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BOOK REVIEW

The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions

by Mary Jane Mossman
Oxford: Hart Publishing, 2006

The Ursula Franklin Reader: Pacifism as a Map

by Ursula M. Franklin
Toronto: Between the Lines, 2006

REVIEWED BY LINDA GEHRKE*

In the midst of an ongoing debate about whether women have finally and fully been accepted as members of the legal profession, Mary Jane Mossman's *The First Women Lawyers* explores the lives and times of a group of nineteenth-century women who sought entry to the legal profession. *The Ursula Franklin Reader* introduces the reader to the work of Ursula Franklin, a leading thinker and speaker on the subjects of feminism, pacifism, science, technology and women's relationship to the technological professions. Both authors explore women's acceptance in their respective professions and the consequences this had for the professions and for the women themselves.

The First Women Lawyers is a lively account of remarkable women who became the first women to practise law in their regions. Mossman's carefully researched biographies of Eliza Orme, Cornelia Sorabji, Jeanne Chauvin, Ethel Benjamin, Clara Brett Martin, Louis Frank (a Belgian lawyer who supported the cause of women advocates) and others reveals the personal and social complexity of the gender and professional issues they faced, and the forces that influenced the choices they made about their professional identities and their personal lives. The breadth and detail of this work develops themes of gender and professionalism on a global scale, while remaining true to the lives and spirits of these women.

The articles and lectures in *The Ursula Franklin Reader* address the pursuit of peace, feminism, the environment and the technological world. The volume explores the relationship between women and the world of technology, and in particular their relationship to the technological professions.

Both volumes employ a contextual analysis to the subject of women's access to the professions. Mossman and Franklin describe the relationship of women to the profes-

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sions as a web of relationships in an interdependent, ever-changing historical, social, technological and environmental context. Mossman uses the metaphor of a kaleidoscope “as a way of taking account of the complex interrelationships between different historical contexts and women’s responses to different circumstances” (277).¹

In her lecture *New Issues of Access to Justice Raised by Modern Technology* Franklin describes technology as a “form of societal structuring” (184) and argues that the “widespread use of modern technologies has given rise to a set of new and inherently different problems of access to law and justice” (183). Franklin views technology in terms of practice or “the way things are done around here” (184). In her view, access to justice, the possibility of restricting access to particular technologies or practices and the gendering of the workplace and the professions are intertwined. When women’s access to the technological professions is restricted, women’s ability to influence technology is likewise restricted.

This notion of restricting women’s ability to influence practice leads Franklin to ask a fundamental question, “Can feminist practices shape and change technological practices, and, at the same time, can practicing feminists function and survive as feminists in the contemporary here and now?” (207). She identifies a contradiction between women’s values and the operational principles of the technological order. In her analysis, the integrative and organic perspective that women offer—for example, their vision of an interconnected “web” as opposed to a “system”—are a source of creativity and change within the technological professions (245). However, she worries that as women enter the world of technology they will lose this feminist perspective and will not survive “as human beings, as creative, spontaneous, and cheerful persons” (248).

Mossman’s biographies reflect a creative approach, which Franklin identifies as part of the integrative perspective that women offer. Mossman examines how women practising law in the nineteenth century adapted to the lack of acceptance of women in the legal profession by operating at the fringes of the profession and creating new areas of practice. She notes that all the women she studied “tended to be individuals who confidently embraced new kinds of opportunities” (285).

The biography of Cornelia Sorabji illustrates the concept of creatively operating at the fringes of the profession. Sorabji was the first woman in Britain to study law at Oxford University and the first woman in India to receive a bachelor of law degree from Bombay University. She was also the first woman allowed to plead in a British court, even though she was not formally admitted to the legal profession until much

1. Mossman refers to the work of June Purvis, feminist biographer, commenting on current challenges in biographical writing about women. According to Mossman, Purvis argued that, rather than look at women’s lives through a microscope, “it was preferable to conceptualize women’s lives in terms of a kaleidoscope—an approach that better reflects the always-changing and interconnected patterns in their lives.”

later (194).² During the period before she was admitted to the bar, she practised while in India as an advocate on behalf of women in purdah. As Indian women's seclusion made it difficult for them to enforce their property rights, Sorabji hoped to define a new role for female advocates with knowledge of Indian law. Sorabji reasoned diplomatically, "We need not *supplant* men. There is enough to do if we will *supplement* them" (208).

Eliza Orme, another of Mossman's subjects, was the first woman to graduate in law in England. Mossman comments that, though Orme "never did apply for admission to the bar or the solicitor's profession, she was engaged in legal work for twenty-five years" (125). Orme's practice was in conveyancing and patents and in drawing up wills, which did not require admission to the legal profession. When she did work for barristers and solicitors, she reported that she earned only half fees (131–32). Orme was a "significant public figure" and may have served as the model for the character of Vivie Warren in Bernard Shaw's *Mrs. Warren's Profession* (121, 125).

Both authors examine how some women admitted to a profession abandon or deny feminist principles. Franklin notes the curious lack of response by women engineering students to comments denigrating the status of women published in student newsletters. She concludes that "women who have entered the technological order cope with adjustment to the new milieu and their new loyalties by denying their origins" (249).

Mossman's account of the life of Ethel Benjamin, the first woman lawyer in New Zealand, illustrates a perceived antagonism between the status of membership in the legal profession and feminist principles. Benjamin, while admitted to the legal profession, was virtually excluded from participating in law society functions, yet she publicly opposed some feminist equality initiatives (174).³ On the other hand, Mossman writes that Orme, who never applied for admission in the legal profession, was an advocate for women's education and women's suffrage.

This need for women to deny their origins in order to be accepted in the professions stems from what Mossman observes to be the rhetoric of women's equality at the turn of the twentieth century. This rhetoric of equality was focused exclusively on admitting women to the profession and did not challenge the structure or culture of the profession, or its ideas of gender or professionalism. In Franklin's words, early women lawyers were denied full access to the technology of law and thus, while they may have been allowed to participate in its dissemination, they played little part in determining "the way things are done around here".

2. Cornelia Sorabji was eventually called to the English bar in June 1923.

3. Mossman reports that the National Council on Women stated about Benjamin that "there was a feeling among [Council] members that young feminists like Ethel Benjamin could take advantage of gains made by the older generation yet dismiss the struggle that had gone before."

CONCLUSION

The biographies of the characters in *The First Women Lawyers* resonate with the complexities of their relationships to the legal profession and society at large. Mossman brings to light the stories of women who struggled to cope with the male exclusivity of the legal profession in different ways: the tragically ironic tale of Ethel Benjamin, who gained entry to the profession only to face exclusion once within it, yet opposed feminist equality initiatives; Eliza Orme, who practised overtly and successfully “outside the tent” of the legal profession while supporting equality for women; and Cornelia Sorabji, the first woman to represent a client in a court in the British Empire, who sought to “supplement”, not to “supplant” the male legal profession, and who practised for many years before being formally admitted to the profession.

Franklin examines the complexities of the relationship between women and the technological professions. She illuminates the fundamental contradiction between traditionally feminine perspectives and the values of the technological order. Franklin asks, “Can feminist practices shape and change technological practices, and at the same time, can practicing feminists function and survive as feminists in the contemporary here and now?” (207).

The pressing question raised by both authors is whether women will change the professions or whether the professions will change them.

Mossman’s biographies resonate with my experience as a woman lawyer who was part of the wave of women admitted to the legal profession in the late 1970s. In my view, the issues raised by Franklin and Mossman establish an important context to the issues we face today in the professions. As we move into the twenty-first century, whether the legal and technological cultures will change sufficiently to permit full participation by women and others who are not part of the dominant cultures of these professions remains an open question.