



Women and the Law in Europe

[*Women in Law and Lawmaking in Nineteenth and Twentieth-Century Europe*](#). Eva Schandevyl, ed. Farnham, Surrey; Burlington, VT: Routledge, 2014. 279pp.

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<1>Eva Schandevyl's edited collection, *Women in Law and Lawmaking in Nineteenth and Twentieth-Century Europe* (2014), is a welcome and fascinating compendium of discussions of both women's battle to gain entry to the legal professions and of women as subject to inequitable laws. Written by researchers in seven countries, its nine essays give these comparatively under-examined areas of gender and legal history erudite attention. Interdisciplinary in focus, the volume includes essays by both historians and legal experts, with contributors utilizing a wide range of methodologies in their analyses of women and the law in several European countries.

<2>The book assesses material from both the nineteenth and twentieth centuries, with several of the essays also including discussion of pre-nineteenth-century material. The final essay, 'Legal Cultures in Transition: The Role of Italian Jurist Women' by Maria Rita Bartolomei extends the chronological focus into the twenty-first century by showing the continued detrimental impact of gender constructions on contemporary Italian women lawyers. The collection as a whole is useful to readers with interests in gender studies, but the material most centrally

related to the nineteenth-century appears in the four essays comprising Part II of the volume, which examines 'Gender Constructions and their Impact on Jurisprudence.'

<3>Through intensive and careful scholarship its essays nuance understanding of the nineteenth century as a period when women's legal rights, especially with regard to property rights and divorce, were substantially eroded as a result of the discriminatory French (Napoleonic) Civil code of 1804 which was imposed upon, or influenced laws within, many European countries. The Civil code removed rights from married women, rendering them subject to their husbands, and affected women's legal position throughout the nineteenth century. Yet as the contributors show, women's engagement with the law did not always result in blanket subservience.

<4>The first essay in Part II, Mathieu Brûlé's 'Arbitrating Class and Gender: Working-class Women and Labour Arbitration in Tourcoing, 1848 to 1894,' is based on Brûlé's impressive analysis of over 4,000 cases involving working-class women's interactions with the *conseils des prud'hommes* or labor arbitration boards, in Tourcoing, an important French textile town on the Franco-Belgian border. Brûlé examines how the 1848 inception of universal male suffrage, by opening the boards to male workers' representatives, impacted on female workers' use of the boards in employment disputes. He shows that having male working-class board members post 1848 had a positive impact on both male and female workers, leading more women to use the boards despite the fact that their rate of winning cases fell because compromise solutions were favoured.

<5>In the next essay, 'Bending the *Code Civil*: Married Women, their Capacity to Engage in Contracts and the Partnership between Spouses (Belgium, 1804-c. 1865),' Dave De ruyscher assesses the 1804 Civil code's impact upon Belgian women. His intensive analysis shows that while the code was clearly discriminatory, some judges and juries could bend its rules to enable married women to enter valid contracts and manage marital assets.

<6>The following two essays focus on periods of cultural and legal change in Catholic Orthodox countries of Southern and Eastern Europe: Greece and Russia respectively. Evdoxios Doxiadis's 'Women and the Law in Nineteenth-century Greece: The Impact of the Modern State' is a detailed tracing of women's rights, especially in relation to law and property, under the Ottoman Empire and the rapid reduction of those rights in the modern state of Greece.

<7>Also tracing nineteenth-century changes in women's older, historical rights, Nadezda Belyakova and Taisiya Belyakova in 'Women's Rights in the Late Russian Empire: The Paradoxes of the Legislative Basis in the Family Sphere' explore the influence of Byzantine law in late imperial Russia. They show that while nineteenth-century laws restricted women's rights in the family sphere, for example in relation to divorce, they also, unusually in Europe, and rooted in

Byzantine precedent, expanded rights to separate property on marriage. Women had few legal rights in the family sphere which, especially in rural areas, was determined by Russian Orthodox Church and customary laws but, paradoxically, also had rights to independent property inherited from Byzantine law.

<8>Paradoxes in women's relationships with the law are also identified in Mary Jane Mossman's account of 'Women Lawyers and Women's Equality Movements at the Turn of the Twentieth Century,' the first of two essays in Part III which consider 'Gendered Legal Cultures in Global Perspective.' Unlike several other contributors who suggest that for women lawyers the personal and professional aspects of gender and equality activism are closely intertwined, Mossman argues that many turn-of-the-century women lawyers – across a range of jurisdictions, including the USA, Canada, and New Zealand – adopted masculine legal models, rejecting feminist demands and effectively dividing the personal from the professional. By contrast, Mossman shows, women such as the American Myra Bradwell, British Eliza Orme, and Belgian Marie Popelin who 'remained more involved in the movement for women's equality even after becoming women in law' (234), did not gain formal admission to their legal professions.

<9>In discussing barriers to and restrictions on women's legal careers in, consecutively, Belgium, France, and Germany, the three essays in Part I of the volume, 'History of Women in the Legal Profession,' also offer some discussion of nineteenth-century antecedents, debates, and key figures although they are primarily focused on the twentieth-century. Sara L. Kimble's 'Feminist Lawyers and Legal Reform in Modern France, 1900-1946' assesses the ways in which female French jurists – who were permitted to become lawyers from 1900 – protested against gender discrimination in the first half of the twentieth century. She shows that their protests against professional discrimination were closely tied to calls for voting rights and equality as citizens and notes that by 'the early twentieth century, France was home to the largest concentration of female lawyers anywhere in the world' (45). She also considers women active in the late nineteenth-century movement to open the bar to women such as the pioneering Jeanne Chauvin who also had connections with American and other international reformers.

<10>Marion Röwekamp's 'Women's Admission to the Legal Profession in Germany between 1900 and 1933,' like Kimble's essay pays some attention to the nineteenth-century background. Noting that Germany was late in Europe in not admitting women to the bar until 1922, but was also forerunning in having female judges prior to World War Two, Röwekamp observes that German women's 'access to legal professions was more controversial than that of other academic professions because the law was closely associated with political rights' (94).

<11>Aurore François and Christine Machiels in 'From Philanthropists to Juvenile Judges: Women Dealing with Juvenile Delinquency. International Debates and Local Practices in

Belgium (1890-1960)' pay greater attention to the late nineteenth-century context. Tracing women's legal, political, and social involvement in child protection in Belgium, they also discuss international debates about women's role in the juvenile justice system and parliamentary debates over child protection in the 1890s.

<12>As Schandevyl notes in her lucid introduction, the collection shows that 'whereas the professionalisation of law from the end of the eighteenth century onwards involved the gradual exclusion of women,' in the twentieth century there is 'an inverse movement' that sees the '(re)introduction of women' (19). For women's relationship with the law, the nineteenth century is, in other words, a period of retrenchment and increased patriarchal dominance.

<13>Considering the range of countries addressed, the spread of periods, and its attention to both women as lawyers (or lawyers manqués) and the law's impact on women, a collection such as this might risk its essays seeming disconnected. Such risk is averted, however, by the unifying nature of the volume's primary consideration of civil law countries, and by its highlighting of the often interwoven nature of issues that impeded women's advancement and equality both professionally and in daily life. The precise scholarship and detailed specificity of the essays also serve to link them into a rich and unified account of women and the law in Europe.

<14>The essays are well-written, thoroughly researched, judiciously edited, and comprehensively referenced. Creating a beneficial symmetry they use a similar structural template, each essay, for example, clearly describing the sources it uses, explaining the limits of its discussion, providing historical background, and having a headed conclusion. They are in this sense models in how to present scholarship. Their structural consistency also serves to unify the volume and is testimony to the scholarship of the authors and skills of the editor. An impressive range of archival material is examined and fine and intriguing arguments are put forward. This is a volume that sheds welcome and thought-provoking light on women's relationship with the law and will prove of interest to anyone with interests in European, women's, or legal history.