual quality of such work.

French feminist lawyers were a numerical minority but they made a disproportionate impact on their society. They challenged gender roles by demonstrating women's capacity to succeed in this traditionally masculine legal profession. As political activists, they claimed fundamental individual rights enshrined in such documents as the *Declaration of the Rights of Man and Citizen* (1789) as the birth right of women too. The defence of individual rights was ultimately the central legacy of the feminist lawyers' movement of twentieth-century France.

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