

# The Commonwealth Law Review.

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## THE LAW AS A PROFESSION FOR WOMEN.

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**T**HE words of a pioneer on his work are always interesting, inasmuch as they give us the first impressions of a country hitherto unknown to the pioneer, and the opinions formed as to the outlook in his new environment for the future. In America, women have for some time invaded the profession of the law, and have, so far as the evidence goes, invaded it to the extent of occupation. In Australia, the invasion has begun, and the leader of the invaders is established as a practising lawyer in Melbourne. Nowhere in the British Empire is conservatism more marked than in the legal profession, which renders the action of a woman to seek entrance to its ranks a bold undertaking, and one calling for exceptional qualities to make it successful. Not alone courage and persistence, but a more than ordinary careful professional preparation, and a resolve to win through, are essential to a woman who can dare enter a profession which is practised not alone before the eyes of the public, but before the highest members of the profession—the Judges, critically passing on her words and actions, and pitting her intellect and knowledge in public against the intellect and knowledge of

## THE COMMONWEALTH LAW REVIEW.

men old in the same profession. Appreciating the demands that the practice of the Law makes upon a woman, and viewing it from a practical standpoint, Miss Greig, Barrister and Solicitor of the Supreme Court of Victoria, the first woman lawyer to practise in the Commonwealth, in the following pages gives her views on the subject of Law as a Woman's Profession—pages that cannot fail to be of interest and value to our readers.--ED.

It is now more than a century since women started erecting that great stage, on which ever since from time to time some new actor has appeared, has called forth all sorts of comment for an hour or so, and then has gradually merged from the latest novelty into the generality. There are factory girls and shop girls, representing almost every trade; there are domestic workers of all kinds, who live not in the homes they work in; there are civil servants and University women, medical practitioners, journalists, dentists, actresses, and what not. And more important still, there are women's organisations which are growing larger and more numerous every day. Friendly societies, social clubs, sports clubs, charitable institutions, trade unions, and learned societies, and, last but not least, political associations of every variety of opinion. And side by side with these, there are happy homes, loving wives, and affectionate sisters. Public morality is higher, and the awful dulness has been lifted from the woman's realm.

No sign yet appears of any approaching catastrophe, such as the wise men have predicted, and still predict. The old world wends its way, and we go with it, willy nilly, though we argue, try to stop it, or to change its course as we will.

I was talking one day to an old gentleman, who is a strong opponent of "these tomfool women who can't be content to remain as Nature made them." "What do you want?" he asked. I gave him all the reasons I could think of, which make women prefer the new order of things to the old. "I've heard all that before," he said. "But what's to be the end of it?" "I am exceedingly sorry not to be able to enlighten you," I said, "but Nature has not explained to me her secret of the evolution of mankind."

The women who first determined to enter commercial life were

## THE LAW AS A PROFESSION FOR WOMEN.

those who were forced to immediately do something remunerative, and consequently all the commercial nooks and crannies which required little or no skilled training—small profits but quick returns—were first sought after. And then each year found a new inroad made into higher and still higher positions. Then a band of enthusiastic, intellectual women, who had a natural desire for learning, and who could not agree with Dr. Johnson "that the study of botany is indelicate for a woman," forced the Universities to open their doors and the Arts course was conceded. From that time women have surely and steadily made their way by slow degrees into almost every intellectual and commercial pursuit.

Once inside the University, it stood to reason (though few people at the time could see it so) that women should enthusiastically desire to do the Medical course. The care of the sick has always fallen in a great part to women, and many seem to take a greater interest in disease, its causes and remedy, than in anything else. The same sympathy, tenderness and anxious watching, which our great-grandmothers lavished on their patients has been transferred to our women doctors and trained nurses of to-day. But, in place of the unskilled molly-coddling and precious potions of the former, the latter are equipped with the latest scientific skill.

Although it is now many years since Law has been a recognised profession for women in America and France, it is still a novelty in the Commonwealth. In fact the woman lawyer is one of the last actors, who has here appeared before the footlights on the great stage referred to, but she is wanted now, and must take her place.

Medicine, Science, Arts, had all been thoroughly explored before Law was thought of. This was probably due in part to the fact that the Law itself prevented women from entering its precincts, and numerous initial difficulties had to be removed, and in part to popular opinion, which chooses to consider Law a very dull and dreary study. To the outsider it certainly has not the wide human sympathy and attraction of medicine, nor are there wonderful discoveries periodically cabled from one end of the earth to the other, to excite new enthusiasm and lure on the student, as in the modern sciences, nor again, has it the brightness of literary pur-

## THE COMMONWEALTH LAW REVIEW.

suits. At the same time, law as a study ill deserves the reputation it has so long possessed for dryness. The musty tomes of the novelist are not the every day fare of the lawyer. Publishers present to us the oldest material in a fashionable exterior, and few there are who prefer the first edition, exhumed from the vaults of some second-hand book shop to the last fresh from the printers.

Moreover Common Law and cases still applicable and of practical use, are to be found over and over again in up-to-date treatises, which, however heavy and solid their material, are frequently written in perfect literary style. As for its subject-matter, why should it be dry? Few consider politics dry, yet why should laws in force be of less interest than laws in the making?

I said a minute ago that it was now time for the woman lawyer to appear on the scene, and one of my reasons for thinking so is the interest women take in politics. There was a time when politicians were elected for their general reputation for wisdom and sagacity. But every year there is more and more a tendency for the electors to become themselves the legislators. We send representatives to Parliament pledged to vote on one side or the other of almost every question. It ought then to be the duty of electors to make themselves familiar with every side of the questions of the day. To know generally how the law at present stands; what alterations are proposed, and what effect they will have, not on one specific point only, but in every direction. When this is done, we will avoid the ugly patchwork effect of some of our legislation. Where a big new patch is put on old material, everyone is delighted, till someone discovers that the very strength of the new piece has made a rent in the old. It is time some of us learned that speed and thoroughness are not incompatible qualities.

Among professional and intellectual women there is found a great deal of altruism. Like everyone else, of course, they take up their profession first and foremost in order to earn a living. But you will hardly find one amongst them who has not at bottom the interest of women as a whole sincerely at heart, and who will not go to a great deal of trouble to benefit the mass of her sex. For my own part, I think that now that women are taking an active part

## THE LAW AS A PROFESSION FOR WOMEN.

in public life, it is well that some of their number should devote themselves to the study of the law, because women succeed best when they are able to rely entirely, if necessary, on their own resources. We fought hard enough for the suffrage. We know what we wanted it for, and what we intend to effect now we have got it, but to be successful we will require knowledge.

But to many, the main question is, are women capable of performing legal work? Well, why not? Personally I have never heard one rational reason against it, though I have listened to heaps of twaddle.

For many years now we have been accustomed to see women figuring as exhibitioners and in the first class honour lists of our Universities, and the Law school is not more difficult than any other. Of course, here, as in everything else, to ensure success there must be a certain natural aptitude and taste for the work, and a pride in and enthusiasm for the profession, and there are probably only a few women who would care for legal work. "'Tis caviare to the general." But to ultimately determine the question, one must wait till the experiment has been tried, and we can trust Nature never to permit anything to succeed that is incompatible with her laws. Moreover, it is impossible to judge of success or failure as a whole from a few isolated cases. A sound induction can only be made from the examination of innumerable instances. And one must remember that there are brilliant, mediocre and inferior men in every trade and profession, and the same will apply to women.

Personally, I agree with Columbus that it is easy to do most things once you know how. You must have a certain taste and ability, for no one will ever be a master-hand at work that is pre-eminently distasteful, whether it be cooking a dinner, managing a warehouse, or leading an army. Some things take longer than others to learn, some people take longer to learn them. In learning a language we begin at the alphabet and gradually work up to the idioms and colloquialisms. If a person with no knowledge of Greek opens a page of Sophocles, it is merely hieroglyphics to him. But, if we have started at school and have had our verbs and vocabularies thoroughly drummed into us, if only the drumming has been hard enough, we can read it with ease, and the illiterate says "how

## THE COMMONWEALTH LAW REVIEW.

clever." Is it? The veriest street arab could have done the same, if he had been taught.

There is a vast difference between brain power and knowledge. I may be able to read Galot with pleasure, and I pass through life with the ordinary commonplace throng. James Watt probably did not know the simplest mechanical formula, yet he invented the steam engine. But many people are like the Indian fakirs, once they have acquired the knowledge and skill in any science, profession, or what not, they like to pretend that their particular occupation requires the deepest knowledge and profoundest skill, only acquired by special favour of the gods. This foible, I think, is particularly common amongst men. A hundred years ago, the very word "business" was held up to the womenfolk as something to be revered. Something intricate and difficult, and altogether beyond their ken. Oh! women, could you but have realised that some of that business took less time, less patience, and no more brain power than that hideous patchwork quilt you spent half your lifetime making, how would your hero from behind the mercer's counter have degenerated in your eyes? But now that the majority of the women have walked boldly behind the scenes, what is the use of still keeping up the farce? But such is human nature; we each desire to be a demi-god in our own little circle. How many would prefer to be king of the smallest and most insignificant village in the world to being only one in a million in the greatest centres of thought and civilisation of the time.

I notice that most men, when it comes to an argument as to what women could or could not do, generally argue "You have not, ergo, you cannot." Even those who have studied Whately and Mill. They will rarely make allowance for the fact that men for generations have been trained to do what women are doing now for the first time. The best swimmers are those that have lived by the sea; the best axemen are those whose early home was in primeval bush. Opportunity is everything with we mediocrities. It will not make great men and heroes, the history makers of the world, but any man or woman of average ability, given the opportunity to thoroughly master any business, profession, or trade that he or she has some natural taste for, and he or she will become a capable medioc-

## THE LAW AS A PROFESSION FOR WOMEN.

rity worthy of all respect. But to return to our particular instance of the Law. As I have said before, women can now hold their own at the University. That has been thoroughly demonstrated over and over again, and their most bitter enemies have long ago had to realise that

"The old order changeth,  
Yielding place to new."

The practical work to be done in articles is just the adaptation of the work that has been learned in theory, and is considerably simpler. So that can prove no stumbling block.

Once duly admitted to practice, there are the two divisions of barristers and solicitors. The most interesting part of the legal profession, it seems to me, falls to the barrister's lot. His work is purely and simply the interpretation and application of the law. He has not the hundred-and-one odds and ends that claim a solicitor's attention. In every case that comes before him there must be some difficulty, some doubtful and interesting point, otherwise it would never get beyond the solicitor's office.

The requirements of a successful barrister are different to those of a solicitor. He must be erudite, a natural student, and he must have a clear, well-balanced mind, for much of his success in Court depends on the soundness of his judgment in chambers. Moreover, he must be a fair public speaker and a good debater, quick to see an opponent's point, quicker still to combat it. He must have an accurate memory, ready to quote chapter and verse in support of any opinion he puts forth. And, if he is to be successful with juries, he must have a certain individual forcefulness of character. I read the other day somewhere, a definition which said that "a jury is twelve men chosen to decide which side has the better lawyer." Now, we trust that juries do not consider this the duty they have to perform. But all the same, any twelve good men and true will unconsciously be biased in favour of the side whose lawyer has made the greatest impression on them. I hear one person give a lengthy and instructive discourse on some subject—at the end of it I feel weary and dazed. I hear someone else give a much less learned and accurate discourse on the same subject, and at the end of it I have a clear and accurate knowledge of everything he in-

## THE COMMONWEALTH LAW REVIEW.

tended to impress on my mind, and a belief in its correctness. The difference lies in the personality of the speaker. I know several women who seem to me to have all these qualifications, and whom I believe could succeed at the Bar if given the chance. But of course nothing can be definitely said on one side or the other until the experiment has been tried. At the Melbourne University, the women students have on more than one occasion routed the men in competitive debate—members of the Professorial Board being the judges. And there are now quite a number of women who are well known as public speakers. At the same time I think there will require to be several women well established in practice as solicitors, before one is likely to succeed as a barrister.

If a barrister's work is the more interesting, a solicitor's has the advantage of being more suited to the average capacity; and of being more readily converted into a livelihood, for one has the advantage of one's private connection. A good deal of a solicitor's work, whether in a large firm or a small one, consists of office routine, for proportionate to the decrease of detail to be attended to by the head of a large firm is the increase of management and supervision.

Perhaps one of the most important departments of a solicitor's practice consists of conveyancing—conveyancing always reminds me of making latin verses. You have a perfectly rigid form, a certain set of facts, and you have to make your material fit into your form. Once the various formulae are acquired, patience accuracy and attention to detail are the chief requirements of the good conveyancer, whose duty is to make an accurate statement of accurate facts with as little prolixity as possible. A certain amount of foresight and knowledge of the ways of the world are also requisite, for one has not only to provide for present circumstances, but for any which may possibly arise in the future. There is also a great deal of a solicitor's work which only requires sufficient practice to become quite simple, such as Probate and Insolvency work, the various methods of bringing and carrying on actions. These require not so much brain power as experience.

Well, given the same experience, I cannot see why a man should do this better than a woman.



## THE LAW AS A PROFESSION FOR WOMEN.

Then there is the Police Court work, some of which falls to the share of almost every solicitor. Occasionally one finds an interesting case in the Police Courts; one that intends to wend its way through devious paths and appear later before the Supreme Court. Or still more often, an interesting point crops up in an otherwise unpromising case, some abstract question which requires brain power in the decision. But on the whole, is there anyone who would really enjoy a Police Court practice apart from the fees to be drawn therefrom? Personally, I have not yet met such an one, and I am sure no woman would. From the annals of the Criminal Court, many a romance has been written of uncontrolled passions, great temptations, or persecuted innocence. Dickens and others have written enthralling pages with a background of our Civil Courts. But few, if any, have found inspiration in the Courts of Petty Sessions. They are one constant round of mean and sordid trivialities; the same meanness and sordidness we have around us all our lives, only we do not find it in one mass, but mingled with goodness and nobleness, and varnished with hypocrisy. But in every profession and occupation there is a certain amount of drudgery to be done; no one has ever yet been able to spend all their life doing only things of interest.

The most interesting and the most difficult part of a solicitor's work is the preparation of court cases, and this requires no small amount of forethought and judgment. To find out the true facts in any case, to collect the evidence and piece it together frequently requires considerable ingenuity. Moreover, many disputes that arise between parties are settled by the intervention of their respective solicitors without going to court at all. All such work requires clear-sightedness, soundness of judgment, and a good deal of diplomacy, and is the work on which a solicitor's reputation is generally founded. Of course when it is once decided that a court case is necessary the solicitor has the advantage of a barrister's opinion and advice in conducting the case.

In dealing with clients, legal knowledge, though an essential ingredient, is only a small portion of the qualities that go to make the successful practitioner. Everyone whose livelihood

## THE COMMONWEALTH LAW REVIEW.

depends on the goodwill of one's fellows must learn the art of dealing with human nature. As a friend of mine says, "One should always be quite upright, but never too downright."

The most successful solicitor, then, is not always the most erudite, he is the one who has a good working knowledge of the law that is daily applicable and knows exactly where to find anything else that is likely to crop up. He must, in addition, possess sound commonsense, shrewdness and tact. In a word, he requires exactly the same qualities which go to make the successful business man in any other path of commercial life. And as women have succeeded in other businesses, why not in this?

The first women lawyers are hardly likely to make fortunes. The pioneer never does. The first man that finds his way into the primeval forest exhausts his strength in clearing the ground; the second continues the work and sows the seed and erects the buildings; the third man comes along and reaps the profits of the others' labours.

Nevertheless the legal profession is likely to prove of increasing interest to women, not only for the facilities which it offers for earning a living, but also for the knowledge that is to be acquired thereby.

G. FLOS. GREIG.