TRANSATLANTIC NETWORKS FOR LEGAL FEMINISM, 1888–1912

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Introduction

Among the striking figures of the late nineteenth century were the new “Portias,” the female jurists and lawyers who emerged from American and European law schools. Frequently isolated from their female peers by geography and circumstance, these similarly situated women created networks that laid the groundwork for their most significant contributions: gendered analysis of laws, challenges to male privileges, and legal reform advocacy.

In academic scholarship, the term “legal feminism” is associated with Americans Catharine A. MacKinnon and Ann Scales, whose influential works from the 1970s and 1980s provided important critiques of gender inequality produced in and through the law. Scales defined legal feminism as “the concrete analysis of systematic oppressions, which analysis has led to a critique of objectivity in epistemological, psychological, and social — as well as legal — terms.”1 I contend that this type of concrete and systematic analysis of law as an oppressive force in women’s experience has its own history with origins located in the nineteenth-century transatlantic world. Legal criticism of women’s status existed before this moment, of course, but comprehensive analysis of the inequalities produced through law occurred systematically at the intersection of formal legal studies and the women’s rights movement. In 1868, French women’s rights leader Maria Deraismes wrote that women’s

1 Catherine A. MacKinnon, Toward a Feminist Theory of the State (Cambridge, 1989).
inferiority was not a fact of nature but “a human invention and a social fiction” reinforced by laws. Deraismes’s central point was that gender relations were dynamic, subject to change, and the product of human decision-making. Deraismes’s description is familiar to us as the “social construction of gender.” She understood that sex inequality could be radically altered by human action, the logical consequence for those who favored the amelioration of women’s legal condition was to destabilize the politico-legal and social structures of oppression, a process facilitated by the bonds forged in the transatlantic world.

Historians have established that the term “féminisme” gained currency after French suffrage activist Hubertine Auclert called for women’s equal political rights and equal access to professional work in 1878 at the International Congress for the Rights of Women in Paris (Congrès international du droit des femmes) and used the term in her newspaper La citoyenne from 1882. Prior to Auclert’s usage, the term connoted “feminization” or to make “effeminate,” notably in medical literature. Florence Rochefort and I argue separately that university law classes and legal theses in the nineteenth century were influential in the dissemination of the modern definition of féminisme to mean a militant and subversive ideology favoring the equality of the sexes. In France, legal and political circles were closely aligned at the time, resulting in both abstract debates on gender and equality, and considerations of the practical application of equality in the law. Pivotal to these developments was Jeanne Chauvin’s defense of her doctoral thesis in law in Paris with its argument in favor of women’s equality and their admission to all professions (July 1892). Inequality was pernicious and unjustifiable, Chauvin argued: “It is the subordination of women, it is the principle of the subordination of women and their social uselessness that leads our society to ruin!” Legal feminists like Chauvin were critical of the multiple disadvantages experienced by women, especially wives, whether under family law, common law, the civil codes, or national legislation. Little wonder that legal observers remarked that discussions about “feminism” were habitual among “moralists,” “philosophers,” “eminent jurists,” and “gravely concerned professors.”


6 Jean-Baptiste Richard, Enrichissement de la langue française, dictionnaire de mots nouveaux (Paris, 1845), 189.


11 Urbain Touchard, De la condition légale de la femme, discours prononcé à la séance solennelle de la réouverture de la conférence des avocats stagiaires, le 17 décembre 1892. Barreau de Poitiers (Poitiers, 1893), 5.
Bordeaux’s lawyer Urbain Touchard predicted that such debates would conclude with women’s “imminent” emancipation by the French National Assembly, given that the acceptance of sex equality “yesterday seemed unlikely to leave the realm of utopia has become reality today.”12 In these late-nineteenth-century debates, feminism meant a change in the balance of power between men and women to render the opportunities for women in private and public life more expansive and thus more equal. Their critiques were systematic and comprehensive, and followed by instrumental legal reform proposals.

The central purpose of this article is to identify patterns of action within the transatlantic origins of legal feminism during the Belle Époque (1871—1914) to highlight examples of their cooperative efforts and their limitations. I argue that an analysis of the public debate on the role of law and legal action in the struggle for women’s rights reveals a pattern of systematic thought and behavior among legal activists, evidenced in the records of international congresses, published documents, and archival materials. This research is inspired by the methods of histoire croisée, applied here to explore the exchanges of ideas about women’s rights in preparation for a future evaluation of the impact of these interactions in societies located on either side of the Atlantic.13

This study examines three key areas of exchange among these legally oriented figures: ideas, alliances, and practices. First, these figures focused on the transfer of knowledge on women’s rights that provided a foundation for how the oppression of women could be resolved through legal and political strategies. Second, women, and a few men, built transnational alliances in conference meetings, in the context of legal education, in the operation of legal aid clinics, and through the diffusion of popular legal knowledge.14 Third, their pattern of shared practices and approaches in multiple countries contributed to legal reform campaigns on the national and international levels.

12 Touchard, De la condition légale de la femme, 6n2.
contend that the promotion of women’s rights through legal reforms accelerated with the entrance of women into the legal profession when the new practitioners frequently used their legal knowledge and networks to cultivate a social justice movement.\(^\text{15}\) Formally trained female lawyers worked with various others to bring the proposed reforms into actionable forms. The feminist critique of law and legal practice they promoted exposed the law as not nearly as neutral, objective, or just as was often claimed. Rather, they revealed that the law was fundamentally gendered, usually to the detriment of women. Collectively, these theoretical contributions and practical efforts contributed to the articulation of legal feminism. To write a history of legal feminism, defined in part as the advocacy of fair and just treatment of women under the law in recognition of their rights and capacities, necessitates a deep analysis of intellectual and political engagement with the forces and structures of inequality. This history is intimately related to the rise of transatlantic organized women’s rights movements during the late nineteenth century.

**Married Women under Common Law and the Transnational Napoleonic Civil Code**

Transatlantic women’s rights movements called for legal reforms, yet these partners did not share the same foundation to their legal systems, which was a complicating factor in their ability to cooperate. Nevertheless, an essential commonality in English common law and the European civil codes was the similar treatment of married women wherein the act of marriage stripped them of their civil capacity. From the early seventeenth century, married women in England were denied the right to contract and control property because they were considered to have no separate legal identity, in contrast to unmarried women and to men.\(^\text{16}\) In defining the power relations within marriage under coverture, jurist William Blackstone famously remarked, “By marriage the husband and the wife are one person in law; that is, the very being or legal existence of woman is suspended during marriage.”\(^\text{17}\) In France, a married woman’s position had been more advantageous prior to the consolidation of the civil code under Napoleon in 1804. The call for a comprehensive overhaul of women’s rights under the French civil code emphasized, on the questions of spousal “obedience” (Article 213), the requirement of joint residency and a common household (Article 214), and unequal punishment in cases of adultery. The notorious Article 1124 denied married women their legal rights and placed them on the same tier as minors,

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15 For examples, see Sara L. Kimble and Marion Röwekamp, eds., *New Perspectives on Modern European Women’s Legal History* (New York, 2017), part 2.


criminals, and the mentally deficient. Male authority also extended over children, communal property, and separate property. Due to war and conflict, this code broadly influenced women’s legal status in Italy, the Netherlands, Belgium, Spain, Portugal, and their former colonies, as well as in Germany, Romania, Quebec, and Louisiana.

Female jurists and lawyers played sustained roles in extending the criticism of the legal oppression of women and the arguments for reform articulated at the 1878 Congress for Women’s Rights, the world’s first.18 Belgian law graduate Marie Popelin criticized the Napoleonic civil code in 1889 because it “contain[ed] all these absurd and unjust laws that abase the women, placing the girl, the widow, and the spouse, outside of thinking humanity.”19 Concurrently, Swiss jurist Emilie Kempin-Spyri criticized the German civil code for subjecting married women to “the rusty fetters of a thousand-year old tradition.”20 Although the precise locus of their political animus differed, activists were convinced that legal reform of women’s rights was an essential goal to be facilitated through multipronged transnational campaigns.

Intellectual Foundations within Transatlantic Exchanges, 1870s–1880s

Historians have documented the long history of intellectual arguments in favor of improving the legal, social, and political condition of women.21 The founding of the French League for Women’s Rights (Ligue française pour le droit des femmes) in 1869 was a crucial development in the women’s rights movement in France that would soon generate connections with transatlantic partners. When the feminist reformer Léon Richer and journalist Maria Deraismes created this association, they claimed equal rights for married women as persons and celebrated their American “overseas sisters” who “energetically demand[ed]” full equal and political rights.22 These respectful remarks sowed seeds of reciprocity. In 1874, American education reformer Elizabeth Thompson of the International Woman’s Educational League (est. 1873) sought out Richer in Paris to consult with him on questions of women’s education and how to reform “oppressive”...

20  Quoted in Ann Taylor Allen, Feminism and Motherhood in Western Europe, 1890–1970 (New York, 2005), 46.
In 1874, for example, Richer was consulted in Paris by Americans representing the International Woman’s Educational League, according to “Woman’s Educational League: Objects of the Association.” Satisfactory Reports from Foreign Countries,” New York Times, Oct. 27, 1874. Thompson appears to have drawn to Europe by the pacifist and international law movement animated by French Saint-Simonian Charles Lemonnier and the Ligue internationale de la paix et de la liberté. Thompson participated in the 1874 Geneva conference of the Congrès de la paix et de la liberté (Geneva) (Le Temps, Sept. 12, 1874). An American member writing as “K” (who was perhaps botanist and suffragist Kate Newell Doggett) asserted that the Ligue should support women “to conquer” the right to “exercise their rights.” See “Correspondance,” Les États unis d’Europe: Organ du Congrès de la paix et de la liberté (Geneva) (Geneva and Tokyo), a comparative perspective on des femmes (Pichon, 1884), which considers the American family in comparative perspective (see pp. 123–33). Bridel’s Etude historique sur la condition des femmes (Pichon, 1884), which considers the American family in comparative perspective (see pp. 123–33). Bridel (1852–1913) was a Swiss professor of law (droits civils) to women. He also directed the Revue de morale sociale.

Stanton’s chapter on France relied on French publications by Richer, Giraud, and Auclert to convey the unequal nature of women’s status and to chart a possible path for expanding their rights. Stanton’s text reached British and American audiences and accordingly expedited transnational connections. We need more evidence to determine the degree to which these events strengthened “the idea that America’s vigorous young democracy was showing the Old World the way in respect of women’s rights.” Nonetheless, multiple points of comparison demonstrate that the transatlantic relationships were complex, with activists and thinkers who viewed their counterparts in other countries as allies, models, or mirrors, within a landscape where information flowed multilaterally.

**Women’s Altruism and Legal Service**

In Europe and the US, feminist legal action often took the form of services offered at the grassroots level. Pioneering feminist lawyers

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23 In 1880, French lawyer Léon Giraud looked to the United States for models of gender equality. Giraud’s comparative study of the legal condition of women in Europe and the United States, titled *Essai sur la condition des femmes en Europe et en Amérique*, called for women’s equality and condemned the tyrannical nature of the Napoleonic code. Consequently, Giraud’s work directly influenced American journalist Theodore Stanton’s *The Woman Question in Europe* (1884). Stanton wrote: “Never, in a word, was the idea of justice to women more foreign to any code of laws than that of 1804.” Stanton’s chapter on France relied on French publications by Richer, Giraud, and Auclert to convey the unequal nature of women’s status and to chart a possible path for expanding their rights. Stanton’s text reached British and American audiences and accordingly expedited transnational connections.

24 Stanton’s text, edited in part by Elizabeth Cady Stanton, was a collection of seventeen essays by female leaders of the movement.


26 Stanton, “France,” *The Woman Question in Europe*, 251. Stanton’s text, edited in part by Elizabeth Cady Stanton, was a collection of seventeen essays by female leaders of the movement.


28 Bosch, “‘The Woman Question in Europe.’”

29 Another important text to be considered is Louis Bridel’s *Étude historique sur la condition des femmes* (Pichon, 1884), which considers the American family in comparative perspective (see pp. 123–33). Bridel (1852–1913) was a Swiss professor of law (droits civils) to women. He also directed the Revue de morale sociale.

in the late nineteenth century worked to disseminate legal information to the public and provide legal aid to needy populations. Researchers have identified this pattern of practice in the late 1880s in the urban centers of New York, Paris, Dresden, and beyond.31 In New York, an unusual team of female attorneys ran the Arbitration Society (est. 1887) to provide legal counsel to indigent women.32 This society was spearheaded by American attorney Fanny B. Weber and her Swiss counterpart Emilie Kempin-Spyri. In 1888, Kempin-Spyri moved from Zurich (where the bar was still closed to women) to New York to work in her chosen field and provide aid to women through law.33 Although little money was available to support their pro bono efforts, Weber and Kempin-Spyri’s initial labors set a precedent of transatlantic cooperation and altruistic lawyering. Ultimately, however, their work was superseded by the establishment of professional legal aid societies.34 Kempin-Spyri’s efforts concluded with a return to Europe (Berlin) to participate briefly in the women’s rights movement against the German civil code, with emphasis on family law reform.35 Kempin-Spyri’s story was part of a broader pattern whereby grassroots education, legal practice, and political activism were interwoven into her life and the structures of transatlantic exchange.

In the decades before German women were officially admitted to the legal profession, women’s rights reformers established legal aid clinics to address women’s needs and mobilized to build the women’s rights movement. In 1894, Marie Stritt, catalyzed by Kempin-Spyri, established the first women’s bureau of legal aid that assisted thousands of applicants annually in Dresden.36 There were over ninety such legal aid societies by 1909.37 Anita Augspurg and Marie Raschke both worked

31 This movement’s Cahiers féministes (Brussels) published notices about Anita Augspurg’s law classes for women on multiple occasions, including July 15 and August 1, 1898. This movement was larger than what I can address here. See details on the pioneering feminist lawyers’ movement in chapters on Belgium, Estonia, Poland, Romania, Spain, and Yugoslavia in Kimble and Röwekamp, eds., New Perspectives.


34 On women and American legal aid, see Felice Batlan, Women and Justice for the Poor: A History of Legal Aid, 1863–1945 (New York, 2015).


as "lay lawyers" after completing their degrees abroad (Zurich, 1897; Bern, 1899, respectively), as they were barred from the practice of law in public or private positions within Germany.\(^{38}\) Distressed by the legal inequalities that confronted women under the German legal code, Augspurg brought colleagues such as Stritt to petition for improved marriage and family laws. Stritt, a self-taught lay lawyer, called for full independence and civil equality for wives and mothers for the sake of the family, state, and society, emboldened by the solidarity gained through her role in the Bund Deutscher Frauenvereine (BDF) legal committee.\(^{39}\) Collectively, these women used their legal expertise to disseminate legal knowledge and legal aid for the broader purpose of building the women’s rights movement.\(^{40}\) By 1904, Augspurg became vice-president of the International Woman Suffrage Alliance (IWSA) where she prioritized women’s legal and political rights reforms. Stritt also campaigned against regulated prostitution with Josephine Butler (Britain) and in favor of women’s suffrage. Under IWSA auspices, Stritt coordinated with lawyers Marie Véron (France) and Chrystal Macmillan (Scotland) on the book *Woman Suffrage in Practice* (1913). This was a systematic compilation of the current status of women’s political rights, which asserted societal benefits to women’s participation, and was designed to energize additional political action.\(^{41}\) This publication, a result of transnational cooperation, bought the “issue of women’s political rights out from the realm of utopia into the realm of objective realities.”\(^{42}\) The data collected transnationally were further disseminated by lawyers, including Véron, who lectured her colleagues at the Société de législation comparée on the societal benefits of women’s enfranchisement in Australia and New Zealand.\(^{43}\)

The dissemination of legal and political information to women affected a discrete revolution. In France, Jeanne Chauvin spearheaded the effort to open the bar to all women, offered legal classes for women at municipal town halls, and taught female pupils on the foundations of legal and civic knowledge in the Parisian school system.\(^{44}\) The French women entering the all-male profession of law emphasized that their work would serve the needs of the disadvantaged


\(^{39}\) See Allen, *Feminism and Motherhood*, 45–46.


\(^{43}\) Véron’s lecture is quoted in “Séance du 21 mars 1914,” *Bulletin de la Société de législation comparée*, no. 4–6 (1914): 218–25. She argued that female voters catalyzed legislation that served the defense of the "family and society," e.g., married women’s property rights, equal pay for teachers, closure of brothels, and reduction of alcohol sales.

and disenfranchised through their unique contributions as women. Chauvin characterized herself as a defender of “widows and orphans,” and her counterpart in Toulouse, Marguerite Dilhan, devoted herself to the “weakest” in society, meaning women and juvenile delinquents. In Dilhan’s case, this meant working within charitable associations (sociétés patronage) as well as in her legal practice. As a whole, this cadre focused on addressing the legal needs of disadvantaged groups, including troubled youth, the urban poor, refugees, and women in difficult circumstances, and constituted a form of maternalistic legal feminism. As they exhibited a commitment to civil reforms and grassroots uplift, these women displayed their legal authority and demonstrated women’s capacity to operate in the public sphere in opposition to expectations about their roles. They secondarily conceded that financial necessity required some remuneration for their work. The altruism exhibited among pioneering female lawyers in the United States and Europe reinforced traditional expectations of women as philanthropic and maternal, yet with adaptations for this era of the “new woman.” Many feminist lawyers publicized their own efforts to protect vulnerable women and children in contrast to the alleged failures of masculine chivalry. French Christian feminist Marie Maugeret called for these “doctoresse[s] in law” to be civicly oriented and usefully employed: “to open a public class in law [droit à l’usage] for women” that would inform women of their situation under the Napoleonic Code in a protective manner, and “to open an office for free legal consultations for women without resources or too proud to turn to judicial assistance.” Other civic maternalists argued that women’s mothering skills singularly qualified them for roles in the public sphere and in the professions — whether as doctors, teachers, inspectors, or lawyers — that subverted women’s primary consignment to domesticity. By 1904, Dutch feminist lawyer E. C. van Dorp argued that feminine qualities such as “a gentle, kindly disposition, a sense of justice and protection towards the weak,” as well as a commitment to altruism, made women well suited for legal work. Such gendered norms provided rationales for women’s

45 “Mlle Jeanne Chauvin, docteur en droit,” L’éclair, October 30, 1897, 2.
48 There are multiple cases in France and the United States of women seeking careers in law to earn a respectable income for themselves and their dependents. Jeanne Chauvin supported herself and her widowed mother.
50 On masculinity in France, see Robert Nye, Masculinity and Male Codes of Honor in Modern France (Berkeley, 1998).
entree into work traditionally associated with masculine characteristics and previously reserved for men only.

Grassroots legal work provided feminist lawyers with a realistic understanding of the ways in which laws constrained human experience and exerted a disparate impact on girls and women.\(^{54}\) Initial evidence reveals that the provision of legal services, usually by women for women, reached an underserved population through education, consciousness-raising, and pragmatic support. These grassroots efforts became the foundation of comparative legal criticism and political reform action, which was facilitated through national and transnational women’s rights associations and professional associations.

\textbf{Formal Professional Network Building: The Woman’s International Bar Association}

The intimacy between the women’s movement and the growth of a legal feminist movement is apparent in the creation of the Woman’s International Bar Association (WIBA), the first formal legal sorority with international members. This sorority was created at the 1888 International Council of Women (ICW) meeting held in Washington, DC, and was spearheaded by Catharine V. Waite, an Illinois suffragist, lawyer, and publisher of \textit{Chicago Law Times} (est. 1886).\(^{55}\) WIBA would likely not have existed without the ICW, an organization that accelerated progress for women “by laying the groundwork for future coalitions of women in reform and professional work.”\(^{56}\) European and American members of WIBA shared the common goals of removing barriers to women’s entrance into law schools, encouraging their advancement in the legal profession, disseminating knowledge about women’s legal status, and promoting other legal reforms.\(^{57}\)

Canadian legal scholar Mary Jane Mossman commented that WIBA and equivalent American legal sororities confirmed the need among female lawyers for “support and collegiality” as “women members of the profession,” as they endeavored to articulate their identity as professionals apart from nonprofessional women and distinct from the feminist movement itself.\(^{58}\) Nevertheless, female lawyers overlapped significantly with the feminist movement. WIBA functioned as one node of activism that developed in and between European and American cities, and its members’ individual dedication to breaking barriers made the most measurable contributions to challenging structural and textual inequalities. In the absence of
WIBA’s association records, we must rely on other evidence for the networks that existed among transatlantic legal feminists. To some degree, they could organize around the need to establish professional equality even though the women were differently situated in terms of their rights. The American leaders, including founder Waite, Ada Bittenbender (Nebraska), and J. Ellen Foster (Iowa), had the right to work as lawyers,59 Their European counterparts, including Eliza Orme (London), Lidia Poët (Turin), and Emilie Kempin-Spyri (Zurich), were excluded from legal practice.60 Yet WIBA members went much further to advance women’s rights in family law, constitutional law, and the organization of judicial systems, issues that extended well beyond their own concerns.

Transnational Cooperation to Break Barriers and Advance Women’s Rights

The evidence located to date about WIBA reveals that a loose-knit transnational legal sorority functioned within and beyond women’s rights associations with goals specific to breaking legal barriers and advancing legal rights. The campaign to secure women’s entrance to the legal profession in Belgium and then in France was facilitated by transatlantic and intra-European cooperation. Belgian reformer Marie Popelin, who earned her law doctorate in Brussels in 1888, endeavored to open the Belgian bar to all women.61 At the spearhead of this campaign was Louis Frank, a Belgian lawyer, male feminist and author of many works including the influential treatise La femme-avocat (1888).62 Frank forged connections with the French through Chauvin and with the Americans through Boston lawyer Mary A. Greene. In turn, Greene translated Frank’s defense of women’s right to work in the legal profession, “The Woman Lawyer,” which informed English readers of developments in Europe.63 Among the beneficiaries were the Colorado State Supreme Court judges who cited Frank’s evidence in 1891 when they decided in favor of women’s admission to the bar on an equal basis.64 Their reference to Frank’s research signaled the

59 Leila Josephine Robinson’s Scrap book, 1878–1890, held at the Chapin Library, Williams College Library, Williamstown, Massachusetts, does not mention WIBA, but she did much to preserve newspaper cuttings and pamphlets concerned with women in the law.

60 Report of the International Council of Women: Assembled by the National Woman Suffrage Association, Washington, D.C., U.S. of America, March 25 to April 1, 1888, Volume 1 (Washington, DC, 1888), 177. J. [Judith] Ellen Foster (1840–1910) was admitted to the bar in Iowa in 1872 and was active in women’s suffrage and temperance movements. She traveled to Europe in 1887, to the Philippines in 1900, and later to China and India.


global significance of legal feminism, and, in this case, contributed directly to the expansion of women’s rights. Frank’s correspondence with the US legal community catalyzed Popelin’s membership in the legal sorority association called the Equity Club (1886–1890), and Popelin was invited by the American lawyer Belva Lockwood to take up legal practice in Washington, DC. This reinforced an unequal power dynamic whereby Americans appeared to aid those in the so-called Old World in the modernization of gender relations while the Europeans contributed intellectual leadership to their New World counterparts.

The debate on the question of women’s right to work as lawyers and judges during the Belle Époque led to different outcomes, with transnational significance. In this era, some countries decided to exclude women from the bar (Italy, Belgium, Russia, and England) and others to admit them (United States, Romania, and Norway). Frank’s text *La femme-avocat* mattered not only in the US; it also entered the French legal record as an amicus brief when Jeanne Chauvin challenged her exclusion from the bar in 1897. Through political maneuvers, Chauvin ultimately secured legislative support from independent socialist politicians, including René Viviani, which resulted in the opening of the bar to women in metropolitan France though not initially in its colonies (law of December 1, 1900).

The efforts in professional barrier-breaking also coincided with grassroots political reforms. In Paris, Chauvin collaborated with the Belgian Women’s Rights League to promote women’s education and civil rights in their newspaper and in her other publications. Chauvin also worked closely with British-born and French-educated activist Jeanne Schmahl in her association, The Forerunner (L’avant-courrière). Chauvin used her legal skills to draft legislation that would secure for all women in France the right to serve as witnesses in civil acts (1897) and for married women the right to control their earned income (1907). Schmahl served as a lobbyist. Their legislative successes were, in turn, emulated by Frank in Belgium.

The power of this early form of legal feminism as ideology and practice is apparent in the history of international conferences where campaigns for legal equality were central to the platforms. Paris hosted two important congresses in 1889 in conjunction with the Universal
Exposition that fostered connections among legal activists. American ICW president May Wright Sewall (1899–1904), for one, provided an inspiring, even “contagious,” example of activism as she promoted the message of internationalism by emphasizing the solidarity of humanity, the Golden Rule, equality, and democracy at the Congrès français et international à droit des femmes.\footnote{On Sewall (1844–1920), see Offen, “Understanding Feminisms as ‘Transnational,’” 35.} At the Congrès international des œuvres et institutions féminine devoted to women’s work and associations, Belva Lockwood, a pioneering lawyer from Washington, DC, celebrated the progress of women in the work world. She had secured a legislative triumph for women’s rights when she was authorized to plead cases before the US Supreme Court.\footnote{Exposition internationale de 1889. Actes du congrès international des œuvres et institutions féminines (Paris, July 12–18, 1889) (Paris, 1890), 437–39. Jill Norgren, Belva Lockwood: The Woman Who Would Be President (New York, 2007), 172.} Lockwood optimistically predicted to her audience that all those who claimed equality before the law would, eventually, benefit from it, and, in turn, society as a whole would be speedily transformed as women entered public life.\footnote{Actes du Congrès international des œuvres, 437–39.}

A simple solution was proposed to establish equality in France: by altering the Declaration of the Rights of Man by two words so that it read “All citizens and citizenshipes are equal under the law,” married women’s rights could be established (suppressing the detested Article 213 of the civil code, which required wives’ “obedience” to husbands), and all other laws could be applied equally to men and women.\footnote{Rapport by M. Beurdeley, lawyer and mayor of the eighth arrondissement of Paris, read by Mme C. De Ferres in Actes du Congrès international des œuvres, 506.} The conferences reveal jurists’ and lawyers’ instrumentalist approach to law and an optimism in the power of law to work for, rather than against, women’s socio-political emancipation.

Comprehensive reforms were simpler to declare than to enact. At the ICW congress Popelin called for women of different nationalities to recognize their commonalities and band together to secure legal equality.\footnote{Congrès français et international au droit des femmes, Paris 1889, 238–45, 240.} Popelin and her counterparts debated at length how to dismantle women’s unequal legal status and how to create an international court for arbitration — evidence of their belief that international law held great potential as a tool for instituting equality within national contexts.\footnote{Ibid., 240, 207.} They wanted to create a forum to address women’s rights internationally as they worked from a conviction that all humans were endowed with universal rights.\footnote{Among the important scholarship on internationalism and feminism, see Ann Taylor Allen, Anne Cora, and Jane Purvis, “International Feminism,” Women’s History Review 19 (2010): 492–501; Allen, Feminism and Motherhood; Anderson, Joyous Greetings; Rupp, Worlds of Women. See also Karen Offen, The Woman Question in France, 1400–1870, and Debating the Woman Question in the French Third Republic, 1870–1920 (both Cambridge, forthcoming, 2017).}

Transatlantic conferences brought women’s voices to prominent audiences and drew sharp contrasts between women’s intellectual prowess and their second-class citizenship. A direct confrontation occurred at
the male-dominated Congress on Jurisprudence and Law Reform in Chicago (August 7–12, 1893), where female experts expounded on the intertwined nature of gender and law. Illinois lawyer Myra Bradwell secured the participation of her Boston colleague Mary A. Greene, who provided a comprehensive statutory overview in “Married Women’s Property Acts and Needed Reforms Therein,” and San Francisco lawyer Clara Foltz, who spoke on the role of public defenders. Indian jurist Cornelia Sorabji contributed a paper titled “Legal Status of Women in India,” which called for more legal representation by women for women in Hindu and Muslim courts. Chicago lawyer Mary Ahrens read Londoner Eliza Orme’s “Legal Status of Women in England,” which advocated for women’s improved control over their property.77 Jeanne Chauvin’s essay on the subject of women’s legal rights in France argued that the French urgently needed to put their legal codes in agreement with “the needs of equality and social progress,” to “put reason above tradition” and root out prejudicial structures.78 Chauvin argued for comprehensive reforms within the family, in society (e.g., education, employment, and civil legal action) in ways that affirmed a fundamental conviction that women merited equal rights. Chauvin later clarified her definition of “féminisme,” stating that feminists, since 1789, had argued that the phrase “droits de l’homme” must be understood as meaning “droits de tout être humain,” so rights would apply to every human being. Feminism, she wrote, existed because “the woman does not have, in either the family or society, the place that she must occupy, by virtue of her dignity as a human being, and in the interests of society.”79 Consequently, feminists claim “the right to work, the right to exercise the professions of their choice; they demand civil equality and political equality.”80

Legal Questions and Transatlantic Legacies, 1899–1912

By 1894, the ICW advisory council could call upon the intellectual skills of a handful of female legal experts including the Europeans Chauvin, Popelin, and Kempin-Spyri, as well as the Americans Bradwell and Foster.81 By bringing together jurists from various legal systems, the ICW provided a strong basis for a comparison of women’s legal condition. The analytical and comparative work they undertook occurred outside the supportive context of universities or government agencies; instead, it was led by volunteer associations whose members intended to make feminist voices heard directly or through elected representatives at a time when few women had formal political rights. By 1897, reforming national civil codes had become a mainstream goal within the European women’s rights movement, as it had been for the French for decades.82


79 Chauvin, “Conférence sur le féminisme,” 15, 1.

80 Ibid


82 Isabella Gatti de Gamond, “Qu’est-ce que le féminisme,” Cahiers féministes, November 1, 1897.
Marie Stritt condemned the strangling yoke exerted on women through marriage law, and she co-initiated the German women’s campaign (Frauenlandsturm) to change the civil code.83 Feminist jurists, including Stritt, possessed the requisite expertise to propose legislation, to debate the issues with men in the legal or political spheres, and to provide legal services to female clients; thus informed, they lent their voices to key public debates.84 In so doing, they articulated concrete ways to rewrite the social contract along egalitarian lines.

Legal reforms were crucial to the transatlantic women’s rights movement, but only in 1899 did the ICW create formal sections devoted to comparative family law questions.85 During 1888 to 1899, the approach to legal concerns had been primarily focused within nations because of the difficulty of coordinating legal reforms across nations’ legislative barriers and varied legal systems.86 The new ICW laws committee was chaired first by German Baroness von Beschwitz (1899–1908), then by French feminist Marie [Mme Charles] d’Abbadie d’Arrast (1909–1913), and later by the Dutch lawyer E. C. [Elisabeth Carolina] van Dorp (1914–1920).87 The committee sought expertise from Chauvin, yet (for unknown reasons) Stritt subsequently filled this role, resulting in an initial concentration of leadership by the Germans.88 Popelin’s vision from 1889 of a common campaign for the study and promotion of legal equality was finally launched at the 1909 Quinquennial Council Meeting in Toronto, when each national council was charged with reporting on the “unequal laws in their respective countries which deal with the relations of women in the Home, the Family, the Municipality, and the State.”89 The purpose of the reports was to prepare for political action in the form of letters to each government that spoke “to the need for betterment of many of these laws, and the desirability of women taking part in the deliberations equally with men on such laws.”90 Female jurists and lawyers called for the compilation and analysis of the legal position of women relative to their civil and political capacity, domestic relations, and economic position in order to develop a “comparative study and exposition of the laws concerning marriage and divorce.”91


85 I continue to research the ICW’s positions on women’s access to legal education and advancement in the legal profession, as well as the unique role of women with legal education and/or legal experience in the promotion of the ICW agendas.

86 See Röwekamp in this volume.

87 The “committee on laws concerning domestic relations” changed its name to “committee on laws concerning the legal position of women” in Berlin in 1904. The report from the 1914 ICW meeting in Rome noted the participation of lawyers including Marguerite Pichon-Landry (France), Lydia Poët (Italy), and Ellen Spencer Mussey (United States; 1850–1936).


89 ICW, Women’s Position in the Laws of the Nations: A Compilation of the Laws of Different Countries, Prepared by the I.C.W. Standing Committee on Laws Concerning the Legal Position of Women (Karlsruhe, 1912), 186.

90 Ibid.

91 May Wright Sewall, Report of Transactions During the Third Quinquennial Term Terminating with the Third Quinquennial Meeting Held in Berlin, June, 1904 (Boston, 1909), 127.
collaborative work created by male and female feminists was published as *Women’s Position in the Laws of the Nations: A Compilation of the Laws of Different Countries* (1912). This pioneering report was an effort to insist that women’s problems in the law, especially married women’s status, transcended national boundaries.

The scope of *Women’s Position in the Laws* ranged widely from family law (e.g., marital authority, property, divorce, residence, parental rights, illegitimacy, guardianship, and inheritance) to penal law, public law, and statutes or laws affecting the professions. The gender inequality documented therein was simultaneously a social and legal problem, and reformers argued that the state was responsible for its rectification. As such, women defined the priorities for reform and provided documentation potentially useful to legislators. The compilation highlighted the pervasiveness of women’s subordinate status, the unevenness of reforms, and the energy with which national councils sought satisfaction. The question of women’s political rights was connected to their status under family law. Scottish ICW president Ishbel Aberdeen argued that women’s inequality in society was not, as was often claimed, offset by their influence within the home as evidenced by multiple legal constraints on women in family law.92 Volume editor d’Abbadie d’Arrast also underscored that the national councils could promote legislative and civil code reform and wield legal influence in the pursuit of gender equality.93 Her comments reinforced the notion that national legislatures and courts remained the primary sites for legal reform even as activists aspired to achieve change transnationally.

At the same time, international activism seemed to energize national projects, even if it did not lead consistently to cooperation. For example, American lawyer Ellen Spencer Mussey, who wrote the report on the United States for the *Women’s Position in the Laws* volume, actively promoted a variety of legal reforms domestically, including equal guardianship rights for mothers, women’s equal rights to serve on juries, and married women’s property rights. Mussey had founded, with Emma Gillett, the Washington College of Law (est. 1898), a coeducational — though not racially integrated — law school.94 She lived to see that the controversy about married women’s autonomous nationality rights, a controversy of long-standing importance to the ICW, was mollified through the Married Women’s Independent Nationality Act (the US Cable Act of 1922). This nationality act halted procedures whereby women would automatically acquire the

citizenship of their husbands without their consent. André Verne, a French lawyer and author of the chapter on France in *Women’s Position* also wrote about married women’s autonomy. He called for political action to reform the French civil code to equalize women’s rights in the family and political sphere (specifically, married women’s property rights, guardianship, marital property, divorce, inheritance, and labor rights and representation).\textsuperscript{95} Progress in any nation was understood to contribute to the potential of women’s progress worldwide because arguments, evidence, and rationales could be re-deployed in parallel campaigns (admittedly with mixed success).

The comparative legal analysis of women’s position in this text, published in English, French, and German, was a result of the productive collaboration among feminist legal experts, facilitated by the ICW, the “mother” of the League of Nations. The ICW’s *Women’s Position* reflects a broader historical pattern whereby women’s organizations played a conspicuous role in articulating and lobbying for legal reform in the early twentieth century that bore fruit only later. As Ann Taylor Allen has highlighted, the work undertaken at the turn of the century by the Scandinavian Committee for Family Law to issue new legal code guidelines eventually led to laws that equalized parental responsibility in the family, even though passage of such reform was delayed until the 1920s.\textsuperscript{96} Likewise, legal reforms that improved women’s rights in the second half of the twentieth century were possible as a result of women’s political action that was, in turn, facilitated by decades of cross-cultural exchange. Incremental legal reform was pragmatic, if agonizingly slow.

In these years, international contact and comparison energized national movements and inspired progress toward a comparative vision of feminist legal action. Effective coordination through international binding agreements, however, would hang in abeyance until the feminists catalyzed a platform within the League of Nations where reforms on important common questions could be addressed.\textsuperscript{97}

**Conclusion**

By 1914, female lawyers and jurists had undertaken and published comprehensive analyses of women’s legal status, fueled in part by their transatlantic networks. The knowledge they shared was based in part on women’s lived experiences as mediated through legal conflicts, which revealed the disparate impact of law on women versus men. Systematic feminist critiques of the law reached new

\textsuperscript{95} *Women’s Position*, 125–26.

\textsuperscript{96} Taylor Allen, *Feminism and Motherhood*, 49.

audiences through the popular press and academic publications and in speeches and lectures, thus promoting national and international debate.98 The implementation of piecemeal gender equality under the law occurred unevenly in North America and across Europe, but each success inspired emulation among social reformers. The American model of gender equality under the law was particularly salient for French feminists seeking to deploy parallel strategies in their sister republic.99 The overarching goals within these transatlantic alliances were the desires to secure legal equality for married women and to open opportunities for all women in modern society.

The larger purpose of all this activism was to secure a voice for women in political and legal reforms that would also prompt state-driven changes in private life. How to enact such reforms would turn out to be controversial at nearly every turn. Nevertheless, legal feminists deployed their knowledge and activism in an international context to seek the application of the change they envisioned. Through this process, they articulated and disseminated their feminist visions and attempted to direct the political power in each nation to shape the circumstances surrounding the personal lives of female citizens. Tracing the history of the relationships that emerged, as well as their characteristics and limitations, offers productive territory for future explorations of the history of early twentieth-century legal feminism.

During the interwar years (1919–1938) international women’s associations took advantage of the opportunities presented by the League of Nations to debate and to promote women’s rights through intergovernmental cooperation, policy, and legal agreement. These groups had prepared in the prior years by conceptualizing international solutions to redress the fundamental inequalities that structured life for women across different national contexts in the Western hemisphere. They advocated for peace and the advancement of women’s rights in family law, labor law, civil law, and political law at the Paris Peace Conference (1919), in the campaign for married women’s independent nationality, and through the Committee on the Status of Women at the League of Nations.100 Scholars would do well to recognize that the work of preceding decades contributed to these later transnational efforts.

This article draws attention to a history of transnational legal feminism within the broader history of the women’s rights movement during the Belle Époque to highlight the centrality of legal concerns

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98 For France, see Kimble, “Popular Legal Journalism.”
and female lawyers’ contributions. Feminist lawyers and legal thinkers worked both independently and in conjunction with international women’s organizations, notably the WIBA and the ICW, to campaign to reform women’s rights in the family as well as in society. While suffrage was the linchpin to secure an official political voice for women, the reform of family law and civil codes was essential to create the possibility of equal standing for wives and mothers within the framework of the family. Political and legal reform campaigns, both national and international, would eventually begin to level the playing field, creating more equal opportunities under the law such that men and women might experience the world with the same expectations, unfettered by legal constraints and able to contribute their talents to their societies.

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