

ADDRESS - FOURTH ANNUAL CONVENTION

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I cannot tell you the measure of pride I feel when I look out over this room. The WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK, with your help, has accomplished so very much in its three short years of existence. We are a healthy and vigorous organization, we have doubled the number of original Chapters from 5 to 10 and made contact with women in the western part of this state, we publish a bi-monthly bulletin, we have a legislative program of excellence, we have press coverage on local, state, national and professional levels, we have put into place a Judicial Screening Committee for the Court of Appeals of this state, we have appeared as amicus on two briefs affecting the rights of women in Federal and State courts and we are about to publish a directory of women attorneys in New York State. But perhaps the most important thing we have done in these years is to cement the bonds of friendship among women attorneys in this state who might never have known each other without this organization. In spite of those pangs which accompany all growth, I believe that a sense of community endures and grows stronger with each year.

My friends, we are making history. Now, I am a great believer in history because I believe that, before we can fully know who we are and where we are going, we must know who we were and where we have come from. I believe we must find our roots, for it is our beginnings which give us a sense of ourselves. We need to feel the continuity of pattern, to know that we have been there before, that we have faced hardship and obstacle - and won, for it is the past that releases the dreams of the future.

Every collection of people has had a history. Before it was written, it was spoken or sung by every tribe and nation. But those songs did not sing of women. I began to think about that, and when I looked at the word "history" I realized that it was just that - his story.

Throughout all of recorded time, until the last century, it was the men who sang, spoke or wrote the history of the world. Women have been written about by men who have not seen our lives clearly, who saw only those parts of our lives which related to men and not to life itself. Because of that the images we have of our collective self, of "women", are distorted or only partially true.

I was raised on the image of the Victorian lady. I know that may be hard to believe, but I had the tempering influence of three older brothers close enough to me in age for me to be a

constant bane to them as a tag-along. My mother tried hard to make me into the image of a "lady" - self-effacing, quiet, refined; she tried her best to have me emulate the epitome of a charitable person who was described as "so good, she would pour rose water on a toad".¹

During the time when the Victorian lady, with her vapors and her swoons, was being presented as the picture of American womanhood, the vast majority of Victorian women were laboring twelve to eighteen hours a day in their homes or in the factories. The Victorian age was one of industrialization - it was the age of sweatshops where, under unspeakable conditions, women toiled twelve to fourteen hours a day, seven days a week, alongside their children for sums as grand as two or three dollars per week.

The Victorian age, when the signs in the factories said: "If you don't come in on Sunday - don't come in on Monday" and no one was writing about those women, except other women. Elizabeth Tillingast, one of the leaders of the first women's movement in this country said:

"While the State does not owe an able-bodied, sound-minded woman a living, it does owe her a fair opportunity to earn her own living, and one that shall not be a prolonged dying."²

There were other women from the Victorian age who were not being written about. Women like Ray Charlotte, the first black woman admitted to the practice of law. She was a Phi Beta Kappa graduate who had to leave the practice of law because she could not make a living and take up teaching; a woman who died in obscurity and poverty. There were women like Ada Bittenbinder, Myra Bradwell, Belva Lockwood, Clara Foltz, Emma Gillete, Arabelle Mansfield, Marilla Ricker and Florence Allen. These women were unique because they were lawyers in an age when no law school in the country admitted women, finding that women did not have the mental capacity for law.

Arabelle Mansfield was the first woman admitted to the practice of law in the United States. She was admitted to the Bar of the State of Iowa because a male judge had the wisdom, compassion and the fairness to interpret the words "male" and "men" in the Iowa statute to include "female" and "women".

Belva Lockwood was turned down from George Washington University because her presence would distract the male students. After passing the Bar, she petitioned the United States Supreme Court for admission, arguing that if women were admitted to the practice of law, they should be allowed to pursue that practice in every court of the land. After her application was refused by the Supreme Court, she single-handedly secured the passage of Congressional legislation admitting women to practice in all

courts in the nation, and it was Belva Lockwood who sponsored the first black person in this country ever to be admitted to the Supreme Court of the United States.

And do you know what Myra Bradwell was doing when the Supreme Court determined that she could be prohibited from practicing law because:

"...the natural and proper timidity and delicacy of the female sex evidently unfits it for many of the occupations of civil life."³

Myra Bradwell was running the most successful and important legal publishing venture west of New York City, the Chicago Legal News. Not only was she in charge of the content, makeup, production and financial operation of the paper, she was the President of the company that published it. She had to secure a special charter from the Illinois legislature relieving her of the usual legal disabilities of married women in order to carry on her business.

Myra Bradwell was, for 25 years, the most widely read legal commentator in the midwest. When her house burned down in the great Chicago fire, she lost all of her family possessions but her daughter Bessie, then aged 13 and her mother's daughter to the core, upon fleeing the burning house grabbed the subscription book for the Legal News and Myra Bradwell took a train to Milwaukee the following day and had her newspaper published on schedule.

And do you know what else Myra Bradwell, Belva Lockwood and Belle Mansfield and all the other women I mentioned were doing when the Supreme Court of the United States found women unfit to practice law? They were helping other women. They were securing the rights that you and I now enjoy. They were working for political rights, suffrage, relief against the legal disabilities of married women, equal guardianship for women of their own children, opportunity to attend school and hold office, and securing for married women the right to their own earnings. These women had all the timidity, fragility and delicacy of Toledo steel.

But there is another side to women's history. The dictionary defines history as a known or recorded past or as something important enough to be recorded. Most of our story has been lived out privately. For centuries both law and custom have restricted women to a limited role in society. Excluded from education, occupations, owning property, earning and keeping their own wages and participation in the political process, women have lived out their lives unnoted and unseen - obscurity not by aptitude, but by design.

Of all the writers who captured this, the most poignant, I think, is Virginia Woolf who, in a book called "A Room of One's Own" wrote:

"...With the eye of the imagination I saw a very ancient lady crossing the street on the arm of a middle aged woman, her daughter, perhaps, both so respectably booted and furred that their dressing in the afternoon must be a ritual, and the clothes themselves put away in cupboards with camphor, year after year, throughout the summer months. They cross the road when the lamps are being lit (for the dusk is their favorite hour), as they must have done year after year. The elder is close on eighty; but if one asked her what her life has meant to her, she would say that she remembered the streets lit for the Battle of Balaclava, or had heard the guns fire in Hyde Park for the birth of King Edward the Seventh. And if one asked her, longing to pin down the moment with date and season, but what were you doing on the fifth of April, 1868, or the second of November, 1875, she would look vague and say that she could remember nothing. For all the dinners are cooked; the plates and cups washed; the children sent to school and gone out into the world. Nothing remains of it all. All has vanished. No biography or history has a word to say about it."4

What history will we leave to those who come after; what dreams will soar because of our actions? Those women who practiced law in the 19th Century were not just lawyers, they were the architects of change. They were the leaders in reshaping those laws which restricted the political, economic and educational lives of more than half the citizens of this nation. They brought about revolutionary changes in the lives of women. And no great war was fought for women's emancipation; no great political party espoused their cause and no heroes died and bled for them.⁵ The change had come because able, competent and charismatic women gave their lives to achieve it. They gave their lives, not by dying, but by living.

The problems they faced are still here. The married women's property acts which gave women some economic safety in marriage are now equitable distribution. We are still facing the economic disabilities of marriage and family - the educational and economic opportunities women forego to bear and rear children, the constant choice between self-fulfillment and self-sacrifice.

The economic issues are still here. In 1848 Susan B. Anthony advocated a revolutionary idea - equal pay for equal

work. We are today proving that the wages of women are uniformly lower than those of men not because they are in less demanding or less valuable jobs, but because they are women. Women are 1/3 of the world's paid labor force, they received 1/10 of the world's income and they own 1/100th of the world's property, and in the United States of America 75% of those citizens living in poverty are women and children.

The occupational issue is here too. Last year I spoke about our obligations to the young women coming into our profession, that we must secure access to every level of the law and not allow them to become, as too many of us have, the associates and not the partners, the subordinates and not the equals. We cannot continue to accept positions of lesser power, lesser salary and more than equal pressure. Women do that too easily. We must protest the ease with which we give.

One young professional woman I know keeps a sign in her desk. It says: Change or die. Now that may sound overly dramatic, but this is what she said: It is a kind of death each day to accept less for more work, to accept the daily overlooking, the lengthening distance between young women and young men on the professional ladder. We must demand the change in ourselves. We must demand harmony between the quality of work done and the remuneration paid, between the achievement and the professional status accorded that achievement, so that the young women coming on the scene will not be content to accept the limitations so casually imposed upon us.

Women have forever been assigned a "place" in society's hierarchy. We must insist that the only model for a successful lawyer need not be the male one; that one can be assertive without being belligerent, competent without being pugnacious. The practice of law is a struggle between adversaries, it should not be a warfare between attorneys where everyone, including the client, comes out bloodied. We must insist that the skill of advocacy can be combined with maternity without impairment to either.

But there is a greater legacy that we must leave. Women have for centuries been taught dependency. We have been taught by our religion, our history, our literature and our law that women are the intellectual, moral and physical inferiors of men. The world has not said to us: "Go ahead - do what you want, it makes no difference to me." The world has laughed at the thought of our even trying. Dr. Johnson's famous quote about a woman preacher: "A woman preaching is like a dog walking on its hind legs, it is not done well, but you are surprised to find it done at all", is indicative of the attitude when women attempt something new.

That doubt, those centuries of being told we are inferior, is buried deep within each one of us and the stigma of inequality affects our hearts as well as our minds. We fear to take the

risks because we are never sure that the failure is in ourselves individually, or that the failure is inherent in us because we are women.

Before I was in law school, I made posters. I would find sayings I liked, create a poster around them and hang them up to live by. I think that my very favorite one is this:

"You cannot run away from weakness; you must some time fight it out or perish; and if that be so, why not now, and where you stand."6

Let me give you another passage from Virginia Woolf, this time describing a young woman taking the risk of writing her first novel:

"At any rate, she was making the attempt. And as I watched her lengthening out for the test, I saw, but hoped that she did not see, the bishops and the deans, the doctors and the professors, the patriarchs and the pedagogues, all at her shouting warning and advice. You can't do this and you shan't do that! Fellows and scholars only allowed on the grass! Ladies not admitted without a letter of introduction! Aspiring and graceful female novelists this way! So they kept at her like the crowd at a fence on the race-course, and it was her trial to take her fence without looking to right or left. If you stop to curse you are lost, I said to her; equally, if you stop to laugh. Hesitate or fumble and you are done for. Think only of the jump, I implored her, as if I had put the whole of my money on her back; and she went over it like a bird. But there was a fence beyond that and a fence beyond that. Whether she had the staying power I was doubtful, for the clapping and crying were fraying to the nerves. But she did her best."7

My friends, we must be part of that crowd along the fence, shouting and clapping: "You can do it - do not hesitate - take the risk." We must tell that young woman taking her first fence, reciting for the first time in class, appearing in court, commencing her first trial: "You can do it, we know, because we

have done it." And we must stand at the rail and cheer her on, fence after fence, drowning out the cries of centuries.

And you, young women, it is your task to take the risk, even though you fail, to try again and again until you have cleared those fences. And when you have finished the course and come at last into the winner's circle, we will be there to bid you: "Welcome home."

FOOTNOTES

1. J. BARTLETT, THE SHORTER BARTLETT'S FAMILIAR QUOTATIONS, 192 (Douglas Gerrold).
2. Address by Elizabeth Sheldon Tillinghast to the Women Suffrage Convention, 1900.
3. Bradwell v. Illinois, 16 WALL 130.
4. V. WOOLF, A ROOM OF ONE'S OWN, 92.
5. Address by Carrie Chapman Catt to the Convention of the Suffrage Association, Washington, D.C., February 8-14, 1900.
6. J. BARTLETT, THE SHORTER BARTLETT'S FAMILIAR QUOTATIONS, 382 (Robert Louis Stevenson).
7. V. WOOLF, A ROOM OF ONE'S OWN, 97.