



## Essay

### WOMEN'S WAY TO THE PROFESSIONS—A EUROPEAN PERSPECTIVE<sup>1</sup>

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The 1980s and 1990s saw a flurry of interest in the history of the professions among historians and historical sociologists. Moving beyond studies of individual professions, an international group of scholars attempted to specify both the similarities and differences among multiple national contexts, and to establish a terminology that could be used across them to identify what counted as a “profession.”<sup>2</sup> As part of that effort, the German historians Kocka and Conze have defined it as “a largely non-manual, full time occupation whose practice presupposes specialized, systematic and scholarly training.” Access to professions typically “depends upon passing certain examinations which entitle to titles and diplomas.” Professions “tend to demand a monopoly of services as well as freedom from control by others such as laymen, the state, etc.” Finally, professionals can claim “specific material rewards and higher social prestige” on the basis of standards of “competence, professional ethics and the special importance of their work for society and common weal.”<sup>3</sup>

Such a definition has indeed proven useful for some level of cross-cultural comparison. Rather than one, implicitly Anglo-American model in which occupational groups establish ever-greater autonomy from the state through organizational activity and the development of self-regulation, multiple possible trajectories for the process of professionalization have emerged. But the very terms of even this expansive definition, designed to allow for national variation, are silent on the matter of gender. This is due largely to the fact that the professions could, as one scholar put it, develop as “self-

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1 This brief essay is in no way exhaustive. Many of the most important works in the field are included among the citations and may be consulted for further information on particular professions and national contexts. The breadth of research that can be considered part of the history of women and the professions would also include the works cited on the development of “separate spheres” and women’s education, as well as work I have not cited on the development of state intervention into the lives of working people.

2 Representative of these attempts are the essays published in the two volumes edited by Michael Burrage and Ralf Torstendahl, *Professions in Theory and History: Rethinking the Study of the Professions*, London 1990 and *The Formation of Professions: Knowledge, State and Strategy*, London 1990, as well those as Conze, Werner; Kocka, Jürgen (eds.), *Bildungsbürgertum im 19. Jahrhundert*, vol. 1: *Bildungssystem und Professionalisierung in internationalen Vergleichen*, Stuttgart 1985, and Cocks, Geoffrey; Jaraus, Konrad (eds.), *German Professions, 1800-1950*, Oxford 1990.

3 Translated and cited in Burrage, Michael; Jaraus, Konrad; Siegrist, Hannes, An actor-based framework for the study of the professions, in: Burrage, Michael; Torstendahl, Ralf (eds.), *Professions in Theory and History: Rethinking the Study of the Professions*, London 1990, pp. 203-225; here p. 205. The original citation is from Conze, Werner; Kocka, Jürgen, *Einleitung*, in: Conze; Kocka (see footnote 2), pp. 9-26, here pp. 16-18.

evidently male domains.”<sup>4</sup> Examining the efforts of women to join the professions and the arguments they could and could not use to do so, however, sheds light on the significance of gender in the making of professional identity.

European women faced obstacles and difficulties in establishing and identifying themselves as professionals, because they were defined into (and often identified themselves with) a feminized private sphere at the same moment when the public was being defined as the symbolic space of both masculine and professional activity. They gained access to the professions by securing access to education, developing a set of discourses to help them transcend the effective boundary between the private and public to demand entry into the professions, and pressing for state intervention on their behalf. Emphasis on the differences between men and women, and the special qualities or characteristics that women might bring to bear in professional activities, was useful in expanding educational opportunities for and opening teaching careers to women. Emphasis on equality of occupational access between men and women was useful in the eventual creation of opportunities for women in the traditional “liberal profession” of law. These two examples will be used to describe the differential use of arguments emphasizing equality or difference, to illustrate what women faced in attempting to join one profession-in-the-making and one more established profession, and to provide some sense of national variations.

The rise of the professions from the late eighteenth century forward, and women’s conceptual and actual placement within the private, were both deeply intertwined with the development and differentiation of the European middle classes. The replacement of privilege based on birth with privilege based on merit, often proven through training and examinations, formed an important basis for middle-class aspirations to social leadership. Liberal discourse emphasized competition among equal citizens, defined by their independence. This independence crucial to citizenship might be acquired through a general, liberal education that enabled critical thinking, or through ownership of property, or both. Women’s lack of independence, in these terms, helped to justify the restriction of their rights: the “natural occupation” of motherhood tied them to the house and made them “dependent on the male.”<sup>5</sup>

This “natural occupation” was reinforced through restrictions on women’s access to education and employment, which in turn ensured continued dependence on men. An idealization of motherhood contributed to a distinctive pattern of family life among the European middle classes, in which the home was identified as a private sanctuary to be protected from the forces of economic and political competition, and there developed an enhanced association of masculinity with work outside the home and of femininity almost exclusively with the domestic.<sup>6</sup> Middle-class men gained ever-greater access to the

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4 Jarausch, Konrad, *The German Professions in History and Theory*, in: Cocks; Jarausch (see footnote 2), p. 17.

5 *The Krug’sche Lexikon of 1827*, cited in: Kocka, Jürgen, *The European Pattern and the German Case*, in: Kocka, Jürgen; Mitchell, Allen (eds.), *Bourgeois Society in Nineteenth Century Europe*, Oxford 1993, pp. 3-39; here p. 10.

6 The scholarship on the emergence of “separate spheres,” and the attempt to trace the interpenetration of the ‘private’ and the ‘public,’ is extensive and varied. Classic work includes, for England, Davidoff, Leonore; Hall, Catherine, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850*, Chicago 1987; for France, Smith, Bonnie, *Ladies of the Leisure Class: The Bourgeoisies of Northern France*, Princeton 1981; and for Germany, the essays collected in: Frevert, Ute (ed.), *Bürgerinnen und Bürger. Geschlechterverhältnisse im 19. Jahrhundert*, Göttingen 1988. More recent

professions of law, medicine and teaching throughout the nineteenth century, as more and more of them opted for the higher education that was increasingly a prerequisite for sitting examinations. They joined the organizations that allowed professionals to make various claims on the basis of their social importance. But middle-class women's appropriate full-time occupation, in particular as it related to any conception of its "special importance [...] for society and common weal," was articulated in both scholarly and popular formulations as motherhood and the maintenance of the household. This private role for women was essential to the delineation of a public within which middle-class men could realize their aspirations as "independent" individuals.

The liberal, middle-class idealization of motherhood and of separate, gendered spheres of activity for the sexes that was used to describe the home as women's proper place paradoxically opened public opportunities to women as the nineteenth century progressed. Motherhood formed the basis of women's first claims to educational access. In a multitude of publications, middle-class women and male allies embraced the idea that women should be properly educated to assume the role of nurturers of the next generation. Drawing on the work of Mary Wollstonecraft, Johann Pestalozzi and Friedrich Fröbel, they connected the maternal with the pedagogic, and warned of the dangers of uneducated mothers raising daughters unfit to mother in turn.

Mothers needed more than just the most rudimentary or informal education, however, since the middle-class woman's reproductive labor included the reproduction of cultural capital. Freed by servants from the worst drudgery of household work (which she must nevertheless supervise), she was to manage the early education and refinement of her children and direct their assimilation of bourgeois norms and values. In France, this had an additional political resonance, as the *mère-éducatrice*, or "mother-educator," might affect her children's awareness and interpretation of public issues—a role which made her a target for shifting political interests during the nineteenth century.<sup>7</sup> It was also a role which allowed for opportunities beyond the individual family. Women's "innate maternal qualities," whether they were actually mothers or not, were cited as a reason to offer them employment as teachers in the French (co-educational) nursery schools established from the 1830s and French women were also appointed as inspectresses of the nursery schools, setting a precedent for the expansion of their activities to other levels of education, prisons, and welfare institutions later in the century.<sup>8</sup>

In the German states, where formal politics were often inhospitable to liberalism, the *Kindergarten* movement offered an alternative path for the middle-class project of a "conscious and systematic education of a new generation of citizens," and Fröbel emphasized the dependence of this process on women, "to whom God and Nature [...] pointed out the first educational office in the family."<sup>9</sup> Although the *Kindergarten* was

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book-length studies of note include, for France, Davidson, Denise Z., *France after Revolution: Urban Life, Gender, and the New Social Order*, Cambridge, MA, 2007; and for Germany, Habermas, Rebekka, *Frauen und Männer des Bürgertums: Eine Familiengeschichte (1750-1850)*, Göttingen 2000.

7 Barbara Corrado Pope first analyzed the *mère-éducatrice* in: *Maternal Education in France, 1815-1848*, in: *Proceedings of the Western Society for French History* 3 (1976), pp. 368-77.

8 See Clark, Linda L., *The Rise of Professional Women in France: Gender and Public Administration since 1830*, Cambridge 2000, pp. 4; 11-19, and more generally on the ways in which assumptions about gender and state priorities shaped opportunities for women throughout the nineteenth and twentieth centuries.

9 Allen, Ann Taylor, *Spiritual Motherhood: German Feminists and the Kindergarten Movement, 1848-1911*, in: *History of Education Quarterly* 22 (1982), pp. 319-39; here p. 319-20. On the significance

banned in Prussia during the post-1848 reaction because of its liberal associations, the link between (actual or potential) motherhood and education had been established. There was no question of women serving in any sort of official administrative capacity as they did in France, but they were almost without exception the heads of the private teacher-training seminars attached to *Kindergärten*.

Similar connections were made in Britain and the Netherlands, where women's opportunities for employment in teaching children were associated with "innate maternal qualities" that might be put to use outside of the individual home.<sup>10</sup> In the British case, women taught girls in private schools as well as in the more often co-educational elementary schools sponsored by religious and colonial societies. Although employment in public elementary education was almost exclusively for men, Dutch women were allowed to teach both male and female pre-school pupils, as well as girls at all levels in private schools.<sup>11</sup> The longer use of nuns for the education of young children and girls in countries where Catholicism was dominant, including Spain, Portugal, and Italy, was reinforced by this newer preference for laywomen in certain areas of teaching.<sup>12</sup>

The connections drawn between actual or potential motherhood and employment in teaching were early manifestations of what historians of women and gender have identified as a malleable ideology of "maternalism" or "social motherhood" used by women and men across the political spectrum to delineate the proper sphere of women's activities. The popularity of ideas that "exalted women's capacity to mother" and identified specific social tasks for them helped to ensure the success of arguments for expanded education for girls as the nineteenth century progressed, and were one of the bases on which women gained greater access to secondary teaching and other professional opportunities.<sup>13</sup>

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of motherhood in the discourses and development of feminism, see her classic, longer study *Feminism and Motherhood in Germany, 1800-1914*, New Brunswick, NJ, 1991, as well as her more recent and more broadly European *Feminism and Motherhood in Western Europe, 1890-1970: The Maternal Dilemma*, New York 2005. On the specific importance of the Kindergarten in the growth of women's education and professional opportunities, see Albisetti, James, *Schooling German Girls and Women*, Princeton 1988, especially Chapter Four.

10 See Bellaigue, Christina de, *The Development of Teaching as a Profession for Women Before 1870*, in: *The Historical Journal* 44/4 (2001), pp. 963-988; here p. 974.

11 See Van Essen, Mineke, *Strategies of Women Teachers, 1860-1920. Feminization in Dutch Elementary and Secondary Schools from a Comparative Perspective*, in: *History of Education* 28 (1999), pp. 413-433. Her *Female Teachers in the Netherlands, 1827-1858*, in: Schmuck, Patricia A. (ed.), *Women Educators: Employees of Schools in Western Countries*, Albany, NY, 1987, pp. 139-151, covers the earlier period of developments for women teachers in the Netherlands, and her book *Onderwijzeressen in niemandsland. Vrouwen in opvoeding en onderwijs*, Nijkerk, 1986, provides a more in-depth study of nineteenth and early-twentieth-century developments.

12 See Rogers, Rebecca, *From the Salon to the Schoolroom: Educating Bourgeois Girls in Nineteenth-Century France*, University Park, PA, 2005, especially Chapters One, Two and Five on nuns as teachers and the continuities between religious and secular education in France, and Meiwes, Relinde, "Arbeiterinnen des Herrn": katholische Frauenkongregationen im 19. Jahrhundert, Frankfurt am Main 2000.

13 The now-classic, although contested, definition is that provided by Koven, Seth; Michel, Sonya, in: *Womanly Duties: Maternalist Politics and the Origins of Welfare States in France, Germany, Great Britain, and the United States, 1880-1920*, in: *American Historical Review* 95 (1990), pp. 1076-1108; and given more complexity in their edited volume, *Mothers of a New World: Maternalist Politics and the Origins of Welfare States*, Oxford 1993.

The idea of separate, gendered spheres for men and women affected the development of secondary education as strongly as the idea of motherhood as women's primary occupation had affected elementary education. The secondary education that developed for elite and middle-class sons and daughters throughout Europe during the nineteenth century was almost exclusively single-sex education, in keeping with the understanding that young men and women must be educated for their distinct destinies. Secondary education expanded for girls in the second half of the nineteenth century at least in part to address an additional consequence of the relegation of middle-class women to the home: the need for "respectable" employment for unmarried middle-class daughters. In the German lands, this had already been an accepted reason for educating some women to teach, since the daughters of civil servants had never been able to contribute to the family firm as bourgeois daughters might have.<sup>14</sup> In France, teaching was viewed similarly as an "honorable solution" to the problem of the unmarried (or unmarriageable, in the absence of a dowry) daughter.<sup>15</sup> In Britain, teaching was one of the only forms of employment that a middle-class woman could pursue without endangering her social position. Teaching became an attractive option for many more young women as fears of an overabundance of unwed daughters waxed and waned from midcentury forward in many European countries, although married women teachers were also common in France and Holland. For both married and single women, these activities outside of the home could be tied to a domestic discourse that identified their work as an application of maternal instincts and skills and played down the potential connection between education and emancipation.

Despite the potentially successful extension of maternalist and separate-spheres argumentation to the demand for access to secondary schoolteaching, the only context in which women had monopolized the secondary education of girls was the Netherlands. There was a small sector of Dutch education, consisting exclusively of private secular and religious schools. French women grew to dominate the secondary education of girls only after the passage of the Falloux Law in 1850, which aided the establishment of religious schools employing nuns for the teaching of girls, and became the near-exclusive educators of girls even in public secondary schools under the Third Republic. British women gained ascendancy a bit earlier, by the 1860s, even as more publicly-funded institutions were established. German women predominated among the directorships of private secondary schools for girls, and often among their teaching staffs, but men were preferred in the public institutions which expanded in number during the second half of the nineteenth century. The Dutch and German cases are instructive for understanding the stakes involved in the potential feminization of a career that also at least theoretically offered a professional opportunity to middle-class men, and the complexity of using arguments based on gender difference when it came to actual competition between the sexes.

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14 See Albisetti, *Schooling German Girls and Women*, pp. 58-59.

15 See Rogers, Rebecca, *From the Salon to the Schoolroom: Educating Bourgeois Girls in Nineteenth-Century France*, University Park, PA, 2005, here pp. 101-102, as well as Jo Burr Margadant's classic *Madame le Professeur: Women Educators in the Third Republic*, Princeton 1990, especially Chapters Five and Six, on the continuing perception that teaching was a career for the unmarried or unmarriageable. The older, classic account in French, which covers the entire century, is Mayeur, Françoise, *L'éducation des filles en France au XIXe siècle*, Paris 1979.

In both cases, the nineteenth century saw the professionalization of teaching for men. In many of the German lands, by 1850 teaching became “a male career, rather than a part-time or temporary job [...] with certification, seminars,” and other layers of training.<sup>16</sup> In the Netherlands, teaching became a “respected male profession,” and in both cases, the benefits offered to teachers in terms of pensions and pay expanded as the century progressed.<sup>17</sup> The standard according to which female teachers might be judged, then, was increasingly professional in orientation. Women teachers had to present themselves as equals in order to compete on the basis of merit, but had to retain the advantage that their difference from men had already given them in securing access to certain kinds of employment in teaching. In both cases, they achieved the most success when they pursued a strategy involving both equality and difference. Their professional activities imitated those of their male counterparts, enabling their claim to a professional identity based on putatively gender-neutral abstractions like educational standards and credentials. At the same time, they pursued their goals separately from men and worked toward the creation or expansion of a female-specific niche in education.

In Germany, it was women teachers who engaged in the first female version of a classic “politics of professionalization,” forming their own organizations and advocating the establishment of advanced education and national standards for teacher certification that would apply equally to women and men. By the 1880s, women secondary school teachers petitioned parliament for advanced training and greater access to teaching in the upper grades (which were monopolized by men in many schools). Their leader, Helene Lange, recommended a general education for girls, not linked to preparation for marriage or motherhood—the sort of education which might prepare young women for a citizenship equal to that of men’s. At the same time, she emphasized difference in insisting that women should head all girls’ schools and teach most of the courses within them. She proposed the establishment of separate teacher-training colleges for women, arguing that “better women teachers” would produce “better mothers and through them better human beings.”<sup>18</sup> In the competition with male teachers and directors, Lange recognized that keeping the discourse on motherhood and gender difference intertwined with the discourse on professionalization was a necessity. Further, women teachers in Germany were opposed to co-education for boys and girls, because they thought it likely that they would be subordinated to male teachers in mixed institutions. Although the women teachers’ organizations did make significant headway in establishing equality in certification and training standards between the sexes, the administration of girls’ secondary public education remained a male domain. Nevertheless, arguments by Lange and others emphasizing gender difference were crucial to the control women maintained over private institutions.

In the Netherlands, women teachers continued to monopolize positions in girls’ secondary schools throughout the nineteenth century, but they faced different sort of competition than German women did. From 1871 forward, boys’ secondary schools were open to girls, who would be taught the same curriculum as their male counterparts. These co-educational institutions, growing as they did out of boys’ secondary education,

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16 See Albisetti, James, *The Feminization of Teaching in the Nineteenth Century: A Comparative Perspective*, in: *History of Education* 22/3 (1993), pp. 253-163; here p. 260, for a comparative view of women’s employment in the teaching profession.

17 Van Essen, *Strategies of Women Teachers*, p. 419.

18 Lange, Helene, *Kampfzeiten: Aufsätze und Reden aus vier Jahrzehnten*, Vol. 1, Berlin 1928, p. 59.

were effectively the domain of male teachers. Although women teachers availed themselves of expanded opportunities for training and certification, in order to establish qualifications equal to those of their male counterparts, their efforts did not gain them many positions in the co-educational schools. Rather than establishing their own professional organizations or journals, female secondary school teachers also opted to join an existing, male professional network that offered them little voice. Without their own professional base, women teachers did very little to defend the girls' secondary schools and women's traditional monopoly on teaching girls at the secondary level could not be sustained when the co-educational model increasingly displaced the single-sex one. In the new field of vocational education for girls, however, women established their own teachers' organizations and professional journals, and leveraged their middle-class position to create a new monopoly. The curricula of such schools emphasized home economics and household skills, for which women were considered the most appropriate teachers. In a model of education predicated on differences of both class and gender, the organizations that women teachers created could argue successfully that middle-class women's particular qualities and experiences were valuable professional attributes.<sup>19</sup>

In France, the political imperatives of the Third Republic combined with a middle-class sensibility that women should educate girls in determining that even the new public system established in the 1880s would employ women as teachers. Laws required separate schools in Spain and Portugal, as they did in France, underpinned by the social and political power of Catholicism. In neither the German nor the Dutch case did such strong politico-religious imperatives protect women's access to secondary school-teaching, but strategies of professionalization in which the articulation of gender difference was pivotal were effective in establishing or maintaining some level of women's access to a profession-in-the-making.

When it came to the field of law, an established profession with a longer tradition of male exclusivity and a closer relationship to the exercise of citizenship, arguments based on gender difference were far less significant in the push for women's access. Rather, arguments about women's particular characteristics and traditional roles were used to suggest their lack of fitness for the legal profession. In the quest for access to the medical profession, aspiring female physicians and their allies garnered broad support for their arguments that women doctors were badly needed to treat women patients whose health or modesty might suffer at the hands of male physicians. Despite strong resistance, the accepted conception of separate spheres of activity and influence could be mapped onto this career in a manner similar to what had occurred with secondary schoolteaching. No such claims were even attempted in the case of access to the legal profession, even if the implicit assumption was that women might serve primarily as legal advisors to their own sex.<sup>20</sup>

In France, access to the legal profession entailed earning a diploma from one of the faculties of law, apprenticeship, and admission to the bar. French women were never officially banned from university education, but very few were able to prepare privately for the *baccalauréat* that was necessary for admission to the university. They were also never officially excluded from the bar, which was controlled by members of the profes-

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19 See Van Essen, *Strategies of Women Teachers*, pp. 418-423.

20 For a comparative study of European women's access to the legal profession, to which this essay owes a great deal, see Albisetti, James, *Portia ante Portas: Women and the Legal Profession in Europe, ca. 1870-1925*, in: *Journal of Social History* 33 (2000), pp. 825-857.

sion, until the question was first raised in 1897. Jeanne Chauvin, a doctoral graduate of the faculty of law in Paris, applied to the city's bar that year and was rejected. Her particularly fitting dissertation topic had been a "Historical Study of the Occupations Accessible to Women," which she defended with high marks, but the discussion of her case made clear that gender, rather than merit, was the salient question.

Chauvin herself made no claim to a special knowledge or sensibility that a female lawyer might possess until she pled in court for the first time. But arguments based on gender difference were employed against her by lawyers and other men who opposed the admission of women to the bar. Although Chauvin was single and childless, these men claimed that motherhood should and did demand women's full attention. Moreover, from their point of view, women were too emotional for the rational argumentation of the court room, too delicate for the sorts of topics and persons involved in legal cases, and too weak by constitution for the strain of a lawyer's work, among other things. Women lawyers might seduce a judge, as in a famous satirical cartoon showing Chauvin baring her breasts—"her last and best argument"—to the court. Those who argued for Chauvin *did* suggest that women plaintiffs and defendants might be more comfortable with a female attorney, in particular when it came to marital disputes and more delicate subjects. But the rhetoric overall was so hostile and laden with prejudice that, as one historian has suggested, it was clear that the stakes of women's admission to the legal profession were high. Lurking behind the issue at hand was the larger question of whether or not the full rights of citizenship, including suffrage, could long be denied to women once the bar was open to them.<sup>21</sup>

Connections to powerful, radical men also proved very important in Chauvin's case. Her desire to study law was likely affected by the fact that her brother had served successfully as a lawyer for the Parisian Court of Appeal before becoming a senator for their provincial home district in the Chamber of Deputies elected following the scandal of the Dreyfus Affair. It was only with the intervention of his powerful colleagues, the legislators and lawyers Poincaré, Bourgeois, and Viviani, that the profession was forced open to women via legislative action of the Republican state. These men were able, in turn, to appeal to the sense after the Dreyfus Affair that change was necessary in French society and that women's admission to the bar was at least symbolically important. As had been the case with French teachers, the political context of the Third Republic allowed for state intervention on behalf of greater professional opportunities for women.

The situation in England was quite different from that in France, and women's full access to the legal profession was achieved only *after* the full rights of citizenship, including suffrage, were granted to women over the age of thirty in 1918. The practice of law as a barrister or solicitor was not tied to the possession of a university degree, so the disadvantages women faced in the British university system (in which women studied but could only rarely earn degrees) were not a hindrance to their access. Far more significant were the structure of the profession, which required apprenticeship and admission to the bar (controlled by lawyers themselves through the Inns of Court and the Law

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21 On Chauvin, see *ibid.*; Kimble, Sara, *Justice Redressed: Women, Citizenship, and the Social Uses of the Law in Modern France, 1890–1939*, PhD diss., University of Iowa, 2002, Chapter Two; Ryan, Marynel, *Different paths to the public: European women, educational opportunity, and expertise, 1890–1930*, in: *Continuity and Change* 19 (2004), pp. 367–386; and Fette, Julie, *Pride and Prejudice in the Professions: Women Doctors and Lawyers in Third Republic France*, in: *Journal of Women's History* 19 (2007), pp. 60–86.

Society), and the importance of precedent in the interpretation of common law. The Inns of Court and Law Society were classic examples of the sort of self-regulating organizations essential to the Anglo-American experience of professionalization, but they were also bastions of male sociability. In fact, some scholars have suggested that the social character of the Inns and Society was one of the most significant obstacles to women's access.<sup>22</sup> A world of male organizations not only formed the public sphere, but in this case also regulated access to state power in the law.

The intertwining between traditions of male sociability and professionalization, and the way that British law had been shaped for centuries, became especially evident when women in Britain made use of the courts to contest their denial of access to the Inns of Court. Their appeals were often summarily dismissed on the basis of legal precedent. The Law Society, which administered the examination required to become a solicitor, simply rejected women's initial applications. The court hearing the appeal again called upon precedent, from which they should "be very loth to depart" and concluded that they had no authority to legislate.<sup>23</sup> The loophole that might have existed in the language of the 1843 Solicitors' Act, which used the word 'persons' to describe those eligible to practice, was also closed by the court. Despite some internal dissent within the legal profession, where male allies of famous applicants like Christabel Pankhurst were to be found, the bar remained closed to women until the Sex Disqualification Removal Act of 1919, sponsored directly by the government and following closely on the first election in which British women over thirty voted.

In fact, the law itself was an enormous obstacle to women's claims that they were qualified to practice it. Gender difference had been codified to define women outside of the category of legal "persons" with that right. Although it was allegedly only married women who lacked legal personhood under British Common Law, single women were also affected by this reading of the 1843 statute because it was underpinned by longstanding ideas about gender difference. As had occurred in the discussion of women's admission to the bar in France, women and their allies appealed to the idea of fair and equal access, while their opponents emphasized women's alleged innate characteristics. In the debate over the first legislation proposed to allow women access to the office of solicitors, one of the Lords argued that women generally lacked the "calm judgment and absence of partisanship" necessary to work as a solicitor.<sup>24</sup> Women's "subjectivity," so crucial to the way in which their difference from men might enrich

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22 See Harrison, Brian, *Separate Spheres: the Opposition to Women's Suffrage in Britain*, London 1978, Thornton, M., *Dissonance and Distrust: Women in the Legal Profession*, Melbourne 1996, and Sugarman, D., *The best organized and most intelligent trade union in the country? The private and public life of the Law Society, 1825-1914*, in: *International Journal of the Legal Profession* 3/1-2 (1996), pp. 83-136.

23 *Bebb v Law Society*, cited in: Mossman, Mary Jane, *The First Women Lawyers. A Comparative Study of Gender, Law and the Legal Profession*, Oxford 2006, p. 115. Mossman's text offers a comparative perspective on developments in Canada, the United Kingdom and colonies, France, and the U.S., tying historical and more recent opportunities and segregation in the legal profession.

24 Lord Halsbury, 1917, cited in: Sommerlad, Hilary; Sanderson, Peter, *Gender, Choice and Commitment. Women Solicitors in England and Wales and the Struggle for Equal Status*, Aldershot, UK, 1998, pp. 64-65. Sommerlad and Sanderson combine a theoretical approach using Weber and Bourdieu with a close historical analysis of the opening of the profession to women and the ongoing relegation of women to certain fields of legal practice.

their work in teaching or medicine, was identified in the British case as an impediment that disqualified them from the masculine, “objective” practice of law.

Elsewhere in Europe, legislative intervention was generally required to overcome resistance to women’s access to the profession. Sweden, Finland, Norway, and Denmark all opened degrees and practice to women by 1905. Portuguese women gained access under 1918 legislation. In Italy, as in France, women were not officially barred from the prerequisite study of law, but legislation opened the bar to women only in 1919, twenty-six years after the first woman graduate had first applied for admission. The legislature had previously left the decision to the courts. In Belgium, the courts left the decision to the legislature, in which conditions were not conducive until 1922. The close ties between the study of law and access to state employment in Germany were the reason for a specific proviso written into the decree granting women full rights of matriculation at all German universities in 1908. Although they might study law, if they were so inclined, they would not be entitled to sit for certification examinations in law or civil service examinations, and legal apprenticeships were also barred to them.<sup>25</sup> Only in Bavaria, after 1903, were they allowed to take the lower legal examination, and the second-level examination was not open to women anywhere in Germany until after the First World War.<sup>26</sup> Even then, it was not simply the constitutional removal of all impediments to women’s equal employment with men, including employment in the civil service, but a national law of 1922 which finally ensured women’s full access to the legal profession.

The example of the legal profession, in particular, highlights the significance of state intervention. The alleged autonomy of the legal profession, buttressed by the right of lawyers and judges to interpret law, met its limits in many countries at the state’s prerogative to actually make law. Spain and the Netherlands were the exceptional cases in which legislation was not required to open the legal profession to women. Spanish women could only serve as private attorneys, but women in the Netherlands gained admission to the bar without specific intervention by the state.

Although the number of female lawyers in all European countries remained proportionally quite low until after the Second World War, women who studied law might be important forces in their respective national women’s movements. They may not have gained access to the legal profession on the basis of arguments about sexual difference, but French female lawyers like Maria Vérone were quick to point out the differential treatment that women received under the Civil Code and to work for its modification. Long before women gained full access to the legal profession in Germany, those who had completed legal studies participated in similar discussions of German law and its more discriminatory provisions. As was made clear in the long struggle for access throughout Europe, the law played a powerful role in establishing and maintaining the gendered social order. The consequences for women’s access to it, with or without suffrage, were potentially very broad indeed.

The examples of secondary schoolteaching and the liberal profession of law illustrate the expansion of professional possibilities for women that occurred during the late-nineteenth and early-twentieth centuries. Their access to education and the teaching

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25 See Albisetti, *Portia ante Portas*, p. 835.

26 See Albisetti, James, *Women and the Professions in Imperial Germany*, in: Joeres, Ruth-Ellen B.; Maynes, Mary Jo (eds.), *German women in the eighteenth and nineteenth centuries: A social and literary history*, Bloomington, IN, 1986, pp. 94-109.

profession proceeded through the ways in which the occupations and responsibilities associated with femininity and motherhood could be analogized to the level of society as a whole, or at least to gendered niches within it. The legal profession was less amenable to such arguments, even if an underlying assumption existed that women would occupy such a niche within legal practice. In most European countries, that meant it required the more forceful tool of legislation to secure full access for women.

A gendered perspective on the history of the professions reveals a different set of priorities and possibilities for women than existed for men, but also a deep interdependence between male and female claims to public roles. In significant ways, middle-class men's claim to the independence that was a prerequisite for both citizenship and a professional identity was predicated on the dependence of middle-class women. Women were therefore bound to an initial strategy based on gender difference in their attempts to contest their confinement to the private, but found ways to use that strategy in combination with a claim to equality on the basis of professional standards. Neither could be totally rejected by middle-class men, whose professional identities were themselves underpinned by gender difference and the use of professional standards which obscured its significance. As states became increasingly involved by the turn of the twentieth century in the regulation of professions, policies incorporated and reproduced the tension between difference and equality and the gendering of certain areas of expertise. Established patterns of professionalization have shaped histories ranging from that of welfare provision to that of parliamentary parity. It is all the more important, then, to understand the function of this silenced, "self-evident" factor in the history of the European professions more generally.

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