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August 2010
'A MARRIED WOMAN, OR A MINOR, LUNATIC OR IDIOT'.

THE STRUGGLE OF BRITISH WOMEN AGAINST

DISABILITY IN NATIONALITY, 1914 - 1933.

Dorothy P. Page

A thesis submitted for the degree of
Doctor of Philosophy
at the University of Otago, Dunedin
New Zealand
October, 1984.
A study of the laws of marriage and naturalization together is enough to drive an ordinary person to distraction.

Lord Chancellor, cited in The Times, 16 May 1907.

There is really no compromise possible between the view of those who consider that the principle of equal rights for women should prevail and those who take the view, as the British Government has consistently done, that the necessity of a uniform law throughout the British Empire is of paramount importance.

Home Secretary, Sir John Gilmour, 12 March 1935.
ABSTRACT

This thesis is concerned with attempts to change the law which placed a British married woman under disability in nationality and the reasons these attempts failed between 1914 and 1933. Under provisions operative throughout the Empire, a British woman lost her nationality by marrying a foreigner, whereas a foreign woman became British by marriage to a British subject; a married woman could not be naturalized. By showing up the plight of British-born women, German by marriage, who were subject to the restrictions on enemy aliens, World War I proved a catalyst in feminist thinking on nationality and throughout the inter-war years a determined lobby pressed for an 'independent nationality', unaffected by marriage. Their case, supported by the major women's organisations, was based on sex equality and also practical justice, because a British-born woman could lose her vote or pension rights through a foreign marriage. The chief advocate of independent nationality was a Scottish barrister, Chrystal Macmillan, whose bill to implement it was introduced repeatedly into parliament between 1922 and 1939. The House of Commons favoured the reform, as a Joint Committee of 1923 and a resolution of 1925 made clear, but could not implement it because of the imperial nature of British nationality law; Imperial Conference discussions demonstrated that not all Dominions would accept a breach in 'family unity' in nationality, and Britain could not legislate unilaterally.

A Conference in 1930 for the Codification of International Law indicated that independent nationality was not generally acceptable
internationally either, and the resultant Hague Convention, to the
disappointment of women who had demonstrated at The Hague for
independent nationality, merely guarded against a woman being made
stateless by a foreign marriage. In Britain, through a Pass the Bill
Committee of national organisations set up by Macmillan and at the
League of Nations through a Women's Consultative Committee on
Nationality, women agitated against the Convention, and for independent
nationality. The Consultative Committee lost its effectiveness
because its members could not agree on the best means of achieving
justice for married women in nationality. Meanwhile, the British
parliament was offered a choice of legislation on women's nationality;
in 1933 the bill for independent nationality sponsored by Macmillan's
committee and a Government measure to bring British nationality
legislation into line with the Hague Convention, preparatory to
ratifying it, were simultaneously introduced. Despite ardent efforts
by both the moderate and activist wings of the nationality lobby, the
Government bill was passed, the case for independent nationality lost
until 1948. The insuperable obstacle to its attainment in the period
under consideration was the need for unanimous Dominion support for any
change in the nationality law, a need reinforced, ironically enough,
when the Dominions gained full legislative autonomy, under the 1931
Statute of Westminster, by the inclusion of common nationality as part
of the legal nexus of the Commonwealth. Between 1914 and 1933 the
women's cause in nationality was soundly defeated by the imperial
cause.
PREFACE

My investigations into the nationality of married women, embodied in this study, have led me into unexpected, though pleasurable, paths. First suggested to me by Professor Angus Ross, who had discovered thick files on it among Dominions Office papers of the 1930s, the topic appeared to sit firmly in the context of imperial history. It soon became apparent, however, that there were other dimensions to it. The policy on married women's nationality, communicated to the Dominions via the Dominions Office, did not originate there; discussed interdepartmentally by the Foreign, Dominions, and Home Office staff, it had generally been initiated by legal advisers at the Home Office. Consequently the Home Office files in the British Public Records Office, rather than those of the Dominions Office, proved to be my base source. Moreover, it soon became clear that British legislation concerning the nationality of married women, which denied the married woman a nationality in her own right, had been the subject of controversy which, between World War One and 1933, had been both intense and embittered. Instead of sitting squarely in imperial history, the topic represented a unique conjunction of imperial, legal and feminist history.

As part of the general subject of British nationality, the common status of the empire, the question of the nationality of married women was repeatedly discussed at Imperial Conferences and in Parliament; it was also regularly discussed internationally, at a major conference for the Codification of International Law in 1930 and thereafter in the Legal Committee of the League of Nations. Official primary sources,
printed and manuscript, are thus plentiful for what was perceived as a problem in both imperial and international law. In London, I could use British parliamentary papers and League of Nations documents at the Official Papers Library and Home Office files, supplemented by Dominions Office and Foreign Office ones where these did not prove to be merely duplicates, at the Public Record Office. The Library of the Institute of Advanced Legal Studies provided me with further material, notably the annual reports of the International Law Association.

The feminist aspect of the question proved more elusive.* The paucity of published material on the women's movement in Britain in the period after female suffrage was granted necessitated extensive work on the records and periodicals of the major women's organisations, and fuller treatment of this than would have been appropriate had the information been readily available elsewhere. The records are by no means complete; the National Council of Women of Great Britain, for example, lost its papers in the blitz in World War II and subcommittees, such as the Nationality Committee of the Six Point Group, did not usually keep minutes. But enough are there for the picture to be clear, and I am grateful to the many people who helped me build it up. The headquarters staff of the International Alliance of Women in London allowed me to work in their offices on unpublished material relating to the Alliance, and the late Dame Margery Corbett Ashby, its long time president, invited me to spend a most enjoyable and profitable day chatting at her home. Numerous correspondents, among whom must be

* Here, as throughout the text, I use the word feminist as it was used in the inter-war period, to denote women who believed in and worked for equality of the sexes. Feminism thus includes groups which, given the current radical connotations of the word, would be considered too conservative to warrant inclusion.
singled out the late Miss Pierotti of the National Union of Women Teachers, the late Mrs Hazel Hunkins Hallinan of the Six Point Group and staff at the Geneva headquarters of the International Federation of University Women, set down information for me with painstaking care. Library staff at the London School of Economics introduced me to relevant material in their women's collection and I was fortunate to learn of a small but valuable section on women's nationality in the archives of the Public Library at Manchester. Above all, the staff at the Fawcett Library, during two extended periods in 1977 and 1983, provided me with the stimulus of their insights into women's history and a veritable treasure trove of primary material on it, including the three large boxes containing uncatalogued records of the Nationality of Married Women Pass the Bill Committee, without which this study could not have been written. In 1977 Mrs Rita Pankhurst, librarian at the City of London Polytechnic, which had just taken over the Fawcett collection, generously permitted me to use its resources before it was opened to the public and on both my visits David Doughan, now Deputy Librarian, assisted me with his intimate knowledge of the collection, leading me to archival sources I would not otherwise have discovered.

This study is based almost entirely on primary sources. Two books only treat the nationality of married women in detail: one, with that title, published in Illinois in 1937 by W.E. Waltz, is written from the American viewpoint and ignores the role of women in trying to change nationality legislation, and one on nationality in the British Commonwealth by F.W. Gey van Pittius was published in 1930, too early to give an overview; although it contains several brief sections on women's nationality in relation to British nationality law, it does not consider the woman's viewpoint or suggest that women were working for a change in nationality law. Other than these, the only relevant
secondary works are articles in legal journals, published in two clusters, after the American Cable Law of 1922, and the Hague Conference for the Codification of International Law in 1930. Many of them cover the same ground and they tend to concentrate on legal technicalities. The women's lobby for equality in nationality has generally been ignored by imperial historians and legal commentators alike.

Many people at Otago University have been generous in their help to me. I am grateful to the reference staff at the Central Library for their cooperation in my interloan requests and to the staff at the Law Library for their guidance in fields hitherto unfamiliar to me. Finally I owe a special debt of gratitude to three of my colleagues, my supervisor Professor John Omer-Cooper, whose acute critical faculty helped me greatly to clarify my ideas on the subject; at a later stage Dr Ann Trotter, for her meticulous attention to detail in reviewing the script; and Associate Professor Harry Morton, who read the work in draft with the experienced eye of a successful author. It goes without saying that without the judicious mixture of passive forebearance and active encouragement provided by my family this lengthy project could not have been brought to completion.
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### ABBREVIATIONS

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<td>Am. Jour. Int. L.</td>
<td>American Journal of International Law</td>
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<td>BCL</td>
<td>British Commonwealth League</td>
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<td>BDWSU</td>
<td>British Dominions Women's Suffrage Union</td>
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<td>BNSA Act</td>
<td>British Nationality and Status of Aliens Act</td>
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<td>Brit. Y. B. Int. L.</td>
<td>British Year Book of International Law</td>
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<td>CAB</td>
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<td>Command Paper</td>
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<td>Con.</td>
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<td>CP</td>
<td>Cabinet Paper</td>
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<td>DO</td>
<td>Dominions Office</td>
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<td>D. Secty.</td>
<td>Dominions Secretary</td>
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<tr>
<td>DORA</td>
<td>Defence of the Realm Act</td>
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<td>ERI</td>
<td>Equal Rights International</td>
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<td>FL</td>
<td>Fawcett Library</td>
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<tr>
<td>FO</td>
<td>Foreign Office</td>
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<td>F. Secty.</td>
<td>Foreign Secretary</td>
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<tr>
<td>HC Deb.</td>
<td>House of Commons Debates</td>
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<td>House of Lords Debates</td>
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<td>Home Office</td>
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<td>Home Secretary</td>
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<td>IACW</td>
<td>Inter-American Commission of Women</td>
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<td>IAWSEC</td>
<td>International Alliance of Women for Suffrage and Equal Citizenship</td>
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<td>ICW</td>
<td>International Council of Women</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<td>IFS</td>
<td>Irish Free State</td>
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<td>ILA</td>
<td>International Law Association</td>
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<td>IO</td>
<td>India Office</td>
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<tr>
<td>IWSA</td>
<td>International Woman Suffrage Alliance</td>
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<td>International Woman Suffrage News</td>
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<td>IWN</td>
<td>International Women's News</td>
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<td>Jour.Compl. Leg. &amp; Int. L.</td>
<td>Journal of Comparative Legislation and International Law</td>
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<td>Lab.</td>
<td>Labour</td>
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<td>LGB</td>
<td>Local Government Board</td>
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<td>LN</td>
<td>League of Nations</td>
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<tr>
<td>LOO</td>
<td>Law Officers' Opinion</td>
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<tr>
<td>LSE</td>
<td>London School of Economics</td>
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<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>NCEC</td>
<td>National Council for Equal Citizenship</td>
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<td>NCW</td>
<td>National Council of Women</td>
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<tr>
<td>NUSEC</td>
<td>National Union for Suffrage and Equal Citizenship</td>
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<td>NUWSS</td>
<td>National Union of Women's Suffrage Societies</td>
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<td>NUWW</td>
<td>National Union of Women Workers</td>
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<td>NUWT</td>
<td>National Union of Women Teachers</td>
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<td>ODC</td>
<td>Open Door Council</td>
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<td>ODI</td>
<td>Open Door International</td>
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<td>ODL Conf.</td>
<td>Conference on the Operation of Dominion Legislation</td>
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<td>PBC</td>
<td>Pass the Bill Committee</td>
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<td>PPS</td>
<td>Parliamentary Private Secretary</td>
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<td>PRO</td>
<td>Public Record Office</td>
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<td>SJSPA</td>
<td>St. Joan's Social and Political Alliance</td>
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<td>Abbreviation</td>
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<tr>
<td>SG</td>
<td>Secretary General</td>
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<td>SPG</td>
<td>Six Point Group</td>
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<td>UARS</td>
<td>United Aliens Relief Societies</td>
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<td>WCCN</td>
<td>Women's Consultative Committee on Nationality</td>
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<td>WFL</td>
<td>Women's Freedom League</td>
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<td>WGE</td>
<td>Women's Guild of Empire</td>
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<td>W.Lib.Fed.</td>
<td>Women's Liberal Federation</td>
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<td>WO</td>
<td>War Office</td>
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INTRODUCTION

AN IMPERIAL NATIONALITY LAW

Between 1870 and 1948 British married women were under disability in nationality, listed in the acts defining their status with infants, lunatics and idiots. The phrase rankled, but the grievance was not merely one of terminology; disability meant the total merging of a wife's nationality in that of her husband. There were three main aspects to this. When a British woman married a foreigner she lost her British nationality by the act; conversely, a foreign woman who married a British subject acquired his nationality; and finally, a married woman could not be naturalized on her own account, though if her husband chose to be naturalized she was automatically included in his change of nationality.¹

Against these inter-related aspects of married women's disability in nationality British feminists carried out a vigorous and widely supported campaign between 1914 and 1933. They asked, quite simply, that a wife's nationality should be independent from that of her husband. This controversy over the nationality of married women was not confined to Britain; it was also an imperial question, discussed at every imperial Conference in the inter-war years, and an international question, regularly debated in the League of Nations.

The disability suffered by British women in relation to their nationality was unusual in that it was of recent date. Under the old common law, marriage had no effect on nationality. It was only in 1844 that a foreign woman marrying a British subject was deemed to have gained all the rights and privileges of a natural-born British subject, and it was even more recently, in 1870, that a British woman who married a foreigner was deemed to have forfeited her nationality by her marriage.

Their reduced status in nationality provoked no outcry from women in 1870, or indeed for many years to come. This is perhaps not surprising, for nationality mattered less to a woman at this time. She did not generally require a passport for travel abroad; she had no vote to lose with her alienage; she was exempt from the most onerous burden of nationality, military service. Perhaps more important, the implications of the clauses in women's nationality in the Act were overlooked because of the fundamental change it made to the principle on which British nationality law was based.

By the Naturalization Act of 1870, Great Britain recognised for the first time that her citizens could divest themselves of allegiance to her. This fulfilled a pledge to the United States, ending a long-standing and dangerous situation which had been one of the causes of war between the two countries in 1812. The Act was based on the findings of a Royal

2. 7 and 8 Vict, C66, 16, 6 August 1844. The clause was intended to remove any obstacle in the way of such a woman holding or inheriting property in the United Kingdom.


5. 119 H L Deb. 3 March 1870, 1118-1136 Britain deemed British-born men, naturalized in the U.S., as liable for military service.
Commission set up in 1868 to 'consider the Legal Condition of our Natural-born Subjects who may depart from or reside beyond the Realm in Foreign Countries, and to report how ... it may be expedient to alter and amend the Laws relating to such Natural-born Subjects, their Wives, Children, Dependents and Relatives'. The Commission came out firmly against 'indelible allegiance', claiming it was 'neither reasonable nor convenient ... and inconsistent with the practice of a state which allowed to its subjects absolute freedom of emigration'. British subjects naturalized abroad, they recommended, should cease to be British subjects and, on the same principle, so should British women who married foreigners, the act of marriage counting as voluntary naturalization in the husband's country. The wives of British-born men who took out naturalization papers in another country should also be deemed subjects of that country. The provisions should be retrospective, affecting women who had made foreign marriages before 1870.6

Before the Commission's recommendations had been acted on, the Lord Chief Justice of England, Sir Alexander Cockburn, threw his great weight into the debate. In a short treatise on Nationality: or the Law relating to Subjects and Aliens considered with a view to future Legislation, published in 1869, he argued forcefully in favour of bringing British law into line with international practice. He applied his criterion, 'How far does this agree with or differ from the law of other states?', to the question of the nationality of married women. Cockburn considered the granting of British nationality to a foreign-born wife in 1844 to have been the 'cure' of an 'anomaly'; the British woman's retention of her nationality on marriage with an alien, he viewed as another anomaly, still

to be cured. 'In every country except where the English law prevails, he affirmed, 'the nationality of a woman on marriage merges in that of the husband'; Britain ought to conform to this near-universal practice.' While acknowledging that jurists were divided as to whether the wife should lose her original nationality if her husband changed his after marriage, Cockburn held the view that

The identity of interests which exist between husband and wife and which leads in the foreign law to the general rule - a rule which ought to be adopted in our own - that the nationality of the wife shall follow that of the husband, must apply as much to the subject's adopted nationality as to that of origin.

On widowhood, however, a woman who had lost her nationality through marriage should be entitled to resume it, if she returned and settled in her native country.°

The Naturalization Bill based on these various opinions was introduced in the House of Lords by the Lord Chancellor early in 1870. He touched on the proposed change to the national status of married women only briefly, noting that there were 'great inconveniences in the wife being the citizen of one country and the husband of another' and explaining that under the Act 'the wife shall acquire the nationality of her husband'. 9 There was no debate on the question in either House until the bill reached its committee stage in the House of Commons.

At this point, Mr Alderman Lawrence suggested a case where hardship might occur under the proposed law. 'A woman might have married a British subject and might never have intended that by any force of law she should become a foreign subject; yet ... if the husband made himself an alien, the wife, although residing with her children in this country and judically separated from her husband who lived abroad, would be made a foreign

8. Ibid., pp. 211-216.
subject against her will ...' In reply the Attorney General contented himself with the observation that while it was almost impossible to provide against every conceivable case of hardship, the 'balance of convenience' was in favour of enacting that the wife take that status of her husband, rather than enacting that in certain cases she should not, a course which would lead to 'difficult and complicated questions of domicile, of whether husband and wife intended to remain separated permanently or only temporarily, and the like'. Another member expressed surprise that 'at a time when the rights of women were so loudly advocated, the House should seem determined thus to curtail them'. Government spokesmen were unmoved. The Solicitor-General commented that they were now arguing a question of 'words not things' and that the 'real rights and privileges of the parties' were protected by the bill. Two of England's most respected jurists, Sir Roundell Palmer and Sir George Jessel, then reaffirmed the need to bring English law into conformity with international law, where it was 'quite settled that the status of the wife and minor children followed that of the husband and father,' and although Lawrence objected that Members, 'who talked so much about the rights of women, could make them, upon this question at least, mere chattels,' most of the House were convinced by their argument. Mr Dickinson, whose son would expend much time and energy in the campaign to release married women from disability in nationality, summed up the general view when he acknowledged that, though inconvenience might occur in some cases, he did not see what course could be adopted other than making the nationality of the wife follow that of the husband.¹⁰

¹⁰ 200 H C Deb., 3rd series. Debate on Committee Stage, 1734-1742, 25 April 1870; and 2020-2025, 28 April 1870. Alderman Sir J.C. Lawrence (Lib.), Lord Mayor of London 1868-9, represented Lambeth 1868-85, Sir Roundell Palmer, former Solicitor-General and Attorney-General, sat as Lib-C. for Richmond 1872-4, 1880-5. He had sat on the Royal Commission. Sir G. Jessel (Lib.), Dover 1868-73, was later Master of the Rolls. S.A. Dickinson (Lib.), represented Stroud 1868-74. For his son, Sir W. Dickinson, see Note 37. The Naturalization Act received the royal assent on 12 May 1870.
The women's case had not quite gone by default, but opposition to their reduced status in nationality had nevertheless been muted. This might have been because nationality was generally assumed to be of sentimental rather than practical significance, but there is also some evidence that, rather than suddenly depriving British married women of rights they had hitherto enjoyed, the Act merely institutionalised current practice. As early as 1855, Lord Clarendon had replied to a query from the British Embassy at Berlin that a British-born woman who married a foreigner 'put on the status of her husband, and during the continuance of that coven- ture was not entitled to claim the protection of Her Majesty's Legations abroad', though if widowed she might reassume the character of a natural-born British subject. When this letter was cited in a lengthy memorandum prepared in the Foreign Office for the Royal Commission of 1869, it was not thought to warrant comment; indeed the writer, while arguing strongly for recognition of expatriation by naturalization abroad, omitted entirely the question of expatriation of a woman by her foreign marriage.11

The clauses in the Act governing the status of dependent persons proved to be those which gave the greatest difficulty in interpretation.12

It was especially in relation to widows who wished to resume their original British nationality that problems arose. When in 1873 for example, the widow of the Spanish Marquis de Seravalle applied to confirm or regain her

11. Clarendon to Bloomfield, 11 August 1855, cited in Naturalization and Allegiance, confidential memorandum prepared by C. Abbott of F.O. for the 1868 Royal Commission, pp. 208-9. The memorandum which appears as appendix to the Commissioner's Report, describes the nationality laws of U.S., Britain and her colonies, and various other countries.

British nationality, the Home Office decided that her national status depended on the precise date of her husband's death; if this was before the passage of the Naturalization Act, 12 May 1870, she was still British, but if it was later, she must be deemed a 'statutory alien'. The Law Officers, to whom the case referred, disagreed with this interpretation. According to them, the date of the Marquis' death was immaterial because any woman who had married an alien became an alien herself in 1870, even if she was a widow by that date; and although the Home Office set out their objections in trenchant terms, they insisted on the retrospective effect of the Act. The Marchioness was duly informed that she could be readmitted to British nationality only after five years' residence in the United Kingdom and a statement of her intention to reside there permanently.13

The ruling also created difficulties for British-born widows of Americans, such as a Mrs Lambert, who in 1873 was refused a passport by the American authorities, on the grounds that by the death of her husband she had ceased to be an American citizen, and by the British authorities, on the grounds that she had ceased to be a British subject in 1870.14

Uncertainty persisted about the rights of widows of aliens. In 1875, recently appointed Law Officers, asked if they held the same opinion as

13. PRO HO45/10176/B28923/1 FO to HO, 25 September 1873. Correspondence re status of British-born subjects married to foreigners and left widows. The HO memorandum pointed out that if a British-born woman had become alien by marriage before 1870, she would not have been able to hold property in the U.K. But the Law Officers had already concluded that the Act deprived such women of property there (PRO, HO45/10160/B24105, opinion Coleridge, Collier, 24 July 1871). This problem applied only to women married before 1870, because the Naturalization Act enabled foreigners to hold property in the U.K.

14. PRO HO45/10160/B34, 105 Law Officers' report on Naturalization Laws; Opinion, Coleridge, Jessel, Deane, 6 August 1873.
their predecessors on this matter, replied that a woman widowed before 1870 did not lose her British nationality at that date, though she could be termed a 'statutory alien',\textsuperscript{15} an awkward distinction which yet another set of Law Officers abandoned the next year.\textsuperscript{16} In the case of Mrs Murat, whose Turkish husband had died before 1870, they advised, 'She did not become an alien by the fact of her marriage, and having become a widow before the passing of the Naturalization Act, did not come within its scope'.\textsuperscript{17} Women whose foreign husbands were still alive in 1870 were in a different position, and when their case was submitted to the Law Officers in 1890, it was confirmed that the Naturalization Act had retrospective effect, and that they had lost their nationality in 1870.\textsuperscript{18} The issue of principle, whether this should happen or not, was not considered. Indeed in a long analysis of the working of the Naturalization Act, drawn up in 1892 and revised four years later, the only comment relating to the clauses on women was that British-born widows who wanted to resume their nationality should be allowed to count any years spent in the United Kingdom before or during marriage towards the five years residential prerequisite.\textsuperscript{19}

Debate on the Naturalization Act was on a broader issue. Did a person naturalized in the United Kingdom enjoy recognition as a British subject elsewhere, especially in the Dominions? As early as 1874, the Secretary of State for the Colonies, Lord Carnarvon, urged extension of the Act to make sure that it was 'effective both throughout the Empire

\textsuperscript{15} Ibid., Opinion Baggally, Holker, 6 September 1875.
\textsuperscript{16} Ibid., Opinion Holker, Gifford, 24 July 1876.
\textsuperscript{17} Ibid., Opinion Holker, Gifford, Deane, 4 November 1876.
\textsuperscript{18} Ibid., Opinion Webster, Clark, 19 December 1890.
and in foreign countries', but the matter was dropped. A decade later there was another discussion on the merits of an Imperial system of naturalization, but fear was expressed that the evident advantages of the system would be outweighed by the possibility of 'doubtful citizens' finding their way into Britain via the colonies, where naturalization procedures, especially residence requirements, were more casual. The matter was taken no further at that time.

That naturalization in the colonies had local effect only was generally accepted, but whether naturalization granted in the United Kingdom extended to the colonies was less clear. In 1897 the Home Office pointed out that whereas the India Office and a number of legal experts held that it did not, they and the Foreign Office, also on expert legal advice, had taken the opposite view. The confusion led to the setting up of an Interdepartmental Committee in 1899 to elucidate the naturalization law and recommend changes where necessary.

The Committee sat for two and a half years, reporting to the Home Secretary in July 1901 that British naturalization should apply to all parts of the British Dominions and that existing statute law on British nationality should be clarified and consolidated. Concerning the effect of naturalization upon the status of dependent persons, they reaffirmed that persons under disability - 'ie, minors, married women, idiots and lunatics' - should not be capable of receiving certificates of naturalization. They sought to modify the existing regulations governing wives of aliens in two respects only, to make clear that a divorced woman retained

20. PRO HO45/10176/B28923/5 Carnarvon (Con), Col.Secty., 1874-8. A draft bill was prepared, but discussion in December 1874 reached deadlock over residence requirements.

21. PRO HO45/10176/B28923/7 Correspondence between FO and HO December 1883 - January 1884.

22. PRO HO45/10160/B24105/1 Correspondence between FO and HO on Naturalization, 1897. W.E. Davidson, Legal Adviser to FO., suggested an Interdepartmental Committee, since he saw no prospect of legislation. There had also been correspondence on the matter in 1893.
the nationality she acquired by marriage, and to set out fully the require-
ments for readmission to their nationality by widows of foreigners; they
recommended no special concessions for the widows. Though no substantial
alteration of the law was required on women's nationality, it was stated
that the wording of the Act should be altered to avoid appearing to define
a married woman's status in the law of another country: thus instead of
the wife of an alien being 'deemed to be a subject of the state of which
her husband is for the time being a subject' she should simply be deemed
'an alien'.

The difference in the committee's attitude to the nationality of
men and women is pointed up by a note one member added to the Report. He
urged that if a man were granted the nationality of another country when,
for example, he married a woman of that country, this should not be counted
as the voluntary naturalization which would deprive him of his British
nationality. There was no suggestion that the same argument should apply
to women who married foreigners. While The Times commented favourably
on the proposals for imperial nationality, it passed lightly over the
question of women: 'A little doubt rests over the position of an English
woman who marries an alien and who obtains a divorce from her husband',
it remarked, and went on, 'Of more importance is the case of children and
other minors ...'

With imperial nationality now an avowed goal of British policy, the
next, protracted, stage was consultation with the self-governing colonies.

Interdepartmental Committee, Cmd 723. The six man committee was
chaired by Sir K.E. Digby, Permanent Undersecty. in HO., Legal
advisers of F0., HO., IO. were included. Report, 24 July 1901.

24. Ibid., p.19. Note on Voluntary Naturalization by Sir D.Fitzpatrick,
member of Council of State for India.

25. The Times, 3 October 1901.
The Interdepartmental Committee's report was circulated to them for comment in October 1901, in preparation for discussion at the Colonial Conference to be held the next year. The issue would in fact be hammered out at three such conferences, in 1902, 1907 and 1911, before legislation to replace the Naturalization Act could be agreed on. The question of the nationality of married women played no part in any of these discussions, but the obstinate difficulties they revealed undoubtedly made later governments unwilling to submit any changes on women's nationality to the Dominions, lest they jeopardise the whole structure of imperial nationality.

The 1902 Colonial Conference achieved little. Although a single imperial nationality was in line with Colonial Secretary Joseph Chamberlain's vision of a close-knit Empire, he did not include reference to the subject in his opening speech. When Conference members came to consider the Interdepartmental Committee's report, they passed no resolution on its content.

The 1907 Conference marked a new stage. A draft bill had been circulated to the Dominions and when the Conference met, the British Government could take it for granted that members were in favour of uniformity in imperial nationality legislation 'as far as possible'. It was on the question of immigration that the discussions foundered. Sir Joseph Ward of New Zealand spoke for all the white colonies when he stated bluntly that 'under no conditions would he approve anything which would give a coloured person, naturalized after five years in England, rights in New Zealand'. The Conference resolved unanimously that further enquiries

26. PRO H045/10160/B24105/11 The committee met 18 June 1902 to discuss the colonial response.

27. H C Sessional papers, 1902, Vol. 66. Colonial Conference 1902. Cd. 1299 Chamberlain (Lib., later Lib-Unionist) sat for Birmingham 1876-1914. He was Colonial Secretary, 1895-1903. His speech on 30 June 1902 was largely about Imperial Federation. Nationality was discussed on the sixth day, p. 40.
should be made as to 'how far and under what conditions naturalization in one part of His Majesty's Dominions should be effective in other parts'.

So another interdepartmental committee was set up in 1908 to try and meet the Dominions' objections to naturalizing persons of non-European descent and much correspondence ensued with the Dominions. The committee believed the measure under consideration had 'very little bearing on the coloured race question', but insisted, 'It must be taken for granted that the Parliament of the United Kingdom would not be prepared in an Imperial act to draw a distinction between persons of European and non-European descent'. Prospects for agreement with the Dominions thus looked dim as their representatives again gathered in conference in 1911.

The frustration of delegates at the lack of progress was evident. The chairman complained that, though a resolution on naturalization had been agreed at a previous Conference, the moment the individual Dominions had been consulted the most acute difficulties had manifested themselves. He added, 'I have been labouring at [this question] myself for six months, and my predecessors have laboured for a much longer period, but it has been absolutely impossible to come to agreement'. He hoped that when naturalization was discussed, with the Home Secretary in attendance, they might be able to 'strike out some line of agreement - not of uniformity, because I am hopeless of that'.


29. H C Sessional papers 1911, LXV, Correspondence re 1911 Imperial Conference. Cd 5273. The committee represented HO, FO, IO.

30. Ibid. Committee report. This was sent to Canada, Australia, the South African colonies and New Zealand, 9 November 1908.

As it turned out, he underestimated the determination of the Home Secretary. Winston Churchill came armed with a set of principles to submit to the Conference as guide-lines for amendment of the draft bill:

1. Imperial nationality would be world-wide and uniform, each Dominion being free to grant local nationality on such terms as its Legislature should think fit.

2. The Mother Country would insist on a five year qualifying period, which could be anywhere in the Empire.

3. The grant of imperial nationality would be everywhere at discretion, this discretion being exercised by the area where the applicant had resided for the year before his application.

4. The Imperial Act would not apply to self-governing Dominions unless adopted by them.

5. Nothing in the proposed legislation would affect the validity or effectiveness of local laws regulating immigration or the like and differentiating between different classes of British subjects.

The principles met the Dominions' objections to earlier proposals and were unanimously agreed to as drafting instructions, though Churchill did not manage to rush a revised bill through in time for it to be considered before the Conference dispersed. It was a considerable achievement.32

Backing up this consultation with the Dominions was steady work in Whitehall. The Home Office records on the evolution of the British Nationality and Status of Aliens Act, which would eventually replace the Naturalization Act, run to over a hundred files for the decade 1903 to 1914. They include a whole set of draft bills - almost annual between 1911

32. Ibid., Naturalization, 13 June 1911. Winston Churchill, at this stage of his career a Liberal, representing Dundee (1908-1922), had been Undersecretary of State for the Colonies at the time of the 1907 Conference (1905-08), and had recently moved, via the Board of Trade, to the Home Office, 1910-11.
14

and 1914 - up to the point where the final version was introduced into Parliament. Much of the work was done by interdepartmental consultation among the Home Office, Foreign Office, Colonial Office and India Office legal experts. They faced a daunting task. 'There can be no doubt', minuted a Foreign Office official as early as 1906, 'that the law affecting naturalization is in wild confusion'.

The question of women's nationality played no more part in the interdepartmental exchanges than it did in the inter-imperial. The changed wording of the clause governing the national status of the wife, i.e. that instead of being deemed 'of the state of which her husband is for the time being a subject' she would be deemed 'an alien', appeared in the Draft Bill of 1907 and was accepted without comment.

At last, in March 1914, a bill was ready to be brought into Parliament. Introducing it in the House of Lords, Lord Emmott, Undersecretary of State for the Colonies, could announce with pride that it provided for the first time a 'system of Imperial naturalization on a uniform and definite basis throughout the whole Empire'. He described the long-drawn-out negotiations needed to bring the matter to a successful conclusion, quoted in full the principles agreed to in 1911 on which the bill was based, and stressed that since it was an 'agreed Bill as between His Majesty's Government and the Governments of the Dominions' it would be well to pass it 'as nearly as possible in its agreed form'. In the rest of his speech, Lord Emmott

33. PRO H045/10489/112229/1-50; H045/10490/112229/51-102.

34. PRO H045/10489/112229/13; FO minute urging prompt legislation, 26 July 1906.

35. Ibid., l Draft Bill, 1907, cl. 14, The wording first appears in a Home Office draft, 1903.
concentrated on Part II of the bill, which dealt with naturalization procedures. There were only two other speakers, both of whom welcomed the bill, but cautioned that it should be looked at in detail. It was sent to the Commons without amendment.36

In the Commons, the Colonial Secretary, Mr Harcourt, echoed what Lord Emmott had said in the Lords, lauding the bill as a major achievement attained after long effort. 'When the Bill passes to the Statute Book', he said, 'we shall have secured that much desired affirmation - that a British subject anywhere is a British subject everywhere'. He urged the House to allow a rapid second reading so that the bill could be sent promptly to committee. If the opening speech of the debate in the Commons was similar to that in the Lords, the subsequent debate was quite different. The main point taken up by critics of the bill was the status of married women under its provisions. Mr Glyn-Jones began the attack both against Clause 10, 'the wife of a British subject shall be deemed to be a British subject and the wife of an alien shall be deemed to be an alien', and Clause 11, which made explicit that a woman who became an alien on marriage did not cease to be so when the marriage ended. His concern was especially for poor women, British-born and living in England, but married to foreigners, who were excluded from National Insurance by their marriage. He was followed by Mr Dickinson who expressed concern at the warning against amendment.

I cannot believe, he said, that the law affecting the nationality of married woman can continue to exist for many more years as it now stands, and in view of the general growth of opinion as regards the legal position of women, it will be a very disastrous thing if we find the door shut, as I believe it will be, if this bill passes without amendment on this particular branch of the questions.

He could see no reason why a woman should be turned into a foreigner against her will if she married a foreigner. 'A man does not become a

36. 15 H L Deb., 2R, 17 March 1914, Emmott 503-509. Other speakers were the Earls of Selborne and Halsbury, 509-511. The bill was sent to the Commons, 1 April 1914.
foreigner because he marries a foreigner, and why should a woman?' Dickinson hoped the questions he raised could be dealt with in detail in committee.

Two other speakers favoured amendment of the clauses on women, one on the grounds that some women in poorer areas of London had become aliens without even realising it, the other condemning Clauses 10 and 11 as 'voicing the conditions of an Eastern harem'. Then, with Harcourt assuring the House that the bill, even though 'agreed', could be 'improved', it was sent to committee.37

This stage of its progress, however, of which so much was expected, proved less than satisfactory. The committee to which the bill was sent did not meet on its usual day, but on the day before Recess and so was under considerable pressure to get through all its business. Amendments proposed by Dickinson and Glyn-Jones failed to get support, and the bill was sent back unchanged to the House.38

It was only at the Report stage of the bill, late in July, that serious debate took place. It began with a motion that the bill be recommitted, on the grounds that the second reading had been curtailed and the committee stage hurried. It was unthinkable, said a speaker in support, that at so late an hour - it was after 11 pm - and so late in the session members should have to deal with a question of such enormous

37. 62 H C Deb, 1197-1211, 2R, 13 May 1914. Rt. Hon. L.V.V. Harcourt (Rad), Rosendale division of Lancashire 1904-1917; Col. Secty, 1910-1915. W.S. Glyn-Jones (Lib.), who represented Tower Hamlets 1910-1918, was a barrister and pharmaceutical chemist; Mr W.H. Dickinson (late Rt. Hon. Sir W.H. Dickinson) (Lib.), also a barrister, represented N.St Pancras 1906-1918. He joined Labour in 1930, Nat. Lab. 1931. Other speakers were A.G. Harvey (Lib.), Member for Rochdale 1906-1918; F.H. Booth (Lib.), Member for Pontefract, 1910-1918.

importance to half His Majesty's subjects.

Harcourt then explained that he had accepted two amendments to the bill, to enable a widow to regain her nationality promptly and at a reduced fee, and to safeguard the right of a woman who married a British subject later naturalized abroad to retain her British nationality. But 'as for allowing any woman to retain her own nationality when she deliberately marries an alien', he said, 'if we did that we should be departing from the practice of the whole civilised world'. He referred back to the 1868 Royal Commission to prove his point.

Mr Dickinson attributed the bill's acceptance without adequate consideration to the fact that it had been presented to parliament as an 'agreed bill', but pointed out that not a single representative body in the Empire had in fact debated the principles on which it was based. In relation to Clause 10, the clause on married women, he emphasised that almost every society connected with women's work in the country had passed resolutions in favour of a woman's nationality being separate from that of her husband.

The motion for recommittal was lost and the House moved on to clause by clause consideration of the bill. When Clause 10 was reached, Dickinson moved that a wife should retain her nationality on marriage with an alien unless she made a declaration, to be registered by the Home Secretary, that she wished to change it. His supporters objected to the Government's reliance on the Royal Commission for their arguments, pointing out that a great deal had happened to change the position of women in the thirty-five years since the Commission had sat.

The Government spokesmen simply reiterated the importance of Dominion support for the bill. Home Secretary McKenna explained that Part III, where the clauses on women were to be found, was declaratory only, but thought

39. 65 H C Deb., 1462-1504, 29 July 1914. Booth moved recommittal, supported by Harvey.
that not to accept those clauses in their present form would 'jeopardise and probably kill the bill'; the dedicated imperialist Leo Amery warned against endangering the common citizenship of the whole British Empire 'merely for the sake of removing some small local grievance, or for a further step in the theoretical position of women'. Only one speaker defended the clauses on women's nationality on principle, asserting that to permit two different nationalities in a marriage would 'strike at the very root of the institution'. It was the argument of imperial uniformity that finally prevailed and the bill passed by 108 votes to 59.40

The Home Office had evidently been caught unawares by the sudden interest in the clauses relating to women's nationality. There is no mention of them in their files until May 1914, after the first exchange in the House of Commons. Even then, the broader issue of women's rights was ignored. An unsigned memo noted that pressure was likely to be brought to bear against the provisions that widows and divorced women should retain the nationality of their husbands. It was after the committee stage that the Home Secretary sent scrawled instructions:

(1) Put into Bill widows' five years to be reckoned at any time and charge not to exceed 5/-.

(2) Provide for option for wife to retain her nationality on change by husband after marriage.

One Home Office expert thought the Dominions unlikely to object to the first suggestion, and noted 'if the amendment would really buy off opposition it might be worth while to make it'. He opposed the second.

40. Ibid., Sir A.M. Mond (Lib. till 1926, then Con) a barrister, and Harcourt cited the 1868 Commission. Major J.W. Hills (Con.), Durham 1906-18, and A. Williams (Lib.) at this stage also representing Durham, 1914-22 were critical of this. Rt. Hon. R. McKenna (Lib.) sat for N. Monmouthshire 1895-1918, from 1911-1915 Home Secretary; L. Amery (Con.), Birmingham 1911-1945, a barrister, was to be Colonial Secretary 1924-9 and Dominions Secretary 1925-29.
for which he could find no precedent in the international law, as too
important a change to be made without consulting the Dominions, - and
unlikely to meet the objections of women anyway.41

There was in fact, very little evidence of the objections of women
referred to. A few letters appeared in the press,42 and some women's
organisations passed resolutions in favour of Dickinson's amendments.43

The journal of one organisation makes passing reference to a deputation
of women to the Colonial Secretary, which requested the two amendments
subsequently made to the bill.44 Of more consequence was a large meeting
of women in London on 9 July, which deplored the reduced status given women
in the new nationality legislation; one of the speakers at this meeting,
Laura, Lady Aberconway, went on to publicise the issue in a number of newspa­pers as well as the publications of women's organisations. Flippant
comments written in the margin of the Daily Chronicle version, suggest
that the Home Office was not taking the matter seriously.45

41. PRO HO45/10490/112229/2 Memo 16 May 1914.
42. eg., Manchester Guardian, 9 June 1914; The Times, 16 June 1914;
Daily Chronicle, 18 July 1914.
43. Fawcett Library (F.L.), Pass the Bill Committee records. National
Union of Women Workers' (later National Council of Women) Legislation
Committee sent resolution of 18 June 1914 to press and Cabinet
members, as well as cabling Councils in Dominions. Women's Liberal
Federation adopted unanimous resolution in favour of Dickinson
amendment.
44. Jus Suffragii (International Woman Suffrage Alliance), Vol.8, 14,
1 October 1914. I have found no record in CO files.
45. Jus Suffragii, Vol.8, 12, 1 August 1914, p.156, describes the meeting
which inaugurated a British Dominions Women's Suffrage Union. Lady
Aberconway was deeply involved in political life. Her father had
been an M.P., and at one stage her husband, son and son-in-law were
all in the House of Commons. A suffragist, she had been a founding
member of The Women's Liberal Federation in 1886. (The Times,
obituary, 12 January 1933). Her articles appear in The Times 16
June 1914, Daily Chronicle, 18 July 1914, Vote, 24 July 1914,
Common Cause, 12 June 1914, Jus Suffragii, 1 July 1914. For Home
Office comments, PRO HO45/10490/112229/2.
The reason for the muted reaction by women to the legislation is not far to seek. There was little time to organise opposition; the women's organisations were caught off guard. Their first letter to the press was not sent till 9 June, that is, after the Bill had passed its second reading and committee stages in the House of Commons. By 29 July, when it was next considered there, the threat of imminent war hung over the country and Members were preoccupied with graver matters than the national status of married women. Moreover the pressure to pass an 'agreed Bill', especially one agreed with such difficulty, proved irresistible. Even at this early stage the weighty argument of Imperial Uniformity was operating against independence for women in relation to nationality.
Chapter One

The Wartime Experience

The British Nationality and Status of Aliens Act emerged from its thirteen-year-long gestation just as Europe was plunged into war. It received the royal assent on 7 August 1914,\(^1\) three days after Britain declared war, and on the day Lord Kitchener made his first recruiting appeal.\(^2\) In these circumstances it is hardly surprising that the Act was almost totally ignored by the public, despite the fact that the outbreak of hostilities made the question of nationality and its attendant obligations vitally important. Certainly the possible effect of the clauses on the nationality of married women,\(^3\) in the new situation of war - for there had been no international conflict to test the system since its introduction in 1870 - failed to arouse any speculation in the press or in the publications of those women's societies which might have been expected to show a special interest. Lady Aberconway's criticism of the Act as it affected women did not mention its possible effect in wartime;\(^4\) and between when the Act was

1. 65 H C Deb., 2190, 7 August 1914.
2. The Times, 7 August 1914. Lord Kitchener, much admired for his military career in Africa and India, and recently Consul-General in Egypt, was S. of S. for War.
passed and 1917, when the journal of the International Woman
Suffrage Alliance began to show an interest in the question, there
was virtual press silence.\(^5\) Nevertheless the war was to show up,
vividly and cruelly, the helplessness of British-born women who had
lost their nationality through marriage.

When war broke out many British-born women who had never been
out of the British Isles suddenly found themselves enemy aliens. As
such, they were subject to stringent new legislation concerning aliens.
The Aliens Restriction Act, which affected them most directly, was
part of the emergency legislation of the first days of the war.\(^6\)
Its details had been worked out over the previous four years by
a subcommittee of the Committee of Imperial Defence, and it was now
rushed through.\(^7\) The Prime Minister and the Home Secretary presented
the Bill on 5 August; it was partly read from the chair so that
it could be considered immediately, and was passed on the spot. It
authorised that wide powers to deal with aliens be given to the
Home Secretary by Order in Council. While the war lasted he could
prevent aliens entering or leaving the country. He could have them
deported; require them to reside in certain areas and not in others;
require them to comply with special regulations as to registration,
change of address or travel, even order them to be arrested or
detained, their property to be searched.\(^8\)

5. *Jus Suffragii*, III, October 1917 - September 1918, passim.
8. 68 H C Deb., 1987 - 1990, 5 August 1914. Asquith was P.M.,
McKenna H. Secty.
Debate on the measure was brief; Home Secretary McKenna made it clear that he would use discretion in applying the authority given him, especially to distinguish between 'alien friends' and 'alien enemies', but even alien enemies 'against whom there was no reason whatever to suppose that they had been secretly engaged in operations against the country' would be subjected to 'nothing further than registration and the provision that they may not live in prohibited areas'.

The regulations probably were more irksome than McKenna suggested, although in the case of British-born wives of alien enemies removal from prohibited areas was not generally insisted on. Like their husbands, they were subject to the requirements the Daily Graphic set out for the information of its enemy alien readers in December 1915. They had to go to the nearest police station and give full particulars of themselves; photograph, address, occupation, and reason for remaining in the country. They needed special police permits to live in coastal towns or prohibited areas; to travel more than five miles from their specified place of residence; to possess firearms, motor-cars, motor-cycles, motorboats or yachts, telephone, camera or 'any inflammable spirit in quantities exceeding three gallons'. If they stayed at an hotel or boarding house, their landlord had to be able to furnish information about them by means of a register open to police inspection 'at all reasonable hours'. They were forbidden to use or assume any name other than that by which they were ordinarily known before the war.


Two days after the Aliens Restriction Act, the Defence of the Realm Act was pushed through with similar haste.\textsuperscript{11} This Act was of much wider application than the Aliens Restriction Act, but it also affected women whose nationality had been changed by marriage, both British-born wives of aliens, and foreign women who had married British subjects. The Act made any contact with enemy aliens dangerous. It gave the Home Secretary responsibility for public safety 'to prevent persons communicating with the enemy or obtaining information for that purpose' and to secure the safety of communications. Under regulation 14, persons suspected of action prejudicial to the public safety could be interned. In an addition of 28 August, the death penalty was invoked for offences committed with the intention of assisting the enemy.\textsuperscript{12}

It is evident that the regulations relating to aliens were drawn up with male enemy aliens principally in mind, but they also affected profoundly wives who had become enemy aliens through marriage. The day after the Defence of the Realm Act was passed, police were ordered to arrest those enemy aliens who were 'reasonably suspected of being in any way dangerous to the safety of the realm', while carefully avoiding those whose known character precluded suspicion or who were personally vouched for by British residents of standing.\textsuperscript{13} But, popular feeling against Germans was already running high and the instructions were not always adhered to. An outspoken letter from Sir Frederick Milner to Mr McKenna complained that 'some very unfortunate

\begin{itemize}
\item[11.] 65 H C Deb., 2191-2193, 7 August 1914.
\item[12.] Public General Statutes, 1914 (4 & 5 Geo V, c.29).
\item[13.] PRO HO45/10729/255193/3 Internment and Treatment of Enemy Subjects. Circular, 8 August 1914.
\end{itemize}
mistakes' were being made in the wholesale arrest of Germans and deplored the use of handcuffs and the public humiliation of long established and respected immigrants. He quoted one of them as saying 'I have lived twenty-five years in England, my friends are English, I have no sympathy with Germany in this war, yet I am treated like a common felon'. At York, 1200 men were herded together in railway sheds where there was room for only half that number. Even in default of direct evidence, it would be safe to say that the shock to the British-born wives of arrested enemy aliens must have been considerable.14

There were many uncertainties in the situation. First of all, no-one really knew how many enemy aliens there were in Britain. Before 1914 there had been no controls over the entry or movement of foreigners and the Home Office kept no records of their numbers, places of residence, antecedents or political connections. By 9 September 50,633 Germans, and 16,104 Austrians had registered with the police.15 But how many of these were to be detained, and for how long? The uncertainty must have weighed heavily on enemy alien families. In October it seems to have been envisaged that all males of military age, that is 17 to 45, Austrians and Hungarians as well as Germans, would be interned.16 The prospect was daunting; General Kitchener wrote to McKenna that it would add up to 20,000 internees and that accommodation was not immediately available for such numbers.17 Moreover Kitchener's round figure proved


15. Stent, p.17.

16. PRO HO45/10760/269116/1 Memo 20 October 1914 expressed the hope this could be accomplished within a week.

17. Ibid., /7 Kitchener to McKenna, 17 October 1914.
to be an underestimate. At the end of November the Home Office counted up 12,400 civilian enemy males interned and 27,000 at liberty, about half of these latter of military age; a high proportion came from London.\textsuperscript{15} In December instructions were issued for the release of all those arrested since October, unless there was special reason to detain them, or unless their release would leave them 'without employment and in such destitution as to be likely to be dangerous'.\textsuperscript{19} The proviso was an early indication of the most common problem of enemy aliens in England during the war, poverty.

In these first confused weeks there is little evidence that consideration was given to the British-born wives of enemy aliens in England, although technically they were also enemy aliens; indeed no-one tried to guess how many of the estimated 16,000 wives of enemy aliens in Britain were British by birth.\textsuperscript{20} No women or children were to be interned, Britain and Germany had agreed,\textsuperscript{21} and British-born wives were not to be 'repatriated' to Germany against their will,\textsuperscript{22} but the sudden removal of the breadwinner must inevitably have had the severest repercussions on his family, psychological as well as economic.

In assessing the consequences of the war, and the wartime regulations, for British-born wives of enemy aliens, a sharp distinction must be drawn between those families who were financially secure in 1914 and those who were not. The former were cushioned from the bleak

\textsuperscript{18} Ibid./78 memo 30 November 1914.
\textsuperscript{19} Ibid./89 11 December 1914.
\textsuperscript{20} 71 H C Deb., 1842, 13 May 1915. At this time it was stated that, except in special cases, wives would be repatriated.
\textsuperscript{21} PRO H045/10760/269116/11 Memo 26 October 1914. Also exempt were men over military age, ministers of religion, doctors and (in the case of Austrians) those unfit for service.
\textsuperscript{22} 71 H C Deb, 2358, 19 May 1915, McKenna.
poverty which became the lot of poorer enemy alien families in Britain. Perhaps because of this, information is hard to come by in their case. A few went to Germany for the duration of the war; on the special train which took the German Ambassador from London after war broke out were two from the highest ranks of London society, the Princess of Pless (née Cornwallis-West) and the Countess Blücher (née Stapleton-Bretherton). The latter, whose strongly Anglo-phil father-in-law lived in the Channel Islands, worked for the German Red Cross during the war while four of her brothers fought for Britain.\(^23\)

For the majority who remained, we lack the records of charitable organisations and government committees that the plight of the impoverished called into being; nor is the gap adequately filled by published memoirs or reminiscences. The presumption should perhaps be that well-to-do wives of enemy aliens were not seriously disadvantaged, but even for them the wartime regulations must have meant inconvenience, some humiliation and a reduced standard of living, as well as the distress caused by having family on each side of the conflict. While they shared with all aliens the requirement to register with the police and travel no more than five miles without a permit, they were more likely than their humbler sisters to suffer through the Trading with the Enemy Act, under which their husbands' businesses could be taken over or wound up,\(^24\) and the prohibition on enemy aliens engaging in banking without special permission.\(^25\) In the City of London, where German influence in banking and industry was great, the hunting of

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aliens was bitterly and tenaciously pursued. The Daily Mirror of 13 May 1915 published a front page picture of a huge meeting outside the Royal Exchange at which the resolution 'all Germans, whether naturalized or not, must go' was tumultuously passed.

A sympathetic insight into the situation of a middle class Englishwoman married to a German during World War One occurs in a novel, Mrs Fischer's War, by Henrietta Leslie, herself, as Mrs Schütze, the bearer of a German name. It appeared in 1930 with a foreword by John Galsworthy, was chosen by book societies as Book of the Month in both Britain and the United States and was adapted as a play that reached the West End. It did much to publicise the question of married women's nationality. In the course of the debates in the House of Commons the Nationality of Women Bill in 1930 Miss Picton-Turbervill urged all Members to read it. The accuracy of its background was never called in question.

Janet Fischer, heroine of the novel, is English by birth and married to a German who has lived in England since boyhood. They are on holiday in Germany when war is declared, and Carl Fischer is detained by the authorities at a small railway station on the journey home. He subsequently - and not quite convincingly - joins the German army. His wife, who completes the journey to England, is thus left an alien enemy in her country of birth. She is instructed by a police

27. Daily Mirror, 13 May 1915.
28. S.J. Kunitz and H. Haycroft, Twentieth Century Authors, p. 1248
   Despite the name, Henrietta Leslie's husband was Australian. She published some twenty-three novels. The dramatisation of Mrs Fischer's War was done in collaboration with Joan Temple. (Time and Tide, 18 July 1931.)
constable to register as an alien. Twice she tries to participate in war work, in an organisation sorting clothes for Belgian refugees, and in a hospital run by her own sister, and on each occasion is forced to withdraw through the hostility of the other volunteers. She is forced out of her club. Her brother-in-law takes over the lease of her house to avoid its confiscation as enemy property and her bank manager, who has known her since childhood, asks her to withdraw from her account only enough for strictly domestic purposes until the Public Trustee agrees on what she should be allowed. Her husband's business partnership is dissolved under the Trading with the Enemy Act. Her only son, intensely bitter, removes the telltale German 'c' from his name and enlists. Wretchedly idle while everyone else is busy, she manages to secure a country cottage, out of the restricted area, and retreats to it, with the one member of her former household staff she has been able to retain.30

The picture is not overdrawn. Janet Fischer's experience as an alien by marriage could have been worse. Her friends are generally loyal, her sister entirely so. Despite rumours that her husband had been a spy before the war, she receives only one abusive letter, and there is no question of any physical threat to her. Some of her problems could probably have been avoided by simple prevarication: as her husband's former business partner said, she had only to put it about that Carl was dead and then resurrect him after the war. The author is not critical of the regulations limiting British-born wives of enemy aliens. The emphasis throughout is on the mental anguish caused by divided loyalties, the paradox that a woman could have a husband fighting on the

30. H. Leslie, Mrs Fischer's War, passim.
one side and a son on the other, the agony when both are seriously wounded, and perhaps permanently alienated from each other.

The author leaves it to Galsworthy in his foreword to point up the lesson:

'One cannot exaggerate the poignancy and carking nature of the prolonged misery which many poor women went through during the war, and after, because of being married to 'alien enemies'. Women of all the warring nations whose only fault was that they were happy and devoted in a mixed marriage, were mercilessly crucified. It makes you think. Yes, it makes you think.'

There may have been prolonged misery for such women, but there was not Government persecution. The official presumption was that British-born women, even if married to Germans, were loyal. Their plight aroused considerable pity and a number of concessions were made to them. The argument was repeatedly used in their favour that their children were British subjects, by virtue of their birth on British soil, though the same could of course be said of the children of German couples residing in Great Britain. One important concession was that British-born widows of enemy aliens were enabled to recover their nationality of birth, an exception to the general prohibition of naturalization of enemies during the war. As Sir John Simon explained in the House of Commons 'It is a very sad thing that a woman whose family connections are all British, and who by the fact of marrying a German has acquired a German name should have to go on with the stigma of a German name and association.' The customary fee for naturalization was

31. Ibid., J. Galsworthy, Foreword.
32. PRO HO45/10817/317072/5 Dane/Sykes Report, 26 October 1916.
33. e.g. by Home Secretary Sir Herbert Samuel, 88 H.C. Deb., 28 November 1916.
34. 72 H.C. Deb., 853, 12 June 1915. Sir John Simon (Lib. till 1931, then Lib. Nat.) held constituencies in Essex and Yorkshire 1906-40 when he became Viscount Simon. A barrister, he had recently been Solicitor-General and Attorney General. He was Home Secty., May 1915- June 1916, and 1935-7. As Foreign Secty., 1931-5, he would be involved with the question of women's nationality at the League of Nations.
reduced to a token 5/- and residential qualifications were waived to enable such women to resume British nationality. Many did so; the Home Secretary said in the House in July 1918 that he had made it a practice to look with great favour on the applications of such British-born widows and had 'naturalized dozens of poor women' who could not have afforded the standard three guinea fee. An amendment to the Defence of the Realm Act in 1915 permitted British-born wives of enemy aliens, if charged under the terms of the Act, trial by a civil rather than a military court, specifically classing them as British subjects rather than aliens for the purposes of the Act.

Another concession, and a more controversial one, was the permission customarily given the British-born wives to live in prohibited areas. The privilege was not extended as of right, as the case of Mrs Jungk illustrates. She was an English girl who married a German the day before war broke out, and on her husband's internment returned to her parents' home at Gravesend. It was a prohibited area and she was sentenced to a month's imprisonment until the Home Office intervened in her favour.

But however conciliatory the official attitude, it was very easy for British-born wives of enemy aliens, living in prohibited areas, to arouse the suspicions of zealous local officials and patriotic citizens. Vigilance against spies was regarded as a prime duty of patriots, and women married to Germans were obvious suspects. At the end of 1914, for example, the Kent Clerk of the Peace forwarded to the Home Office an account of what he suspected to be a spy ring in Whitstable. A Mrs Lutke, who figured in the report together with

35. 108 H C Deb., 582, 11 July 1918, Cave.
37. 73 H C Deb., 1946, 26 July 1915.
various naturalized and unnaturalized Germans, was the English wife of a man believed to be serving with the enemy forces. The evidence against her was that she 'had been known to express views hoping for German victories, but of late had become markedly pro-English'. 'She states', wrote the Clerk, 'that she paid £300 to get rid of her husband and that they had been two years separated'. Her house had been frequented by foreign visitors before the war, and the police had thought it prudent to disconnect her telephone. This case is apparently trivial, and it is surprising to find it in Home Office records. It indicates how widespread was the belief that wives of enemy aliens were being enlisted as spies.

The topic recurs fairly regularly in House of Commons debates. Women were suitable as spies, it was widely believed, because they were exempt from internment. 'Will anyone deny that a woman could signal from a window overlooking the sea quite as easily as a man?' asked one Member in March 1915; and another asserted stoutly, though without providing any evidence, that 'the most dangerous spies in this country are women'. There was pressure for the internment or repatriation of enemy alien women, even if they had become aliens through marriage. The immediate removal of all enemy aliens, women as well as men, from within thirty miles of the coast was one of the objects of a massive parliamentary petition in May 1915.

A year later the issue of residence in prohibited areas surfaced again. In mid 1916, just as a new wave of spymania was beginning, the

38. PRO HO45/10839/333491/2.
40. See below, p. 43.
Army Council drew attention to the 'considerable number' of enemy aliens in a position to have naval and military information and who could communicate it by alien passengers and ships', pointing out that 'in this connection females are as capable of collecting information and are therefore as dangerous as males'. M.I.5 was consulted and urged that only very exceptionally should enemy aliens be allowed to remain in the prohibited strip 10 to 40 miles wide along the coast.

Sir Louis Dane and Alan John Sykes, M.P. were then commissioned to enquire into the numbers of enemy aliens residing there, and to estimate the danger. The great majority, they found, were women, 2922 as against 847 males, and of these 2039 were British-born wives or widows. The commissioners came to the conclusion that most were British in sentiment,

'But we have come across many cases in which love for the husband overrides love of the country of origin, and it has not been possible to allow all such persons to remain; though where they are local women whose relatives accept responsibility they have usually been left where they were, especially if they have families of young children.'

It was a different matter where riots had occurred. In this case it was necessary to secure the removal of enemy aliens as much for their own sake as in the interest of the public. The commissioners went on to point out that it was not really satisfactory to remove alien enemies from a prohibited area and leave their British-born wives there, as this facilitated transmission of information rather than preventing it. But they were not convinced that British-born wives of


42. Ibid., appendix C. Memo, M15, 4 July 1916.
aliens were generally dangerous. There the matter rested, with the assurance of Dane and Sykes that the local authorities were showing a commendable and effective vigilance.\textsuperscript{43}

If the Home Office was generally sympathetic to British-born wives of Germans, the general public was less charitable. Their loyalty was often called in question, sometimes with cause. The moderate Millicent Fawcett, influential president of the National Union of Women's Suffrage Societies, describes in her memoirs Frau X, English by birth but married to a German, who was bent on serving the purposes of her adopted country in 1914 by persuading acquaintances that England should submit at once and make terms before too late. 'I wondered at the time whether she had been sent by the German Government' wrote Mrs Fawcett, and noted two similar cases which strengthened her suspicion 'that this was a deliberately planned official method of trying to break down the 'Home Front' in this country.'\textsuperscript{44}

Widows of German aristocrats were a target for popular vigilance. Why, it was asked in the House of Commons in 1918, had the British-born Princess Loewenstein been granted naturalization in wartime, when her record showed her to have been prosecuted under the Defence of the Realm Act? The Home Secretary explained that her German husband had died eighteen years before, after only two years of marriage, and since then she had been living in England; moreover the result of the prosecution had in no way reflected on her loyalty.\textsuperscript{45}

\textsuperscript{43} Ibid, Recommendations.

\textsuperscript{44} M.G. Fawcett, \textit{What I Remember}, (London, 1925) pp.222-224. It is the only reference to the question of women married to aliens in the memoirs. For Fawcett's leadership of NUWSS, see pp.142-3.

\textsuperscript{45} 108 H C Deb., 582, 11 July 1918.
The problems faced by middle and upper class women married to enemy aliens, and the hostility they encountered, paled into insignificance beside those of their poorer sisters. As soon as internment began in 1914 it became evident that the most serious problem of the families of working-class enemy aliens in Britain during the war would be desperate poverty.

An immediate effect of the war was to create large-scale dislocation in the traditionally feminine trades of clothing and millinery, where almost half the women were soon out of work or on short time. It was not only these trades that were affected: as an economy measure, wealthy households dismissed servants. Women employed as fish-gutters were deprived of work when the fishing fleets withdrew from areas patrolled by German ships. Many industries, including the cotton trade, contracted temporarily. A recent authority has estimated that at the outbreak of war 190,000 women were unemployed in Britain, and 44.4% of all women workers were unemployed at least briefly in September 1914. Even by February 1915 when new employment opportunities had opened up, there were still 39,000 unemployed. In these circumstances, the chance of the wife of a German finding employment, even if family circumstances allowed, was remote. It is evident that many wives and children of interned aliens were immediately thrown into the utmost distress.

49. PRO HO45/10762/270402/1-95. This substantial record of *Destitute Wives and Children of Alien Enemies*, 1914-1918, provides evidence for much of what follows. A number of files have been destroyed.
The first official recognition of their plight occurs in a memorandum, *The Wives and Children of Enemy Aliens*, considered in the Home Office in November 1914. It was the work of a Home Office committee set up under Sir William Byrne, the Destitute Aliens' Committee. The memorandum posed the problem squarely and drew attention to its urgency. The women and children it was concerned with were the families of Germans and Austrians normally resident in Britain who had left the country to join the enemy forces, or were in detention camps. A very few were ordinary poor persons who merely happened to be aliens and whose destitution had nothing to do with the war. 'The great majority of the wives are British by birth, language, habits and sympathies, and the children are nearly all natural-born British subjects' the memorandum noted.

The means of relief available to these women, in the absence of their husbands, were Poor Law assistance, which might well be in the shape of admission to the workhouse rather than an allowance; the charity of friends and relations; and certain small local charitable funds whose resources were rapidly running out. In London there were also several important charitable associations, with more funds at their disposal, and at the instance of the Destitute Aliens Committee they had set up a central Council of United Aliens' Relief Societies to administer these. At this stage the Council was paying out £500-600 a week, but its funding, which relied on public support, was dwindling. Aid to families of enemy aliens could hardly compete in the public imagination with more patriotic charities.

There was one further source of public assistance for these families, but it was a controversial one: the German and Austrian governments had sent £10,000 and £5,000 respectively to the American Ambassador to maintain families of Germans and Austrians who could no
longer support them. The Ambassador paid 10/- per week and 2/- for each child, irrespective of the former income of the family; the equality of treatment was considered important. Since the money was intended primarily for the families of enemy combatants it was unlikely that the Ambassador would or could continue to support families of civilian internees. Moreover, as the Committee tactfully put it, the British Government might reasonably have a special responsibility in relation to the latter group 'since it is the State which has directly caused the destitution which calls for relief'. There were strong reasons why such families should not be supported from German funds: even if they knew the fund was available, it would be 'extremely repugnant' to almost all of them to accept aid from it.

The Committee recommended special government relief, and advised that the Poor Law administrators should handle it. The advice was reluctant because of the stigma attached to Poor Law aid, but it was considered that possible alternatives such as the National Insurance Committees, the Old Age Pension Officers or the Local Relief Committees would be too difficult to adapt for the purpose of distributing the allowance. The Committee urged that 'absolute destitution' should not be necessary to qualify for assistance, and that the Poor Law Guardians should be 'strictly and closely controlled' by the Local Government Board. The memo ended, as it had begun, with a plea for prompt action.50

The Destitute Aliens' Committee's memorandum was printed and sent to the Treasury and the Local Government Board for observations,

50. Ibid. Mem. undated, but sent to HO, 5 March 1914. Sir W. Byrne was Asst. Undersecty., HO. 1908-13, Chairman of Board of Control, HO, 1913-19. See appendix 1.
and the Home Secretary agreed to its proposals, but Home Office minutes on it indicate a significant difference of attitude among officials. While Assistant Secretary John Pedder was in favour of the aid recommended, Permanent Undersecretary Sir Edward Troup was concerned lest British wives of German prisoners have 'some preferential treatment over other British women who may be destitute or nearly destitute.' 'I do not think the fact that a woman has married a German gives her any prior claim over a woman who has married an Englishman', he wrote. The difference of attitude indicated in this exchange would persist and prove to be of some importance.

It was decided at first that the rate at which British-born wives of internees should be paid should be the same as foreign-born wives were receiving through the American Ambassador, but Troup again expressed concern that the result might be to 'give the wife and children a larger income than the whole family had before the husband was interned.' He claimed the allowances were enough to induce the husband to give himself up for internment, and repeated 'I cannot see that women who have married aliens should have so much better terms than women who have married Englishmen who are thrown out of work by the war'.

Troup's attitude appears grudging, but the need everywhere was so great that it was necessary to establish, if not priorities among the needy, at least some sort of parity of treatment. It was not an easy task. Sylvia Pankhurst in The Home Front describes her work in the East End during the war, and piles up poignant detail of the effect on London's poor of the outbreak of war and the massive price rises which accompanied it. As men enlisted, their families were left without

51. Ibid./2 Minutes, 17 November 1914. Sir J. Pedder was Principal Asst. Secty., HO, 1904-32; Sir E. Troup was Perm. Undersecty., HO, 1908-22.
sustenance, for at first there were no separation allowances. To be out of work meant starvation, as the Poor Law funds were inadequate to relieve the great wave of unemployment.\(^5\) In these circumstances the claims of women married to enemy subjects had to take their turn. Eventually a circular to Boards of Guardians from the Local Government Board laid down the conditions upon which the money expended by the Guardians for wives of internees would be refunded: the husband had to be an interned alien, the wife of British origin, and without sufficient resources.

The phrase 'and without sufficient resources' was added in the final draft of the circular. At best, it introduced an unfortunate subjective element into the grant of the allowance; as administered by some Boards of Guardians, it meant a niggardly attitude to recipients of the grant which left some of them very badly off. The allowance was at a uniform rate of 10/- in London, 8/- elsewhere, and 1/6 for each child. It was intended to make clear to the women that the money came from a special government grant, and was not poor relief, but the difference probably looked slight to the recipients.\(^5\) Still, it was something, and when that champion of the rights of British-born wives of aliens, Mr W.H. Dickinson, asked in the House whether the Government would take steps to alleviate the distress of the large number of British-born wives and children of aliens who were being interned, he was told that funds had already been placed by the Treasury at the disposal of the Local Government Board for distribution through the Boards of Guardians.\(^5\)

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52. Pankhurst, Ch II 'War hardship descends upon the poor'. An active suffragette before the war, imprisoned several times, Sylvia Pankhurst broke with her family in 1914 in favour of Socialism.


54. 68 H C Deb., 428, 18 November 1914.
The organisation of a pension was only the beginning of the attempt to alleviate the situation of distressed wives of internees and the Home Office worked on it for the duration of the war, often in conjunction with the Council of United Alien Relief Societies, on which it was represented.\textsuperscript{55} There were two main aspects to the problem, pensions and employment: how much money should be given to the women and how jobs could be found or created to enable them to earn it themselves. It was also deeply affected by fluctuations in government policy towards internment.

The policy of interning all male Germans and Austrians of military age was maintained only briefly at the beginning of the war. By early 1915 some 500 internees were being released weekly on instructions from the War Office.\textsuperscript{56} The assumption was that they would be able to support their dependents, but in many cases they could not. Indeed a man's release often exacerbated rather than resolved his family's difficulties. It did not always mean reunion with them. Released internees were not allowed to live in 'prohibited areas' - mainly coastal areas - though British-born wives usually were, and the allowance had to be extended to wives whose husbands were not permitted to join them in these areas. The classification of London and most cities as 'proclaimed areas', open to them, eased this problem.\textsuperscript{57}

In the increasingly bitter anti-German atmosphere, released internees were virtually unemployable, and even before the end of 1914, the Council of the United Alien Relief Societies reported that it was...

\textsuperscript{55} PRO HO45/10762/270402/60 Report, U A R S Council, 31 October 1916.
\textsuperscript{56} Ibid./11 Destitute Aliens' Committee to HO, 11 January 1915.
\textsuperscript{57} Ibid./2 Circular to Boards of Guardians, 9 November 1914.
'convinced the presence of a large number of Germans and Austrians thrown out of employment, in most cases through no individual fault of their own, and with nothing to do but watch the breakup of their homes and the distress of their wives and children (was) a most dangerous and undesirable condition of affairs.'

Many of the applicants for relief, it noted, asked to be sent to concentration camps. The Council could cite cases where release from internment entailed the loss to the wife and children of state aid and consequent destitution for the whole family. All districts, it claimed, were reporting aliens of all ages who could not support themselves: in London it was estimated there were some thousand families in this category.

Three courses of action were suggested to aid such families. They might live in their own homes and be supported by charity or outdoor relief; this was inconvenient, possibly, given the temper of the cities, dangerous to them. Whole families might be removed to a safe area such as the Isle of Man, but this would be very expensive. Or all destitute male aliens could be sent to camps or institutions, leaving their families to be maintained at government expense in their own homes. This was the course the Committee favoured, but the Home Office decided instead to use the normal machinery of the Poor Law, if necessary putting whole families in workhouses, with expenses to be recouped through the local authority. Troup had advised this, though he conceded that 'aliens reduced to destitution by removal from their homes and lack of employment may become dangerous in work houses'.

58. Ibid./7 U A R S Council to HO, 31 December 1914.

59. Ibid./11 Destitute Aliens' Committee to HO, 11 January 1915 and Minutes. Fedder favoured internment of males, support of families; Troup did not: 'We must not show this to the War Office', he noted.
particular danger did not have to be faced because the scheme fell through. The workhouses were being used to house wounded soldiers and there was little prospect of accommodation in them for aliens and their families, so willy-nilly the government had to revert to the plan of interning adult males only. Even in this case, the problem of accommodation proved intractable, and sending the men as far away as Bermuda was considered. But the War Office extended Knockaloe Camp, on the Isle of Man, from 5,000 places to 16,000 and selective internment of male enemy alien civilians could proceed from March 1915.

Within a few weeks, however, the whole basis of the internment policy was changed. On 7 May the great Cunard liner Lusitania, believed by the Germans to be carrying ammunition, was torpedoed off the Irish coast. Two thousand passengers, many of them children, were drowned and the disaster sparked off ugly anti-German riots in Britain's major cities, especially Liverpool and the East End of London. In the London riots, 257 people, half of them police, were listed as injured, but the real figure was widely believed to be much higher. Damage to property was extensive: in the district of West Ham alone, The Times reported, it amounted to £100,000.

In the disturbances, women married to Germans were fair game. Sylvia Pankhurst describes how the home of one of her acquaintances

60. Ibid./13.
61. Ibid. The War Office suggested Bermuda.
62. Ibid./19 W O to H O, 6 March 1915.
63. The Times, May 1915, passim. Daily Mirror, 15 May 1915 has pictures of the crowds at Poplar, and in the City.
64. 71 H C Deb., 1970, 17 May 1915, McKenna; Pankhurst, p.170.
65. The Times, 15 May 1915.
was utterly dismantled by an angry crowd, even to the tools by which her husband and son earned their living. Her husband, son and daughter were dragged away, and she spent a whole day in desperate anxiety before she learned they had escaped harm. Another woman, one of Pankhurst's neighbours, whose home was also stripped, gave birth prematurely on the bare boards of the empty house. Neither woman reported the incident.

Pankhurst believed the rioting was deliberately organised to force the government to a more vigorous internment policy, that it was 'in no sense a spontaneous popular outburst', though it gained momentum as a hunger riot. More plausibly, Arthur Marwick stresses the interaction of popular hysteria and official anti-German propaganda in causing the crisis. Its effect was dramatic enough. On 12 May 1915, while the riots were going on, a petition signed by a quarter of a million women, calling for the internment of all male Germans in Britain was presented to Parliament. The Home Secretary, Sir John Simon, tried to withstand the pressure:

Do not let us be blustered into doing unjust things merely because there is a certain amount of public clamour that they should be done,

he urged. But the Government's hand was forced. In an abrupt change of policy the Prime Minister announced that all male enemy aliens between the ages of 17 and 65 would be interned, and all those over military age repatriated. By the end of the year some 32,274

68. 71 H C Deb., 1618, 12 May 1915. Joynson-Hicks presented the petition.
69. 72 H C Deb., 848, 17 June 1915.
German and Austrian civilians had been interned. Most would not be released until the end of the war, and their families in many cases were left in a terrifyingly hostile environment.70 As Pankhurst clearly saw, if internment was a 'weary agony', the plight of those not interned was often more grievous. To their penury was added 'the risk and sufferings of the reprisals' pogrom'.71

The government was anxious to minimise the effect of the riots. Twenty-six cases of alleged maltreatment of German women and children in the United Kingdom, reported in the New York Gazette of 6 June 1915 under the headline British Vengeance, were fully investigated and indignantly refuted. But minutes on the file dealing with the investigations note that in the looting after the sinking of the Lusitania it was possible ('only too probable' was crossed out) that 'German women had suffered violence, though not of a very serious nature', at the hands of the crowd.72

As internment neared completion in May 1915, the rate of assistance to British-born wives and children of the internees was raised slightly, in view of the increased cost of living. The move drew from Troup the now customary query as to whether the new rates favoured wives of aliens over wives of Britons, and whether their generosity led to the recipients refusing to work.73 The generosity does not in fact appear to be striking, considering that the allowance was intended to support a whole family. The average family before the war, according

70. Stent, p. 18.
72. PRO H045/10787/298199 This includes full files on all cases.
73. PRO H045/10760/270402/27 Circular to Boards of Guardians, 19 May 1915. Ibid, 29a, Troup, undated minute.
to a Board of Trade survey of early 1914, had spent 23/- a week on food. As soon as war broke out prices soared. Within days the price of bread had risen from 5½d to 8d for a 4 lb loaf. By February 1915 flour was up 75% on the previous year, sugar 72%, coal 15%; rents rose steeply in all areas and hardship was widespread. Against this general background, a comparison can be made between the allowances to British-born wives of aliens and those to wives of men on active service. The August 1914 rate for soldiers' wives was the old Boer War rate of 11/1 per week and 1/9 per child, but in October this was raised to 12/6 and 2/- respectively. Wives of enemy aliens initially received 8/- (10/- London) and 1/6, and only in mid 1915 was this raised to 9/3 (11/6 London) and 1/9. The average wage of a working class woman in industrial work before the war had been 11/7 a week, but this had not been intended to support a household and the average male wage was three times as much. Sylvia Pankhurst was campaigning for £1 a week and 5/- per child for soldiers' wives, claiming with convincing evidence that this was a minimum living wage.

The pensions to wives of enemy aliens, though they appear meagre in a time of escalating prices, were repeatedly under review to guard against unwarranted generosity. At the end of 1915, a circular from the Local Government Board to Boards of Guardians administering the scheme specified a reduction in the standard rate if the recipient

74 Cited in Marwick, *Deluge*, p. 24. The 'average family' consisted of 3.64 males in calorific requirements.


77. *Ibid*, p. 16.

78. Pankhurst, p. 83.
had other resources whether in the nature of income earnings or assistance
afforded by relatives with whom she was living exceeding, say, 6/- a week.
They were also allowed to make it a condition of continued assistance
that the woman had tried to get work.\textsuperscript{79} Some Boards of Guardians evi-
dently took a niggardly attitude.\textsuperscript{80} This was in tune with that of the
general populace; for example, Pankhurst notes that in her East End
district of Poplar, free school meals were refused the children of
German fathers.\textsuperscript{81}

In 1916 there is evidence of more acute, or at least more
clearly articulated distress on the part of enemy aliens by marriage.
Employment for women was now easier to find and better paid. The Ministry
of Munitions, set up in May 1915 to control factories exclusively concern-
ed with war production, was vigorously run by Lloyd George. He was eager
to employ female workers, and the work expanded steadily. Universal male
conscription began in May 1916 and women were enabled, even encouraged,
to enter spheres of employment new to them. Money was freer. A girl
who had been in domestic service at £2 a month in 1914 could earn £5 a
week cutting shell fuses a year later.\textsuperscript{82} British-born wives of enemy
aliens were excluded from these new opportunities and excitement, and
their allowances, in a period of still rising cost of living, proved
totally inadequate. Like their husbands they were virtually unemployable.
Pankhurst says 'not one percent of them could get work',\textsuperscript{83} and there is

\textsuperscript{79} PRO H045/10762/270402/54 L.G.B. to Boards of Guardians,
9 December 1915.

\textsuperscript{80} Ibid. 150 Lytton to H O, 21 June 1916, complains of this.

\textsuperscript{81} Pankhurst, p. 86.

\textsuperscript{82} Marwick, \textit{Women at War}, pp. 51-61. Rt. Hon. D. Lloyd George (Lib),
represented Carnarvon 1890-1945. He moved from the Ministry of
Munitions to become Prime Minister, 1916-1922.

\textsuperscript{83} Pankhurst, p.172.
evidence of real hardship, even among those who had been fairly comfortably off before the war.

A batch of letters from German internees to relatives overseas, confiscated by the Censor in January 1916 and forwarded to the Home Office, bears pathetic witness to this. One complains that the money which was allowed our English wives by the state (11.50 marks per week) is now in most cases either not paid at all or else paid only in part. This is, up to now, the lowest depth of meanness that can be reached ... not understandable since the wives are their own flesh and blood.

There are complaints about harassment of the wives for rent, and the impossibility of their finding work under the handicap of a German name.  

A similar letter was sent by an internee to the American Ambassador, complaining about the inadequacy of the allowance made to internees' wives, their harassment by officials, restrictions imposed on their visits to their husbands. The Home Office explained to the Ambassador that the allowance had just been raised, visiting was now permitted fortnightly instead of monthly and every attempt was being made to find work for the women.  

Evidence from internees was corroborated from other sources. In April 1916 a letter reached the Home Office from Sir Robert Cecil, on behalf of the noted suffragette, Lady Constance Lytton. She had written to ask him if there was any thought of extending to British-

84. PRO HO45/10762/270402/41a B. Fischer to his mother in Germany, 16 January 1916; P. Janssen to his parents in Schleswig-Holstein, 18 January 1916; L. Hermann to Herr Holstad, 10 January 1916.

85. Ibid.,/44 Verberer to American Ambassador, 10 May 1916. Samuel to Grey, for American Ambassador, 7 June 1916.
born wives of enemy aliens the facilities for renaturalization granted to widows of enemy aliens, and she enclosed a letter from Mrs Bertha Doring of Twickenham, who was working for better conditions for 'British wives of enemy aliens'. Mrs Doring, herself the British-born wife of a German, was circulating a petition, but had less than 200 signatures because, she believed, the women concerned were afraid to bring themselves into prominence and perhaps lose their allowance; 'some even say they have been so badly treated they do not want to be British'. The letter echoes the internees' complaints: the inadequacy of the government grant, which in some cases was being reduced from the standard, the extreme difficulty of finding work, and the sharp deductions from the allowance if its recipient did so. It adds one new point, the problem of finding accommodation. It was necessary for wives of Germans to board with German landladies, since even the Y.W.C.A. refused to take them in. Mrs Doring cited specific cases to back up her claims. One was that of a Mrs Theis, the young British-born wife of a German who had lived in Egypt. The couple had been on holiday in England at the outbreak of war. The husband was interned; the wife, whose health was very poor - she had suffered a miscarriage about this time and also had valvular disease of the heart and severe rheumatism - was left with no means of support except her 11/6 grant, of which 11/- had to go on board and lodgings. When Mrs Doring visited her she was living in an unheated attic.

Mrs Doring had also received a number of letters from British-born wives of Germans. One complained that her husband had been interned, even though he had been born in Metz before the Franco-Prussian War, when it was a French possession, and had an English father. All were embittered. As one put it, 'The love of our country has been torn with
force from our breasts'. Mrs Doring's plea was for 'our nationality to be restored to us at will', or failing that, relaxation of police restrictions, increased allowances and longer visits with interned husbands than the regulation quarter-hour once a month.  

Visiting had just been made fortnightly instead of monthly, but otherwise the Home Office reply to Mrs Doring and Lady Constance, through Sir Robert Cecil, was far from encouraging: it was 'wholly impracticable' to give the women a nationality different from that of their husbands, as the ladies urged. They should be encouraged to find work, though the Home Office admitted the state of public feeling rendered this difficult. Labour Exchanges had already been asked to offer British-born wives of aliens any jobs for which there were no applicants of British nationality on the register, but it was thought to be safer if they did not apply in person 'since difficulties occasionally arise' with fellow workers, and there was widespread prejudice against them by employers. Perhaps Lady Constance herself could be persuaded to undertake the systematic organisation of some scheme of work? The Home Office officials however privately suspected that what she really wanted was to 'revive the old controversy' about women bearing the nationality of their husband and would do nothing.

86. Ibid., 41a Lytton to Cecil, 2 April 1916. Enclosure, Doring to Lytton, 31 March 1916. Lady Constance Lytton, daughter of a Viceroy of India, had recently published an account of her treatment in prison when, disguised as a seamstress, she had been forcibly fed and was left paralysed by a stroke as a result. Lord Robert Cecil (Indep.Con.) sat for Marylebone and Hertfordshire, 1906-23. He was Asst.Secty. for Foreign Affairs 1915-18. Known as a friend of the women's movement, he would later champion their claims for independent nationality in the League of Nations.

87. Ibid., HO to Cecil, 19 April 1916.

88. Ibid., Pedder minute, 13 April 1916.
Mrs Doring had not pinned all her hopes on Lady Constance. She had also contacted Sylvia Pankhurst, who wrote to a Mrs Oldenboom in Holland with the object of raising a fund there for British-born wives of Germans. Pankhurst said she had been told some of the women had gone on the streets to get food for their children, and made a provocative suggestion: Mrs Oldenboom

'might be able to get in touch with Germans who would bring pressure to bear on their government to arrange, perhaps through the American Ambassador, that the British should make more adequate allowances to these women, the amount to be refunded by the German government either now or at the close of the war.'

The letter never reached its destination. Confiscated by the Censor it was sent on to the Home Office, but they decided to take no action against Miss Pankhurst, partly to prevent her getting 'just the publicity she desires'. It seems to have been her only intervention on behalf of the British-born wives of enemy aliens. She had other battles to fight, and the incident is not even mentioned in The Home Front, where in a detailed memoir of the first three war years seen from London's East End there is only the briefest reference to the whole question of British-born women married to Germans.

The dual problem of providing work for the British-born wives of enemy aliens, and reducing their allowances in an equitable way when they were earning, proved most intractable. Undeterred by her rebuff in April, Lady Constance Lytton tackled the Home Office again on the question in June. On behalf of Mrs Doring, she asked the Home Secretary for guarantees on three points: that the 11/6 a week should be paid whatever the

89. Ibid. Pankhurst to Oldenboom 31 March 1916.
82 H 0 minute, 8 May 1916.

women could earn in addition; that they should be permitted to seek employment under their maiden names; and that the requirement to report to the police should be kept confidential. She got little satisfaction, though some sympathy. It was illegal to change one's name in wartime; one woman who used her maiden name was prosecuted under the Defence of the Realm Act. The Secretary of State could not agree that the full allowance should be paid irrespective of earnings, but he asked the Local Government Board for particulars of cases where the Guardians were 'unreasonably reducing the allowance by reason of a woman's earnings'. It was a difficult question. The Home Office and the Local Government Board favoured permitting the woman to keep all earnings up to 6/- a week and 50% of anything above this, but the Boards of Guardians were, in Home Office opinion, 'prejudiced and not easy to handle', a point which occurs frequently. The police, it was hoped, would surely 'make any reasonable concession in the matter' of confidentiality of reporting. Meantime Mrs Doring advertised in The Times for offers of work for British-born wives of aliens, but there is no evidence as to the outcome.

It was becoming clear that without the assistance of the Government, provision of work on a large enough scale to help the women was not possible. This was a point stressed by the Council of the United Alien Relief Societies when it proposed another scheme to the Home Office at the end of 1916. Since many of the wives were precluded by family responsibilities from taking jobs outside the home, the

91 PRO HO45/10762/270402/50 Lytton to H. Sec, 21 June 1916.
93 Ibid./54 Long to Lytton, 19 July 1916 and minute by Pedder. Mrs Doring's advertisement appeared 17 July.
Council suggested that the Director of Army Contracts should let out work for them to do in the home. Manufacture of the blue and grey suits used by convalescent soldiers was suggested. The sewing would be supervised by a small committee of ladies, and the Council was itself prepared to organise the distribution of the necessary material, and collection of the finished garments. It was intended that the scheme should effect savings in the maintenance grant - though it was 'most desirable' that the whole amount should not be deducted - but its main aim was to advance the moral and material welfare of the women concerned: with the increased cost of living 'the difficulties of the British-born wives have increased to such a serious extent as to bring some hundreds of them to the verge of starvation with the most deplorable results in many cases'. The Council had already circularised the Guardians and some 250 - 300 women, with sewing machines, were poised to participate. The Home Secretary added his support to the scheme and it was passed on to the War Office. But the War Office hedged: under present conditions they could not see their way clear to taking any charitable institutions as subcontractors. 'I rather fear', wrote the Council's secretary, Mr Cable, in understandable frustration, 'that this does not lead us very much further than we were six months ago. In the meantime the position of the British-born wives grows steadily worse'. And in spite of full Home Office support, the scheme fell through. 94

The next initiative was an astonishing one, considering the universal fear of sabotage, and the widespread feeling that British-born

94. Ibid./60 U A R S to H O , 6 December 1916. H. Sec to W. O 21 November, 8 December in support of the scheme.
wives of Germans were more German than their husbands; it was to try and place them in munitions factories. The Council of United Aliens Relief Societies put the proposal to the Labour Exchange early in 1917. They were told that in purely British factories it was impossible to employ aliens of any kind. While some factories did employ them, they would not consider enemy aliens unless the Ministry of Munitions issued a definite directive. But opposition to the scheme came less from management - the giant Vickers indicated their willingness to co-operate - than from the workers; for their own safety it was thought the women might have to work separately. The Council's Secretary pursued the matter further; he planned to visit prospective employers himself rather than give the task to the Guardians, he explained to the Home Office, to forestall the possibility that they might immediately cut off the women's allowances. He was specially eager to place one to two hundred London women, giving preference to those whose husbands had been repatriated and who had refused to join them. But the proposal struck another obstacle; the women could not leave their families to travel to the factories.95

If it is surprising that munitions work should have been suggested early in 1917 for British-born wives of Germans, by the middle of the year the stepping up of German air raids made it clearly impossible. June saw the worst raid of the war, and the whole of that autumn was lived in fear of attack from the skies. The raids resulted in a new wave of anti-German riots,96 and new fear in the lives of British-born wives of Germans. A Home Office minute summed up the

95. Ibid. /71 Cable to HO, 29 February 1917 and 9 March 1917.
96. Marwick, Deluge, pp. 197-8.
situation:

'As a result of the recent air raids the unfortunate position of the British-born wife of the interned German has been brought forcibly to our notice. The mob in the districts which have suffered has turned on these women, maltreated them in some cases, and in all cases frightened them very badly... the result is that many of them are seeking to go to Germany. They cannot be allowed to do so. Their situation is likely to grow worse.'

By the end of July the Council of the Aliens Relief Societies was urging the Government to provide for families of interned enemy aliens a refuge which would enable them to escape from districts where they were in serious danger. Some British-born wives of Germans had been manhandled by angry crowds, others had been evicted by landlords who feared damage to their property. The Council listed 157 such women in London's East End who were 'constantly threatened' by mob hostility, 'each succeeding air raid accentuating the feeling of hostility'. It suggested the Local Government Board might meet the costs of their removal to enable them, if given permission to change their names, to undertake munitions work at Weybridge or Erith. But, as J.F. Williams of the Home Office commented, this might well create more problems than it would solve:

'It would not be desirable to spend public money in pushing British-born women married to Germans into munitions works; and air raids on the works or any kind of accident ... would at once be put down to the women.'

97. PRO HO45/10762/270402/77 Pedder (?) minute, 23 July 1917. The original version of the last two sentences illustrates another preoccupation of the Home Office: 'If they did [go to Germany] it would be most unfortunate. They would spread reports of their maltreatment and the stories that they told would be used against this country'.

98. Ibid, 80 Report of U A R S Council: accommodation for British-born wives of aliens threatened by anti-German riots, 1 August 1917, and minutes. The 157 endangered women in the East End came from Holborn, 51; Shoreditch 25; St George's in the East, 25; Whitechapel, 12; Bethnel Green, 16; Poplar, 28.
In the atmosphere of heightened tension munitions work for British-born wives of enemy aliens was out of the question, but the other part of the Council's scheme, voluntary internment for their protection, came to appear essential; and as it happened suitable accommodation became available at this time. The workhouse at Witney in Oxfordshire was due to close on 30 September; it could be used to provide accommodation for 200 women and children under 12, in an area where air raids were unlikely and which offered facilities for employment in the local blanket factories. The proposal was favourably regarded in the Home Office, since it would solve the employment as well as the security problem.

'It will not be seriously expensive and if it succeeds will go far towards softening the unhappy lot of many British-born women who have become Germans and bear German names through marriage - a lot which is very grievous to those both within and without the Home Office who have come into contact with the terror and distress of these women' wrote Pedder, with a note of compassion rare in Home Office minutes.

Williams thought the scheme 'excellent'. But other colleagues were less sanguine and, as it turned out, more persuasive. The internment of the women could be used in German propaganda, first as proof of the savagery of the population in the districts they might leave, and secondly as another instance of the love of Great Britain for shutting up women in concentration camps; still a sensitive topic less than two decades after the Boer War. There would be discontent among the women, complaints from the neighbourhood, and considerable expense. The truth would leak out if names were changed and the authorities would be put in a difficult position. All in all it was better to continue to deal with
individual cases. It was the last attempt to get Government support for a work scheme.

By now the question of the allowance paid to the British-born wives of enemy aliens had come to the fore again. By 1917 many internees were either released from camp for agricultural work, or were enabled to earn in working camps, and the question of deducting sums from the wife's allowance in proportion to her husband's earnings was fully discussed. It was difficult, perhaps impossible, to lay down equitable guidelines. At first it was thought the wife's allowance could in every instance simply be discontinued. But cases sent on to the Home Office showed wide variations of practice and of earnings. For example the case of E.E. Britz was one of a number, demonstrating hardship, sent by the Fulham Guardians. Britz was a man with five children; he earned 21/- a week, of which all but 6/- had to go on board. Released from camp for farm work with his former clothes only - he had been a waiter - he had had to buy more suitable ones. If his family's allowance were reduced to 19/- a week as was threatened, he wanted to return to camp. The Home Office recommended no reduction.

On the other hand, the case of W. Blume was also brought to its notice by Sir John Bethell M.P. It had been sent to him as 'typical of a number of alien wives' cases'. Blume, a thirty year old engineer at Hackney Wick, earned a substantial £2.0.11 a week net, after deductions. His wife received the usual 11/9 and he sometimes sent her an additional 5/-.. The general hostility to aliens and their


100. Ibid, /75 H O memo, 7 May 1917.

101. Ibid, /68 L G B to H O, 6 February 1917. The file includes a number of cases.
wives shows up clearly in the letter Bethell enclosed about this case. It urged him to 'put a question or two in the House, so that all can see how these aliens are robbing us'. 'And also cannot something be done to make W. Blume refund what he and his wife have drawn ex Guardians. No doubt there are hundreds of others throughout the country'. Mrs Blume's 11/9 was duly stopped.\textsuperscript{102}

The Home Office continued to modify the regulations governing ex-internees' earnings, deciding in April 1917 that they should pay about 17/6 maintenance and keep the next 15/-; if they earned more than this, deductions on a complex sliding scale would be made from their wife's pension.\textsuperscript{103} The scheme was repeatedly adjusted in subsequent months; eventually, it was found simpler to deduct money from the man's wages instead of his wife's pension, but the regulations were still being modified in June 1918.\textsuperscript{104} Indeed the final entry in this lengthy Home Office file on Destitute Wives of Enemy Aliens is about the allowance: yet another reminder to the Poor Law Guardians that they may, in special circumstances, pay out extra and have it refunded.\textsuperscript{105}

In spite of efforts to help them, working class women who had lost their British nationality and become enemy aliens by marriage must have found their experiences during the war both embittering and harrowing; the more so if they contrasted their position with that of

\textsuperscript{102} Ibid, /74 Laver to Bethell (undated) and H O minutes.

\textsuperscript{103} Ibid, /75 Scheme 5 April 1917.

\textsuperscript{104} Ibid, /94 29 June 1918.

\textsuperscript{105} Ibid, /95 H O to L G B, 3 July 1918.
German-born wives of British subjects, who had acquired all the privileges of British nationality without even taking an oath of allegiance. They were liable to no specific restraints; the German wife of a British subject, it was stated in the House of Commons in 1915, 'becomes an Englishwoman and will be untouched'.

A short story entitled Aliens, which appeared in the weekly paper of the Women's Freedom League in 1915, points up the contrast. It describes a 'German hunt' at dusk in a large town, the quarry the British-born wife of a German. She is pulled to safety by another woman who, it emerges, is German-born but married to an Englishman. Preserved and preserver sat side by side.

"You are a German-?", asked the saviour of the saved.

"No; it is my husband who is German; and I - we - have a son fighting for my country in the trenches."

"And I have a son too, fighting in the trenches - against my country."

"You are ...?"

"I am a German married to an Englishman".

"And you are safe, though"

"Though I love my fatherland."

"And I am persecuted, though I love my mother country."

"If we were citizens in our countries", said the English woman, "Not property or aliens ...".

In the popular mind, nonetheless, German-born women were dangerous. They were prime targets for spy-hunters. Sometimes the

suspicions proved a storm in a teacup, as in the case of a Mrs Savile, whose name came up repeatedly in parliament during 1915. In March, Sir John Butcher asked if members realised that Mrs Savile, a sister of the German General von Bothmer, and a friend of Admiral Tirpitz, was living in a prohibited area, despite an expulsion order. It was explained that the order had been rescinded, but that the lady was leaving voluntarily anyway. A week later it emerged that she was not a friend of Admiral Tirpitz after all. Mrs Savile then disappeared from view, only to reappear in November in another question. Was it true that she was employed by the War Office in the Postal Censor's Department? The sister of a German officer fighting against us? Surely an open and shut case ... but not quite, for Mrs Savile could be seen in another light; as the wife of a Church of England rector, who had proved her loyalty over many years in England, and who was employed sorting the effects of dead soldiers. The Rev. Savile still felt it necessary to write offering his wife's resignation and she left her employment before the end of the year.

The best-known and probably most provocative of these 'Hunwives' was Frieda Lawrence, a member of the German baronial family von Richthofen, cousin of the German flying ace nicknamed the Red Baron. She had married D.H. Lawrence just as war began, but had held British citizenship, acquired through her previous marriage, for fifteen years. Frieda Lawrence's case could hardly be called typical; in this as in other aspects of her life, her experience was extravagant and

108. 70 H C Deb., 880, 894, 3 March 1915; ibid, 1164, 8 March 1915; ibid, 1779, 15 March 1915. Sir John Butcher (Con) represented York 1892-1906, and 1910-23. See pp.101-104.

109. 75 H C Deb., 1847, 17 November 1915; 76 H C Deb., 698, 1 December 1916; 1378, 8 December 1916.
unconventional, but it may be used to illustrate popular attitudes. The Lawrences spent part of 1916 in a cottage on the Cornish coast, and although at first the local people were not hostile to them, they were increasingly surrounded by suspicion and fear. This was partly their own fault; Lawrence openly opposed the war and his wife made no more secret of her sympathy with German servicemen than she did of her hatred of the Kaiser. Frieda Lawrence was deeply conscious of her divided loyalties. Her 17-year-old English son became an officer cadet; she could communicate with her German family in Metz only through a Swiss address; the knowledge that friends on both sides were being killed pursued her like a nightmare.

Inevitably the Lawrences roused local suspicions. Frieda's rucksack was searched because the loaf of bread bulging its canvas was mistaken for a camera. On one occasion her husband angrily stopped her cavorting on the beach in case people should think she was signalling to U-boats with her white scarf. The couple were suspected of provisioning German submarines, though they were so poor they could have spared, as Frieda bitterly remarked, 'no more than a biscuit a day' for the enemy. Watchers spied under their windows. The climax came when they were spending a weekend with a friend nearby; neglect of blackout regulations by his housekeeper brought a group of armed men bursting in on the party, who were singing German folksongs, with accusations that they were signalling to the enemy. A few days later the Lawrences' cottage was roughly searched by detectives and they were served an order to leave within three days.\footnote{F. Lawrence, 'Not I but the Wind...', (London, 1935) ch. 'The War', pp. 73-85. R. Lucas Frieda Lawrence (trans.G.Skelton. London, 1973). pp. 145-153.} What could be done about German-born suspects who had all the privileges of British nationality, assuming the evidence against them was stronger than that against Mrs Savile or Mrs Lawrence?
It was not entirely true that they had to remain 'untouched', as an exchange in the House in 1917 illustrates. Asked what steps could be taken, in the event of German-born wives proving 'entirely hostile to this country' and openly using 'abusive epithets concerning the British', the Home Secretary replied that in such circumstances 'several' women had been interned under clause 14b of the Defence of the Realm Act. Sylvia Pankhurst claims some of them were being held in Holloway Prison without any charge being formulated against them. As an ex-prisoner she was not allowed to visit them. The Defence of the Realm Act was broad enough to cope with foreign-born suspects.

Generally, however, the wartime experience of German-born women married to British subjects showed them to be in a much more favourable position than British-born wives of Germans. The difference built up a fund of resentment which was to be of some importance after the war. British-born women resented bitterly the necessity of registering, and thereafter reporting, to the police as aliens, especially if, as was often the case, their whole life had been spent in England. Sometimes even the husbands, though not naturalized, had lived in England so long they could no longer speak their native tongue. One Fifeshire woman, taken to court for refusing to register, expostulated that marriage 'nae mair mak's me a German than it made victoria yin when she married Albert'. Registration, which was a focus of resentment, was the common experience of all British-born wives of enemy aliens, but for the poorer among them, the wartime experience was more than resentment on a matter of principle. It was quite simply a struggle for survival. In 1915 Jessie Klose, a dressmaker who could not get work because she had

111. 86 H.C. Deb., 382, 18 July 1917.
married a German, though her husband had deserted her ten years before, broke a window to draw attention to her situation. She was sentenced to three weeks' imprisonment, and though her release was secured by the Home Office she remained unemployed.\textsuperscript{113} There is plenty of evidence to suggest that her case was typical.

Yet it is open to question whether the abolition of registration, or even the granting of facilities to renaturalize, would have been enough to turn aside popular wrath. The authorities might distinguish carefully between naturalized and unnaturalized enemy aliens, and indeed among several categories of the latter depending on length of residence and other factors, but the British public was less precise. A German-sounding name was sufficient to put its owner at risk. Pankhurst reproduces a newspaper photo of a shop in her troubled district of Poplar with the pathetic message scrawled over the wall 'We are Russians'.\textsuperscript{114} Whether ostracism and suspicion or actual violence, the wartime experience of British-born wives of enemy aliens made them in fact, as they were described early in the war, 'the saddest, because least dramatic of all the women victims of the war'.\textsuperscript{115}

\textsuperscript{113} E.J. Murray, 'The Brish-born Woman', \textit{Vote X}, 24 September 1915.
\textsuperscript{114} Pankhurst, opp.p 172.
\textsuperscript{115} Unsigned article, 'Women in War', \textit{Vote X}, 23 October 1914.
The experience of World War I was the catalyst which precipitated a demand for change in the national status of British married women. Concern at the position of women married to enemy aliens, especially in the last months of the war, foreshadowed the agitation of the 1920s. Two kinds of change were envisioned throughout most of this decade by two groups of people, who could broadly be categorised as male official and female unofficial. The groups agreed that the automatic assumption by a wife of her husband's nationality had created tragic anomalies during the war, though both aimed to legislate for peacetime rather than wartime conditions. But here the two parted company. Whereas the Home Office and the Government - which normally adopted Home Office advice on the highly technical question of nationality law - favoured piecemeal concessions to ease the practical difficulties of British-born women married to foreigners, the women, organised in various feminist societies, wanted to change the whole basis of British nationality law as it affected them: marriage, they claimed, should have no effect on nationality at all. Once taken up, these positions would be maintained throughout most of the interwar years but in 1918, when the debate began, the two sides were less rigidly opposed.

Even during the war exceptions had been made to the uncompromising declaration that 'the wife of a British subject shall be deemed to be a British subject and the wife of an alien shall be deemed to be an alien'.

Two had occurred as the bill sped through the House in 1914: if the husband of a British couple became naturalized in another state his wife could opt to retain her British nationality. The option does not seem to have been widely used, partly because naturalization was virtually closed off for the duration of the war, but also because it was not generally known. A declaration of retention registered in May 1918 warranted a minute in the Home Office that 'apparently this is husband and wife, the husband repudiating his nationality and the wife retaining it', which supports the view that the practice was not common at this stage.

A second amendment added in committee in 1914, had permitted British-born widows of aliens who intended to live in the United Kingdom to resume their original nationality on lenient residential qualifications and at a fee of only 5/- instead of three guineas.

Then in the last weeks of the war came an astonishing concession. British-born wives of enemy aliens could apply to recover their British nationality. A new clause was added to Section 10 of the British Nationality and Status of Aliens Act:

And provided that where an alien is a subject of a state at war with His Majesty, it shall be lawful for his wife, if she was at birth a British subject, to make a declaration that she desires to resume her British nationality and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.

2. 65 H.C Deb., 1462, 29 July 1914.

3. PRO HO45/10893/359742/2 Case of Mrs Isabella Philp Bell. Declaration of retention of British nationality by British-born wives whose husbands naturalized abroad were never common. See below, pp. 326-334.


The background to this amendment is not well documented. Much of it must have been in a set of Home Office papers on the Nationality of British Women married to Aliens, but of the 186 files originally in the set all but 18 have been destroyed, and two of these 18 are missing. There is no evidence of feminist pressure in the records of the major societies who might have been interested, though the amendment conceded what Lady Constance Lytton, Mrs Doring and others had been urging unsuccessfully two years before.

Undoubtedly the intention of the measure was generous, but its generosity was tempered by two factors. The first of these was the late date in the war at which it was implemented. At the end of September 1918, in reply to a lawyer's query on behalf of a client, the Home Office had to admit that the form of procedure and the amount of the fee to be charged were still 'under consideration', and it was only on 19 October, less than a month before the armistice, that draft forms were available, a minimal fee of 5/- was agreed to by Treasury, and it was settled that minor children could be included in the renaturalization.

The other factor limiting the effect of the amendment was the restrictive interpretation placed on it by the authorities. The grant of naturalization was to be far from automatic. The Home Secretary had made his intentions on this point quite clear in the House of Commons in July: naturalization would be in rare cases 'where there is really separation between the wife and husband'. The Home Office thought

6. PRO H045/12243/323341 Nationality of British Women married to Aliens. An accompanying note says that files were destroyed 8 February 1960.
7. Above, pp.48-49.
8. PRO H045/12243/323341/30a - 36a British Nationality and Status of Aliens Act, 1918, Section 2(5) and regulations.
separation, with absolute severance of communication, should have occurred five years before and that there should also be 'elements of hardship'. A 'fairly large' number of applications were lodged on the passing of the amendment.\textsuperscript{10} Some, from British-born wives of aliens who were not enemy aliens, were refused on grounds of eligibility,\textsuperscript{11} others were refused on grounds of suitability. Most favourably viewed were applications from poor people who could not have afforded the normal naturalization fee of £3. The kind of person the amendment was intended to cover is clarified by two examples favourably considered at this time; a Mrs Richmond of Canning Town who had married a German in New York twenty-five years before, never lived with him, and had not seen him for ten years; and a Mrs Durst of Ramsgate, mother of four British-born children, one of whom had enlisted two days after the war broke out, whose husband had deserted her eleven years before by taking her to Germany and leaving her in the poorhouse at Stuttgart.\textsuperscript{12}

Such examples add point to a note sent by the Home Secretary to the Treasury in October 1918 that 'as at present advised' he 'would propose to grant certificates under this new power only in exceptional circumstances' and that it was improbable any great number would be granted.\textsuperscript{13} In 1939 the clause would be of considerable importance,\textsuperscript{14} but in 1918 it had little effect.

\textsuperscript{10} PRO HO45/12243/323341/30b J.F. Williams minute.

\textsuperscript{11} Ibid. e.g Mrs Mabel Johanssen, whose husband was not an enemy alien, 2 August 1918. The number of applicants is not known.

\textsuperscript{12} Ibid.

\textsuperscript{13} Ibid. H.Sect to Treasury, 12 October 1918.

\textsuperscript{14} FL PBC Records. Memo of deputation, 21 November 1945, says over 2000 women had been readmitted to British nationality under this clause. (10(6) of British Nationality and Status of Aliens Act)
It was probably inevitable that the horrors of Anglo-German war should have imposed an intolerable strain on many Anglo-German marriages. In August 1917 Sir Arthur Conan Doyle, President of the Divorce Law Reform Society, wrote to The Times urging that a husband's German nationality should be sufficient grounds for divorce by his British-born wife: such a wife should 'receive release from a position which is terrible and unnatural'. The Home Secretary received a deputation on the same subject.\(^{15}\) The Home Office did not accept the argument, any more than other correspondents to The Times did, though one official expressed the view that desertion resultant from dislike of German nationality might suffice as grounds for divorce in such cases.\(^{16}\)

As the war drew to an end, proposals for the repatriation of interned enemy aliens and the revocation of naturalization certificates on grounds of unfitness made the question of the British-born wives of enemy aliens urgent. In the year after the armistice over 20,000 ex-enemy aliens were sent home, out of a total of 24,450 in Britain at the time, 17,000 of these were German.\(^{17}\) How many of them had British-born wives, and how many of these chose to go with their husbands, was not known.\(^{18}\) They were not sent against their will\(^{19}\) and the question arose whether for those who remained the separation counted as desertion, and thus grounds for divorce. The Home Secretary denied that it did, but

\(^{15}\) PRO HO45/12243/323341/3 A.C. Doyle to The Times, 23 August 1917. Minute mentions deputation, reports of which were in /1 and /2, both missing.

\(^{16}\) Ibid, J. F. Williams.

\(^{17}\) Shortt, 120 H.C. Deb., 474, 28 October 1919. By May 1920 some 300 had been allowed back. (Shortt, 125 H.C. Deb., 257, 13 May 1920).

\(^{18}\) Shortt, 121 H.C. Deb., 942, 19 November 1919. The question was complicated by the fact that wives could either precede or follow their repatriated husbands, but not accompany them.

thought it might be counted as part of the three year desertion by a husband which provided a wife with such grounds.\textsuperscript{20}

The initiative in ending marriages between British-born women and ex-enemy aliens was not always that of the wife. Some German husbands no longer wanted the responsibility of their British families, and it must have been only too clear that, whether in Britain or Germany, hostility would be high towards Anglo-German families, and job opportunities would be low for their breadwinners. Desertions by repatriated husbands were believed to be common, and their German nationality left the deserted wives specially vulnerable. For example the case of Mrs Dilly was brought to the attention of the Home Office in 1920 by the Society for the Relief of Foreigners in Distress. Her husband had been interned and then repatriated and she had been caring for his children by a previous marriage over the last six years, only to find he had begun divorce proceedings against her in Germany. Since she was not a British subject, all that could be done on her behalf was to bring the matter unofficially to the attention of the German authorities.\textsuperscript{21} In 1921, Mrs Okon, whose repatriated husband was seeking divorce in Germany on the fallacious grounds of her adultery, could not be afforded the protection she sought through the Foreign Office; she was a German, she was told, and the matter had to be dealt with in German law.\textsuperscript{22} As late as 1924, \textit{Time and Tide} noted the case of a British-born wife, deserted by her German husband before the war, who had still not succeeded in getting a divorce from him.\textsuperscript{23}

\textsuperscript{20} PRO HO45/12243/323341/41.

\textsuperscript{21} PRO HO45/12243/323341/49, Dilly, 16 December 1920.

\textsuperscript{22} Ibid/54, F0 to HO, 2 February 1921.

\textsuperscript{23} 'Legal' letter on the Nationality of Married Women, \textit{Time and Tide}, 15 February 1924. This is the first letter the paper published on the subject.
The question of revocation of naturalization certificates would also affect the wives of those men involved. Even before the 1914 legislation on naturalization had come into force, it had been recognised that there was a major omission in it, the failure to provide machinery for revoking the certificates of those who proved disloyal.\(^\text{24}\) The failure was considered especially dangerous, since under the Delbrück Law of 1913 a German who became naturalized abroad did not forfeit his original nationality.\(^\text{25}\) There were repeated questions in the House from the end of 1914 as to whether the Government would take powers of revocation,\(^\text{26}\) and late in 1914 Sir John Butcher M.P. - a persistent questioner - initiated a correspondence in The Times about the danger of a man who 'can enjoy all the rights of a German at heart and a British subject in law'.\(^\text{27}\) Amending legislation was discussed from 1916,\(^\text{28}\) but the Dominions had to be consulted before the matter could be finalised and this happened only at the Imperial War Conference of 1917.\(^\text{29}\) The question was obviously an important one for the wives of naturalized aliens. Wives were automatically included in the process of naturalization; would denaturalization of their husbands similarly include them, even if they were British by birth? In 1917 the Women's Freedom League took up the point in a strongly worded letter to the Home Secretary.

24. PRO HO45/10839/333491/1C, Pedder minute, 13 November 1914.
26. PRO HO45/10839/333491. Questions were put by Newton, 16 November 1914; Butcher, 24 November 1914; The Earl of Portsmouth, 7 January 1915; Butcher, 24 April 1915; Montague Barlow, 2 November 1915.
'Many British women married to naturalized aliens, and their children, will be also denied British nationality through no fault of their own, if their naturalized husbands be denaturalized', wrote the formidable campaigner Nina Boyle on behalf of the League, adding that the present law affecting women's nationality was 'a source of untold misery, suffering and cruelty'. She continued, 'We hold, and we will have the entire strength of the suffrage movement behind us, that married women are as much entitled to control their own nationality as married men'. The challenging tone of the letter was a portent for the future, but its gravamen had already been dealt with. The Imperial War Conference had agreed that unless specifically ordered, denaturalization of a man should not affect his wife or children. There was still some illogicality in the revised legislation. Action could now be taken against offending naturalized men, but what if it was their foreign-born wives who offended? There was no way of depriving them of the nationality they had acquired through their husbands, without even taking an oath of loyalty. As a lawyer pointed out in an article in 1919, 'Like their husbands, we take them for better or for worse'.

The cessation of hostilities did not mean the end of wartime restrictions on aliens and their wives. In March 1919 a bill was introduced to extend the provisions of the Aliens Restriction Act, pushed through so hastily as war began. The 'novel and sweeping executive

30. PRO HO45/10839/333491/26. Boyle to Cave, 21 December 1917. Nina Boyle was a leader of the campaign for women police, and would later be associated with the Save the Children Fund.

31. Cd 8566.


33. 114 H C Deb., 833, 31 March 1919. Bill to 'continue and extend the provisions of the Aliens Restriction Act 1914' introduced by the Home Secretary.
powers' it conferred on the Home Secretary would in fact be renewed annually for fifty years, a prime example of what a recent writer calls 'the pervasive consequences of measures passed in haste to deal with a particular problem'. For the British-born wives, the resented requirement to register with the police was maintained.\(^3\) On the other hand, government sustenance to wives of ex-enemy aliens ceased at the end of December 1919; it had been an 'act of grace during the war', and if the women still needed help they had to apply for poor relief.\(^3^5\)

A particularly sensitive question just after the war concerned the property of British-born women married to enemy aliens. Confiscated during the war, this remained in the hands of the Public Trustee and could not be released, the Government explained in mid 1919, even if it was the undoubted property of the wife.\(^3^6\) Clause 297 of the Treaty of Versailles laid down that it was to be retained, like other property of German nationals in the United Kingdom, as security for payment by Germany of the debts and claims of British creditors. As a member of Parliament pointed out indignantly in 1920, British-born wives and widows of Germans could not get their property, even if they were starving. 'I believe it is notorious', replied Sir P. Lloyd-Greame for the Government, 'that hard cases make bad law...'. However a committee under Mr Justice Younger was being set up to deal with those in special need.\(^3^7\)

The interim report of the Younger Committee to the Board of Trade in 1922 illustrates the extent and complexity of the problem. In two years

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34. J.M. Evans, *Immigration Law*, (London 1976) p. 15. Evans points out that the parliamentary deliberations on the 1914 Act take up a mere six columns of Hansard, including a recital of its clauses.
35. Walters, 120 H C Deb., 1124, 3 November 1919.
36. 118 H C Deb., 1580, 24 July 1919.
37. 135 H C Deb., 1103, 30 November 1920. Rt. Hon. Sir P. Lloyd-Greame (Con), who represented Hendon, 1918-35, had a distinguished career under several names. He was Parl. Secty. to Board of Trade 1920-21; as Cunliffe-Lister (1924) he became Col. Secty. 1931-5. As Viscount Swinton he would be Deputy Leader of the House of Lords, 1951-5.
of operation it had considered nearly 900 claims for relief based on need directly attributable to the relevant clauses of the Versailles Treaty. Most of these claims it found to be justified. The Treaty operated with a fine impartiality against all enemy aliens, whether they lived in Britain or not, whether they, or their sons, had fought for the allies, whether they were British-born women. Clause 297 purported to bind the former enemy power to make compensation to its nationals whose property had been retained. The principle in international law was well established. The problem in this case, as the Report bluntly stated, was that Germany and Austria could not pay, and the Committee was sure that the German nationals concerned generally believed their property had been confiscated permanently. Except for Germans resident in Germany, no compensation at all had been forthcoming. The class of ex-enemy aliens that the Younger Committee believed should be most favoured in priority for compensation was in fact least so: the 'British-born ex-enemy national, such nationality having been acquired only upon and by reason of marriage'. Appeals from this class, whose property here almost always consisted of property settled upon their marriage, and usually held by British Trustees for their benefit, had been 'specially numerous, many of them very painful', and came at the top of the Committee's 'order of merit' list. In this context also the contrast between the favoured position of German-born wife of a British subject and the British-born wife of a German was sharply drawn. It was succinctly expressed in the Report: 'The property here of a German woman married to an Englishman on the 9th January 1920 is exempt, although she may only have been permitted to land in this country a few days before. The property of an Englishwoman married to a German on the same day is retained, although she may never in her life have been out
of this country'. The issue provided another example of the illogicality and unfairness of British nationality law as it affected married women.

It was not surprising that the end of the war saw some women's organisations poised for an attack on that section of the British Nationality and Status of Aliens Act which forced a woman to adopt her husband's nationality, but it was not merely the experience of war and its aftermath that precipitated the attack. The value of British nationality in peacetime was, perhaps for the first time, perceived to be more than merely sentimental. In 1918 the vote had finally been granted to six million women in the United Kingdom, and exclusion from British nationality meant exclusion from British suffrage. It was no coincidence that the campaign for independent nationality for women should be spearheaded by women who had previously devoted their energies to campaigning for votes for women, or that they should seek allies in Parliament among those who had been their friends on this campaign.

The new situation was clearly seen in the Home Office. It was noted in a memorandum drawn up in 1918 that, whereas previously 'the question of the nationality of a married woman, so long as she remained in the United Kingdom, can hardly be said to have been of daily practical importance' the situation was now 'greatly changed'.

The link of independent nationality for women with votes for women was of far-reaching significance. It brought the skills and status of a highly organised pressure group to bear on the nationality campaign.


39. Representation of the People Act, 1918.

40. PRO HO45/12243/323341/39 Memorandum for conference on Nationality of Married Women, 31 October 1918.
the educated, politically aware middle-class women of the major national and international suffrage societies. During the war, some of these societies had displayed deep if spasmodic indignation at the plight of British-born wives of enemy aliens. Perhaps the most consistent in its interest was the British Dominions Women's Suffrage Union.

At its inaugural meeting in London in July 1914, dubbed by those present the 'first Imperial Conference on Women's Suffrage', the Union protested strongly at the 'status accorded women by the new British Nationality Bill' then being considered. At the second of its biennial conferences, in 1916, it kept the topic high on the agenda, opening with a panel discussion on 'Women's loss of nationality through marriage with an alien'; and in 1918, after listening to an address on current nationality laws as they affected women, conference members endorsed their Executive's action in supporting a memorial on the subject, drawn up by the National Council of Women, to the Imperial Conference.

The Women's Freedom League also expressed its indignation at the situation of British-born women married to enemy aliens. A vigorous feminist society, radical in outlook, stamped with the personality of its founder, the outspoken and unconventional Charlotte Despard, the League had begun life in 1907 as a breakaway group from the Women's Social and Political Union because it disagreed with the style of leadership the Pankhursts imposed on the Union, and its militancy in the suffrage campaign. The Vote, the weekly paper of the League published several

41. *Jus Suffragii*, 1 August 1914.
42. *Vote*, 16 June 1916.
43. *Jus Suffragii*, 1 June 1918.
44. S. Newsome, *Women's Freedom League 1907-57*, passim.
lead stories of an emotive nature on the issue during the course of the war.\textsuperscript{45}

By 1917 two major feminist organisations with international connections had been alerted to the question: the National Council of Women of Great Britain and Ireland, and the International Woman Suffrage Alliance. Each was to play a major role in the elaboration of a feminist policy on women's nationality.

The National Council of Women was upper middle class in its membership, old-established, having been founded in 1895, and moderate in outlook. It had flourished in the early years of the 20th century and had engaged in semi-official work during the war. By 1918 it could boast 126 branches and 56 affiliated societies and was probably the most securely established of the British women's organisations. The Council was a member of the International Council of Women (1888)\textsuperscript{46} and its interest in the nationality of married women might well have derived from this connection, for the International Council had been first in the field by several years in drawing attention to the effect of nationality laws on women. Elitist in composition, moderate in its feminism, the International Council of Women was famous for its five-yearly congresses, which were held in various great capitals and combined huge meetings conducted on strict parliamentary procedure with glittering social occasions.\textsuperscript{47} It was under no apparent financial constraint - the published records

\textsuperscript{45} Notably, a full-page article by Lady Aberconway, 21 July 1914; the short story \textit{Alices} (see p.58), 23 July 1915; on 24 September 1915 and again 26 July 1918 leading articles.

\textsuperscript{46} I. Grant and M.E. Alford, \textit{The National Council of Women. The First Sixty Years, 1895 - 1955}. Until 1898 it had been called \textit{the National Union of Women Workers}, and this name was still sometimes used.

\textsuperscript{47} Lord and Lady Aberdeen. \textit{'We Twa'}, (London, 1925) Ch. XX, pp. 295-307.
of its 1899 congress run to seven substantial printed volumes and its monthly Bulletin appeared simultaneously in three languages. The origins of the Council had been trans-Atlantic, but in 1893 members elected Lady Aberdeen as President, thus ensuring at a single stroke 'its emancipation from its American roots and its capture by the Establishment'. The presidency of Lady Aberdeen, a Liberal - as she described herself - 'nurtured under the shadow of Mr Gladstone's high idealism,' had many of the characteristics of a reign. It lasted till 1920, and she remained thereafter Honorary President. When she and her husband celebrated their golden wedding, Council members presented them with an Austin Eighteen.

Perhaps the travelled and sophisticated members of the International Council were more likely than their humbler sisters to contract marriages with foreigners. At any rate, on the suggestion of Lady Aberdeen, a questionnaire on women's nationality had been sent out to member councils as early as 1905. Since this is the first evidence of interest by women in the topic the lack of either background or follow-up in the Council records or the writing of Lady Aberdeen herself, is tantalising. It was organised through a subcommittee on 'laws concerning the legal position of women' whose convener, Baroness von Beschwitz, circulated councils in Europe, the United States, Canada and Australia with a series of questions concerning marriages between subjects of different countries.

49. R.J. Evans. The Feminists, p. 250. Lady Aberdeen, for 36 years President of the ICW, worked for women wherever her husband's vice-regal appointments took her. In Canada 1893-8, she founded The Victorian Order of Nurses; in Ireland 1905-15 the Women's National Health Association. In 1919 she led a deputation to the Peace Conference to urge equal opportunities for women in the LN (The Times, obituary, 19 April 1939).
50. 'We Twa', p. 272.
51. Ibid., p. 306.
The replies were published in the Council's *Transactions*. There were four questions, all of basic importance:

1. **Does an alien (a woman) acquire the nationality of a country by marrying one of its subjects?**
   
   All the national councils except that of Australia answered in the affirmative.

2. **Does a woman lose her nationality by marrying an alien?**
   
   Again the answer was affirmative, except for Australia.

3. **Under what circumstances, (divorce, death of husband) can the married woman regain her former nationality?**
   
   The answers here showed more variety in detail, though the general consensus was that a divorcée or widow was eligible to regain her original nationality on application.

4. **Can a woman apply on her own account for naturalization during the lifetime of her husband?**
   
   The replies were all in the negative, with the exception of that from Australia. A note appended to the published answers gave credit to female suffrage for Australia's 'advanced' stance on the question.\(^5^3\)

   The International Council was later to claim that it had been working for independent nationality for the married woman since 1905,\(^5^4\) but there appears to be a clear break, at least so far as the British Empire was concerned, between this exercise and their later activities. Indeed they refused to become involved when the International Woman Suffrage Alliance invited them to take concerted action for independent

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At this point the initiative in the campaign was seized by the International Woman Suffrage Alliance, which remained for some years the focus of activity. The Alliance had branched off from the International Council of Women at its Berlin Congress in 1904, because a group of American women wanted to co-ordinate international suffrage agitation more vigorously than the Council, which had no policy control over member councils, was able to do. A more radical organisation than the International Council, it held annual congresses, as against the Council’s more leisurely and elaborate five-yearly ones and published a quality monthly, Jus Suffragii, which was accurate in its information and rather austere in its style. It was presided over in its earliest years by an outstanding organiser, Carrie Chapman Catt, recently ousted from leadership of the American suffrage movement and looking for a role.

During the war the Alliance went into recess. International by definition, it faced moral as well as practical problems in wartime; especially, its British members became deeply divided in their attitude to the war. The Vice-president of the Alliance was the distinguished Millicent Garrett Fawcett, who led the 400 societies linked under her presidency in the National Union of Women’s Suffrage Societies into dedicated war work in 1914. On the other hand, the Secretary from 1913 to 1920, Chrystal Macmillan, helped organise an International

55. Below p. 84.
56. Jus Suffragii (later International Woman Suffrage News, then International Women’s News). Congress Reports, INSA. A full set of each is at the Alliance’s London Headquarters, Victoria St.
57. Evans, p. 251. Chapman Catt had given up her chairmanship of the organising committee of National American Woman Suffrage Association to nurse her sick husband. Between 1912-17 she led the movement for female suffrage in New York state; thereafter she founded the League of Women Voters and worked for The Equal Rights Amendment.
Women's Congress at The Hague in 1915 to protest against the 'madness and horror of war' and as delegate of the Congress travelled to Russia and various neutral states urging an end to hostilities.\textsuperscript{59} In this difficult time a small Headquarters Committee, meeting in London at most once a month, kept the Alliance's affairs ticking over and supervised publication of its periodical. In 1916 the removal of the headquarters committee to a neutral country was mooted, in case anything published in \textit{Jus Suffragii} should render members liable to prosecution under the \textit{Defence of the Realm Act}.\textsuperscript{60} This illustrates how necessary it was to maintain a low profile during the war, and helps explain also why the 1914 agitation against the \textit{British Nationality and Status of Aliens Act}, and indeed feminist agitation in general, went into abeyance. There was also the fact that the calling off of the suffrage campaign for patriotic reasons deprived many women's organisations of their focus.

It was in the Headquarters Committee of the Alliance that the campaign for independent nationality for married women began, initiated by the woman who was to make the whole campaign peculiarly her own and on whose scheme the clauses affecting women in the 1948 \textit{British Nationality Act} would eventually be based.\textsuperscript{61} This was the committee's secretary, the brilliant Scottish lawyer Chrystal Macmillan, suffragist

\begin{enumerate}
\item\textsuperscript{59} International Congress of Women at the Hague, 28 April - 1 May 1915. Report in I.C.W records, FL.
\item\textsuperscript{60} Manchester, P.L. M50/2/22/23 I W S A Headquarters Committee Minutes, 1916.
\item\textsuperscript{61} \textit{British Nationality Act}, 1948. Speeches at the celebration dinner of the reform lobby at the time make Macmillan's role clear. FL PBC records.
\end{enumerate}
and professional woman, one of the international élite of the feminist movement in the first third of the 20th century. Since she contributed, in theory and practice, more than any other single person to the campaign to change British nationality law as it affected women, her personality, capacity and preoccupations are worth considering.

She was born in Edinburgh in 1872 of well-to-do parents, the only girl among eight brothers. From school she won a scholarship to Girton, but chose instead to enter Edinburgh University on 5 October 1892, the first day women were admitted to Scottish Universities. She took first class degrees in Natural Philosophy and Mathematics, making a name for herself as an outstanding mathematician, before going on to postgraduate studies in Berlin. At that time the German Universities were still very much a male preserve and the status of women in Prussia extremely restricted, but the feminist movement vigorous. Back in Scotland, she joined the agitation for votes for women, as a strictly legal suffragist, not a suffragette. She was a member of the Scottish branch of the Women's Freedom League and the Scottish Federation of Women's Suffrage Societies.

In 1908 she took an historic appeal to the House of Lords, where she pleaded in person the right of female Scottish graduates to a University vote. She was the first woman in modern times to address the Lords, and the case caused something of a sensation. She prepared her case meticulously, with expert advice, and argued it with impressive logic and learning, but a total lack of success. Her claim that the word 'person' included both male and female made no impression on their Lordships, though a prominent English advocate of the day said the

63. R.J. Evans, The Feminist Movement in Germany, Ch. 3.
64. The Times, obituary, 22 September 1937.
speech was one of the best he had ever heard in the House of Lords.\footnote{Lord Alness, 'A tribute to Chrystal Macmillan', Scotsman, 1937. The advocate was Mr Dankwertz. The Times obituary claimed she was the first woman to address the Lords; she herself, in her address, said she was the second.}

Her suffragist activity included collaboration with a French and a German Alliance member on a densely factual book, published in 1913, 
*Woman Suffrage in Practice*, which aimed to give 'hard facts' to show the growth and universality of the women's suffrage movement.\footnote{C. Macmillan, et.al. *Woman Suffrage in Practice*, Introduction.} The next year she both edited and contributed to a publication by the National Union of Women's Suffrage Societies, *Tracts relating to Woman Suffrage*.\footnote{C. Macmillan (ed.). *Tracts relating to Woman Suffrage*, 1914. 'Facts versus Fancies - on Woman Suffrage'.}

It is clear that like most of the leaders of British feminism in the inter-war years Chrystal Macmillan received her training in the pre-war suffrage campaign.

Considering her part-German education and wide international contacts, it is not surprising that the outbreak of war found her strongly pacifist, though prepared to use her organisational skills to help war victims. On the day after the fall of Antwerp she organised the despatch of the first food sent from Britain for Belgian refugees in Holland.\footnote{The Times, Daily Telegraph, 22 September 1937.} Her dominant role in the 1915 Women's Peace Campaign at the Hague was entirely in keeping with her views.

One gains the impression of very direct, but unbending, rather formidable personality, coupled with outstanding ability and a quite unusual single-mindedness. A tribute printed in *The Times* after her death in 1937 describes her as 'the perfect opponent on a committee',

\footnotetext[65]{Lord Alness, 'A tribute to Chrystal Macmillan', Scotsman, 1937. The advocate was Mr Dankwertz. *The Times* obituary claimed she was the first woman to address the Lords; she herself, in her address, said she was the second.}
\footnotetext[66]{C. Macmillan, et.al. *Woman Suffrage in Practice*, Introduction.}
\footnotetext[67]{C. Macmillan (ed.). *Tracts relating to Woman Suffrage*, 1914. 'Facts versus Fancies - on Woman Suffrage'.}
\footnotetext[68]{*The Times*, Daily Telegraph, 22 September 1937.
a rather odd aspect of her personality to choose to highlight at such a time. But she was very much a committee person, and indeed most of the dozen or so notices written on this occasion by friends and colleagues stress her professional or committee persona.69 Nearer the period at present under consideration is a telling comment in a letter from one of her Alliance committee colleagues to another. 'I quite agree with your view of C.M.'s character', wrote Mrs Coit to Mrs Fawcett in 1915,

She is absolutely honest, but often so absorbed in her own particular view of a case that nothing will make her see anything else, and that she will go on spinning her own thread quite unconscious and unimpressed by what another person says and thinks. She is most tenacious in her own schemes and often absolutely non-committee ... when the scheme originates in another's brain. See her withholding her vote in committee when it is not her own proposal. However I know she is honest and trying to act for the best...70

Her uncompromising attitude is illustrated also by an incident recounted by the late Dame Margery Corbett Ashby, for 23 years President of the Alliance. When she was elected to this position in 1923, Chrystal Macmillan, alone of the committee, refused to vote for her and told her it was because she did not believe her to be a good enough feminist.71 Perhaps she had wanted the nomination herself. Certainly at that point her association with the Alliance had been longer, and her contribution greater, than that of Mrs Corbett Ashby.72 That she was not considered

69. C. Hamilton in The Times, 23 September 1937. Tributes also appeared in the Daily Telegraph, Manchester Guardian, Time and Tide, the Scotsman, as well as feminist journals.

70. Manchester, P.L. M50/2/22/44 Coit to Fawcett, 3 February 1915. In the last sentence 'know' replaces 'feel', which is scored out.


72. She had served seven years as Secretary. At the 1920 Congress she had been Second Vice-President, whereas Mrs Corbett Ashby was Recording Secretary. (I W S A Congress Report, 1920).
is perhaps in itself significant. Even in 1947, when a Chrystal Macmillan Memorial Prize was established for the best woman student in the Middle Temple, it was remembered

she was so single-minded that some people perhaps found her obsinate, and even too masterful. But though she would not swerve on matters of principle, on those of opinion she was truly humble.\(^7\)

This then was one aspect of her personality, an undeviating firmness of purpose which ignored tact, and verged on the abrasive.

There was another, equally important, her strong sense of justice. Chrystal Macmillan's interest in justice was professional. She trained as a lawyer as soon as the Sex Disqualification Removal Act of 1919 admitted women to legal training, and was among the first British women to be called to the Bar in 1924, though she did not practise as a barrister. Her male colleagues paid tribute to her ability, and her reputation was such that she was asked to contribute an article on the legal status of women to the fourteenth edition of the *Encyclopaedia Britannica*.\(^7\)

Her numerous articles and pamphlets on the nationality of married women are models of succinctly developed argument resting on a basis of careful accuracy, of a calibre far above the usual range of such propaganda.\(^7\) But her interest was more than professional. It was also a warm sympathy with victims of injustice, so that her work for women disadvantaged by the nationality law was by


75. eg Articles in *Jus Suffragii*, 1917-18, p. 3; February 1919, pp. 3-4; September 1923; December 1923.

no means confined to committee work, lobbying, and the writing of pamphlets. She personally involved herself in individual cases, offering sympathy as well as expert advice.76

Chrystal Macmillan's interest in women's nationality dates at least from 1916 when she addressed the biennial conference of the British Dominions Women's Suffrage Union on the subject,77 but it is likely she was involved in 1914 when societies in which she is known to have been active expressed support for Dickinson's amendment to the British Nationality and Status of Aliens Act.78 At any rate, late in January 1917 at a meeting of the Alliance Headquarters Committee chaired by Mrs Fawcett and consisting in addition of Mrs Coit and Miss Sheepshanks, the Editor of Jus Suffragii, Macmillan reported that she had consulted Lady Aberconway about bringing out a paper on women's nationality, but that the latter was too busy to take up the matter at present. The report forms a tenuous link with the 1914 agitation in which Lady Aberconway had played a prominent role.

Having checked that the International Council of Women was not working on the subject, the committee decided to send out a questionnaire to women lawyers in various countries and a special expanded meeting was arranged for 17 April to organise the enquiry.79

The meeting was not a large one. The four members of the Headquarters Committee were joined by four other people only one of whom,

76. See Below, pp.155-8; 326-7; 329-334.
77. Reported in Vote, 16 June 1916.
Chrystal Macmillan

Photo, courtesy Fawcett Library
Mr W.H. Dickinson, would play any further part. A barrister and at that time Liberal Member of Parliament, Dickinson had been an ally of the moderate feminist lobby on the suffrage issue. He had led the attack on Section 10 of the British Nationality and Status of Aliens Act on its way through the House in 1914 and would contribute a great deal during the inter-war period to the campaign for independent nationality for married women.\(^8^0\)

True to its international status, the International Woman Suffrage Alliance adopted a broad approach to the question, noting that as a result of the 'special hardships suffered by women married to enemy aliens in a number of warring countries' women's societies all over the world had been taking it up. In relation to Britain, the meeting referred to the 1916 resolution of the British Dominions Women's Suffrage Union in favour of women having the same right to choose their nationality as men. Members discussed the 1905 questionnaire and subsequent changes in nationality law as it affected women. Dickinson reminded them that, while the British Act of 1914 had re-enacted the 1870 legislation concerning women, the support of feminist societies had enabled him to secure two concessions from the Government, to facilitate a return to British nationality by a British-born woman whose marriage to a foreigner had broken down, and to enable a wife whose husband became naturalized abroad to retain her British nationality. He also suggested the Home Office should be consulted on any questionnaire designed to gather information internationally and agreed to put a question in the House as to the position, vis-à-vis the 1914 Act, of those Dominions which had not formally adopted it. The wheels had been set in motion.\(^8^1\)

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80. See pp. 15-18.

81. Manchester PL M50/2/22/215 Special meeting on nationality of married women, 17 April 1917.
The wheels of the International Woman Suffrage Alliance were not the only ones to be moving. A month after this meeting the National Council of Women of Great Britain and Ireland sent a memorial, with a request that it receive a deputation, to the Imperial War Conference then sitting in London. The memorial was also signed by the Women's Co-operative Guild, the National Union of Women's Suffrage Societies and the British Dominions Women's Suffrage Union. It read:

We the undersigned, representing our respective societies, have the honour to submit to you our claim that the Nationality and Naturalization laws shall be so amended in those parts of the British Empire where such amendment is necessary as to provide that a British woman on marriage with an alien shall not be deprived of her nationality against her will, but that she shall be given the same choice of nationality as a man.

The request for the deputation was refused.\(^{82}\)

The British/Imperial emphasis of the Council and its supporters contrasts to some extent with the international one of the Alliance. Both were right. British nationality law, which necessarily interacted with that of other countries when it involved foreign marriages, could not effectively be altered without reference to those other countries. But neither could it be altered without reference to the Dominions, in consultation with which it had originally been drawn up.

The two strands of activity, that of the Alliance and of the societies supporting the memorial, were in fact less clearly differentiated than they appeared. There was a considerable interlocking of key personnel, which might be illustrated by the case of Mrs Fawcett, who as Vice-President of the Alliance chaired the April meeting and as President of the National Union of Women's Suffrage Societies signed the memorial.\(^{83}\) Chrystal Macmillan was an executive officer of both

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82. Ibid., Appendix, 'Information received since the meeting'.

83. Ibid., Minutes, 17 April 1917; Memorial to Imperial War Conference.
these societies; both women had attended meetings of the British Dominions Women's Suffrage Union. Such an overlap, together with the regular invitations to each other's meetings and reports of these in each other's periodicals, usually including details of resolutions passed, helps to explain how a consistent 'women's policy' on various contentious issues, including the nationality of married women, came to be accepted by the main women's organisations in the 1920s.

Meantime it was decided by the Alliance group to publish in Jus Suffragii an account of what had been done, together with the questionnaire. Women's nationality fades out of the Headquarters Committee's discussions at this stage, and is not mentioned again until the cessation of hostilities permitted full meetings of the Alliance to resume, and the committee to be dissolved, but it featured prominently in the International Woman Suffrage News (formerly Jus Suffragii) in 1918.

An impressive body of information was built up. The 'Questionnaire on the Laws of Nationality with Special Reference to their Effect on Married Women' was carefully thought out. It was divided into two parts. The first seven questions asked for information on nationality laws as affecting males and unmarried females, presumably to provide a basis for comparison; the second section, questions 8 to 12, dealt with the law as affecting married women. These latter questions are those the International Council of Women had asked in 1905:

Does an alien (a woman) acquire the nationality of your country by marriage with one of its nationals? Does the nationality of the husband carry with it the nationality of the wife? Does a woman lose her nationality by marriage with an alien? And are there exceptions to this? Under what circumstances can a married woman regain her former nationality?


85. The I W S A Executive were specially invited to the biennial meetings. Jus Suffragii, 1 July 1915, 1 June 1918.

86. Manchester, P.L. M50/2/22/216 I W S A Minutes, May 1917; 1918.
There is one additional question:

Are there exceptions made as to their treatment as aliens of women who have lost their nationality through marriage - for example as to the Old Age Pension, poor relief, right to voting, Government employment, landed property, inheritance etc?

The questionnaire then asked for information as to whether the law of nationality bore hardly on women, with examples, and recommendations for reform. Finally, suggestions were called for to build up a common programme on the nationality of married women by the organised women of all countries.87

Chrysal Macmillan was heavily involved with the questionnaire. It is probable that she helped draw it up and certain that as Secretary she received the replies, and that as a member of the Board of Officers of the Alliance, she provided the information for the British Empire. The June 1918 issue of International Women's Suffrage News is almost entirely taken up with the questionnaire and replies to it. Macmillan's own contribution fills almost two closely printed pages.

Her report on Great Britain and Ireland is preceded by a paragraph on the British Empire which shows her to have been aware (as many feminists seemed not to be) of the imperial nature of British nationality legislation. In it she explained that the 1914 Act had been recommended by the Colonial Conference with a view to the adoption of uniform legislation throughout the Empire. She claimed it had been the 'energetic agitation' of women which had led to the adoption of two important amendments in 1914, and noted that representations, in favour of giving women equal nationality rights with men, were to be made to the forthcoming Imperial Conference. Then for the facts regarding the status of married women in nationality in Great Britain and Ireland she referred to the relevant sections of the British Nationality and Status

87. *I.W.S.N.*, 1 June 1918, p. 144.
of Aliens Act, and for proposed reforms she quoted in full the memorial prepared by the National Council of Women for presentation to the Imperial Conference. Finally, 'as an individual' she put forward proposals for an international policy in line with the memorial. This included discussion of the transitional arrangements necessary before the ultimate aim - that marriage should in no way alter the nationality of a woman or limit her right of naturalization - could be fully implemented. 'Probably', she suggested '[the alien wife] should, if deprived of her nationality of origin, be given all the rights and privileges and be subject to all the responsibilities of her husband's nationality' except that she should not qualify for the franchise other than on the conditions required of a man. Her second point was a radical one, that the mother should have an equal share with the father in determining the nationality of a child. She suggested dual nationality for the child of parents of different nationalities until the age of conscription (if any), then a choice as to which parent's nationality should be adopted permanently. She concluded by urging an international convention as the best means of dealing with the whole question.88

Replies were also published in this issue from Switzerland and France and in subsequent ones from Denmark, Germany and Hungary, and additional information was printed as it was received.89

Meantime the group centring on the National Council of Women kept up pressure on the Government in Britain. In March 1918, undeterred by their rebuff the previous year, they presented a Memorial to the Colonial Secretary, for the forthcoming Imperial War Conference, and asked him

88. Ibid., pp. 146-8.
89. Ibid., 1 June, 1 July, 1 August 1918.
to receive a deputation, preferably with the Home Secretary and the Secretary of State for Scotland in attendance. The Memorial, which set out the reformers' demands succinctly, would prove a very important document for their campaign. A great deal of effort had gone into its preparation. It had been widely circulated and bore the signatures of representatives of 59 societies throughout the British Empire. There were 29 from the United Kingdom, ranging from major feminist organisations which had already demonstrated an interest in women's nationality, such as the National Council of Women itself and the National Union of Societies for Equal Citizenship (formerly National Union of Women's Suffrage Societies) through Church groups such as the Catholic Women's League and the Salvation Army, to professional associations, especially those connected with teaching - the Association of Head Mistresses, the Association of Assistant Head Mistresses in secondary schools, the National Union of Teachers, the Women Sanitary Inspectors, the Health Visitors' Association, to general groups as the Women's Co-operative Guild, and the Y.W.C.A. There were some political groups of widely differing hue, the Women's Liberal Federation and the Fabian Women's Group, the Conservative Women's Reform Association. Finally signatures came from the Australian States (20 in all), Southern Africa and New Zealand.

The Memorial was brief, and close in its wording to its predecessor of 1917, though it was more specific:

We, the undersigned, representing Women's Societies throughout the British Empire, have the honour to submit to you our claim that any amendment of the nationality laws should include the grant to women in those parts of the British Empire where such amendment is necessary, of the right to retain their British nationality on marriage with an alien, a right enjoyed by them under the laws of the United Kingdom until 1870.

We further urge that uniformly throughout the Empire the laws should provide that a woman shall not on marriage with an alien be deprived of her British nationality against her will; but that she shall be given the same choice of nationality as a man.
This statement would form the basis of a Private Member's Bill repeatedly introduced in the House of Commons over the next decade and more. Its reception in the Colonial Office was chill. The Colonial Secretary was 'unable' to receive the deputation, nor could he offer hope that the Imperial Conference would consider the memorial, since it was 'impossible' that the conference would be able to discuss the matter this year. It looked like a replay of the 1917 episode, but in 1918 the women did achieve something, a review of government policy on women's nationality.

The Home Office were evidently relieved that there would be no deputation, but recognised that this was a breathing space only. J. Fisher Williams, a nationality expert, was convinced the matter would be raised when the amending Bill on revocation of naturalization was under discussion, and believed that in view of the extension of the franchise to women, greater pressure might be brought to bear than in 1914. He thought the women's societies 'would be satisfied with an amendment which would allow a British woman who married an alien to make on her marriage or within some limited time after it, a declaration that she desires to remain a British subject'. Williams did not comment on the desirability or otherwise of this, but did speculate why the common law which 'for all other purposes merged the personality of the wife in that of her husband ... should have allowed her to retain

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90. Memorial on the Nationality of Married Women in the British Empire, addressed to the Imperial Conference, 1918. It was published, with the British Nationality (Married Women's) Bill, in a 4 page pamphlet, which stated the Bill was based on the Memorial. The Bill was first introduced in 1922. Below, pp.104-106. Appendix 2.

91. PRO HO45/12243/323341/8 C 0 to H 0, 14 March 1918
a nationality independent of his'. He thought the answer lay in the law of real property rather than social considerations. 'It would obviously be extremely awkward if the marriage of a British woman to an alien had *ipso facto* made her land forfeitable to the Crown, and also prevented a title to land being traced through her, as being of non-heritable blood'.

John Pedder, who as Principal Assistant Secretary was to have a great deal to do with the question over the next decade, agreed that 'no doubt there will be another battle on the way, whether in Parliament on the Bill amending the Act of 1914 or before', and expressed the opinion that the law should be 'left as it is, because the inconveniences and complications of separate nationalities for husband and wife are serious and should be prevented'. Sir Edward Troup added a telling point: 'I do not think Parliament ought to deal with this matter until after the next election when the Members will have been elected by women's votes'.

Fisher Williams was assigned the task of drawing up a memorandum on the proposal to allow a British woman to retain her nationality on marriage with an alien. This is the first serious consideration given in the Home Office to the topic and it sets out, most concisely, the arguments for and against the proposal. In its favour was first, the fact that it was not entirely a novelty, and to a certain extent would restore the common law; moreover there was a precedent, in the permission granted a woman married to a British subject who became naturalized abroad to retain her nationality. Secondly, it was by no means true that a woman necessarily changed her national sentiments on marriage, if she continued to reside in Britain. Williams believed


'It would have saved trouble in the war if the wives had been British subjects ...'. Thirdly, the recognition of separate nationalities was in accordance with the general movement for complete recognition of the independence of the wife which he identified, rightly, as the standpoint of the women's societies. Then, only those women would retain British nationality who deliberately elected to do so. And finally, from the point of view of the unity of the family, he pointed out that families of British-born women married to aliens, were not necessarily united in their national status under present law, since children born on British soil were British subjects.

Against the proposal Williams listed several points. First, the recognition of separate nationality of the husband and wife would be 'against universal practice'. He softened the uncompromising nature of this statement later by inserting 'almost' before 'universal', and noting in the margin the exceptions: France, Russia, U.S.A., Belgium and some South American states. There was always room for dispute over which states favoured independent nationality for women, but generally this was to be one of the more potent arguments of those who were against fundamental change in the law. So was Williams' second point, that the proposal would create cases of double nationality. The third point, that the unity of the family as it now existed, would be destroyed, was hardly a valid one, in view of his earlier argument against this. Similarly to be dismissed was the comment that it would be awkward if, under the new Reform Act, a woman was to have a vote when her husband did not. But he raised two points so far not considered by the reform lobby: that a wife would still not have the privileges of nationality as a man enjoyed them, even under the proposal, because her children born abroad would not be British subjects, whereas his would; and that the proposal did not
touch the case of an alien woman who married a British subject. The policy of the reformers would soon be extended to take in these two points. On the basis of this analysis, Williams saw no objection to acceding to the women's request, and suggested a solution: a woman marrying an alien should have the right, within a limited time after the marriage, or the passing of the relevant Act in the case of those already married, to make a declaration of retention of British nationality; but she could not be recognised as a British subject while abroad.  

Williams' analysis was sound, and his solution eminently reasonable in the British context at the time, but the arguments he marshalled against a woman's right to retain her nationality on marriage with a foreigner omitted the very one which was to prove an insuperable obstacle to reform until after World War II. This related to the special nature of British nationality legislation, which operated Empire-wide, and so could be altered only by the unanimous agreement of the self-governing Dominions. The Home Office scheme was quietly forgotten.

In view of this characteristic of British nationality law, the attitude of the Imperial Conference to women's nationality was vitally important to the reformers; in fact the Conference did not care. In 1917 the Imperial War Conference had devoted a day to matters of nationality, without mentioning women's nationality at all. In 1918 it again devoted a whole day to nationality and naturalization, and the Home Secretary, together with Pedder and Williams of the Home Office, was in attendance. Discussion was based on a Home Office Memorandum

94. Ibid., J.F. Williams, 'Memorandum prepared to the Home Office for Consideration of the Conference on the Nationality of Married Women', October 1918.

which did mention 'the question of the nationality of the married woman (which has acquired special importance in Canada)' as one of the questions to which a considerable amount of public attention had been called during the war. but there was no discussion on it. Interest centred on the much livelier topics of the revocation of naturalization certificates, and restrictions on the naturalization of ex-enemy aliens. However, the Conference endorsed a proposal for a committee of experts on nationality law to meet immediately after the war.96

The next opportunity for the feminist lobby to bring the nationality of married women to public and official notice was - as foreseen in the Home Office in March97 - the parliamentary debate on an amendment of the 1914 Act to permit revocation of naturalization certificates. It took place in mid-July 1918, and Sir Willoughby Dickinson used the occasion to move an amendment opening up the whole topic of women’s nationality, which members discussed at length over two days. The amendment had three clauses, the triple basis of future demands: that a woman who married a foreigner should remain British unless she opted otherwise; that a foreign woman who married a British subject should not thereby gain British nationality unless specifically naturalized; and that a husband's naturalization abroad should not affect his wife's nationality. The amendment was lost, but Dickinson did secure two concessions. It was agreed that the subject of the amendment should be considered by the committee of experts recommended by the Imperial Conference to deal with points of detail under the revised law; and that this committee should include one woman.98 There was one

97. Above, p. 91.
98. 108 H C Deb., 1077-1198, 17 July 1918; 1343-1424, 19 July 1918.
significant development in the reformers’ demands, as expressed in Dickinson’s amendment. Whereas the 1918 memorial asked that a woman marrying a foreigner might have the right to retain her nationality, it was now spelled out that such retention was to be the norm, and a declaration of alienage would be required if she wished to follow her husband’s nationality.

Bowing to pressure, the Home Secretary agreed to receive the National Council of Women, whose deputation had been turned away by his colleague in the Colonial Office. The report of the deputation which he met on 11 September is missing from the Home Office records.99 This is unfortunate, since it was the first of a line of such deputations. A brief account in the Vote states that the women, among them Chrystal Macmillan, were introduced by Sir Willoughby Dickinson, and courteously received by Sir George Cave, who expressed the hope that a woman might join the proposed Nationality Committee.100

It may well have been this meeting that led to a special conference on women’s nationality in the Home Office on 31 October. For this a detailed memorandum, relying heavily on Fisher Williams’ earlier one, was prepared. It suggested specific arrangements for the declaration of retention of nationality along the general lines already advocated. The time limit for a declaration of retention of British nationality by a wife should be a month before or after the marriage, and the nationality so retained should be recognised throughout the British Empire, though diplomatic protection could not be provided outside its limits. A foreign-born woman should not acquire British nationality by marriage with a British subject. Women already married to aliens might have six

99. PRO HO45/12243/323341/39 Report on deputation is marked as ‘Annexed’, but is not.
months in which to make a declaration if they so desired. There is no evidence of reaction to the scheme, but it came to nothing, perhaps submerged in the great matters of the end of the war as the original Act had been submerged in its commencement. The proposal for a Nationality Committee was not taken up.

The latter part of the war had seen the nationality of married women discussed in women's organisations, in the Home Office and in the House of Commons. On the whole the issue had been treated as a British one, and the possibility that the Empire or foreign states might limit British policy options had scarcely been considered. For this reason the difficulties of change were underestimated and agreement on the lines suggested in the Home Office seemed possible. As Britain, the Empire and Europe settled down to peace, however and the question came to be considered imperially and internationally, the difficulties loomed large, and the attitudes of the two sides, male official and female lobbyist became more clearly differentiated. This process became clear at a whole cluster of important conferences between 1920 and 1923.

101. PRO HO45/12243/323341/39 Special Conference on Nationality of Married Women, HO 31 October 1918. Appendix I.
CHAPTER THREE

CLARIFICATION BY CONFERENCE 1920-1923

During the five years after the war the indignation aroused by injustices to British-born wives of enemy aliens came to be channelled into specific and detailed proposals to right these injustices. The general demand for choice of nationality for the married woman was elaborated into two carefully drafted documents: a bill intended to secure independent nationality for women in the British Empire and a convention to secure such equality internationally. The bill was drawn up by the National Council of Women, the Convention by the International Women Suffrage Alliance, but the principal architect in each case was Chrystal Macmillan, who emerged in this period as a recognised expert on women's nationality and a publicist of great vigour. Nevertheless the matter might have been shelved, as time softened war time bitterness, had not the United States ensured that it remained a live issue by making nationality entirely independent of marriage and thus creating a whole new set of problems for its citizens who took foreign wives. In these circumstances the bill, the convention and the general question of married women's nationality were debated at length in influential circles; the year 1923 proved to be an important one for the clarification of issues. The National Council of Women's bill, slightly modified, was introduced into Parliament in 1922 and the questions raised by it, though not debated in the House, were referred to a Committee of both Houses in 1923. The convention, approved as a basis for discussion at the 1923 Alliance
congress, was also laid before the Parliamentary Committee and the annual conference of the International Law Association. Besides all this, the Imperial Conference considered the nationality of married women in its Nationality Committee. The reformers were optimistic. A delegate to the Alliance congress wrote that of all the resolutions passed there the one on women's nationality was that 'most likely to lead to early action'. Despite a number of indications that there were greater problems in the way of change than its advocates acknowledged, few could have foreseen that they would have to plod doggedly on with their campaign for another quarter of a century.

In 1921 the National Council of Women published a leaflet comprising their memorial to the Imperial Conference, a list of its signatories and a draft bill based on it. Selling for 1d a copy, 8d a dozen, it was widely circulated among women's groups and was the first broadside in a long propaganda campaign. The bill, which would be introduced repeatedly into the British Parliament in the interwar years, was probably the work of Chrystal Macmillan, chairman of the Council's Legislation Committee. It came to be known as the Macmillan Bill, and when a Victory Dinner was held in 1949 to celebrate the granting of independent nationality to British women, one of the speakers, Florence Barry, paid tribute to her as its author. Dame Marjorie Corbett Ashby said the same thing in 1977. Both women had been close collaborators with Macmillan in the 'nationality campaign', but their evidence came long after the event and there is no direct claim to authorship in Macmillan's own extensive collection of

2. Appendix 2.
papers on women's nationality or in the *International Woman Suffrage News*; in giving evidence before the parliamentary committee in 1923 Macmillan referred to 'our Society's Bill', and said the 'National Council of Women' drafted it. Whether or not she drew up the original bill, it is almost certain that she alone was responsible for the changes made to it before it was introduced into the House of Commons at the end of March 1922. A copy of the draft bill, amended in her hand, is among her papers. The changes are not major ones, consisting mainly of simplifications of wording, or omissions, in one case of a whole clause, and they considerably shorten the bill.

A memorandum preceding the bill states its intention succinctly. It was to restore to British women marrying aliens the right, lost in 1870, to retain their British nationality, and enable those who had already lost their nationality by marriage to regain it by simple declaration. Alien women would no longer acquire British nationality through marriage with British subjects, but those who had already gained it in this way would not be deprived of it. The bill would grant married women the same right to apply for naturalization as married men. Seven brief clauses made up the bill, which was entitled the *British Nationality (Married Women) Bill 1922* and was intended to replace Part III, Sections 10 and 11 of the 1914 *British Nationality and Status of Aliens Act*.

It might have been expected that the honour of introducing the bill into Parliament would have fallen to that loyal friend of the women's movement and eloquent advocate of independent nationality, the Liberal

5. FL PBC records. Macmillan's papers fill most of the three boxes of the material in the Fawcett archive.
7. FL PBC records.
8. Appendix 2.
Sir Willoughby Dickinson, but he had lost his seat - as it proved permanently - in 1918. Instead it was introduced by the staunchly Conservative Member for York, Sir John Butcher. There is some incongruity in the fact that a man The Times could refer to as 'one of the few really uncompromising 'diehard' Tories of his generation' should be associated with a bill generally acknowledged to have far-reaching and radical social implications, and seen by its female protagonists part of the general movement for equality of the sexes. Certainly the women's movement as a whole had hoped for more from Liberalism, and were to hope for more from Labour than from Conservatism. And since the nationality struggle was viewed as an extension of the suffrage struggle they expected to find political allies in the same quarters. It had been no surprise, for example, that Sir Willoughby Dickinson's 1918 amendment in favour of independent nationality for married women should have been opposed by Sir Edward Carson, despite his 'considerable sympathy with the amendment' on the precise grounds that he believed it to be 'one of the natural consequences which flowed from the equality of rights which he had always opposed with regard to the franchise in the case of women'. On the other hand, it had been Lloyd George's Coalition government, not Asquith's Liberal one, which had extended the franchise to women and followed this up by the Sex Disqualification Removal Act of 1919; the lines were less clearly drawn after the upheaval of the war. Besides Sir John, however diehard in his conservatism in other respects, was no anti-feminist; in

10. Lord Canesfort (Sir John Butcher) obituary, The Times, 1 July 1935.
the debates on the Sex Disqualification Removal Bill he had spoken warmly of 'welcoming women to the Bar'.

There were also special reasons why conservative thinkers should be attracted to the cause of independent nationality for women. As Chrystal Macmillan would point out in 1925, the reformers won support from the 'ultra-chauvinists', influenced by the fact that an undesirable alien may, by marriage with a British man, acquire the right to settle in his country. She may well have had Sir John Butcher in mind. During the war he had been an active member of a parliamentary committee charged with the investigation of suspected cases of spying, and he had asked many awkward questions in the House on related topics. It was he who had raised the question of the highly connected German-born Mrs Savile, who had urged on the Government the need for some machinery to revoke naturalization certificates, and who had repeatedly pressed for statistics of enemy aliens in Britain! Throughout 1919 and 1920 he kept up pressure on the question of a reconsideration of the nationality law in relation to aliens and alien wives.

17. 104 H C Deb. 796, 19 March 1918. Butcher asked whether an enquiry into the character and disposition to this country of 10-12,000 alien women was intended, and why they were not repatriated.
18. 120 H C Deb. 100, 20 October 1919, he strongly supported the Aliens Restriction Bill; 120 H C Deb. 474, 28 October 1919, he sought information on how many ex-enemy aliens were still in the U.K., and how many had been repatriated. 120 H C Deb. 642-3, 13 May 1920, and 1211-1212, 18 May 1920, he expressed concern lest Germans with British-born wives, who had been deported, but were now enabled to return, should threaten employment prospects for British men.
In March 1921 he asked whether British-born wives of ex-enemy aliens who had deserted them should be enabled to resume their nationality of birth. On this occasion the Home Secretary, Mr Shortt, replied that the 'general question of the nationality of married women is one of a number which are under consideration in consultation with the self-governing Dominions... and he did not think there was the 'slightest chance' of legislation that session.19 Sir John returned to the charge a week later: when, and how often, had the conference of experts on nationality promised by Sir George Cave in 1918 met, and what had it recommended? At what stage were the consultations with the Dominions referred to by the Home Secretary on 12 November 1918, 20 February 1919, 10 April 1919, 14 July 1919, 6 November 1920, 2 March 1920, 6 March 1920 and 14 December 1920...? The special conference he was told, had been held in July 1918, but shortly after the meeting most of the overseas representatives had gone away, and though various letters and memoranda had been exchanged there had been no opportunity for another conference. 'The matter,' Mr Shortt concluded, perhaps not very convincingly, 'has not been lost sight of and will be pursued at the earliest opportunity'. He quoted the reply again on 5 April and 12 April.20

The opportunity for action referred to by the Home Secretary seemed to have occurred in 1921 when the British Nationality and Status of Aliens Act was being amended to enable acquisition of British nationality by second generation Britons born abroad. This had been approved at the 1921 Imperial Conference,21 but when Sir John asked if 'any other...

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19. 139. H C Deb. 1225-6, 15 March 1921.
20. 139 H C Deb. 2620, 23 March 1921; 140 H C Deb. 93, 5 April 1921; 140 H C Deb. 901, 12 April 1921.
21. Cmd. 1474, Imperial Conference 1921, Appendix VII.
question affecting nationality' had been brought before the Conference he received an uncompromising negative.\textsuperscript{22}

It may well have been impatience with government inaction that caused Sir John to join forces with the National Council of Women. From their point of view he was an ally worth the winning. A distinguished barrister and Fellow of Trinity College Cambridge, he had represented York, with a break of only four years, ever since 1892. He was a prominent Member of the House of Commons, known for his unswerving principles and his readiness to 'affront popular prejudice with inconvenient assertions and reminders'. His obituary in The Times noted 'no doubt he was too stiff ... but he is entitled to the respect which all men show to honest conviction'.\textsuperscript{23}

The British Nationality (Married Women) Bill, which he introduced on 28 March 1922, was supported by members of all parties, including such unlikely associates as Conservative Sir William Joynson-Hicks and Labour Leader Arthur Henderson, as well as both women Members, Viscountess Astor (Conservative), and Mrs Wintringham (Liberal).\textsuperscript{24}

In the Home Office it was recognised as highly controversial, a bill of which no single clause could be accepted without discussion with the Dominions. The whips were at once instructed to block it.

\begin{itemize}
\item \textsuperscript{22} 145 H C Deb. 1393, 3 August 1921.
\item \textsuperscript{23} The Times, 1 July 1935.
\item \textsuperscript{24} British Nationality (Married Women) Bill, 1922. (Bill 68). Supporters were Major Hills (C), Sir William Joynson-Hicks (C), Mr Penefather (Lab), Viscountess Astor (C), Mrs Wintringham (Lib), Mr Henderson (Lab), Lord Robert Cecil (Indep.C), Col. Penry Williams (Lib), Mr Cowan (Lib).
\end{itemize}
Departmental discussion of the bill involved for the first time the man who would be the main architect of Government policy on women's nationality over a long period, the Assistant Legal Adviser to the Home Office, Oscar Dowson. An Oxford-trained barrister, Dowson had been Court Martial Officer with the Second Army in the latter stages of the war and had recently come to Whitehall from Ireland, where he had been seconded in 1920-21 as Legal Officer. He was a man of moderation, described by someone who knew him well as sympathetic, tolerant and magnanimous; but regarding the maintenance of a common nationality for the Empire he believed there was no room for compromise. In this first intervention in the question, he stressed its imperial nature. The initial objection to the bill, as he saw it, and which he hoped would bar its further progress, was that its proposals had not been submitted to or approved by the Governments of the self-governing Dominions. Such 'far-reaching and debatable proposals' should be agreed in principle and detail before they were considered by the House of Commons. Dowson noted that the subject had been brought before the 1918 Imperial Conference and a Home Office memorandum submitted, but thereafter it had been shelved. The present bill, he conceded, had been worked out with some care, but he thought it open to serious criticism on several points. Pedder agreed that there could be no question of immediate legislation and recommended sending the bill to a Select Committee.25

Some pressure was then put on Sir John Butcher. The Home Secretary wrote to him:

If you are willing to agree that if the Bill gets a second reading it shall be referred to a Select Committee, I would raise no objection to the Bill being read a second time...

25. PRO HO45/12243/323341/79 British Nationality (Married Women) Bill, 1922, and Minutes, 11-12 April 1922.
Butcher called on Pedder at the Home Office, and a Commons committee was duly appointed early in July, under the chairmanship of Mr Adamson. It was to be overshadowed in importance by the Joint Committee of 1923 and may be passed over quickly. However, Dowson's evidence before it is of some interest, since it provides in accessible form a summary of the views he would express at greater length before the Joint Committee.

He sounded out Foreign Office opinion on the problems of diplomatic protection under the proposed scheme, and found Sir William Malkin uncompromisingly hostile. 'Personally I dislike the Bill intensely' he wrote, and set Mr Mounsey the task of drawing up a list of the problems it would create. It was a pointer to consistent Foreign Office policy.

In his evidence Dowson first gave an historical survey of English nationality law relating to married women, then discussed the practical effects of the changes proposed by the bill which, he suggested, would have to be examined by lawyers. In England the bill would have repercussions on probate and divorce law, income tax, the franchise, eligibility for the Old Age Pension. It would also have to be considered in relation to the laws of foreign countries, where it would create a new kind of dual nationality, and could lead to difficulties of diplomatic protection. The demand for change, he believed, came from two sources: first, the

26. Ibid., Shortt to Butcher, 8 May. Butcher saw Pedder 12 May, and when the Bill received its second reading on 12 June, he moved for a committee, which was appointed 5-6 July. Rt. Hon. W. Adamson (Lab), W. Fife, 1910-31.

27. Ibid., Dowson to Malkin 11 July, Malkin to Dowson, 12 July 1922. Sir W. Malkin, Asst. Legal Adviser FO, 1914-25, he became Legal Adviser in 1929. Mounsey (later Sir G.E.) was First Secy.FO. he became Asst. Undersecty. FO, 1929.
women's movement for complete self-determination, and secondly, the danger to the state and hardships in time of war. In relation to the former, he thought some proof of the practical benefits of the proposed change in the law would be needed to outweigh the inconveniences of two nationalities in the one family; in relation to the latter, wartime necessities 'were not a sound basis for permanent legislation'. Finally, the bill required the consent of the self-governing Dominions, since the present nationality law was the result of agreements reached at successive Imperial Conferences.28

Dowson's evidence was a balanced summary of the Home Office view, and it could have been used a decade later without change. In general, the committee did not achieve a great deal. Mr Adamson was acknowledged to be an inadequate chairman, 'almost useless', Pedder thought. The committee had not reported by the time parliament dissolved and the bill consequently lapsed.29

Meanwhile the postwar conferences of the international women's organisations were also airing the question of the equality of the sexes in nationality. One centre of this activity was the International Council of Women. The preliminary agenda for its 1920 congress includes, among three motions on women's nationality, one from the Council of Great Britain and Ireland; it urges that all national councils should promote legislation in their respective countries to give women the right to retain their own nationality on marriage with the subject of another country and allow them the same choice of nationality as men.30

At the meeting, which was held at Kristiana and represented twenty-eight national councils, various problems concerning women's nationality were brought to light. It was necessary to convince

28. Ibid., See Appendix 3
29. PRO HO45/12243/323341/103, Pedder Minute.
delegates that women marrying foreigners faced nationality problems in peacetime and not merely in war. Lawyers present emphasised the problems of co-ordinating British and Continental law, but the representative from Uruguay, where a woman marrying a foreigner kept her nationality, urged reform at the national level instead of waiting for a 'perfect and co-ordinated solution'. The congress finally passed the motion of the British Council and recommended the topic to its own Committee on Laws and to constituent national councils for further study, as a preliminary to formulating proposals for international agreement to be presented to governments and the League of Nations. Members believed their action would be the prelude to 'an almost world wide agitation for change'.

Even more important as a centre of activity was the International Woman Suffrage Alliance, which took care to foster the interest generated by its questionnaire on women's nationality. Throughout 1918 and 1919 its journal reported scrupulously any action taken by fellow societies. In June 1918, for example, it carried a report of an appeal from the Women's Freedom League to the Home Secretary for the restoration of the old right of women to their nationality. In July, it reported a talk on 'Present Nationality Law for Women' given by Chrystal Macmillan to the British Dominions Women's Suffrage Union, which had also signed the memorial to the Imperial Conference. The following January there was a report that the National Union of Women's Suffrage Societies has included 'the same nationality rights for married women as for men' in a list of demands they sent to all parliamentary candidates. In February there was a long article on the Nationality of Married Women, urging women to make a special effort to bring the subject to the attention of delegates to the Peace Conference and expressing the view that ultimately it would have to be dealt with by the League of Nations.

32. I W S N, 1 June 1918, 1 January 1919, 1 February 1919.
By the time the first post-war congress of the Alliance was held, from 6-12 June 1920, women's nationality was evidently well to the fore as an issue for members.

The first Alliance Congress for seven years, a huge and representative gathering of women from thirty-six countries, was held in Geneva and received extra stimulus from the Peace Conference meeting there concurrently. Since the last Congress in 1913, no fewer than twenty-one countries had enfranchised women, and the meeting took place in an atmosphere of hope and excitement. It was presided over by Carrie Chapman Catt, fresh from her triumph in organising the last stage of the women's suffrage campaign in the United States. Macmillan was second Vice President. 'Never in all generations of our world', the Official Report reads

can there have been such a gathering before, nor will there ever be again. It was an actual and visible proof of that sudden development of our civilisation by which the women of all nations have suddenly been called into council, and it marked the first steps of the great international co-operation.

In this mood of euphoria a Programme of Women's Rights was adopted, in which the clause, 'That a married woman should have the same right to retain or change her nationality as a man' held an honorable third place in the list. A French delegate put the views of the Congress:

Before the war, feminists had already protested against the special hardness of the law that opposes patriotism and private feeling...During the war it gave rise to sorrows that were overwhelming.\(^\text{33}\)

Sir Willoughby Dickinson had been invited to the Congress to explain recent legislation in the British Parliament affecting the nationality of married women. This he did most concisely, and his speech was later printed and distributed widely. He began by outlining the 1870 legislation and the thinking behind it, then described the series of imperial discussions that led to the 1914 Act, his own opposition to this, and the concessions forced on the government. When war broke out, he explained,

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\(^{33}\) International Alliance of Women. Congress reports. Eighth Congress, Geneva, 6-12 June 1920. The programme was proposed jointly by Great Britain, France and Holland.
the academic question of nationality became an actual one, and British-born wives of Germans suffered, even risking deportation; though when the Aliens Restriction Act was renewed in 1919 such wives were excluded from its harshest provisions. The exceptions in British law to the general rule of a single nationality for a married couple were few, but they were important in that the Government acknowledged there were certain circumstances in which husband and wife should have different nationalities. He concluded:

A man when he marries a foreigner may choose whether he will retain or alter his citizenship. Why should not a woman have the same right? This is a simple question. Can anyone give a valid answer? 34

Back in London, the Alliance Board of Officers appointed a Nationality of Married Women Committee, made up of jurists who were to draft specific proposals on women's nationality for the next Congress in three years time. Chrystal Macmillan was chairman, and Sir Willoughby Dickinson a member. There were representatives from France, Sweden, the United States and Italy, and the committee, which gathered information by correspondence, co-opted members representing other states as well. 35 During 1921 and 1922 references to women's nationality continued to be regular in the IWSN, and the Committee announced that a special conference on the subject, chaired by Macmillan, would be held in conjunction with the general Congress of 1923, in Rome. 36

35. IWSN, 1 January 1921. The decision to set up a committee was taken 29 November - 2 December 1920, on the suggestion of a woman M.P. from Finland.
36. IWSN, passim. Reports of meetings discussing women's nationality were numerous. In addition, in June 1922 there were reports of debates in the French Senate and German Reichstag as well as the introduction of Bills in the British House of Commons and the U.S. Congress. In October an article from Vote was reprinted, suggesting that the view a woman should be entitled to the same rights as a man to retain or change her nationality was gaining ground. In February 1923, the draft programme for the Congress to be held in Rome was published.
If any spur were needed to keep the topic of women's nationality to the forefront of feminist thinking, it was provided by events in the United States. There, on 22 September, President Harding signed the Cable Act granting independent citizenship to married women in the United States. As the first positive legislation of its kind anywhere, the Cable Act was of great importance, both as a precedent and because of its practical implications. It provided that an American woman should retain her American citizenship if she married a foreigner eligible for American citizenship, unless she formally renounced it. If, during her marriage, she lived continuously for two years in her husband's country, or five years outside the United States, she was presumed to have given it up. If she had already lost her nationality through marriage, she could regain it by naturalization, after one year's residence instead of the customary five. A foreign-born woman could no longer become American by marriage with an American citizen, or by the naturalization of her husband, though she could apply for naturalization independently. 3\textsuperscript{7}

The Cable Act was the culmination of a 'long and faithful fight' by organised American women. A bill for independent nationality had been introduced in 1916 by Jeanette Rankin, the first woman member of Congress, and several times between that date and 1922. In 1920 at the first Annual Convention of the League of Women Voters, the principle of independent citizenship for married women was endorsed, and the League secured from both Republican and Democratic parties the inclusion of the principle in their national party platforms. It was promoted and accepted as the logical consequence of female suffrage. Early in 1922 the League designated independent citizenship for women the main federal measure they would work

37. 42 U.S. Statutes at Large, 1021.
for and set about vigorous lobbying. Teams of delegates who travelled to Washington for the purpose, noticed a marked change in the attitude of Congress since 1916 and their representative before the House Committee was well received. The Cable Bill was passed 206 to 9 by the House and without dissent in the Senate. British and European advocates of independent nationality might well have envied the speed with which their American sisters had achieved their aim. Perhaps the reason for this should be sought in the large numbers both of migrants pouring into the United States and of women who were losing their nationality by marriage with the newcomers.

Although the new legislation was widely acclaimed by women's organisations and by many jurists, as simple justice, it created serious difficulties for many foreigners who married United States citizens after 1922. Statelessness resulted for foreign women marrying Americans if their country of origin was one of those under whose citizenship laws they lost their nationality on marriage, being presumed to have acquired that of their husbands. If they wished to go with their husbands to the United States, they had to enter the country as immigrants, subject to literacy and health tests, and also to the quota system, which restricted entry of foreign-born persons into the States to three percent of the number of persons of that nationality already living there.

Thus a British woman, if she married an American in England, would become stateless. She would lose her British nationality on marriage, and could not acquire American nationality because she could not get a passport to enable her to travel to the United States and fulfil the residential qualifications necessary. She would be neither British in

38. FL PBC Unsigned typescript, 'History of Nationality of Married Women Act, U.S.' E. Mussey, 'National Council of Women of the U.S. and the Citizenship of Married Women', (4 p. pamphlet) claims that the League overestimated its importance and ignored the vital role of the N C W. Rankin (Republican) represented Montana.
Travel pass for British-born wife of an American, 1922 - 33.

FORM OF AFFIDAVIT TO BE USED IN LIEU OF A PASSPORT.

In the matter of the application of .................................................... for passport facilities:

1. ............................................, formerly ............................................
   (Give Maiden Name)

   whose occupation or profession is that of ............................................
   residing at ............................................
   (Street)  (City or Town)  (State, District or Territory)

being first duly sworn, depose and say:

1. I was born at ............................................ on the ............... day of
   ............................................, I........... lost my nationality of origin by my marriage
   at ............................................ on the ............... day of ...............,
   I........... to ............................................, a citizen of the United States.

2. I am unable to obtain a United States passport, as I did not become a citizen of the
   United States through my marriage owing to the provisions of the "Act relative to
   the Naturalisation and Citizenship of Married Women," No. 945 of the 67th Congress,
   approved by the President of the United States on the 22nd day of September, 1922.

3. I attach hereto my photograph and personal description as evidence of my identity.

4. I am urgently desirous of travelling to ............................................ for the following
   reasons: ..............................................................................................

5. I wish to sail on the S.S. ............................................ leaving ............... on the ............... I intend to return to the United States after a
   stay abroad of not more than .................... months' duration.

   ............................................
   (Signature of Applicant)

Subscribed and sworn to before me this ............... day of ............... 19..........

............................................
   Notary Public.

   ............................................
   (Signature)

   ............................................
   (Photograph)

   ............................................
   (Signature)

DESCRIPTION.

Height ............ ft. ............ in.

Colour of eyes ............................................

Colour of hair ............................................

Special peculiarities ............................................

I hereby certify that the above are the true and proper photograph and personal description
of ............................................, the deponent of the affidavit hereto annexed.

............................................
   Notary Public.
British law mcr American in American law, and even if the passport difficulty was settled - as it soon was by a travel pass - she would be left without diplomatic protection abroad. Almost as soon as the Cable Act was passed, the case of a member of the American consular service who could not get a passport for his British-born bride highlighted the question. Among Chrystal Macmillan's papers is the unsigned typescript, 'Examples of hardships resulting from the U.S.A. Cable Law with regard to the Nationality of Married Women' which lists a number of similar cases. Particularly striking is that of a Scottish woman who married an American citizen and went to America. She ceased to be a British subject on her marriage, but had to wait a year before becoming an American citizen. When, during this year, her father became seriously ill in Scotland, she could not get a passport to visit him, either from the American or British consulate. In 1924, the House of Lords was told of the English bride of an American who was in the embarrassing position of having to go on her honeymoon abroad on a passport in her maiden name.

The American wife of a British subject, on the other hand, acquired dual nationality by her marriage, since she was recognised both as British in British law and American in American law.

The reaction of jurists to the American legislation was mixed, to judge by the spate of articles in legal periodicals on both sides of the Atlantic in the years after it was passed. Chrystal Macmillan, in an

41. Danesfort, 59 H.L.Deb., 81-6, 30 July 1924.
article written in 1925, when she was a Barrister-at-Law of the Middle Temple, predictably lauded it as being in the trend of modern legislation. Cyril Hill, Member of the Bar of the State of Washington, was also favorable: "Marriage and citizenship are two institutions, separate and distinct ... why link them together?" Lucius Crane, O.B.E., Ll.B., a member of the New York Bar was cooler, and especially concerned at the question of statelessness for British-born wives of Americans. "The moral is", he said, 'that English women should not marry Americans except in America', and he suggested supplementary legislation to mitigate the problem. G.G. Phillimore shared his concern, but affirmed nonetheless that for women 'equal international status' was 'the logical sequel to equality in municipal law'. James Garner, writing in the British Year Book of International Law, was not enthusiastic;

This reversion to the ancient rule in respect to the effect of marriage upon the nationality of women puts the legislation of the United States out of harmony with that of the vast majority of other countries, where uniformity is highly desirable." J.S. Reeves criticised the new legislation in the American Journal of International Law; he affirmed that the scheme by which a married woman adopted the nationality of her husband could be traced back to Justinian and wondered 'what demand there was for such a drastic change in the laws of the United States'. He found his answer in suffragist pressure.

Not only individual jurists, but also the International Law Association

44. Hill, p.273.
45. Crane, p.54.
48. Reeves, p. 97.
was concerned with the question. There was no consensus here either; the Nationality Committee of the Association was sharply divided, the poles of opinion being marked by its chairman, Dr Ernest Schuster, who was warmly favourable to independent nationality for women, and the secretary, Mr Wyndham Bewes, who was fiercely opposed to it.49

With the way prepared by the Butcher Bill in England and the Cable Act in the United States, 1923 proved to be a year for full-scale debate on independent nationality for women. The latter part of that year saw not one forum for such debate, but four. First was the Congress of the International Woman Suffrage Alliance at Rome in May; then in June a Joint Committee of both Houses of the British Parliament took evidence; and in October both the International Law Association and the British Imperial Conference discussed it at meetings in London. Chrystal Macmillan participated in all these discussions except the last.

Preparations for the special conference on the nationality of married women set down for the Alliance's Congress had been thorough. The Committee of Jurists representing all the member countries in the Alliance had corresponded diligently, and its chairman had conferred with French and Swedish members, and Sir Willoughby Dickinson.50 A draft programme for the conference was printed in IWSN in February 1923, and the following month Macmillan sent member associations detailed background information. She hope for two things from the conference: that 'proposals outlining

49. See pp. 124-5.

the type of legislation which it is desirable to promote in the different countries' would emerge, and that a 'draft International Convention might be approved which could then be submitted to the League of Nations or other international bodies with a view to its adoption by all the countries in the world'. Bold aims indeed. The draft convention to be submitted to the conference was Macmillan's work and publicised by her in a letter to The Times in February, and an article in the influential weekly Time and Tide the week before the Congress began.

A determined competence provided the keynote at the Congress opened in Rome by Mussolini himself on 12 May. One participant contrasted the atmosphere with that of the 1913 meeting. Whereas the pre-war congress had been a 'mass meeting of some long-oppressed race' this one was more like 'a gathering of town planning experts'. There was no longer the single simple aim to the vote, but 'a hundred difficult questions of civil law, problems of education, of moral and social custom', and while there were no 'thrilling moments, there was 'gratifying evidence of genuine intellectual effort and solid achievement'.

The day devoted to the nationality of married women was certainly a solid one. After a preliminary committee meeting between nine and ten o'clock, the conference spent two hours in the morning listening to explanations by committee members of laws relating to women's nationality.

51. C. Macmillan, 'Nationality of Women at the Rome Congress', circulars to all participating associations, March 1923.
54. A. Schreiber and M. Mathieson, Journey Towards Freedom, p. 32.
in different countries, and feminist policy in relation to them; and a further two in the afternoon discussing the Draft International Convention. The committee re-convened between five and seven p.m.\textsuperscript{56}

The Draft Convention was the fruit of much labour. Macmillan based it on information received from committee members and various consuls-general in London; much of this had already been published in \textit{IWSN}.\textsuperscript{57} She hoped the congress would endorse the convention and send it on to the League of Nations with a recommendation for its world-wide adoption, and that individual countries might be encouraged to enact legislation on the same lines. It was in two parts, beginning with a statement of general principles:

That a woman's nationality should not be changed by reason of marriage or of a change during marriage in the nationality of her husband; that her right to retain or change her nationality should not be denied or abridged without her consent, except in conditions that would cause a change in the nationality of a man without his consent; and that restrictions on the right to retain or change nationality because of marriage should be the same for a woman as for a man.

There followed a detailed scheme by which states ratifying the convention could translate these general principles into legislation. According to this scheme, a woman would not change her nationality on marriage with a foreigner unless she made a declaration to her desire to do so, and then only if she acquired the nationality of her husband. A foreign woman would acquire her husband's nationality only through normal naturalization procedures, but if she had already done so she would not be deprived of this nationality against her will. In other respects the

\textsuperscript{56.} Programme of Nationality of Married Women Committee and Conference, 12 May 1923, \textit{IWSN}, May - June 1923, p. 121.

\textsuperscript{57.} \textit{IWSN}, May - June 1923, p. 121.
legislation would be retrospective, so that a woman who had lost her
nationality through marriage would be deemed to have regained it.
Children with parents of differing nationalities would have dual
nationality until adulthood, when they would choose which parent's nationality to adopt permanently.58

The congress made a formal declaration that a married woman
should be given the same right as a man to retain or change her nationality
and accepted the convention as a 'provisional draft' to submit to
governments, associations and individuals for criticism and comment. It
reappointed the Nationality of Married Women Committee under Macmillan's
chairmanship and authorised it to co-opt jurists as technical advisers.59

The draft convention was widely circulated. By September the
committee was able to publish some reaction to it: cordial comments, for
example, from the Finnish Minister of Justice, the Greek Minister for
Foreign Affairs and especially M. André Weiss, a great international jurist
appointed by France to the International Court of Justice, who wrote that
the proposal was 'in complete accord with the ideas (he) had always held'
and congratulated the Alliance on its drafting.60 It attracted comment in
law journals,61 and shortly after the congress Macmillan was enabled to
present it to a Committee of Both Houses of the British Parliament and to
the Annual Conference of the International Law Association.62

58. IWSN, May - June 1923, p. 121, Appendix 4.
59. IWSN, July 1923, p. 151.
60. A.H. Jacobs, 'Committee on the Nationality of Married Women',
IWSN, September 1923, p. 79.
61. Phillimore discusses it, passim; Hill reproduces the whole con-
vention, p. 734; Macmillan summarizes its principles, p. 453;
Schuster, Law Times, 13 October 1923. It also appears in full in the
Proceedings of the 1923 ILA Conference.
The Committee of Both Houses had been set up on the motion of Sir John Butcher. When his bill lapsed at the end of the 1922, no one expected this to be the end of the matter, and by the opening of the 1923 session discussion was under way in the Home Office as to the most appropriate means of pursuing it further. Pedder was against a select committee, especially if, as in the previous year, it sat under a chairman who 'must almost necessarily find it beyond his power to see and maintain the best lines of enquiry through a complicated subject ...' Because there was no bill before the House he favoured a departmental committee, and suggested

one or two lawyers, two or three M.P.s (including Butcher), and a woman Member, one or at most two representatives of the Women's Movement, one representative each of the Home Office and the Foreign Office and a chairman with legal and/or administrative training.

There is every reason to believe such a committee would have found favour with the women's movement, but Pedder was overruled. The Home Secretary, Mr Bridgeman, agreed with the Permanent Undersecretary Sir John Anderson that a Joint Select Committee of Both Houses would carry more weight, and late in February invited Sir John Butcher to move for one, under the chairmanship of Lord Desart.63 This committee was to provide much the fullest body of information on the nationality of married women right through till independent nationality was attained in 1948.

Its terms of reference were broad:

To consider in their legal and practical aspects the questions involved in the possession by husband and wife of the same or different nationalities, with due regard thereto and to the operation of the laws of foreign countries, to report what, if any, alteration of the British law is desirable.64


The Committee consisted of ten members, five each from the Commons and the Lords; three of each were needed for a quorum. Commons members represented all parties: Mr W. Adamson, who had chaired the committee of the previous year, was a Labour member, Sir John Butcher was Conservative, Mr Hughes Conservative, Colonel Alexander Liberal, and Mrs Wintringham, the second woman to take her seat in the House, Liberal. The Lords members were Desart (chairman), Chelmsford, Erskine, Stanmore, and Stuart of Wortly. In ten meetings, between 8 May and 17 July, the committee examined ten witnesses. By far the greater part of the questioning which followed the witnesses' prepared statements was done by the chairman and Sir John Butcher. The witnesses came from the Home Office, Colonial Office and Foreign Office; there were three representatives of the Nationality Committee of the International Law Association as well as Sir Willoughby Dickinson, Miss Chrystal Macmillan and the Rt. Hon. Lord Justice Younger. At the end of its labours the committee found itself quite unable to agree on its recommendations, so laid before parliament not one, but two detailed reports, together with a full record of its proceedings. The whole runs to 178 closely printed pages and is a mine of information on the theoretical and practical arguments for and against independent nationality for the married woman.

The first three witnesses called were the Home Office, Colonial Office and Foreign Office representatives. Significantly, they were all against any change in the law beyond the relief of specific hardships for British-born women with foreign husbands. Dowson, the Assistant Legal Adviser at the Home Office was first. His evidence was concise, moderately expressed, and considerably longer than that of any of the other witnesses. Its tenor was similar to that he had given the previous year, and the chairman relied heavily on it in his report. Dowson provided a summary of the law as it related to the nationality of married women in Great Britain, the Dominions, the Colonies and foreign countries. He noted that the
number of cases in Britain which departed from the norm of one nationality for husband and wife was very small; it was made up of wives of enemy aliens who had opted to regain their nationality, and those who had made a declaration of retention when their husbands were naturalized abroad. Wives could also retain British nationality when their husbands' naturalization certificates were revoked, but this revocation was usually on the grounds of twenty years' absence, so that wives were included.

He then moved on to point out some of the inconveniences independent nationality for married women would cause in municipal and international law. There would be problems with income tax, for married women made no separate return, and of eligibility for the Old Age Pension. More important were the international problems of statelessness and double nationality. Dowson believed the demand for independent nationality stemmed from three sources: the women's movement for complete self-determination; the danger to the state in wartime of foreign wives who could be spies; and the personal hardships suffered in the recent war by British-born wives of enemy aliens. Regarding the first of these, he made the point that if women wanted their self-determination to be complete, transmissibility of nationality ought to be through the female as well as the male line. Dowson was evidently aiming to shock, but the demand for equal rights of parents to transmit nationality had already appeared in the Alliance's Draft International Convention. Dowson saw it as the 'beginning of an attack on the unit of family life'. Neither was he convinced by the argument of wartime hardship. The Defence of the Realm Act regulations had been enough to control German-born wives of British subjects, and 'notwithstanding that the British-born wives of Germans were subject to ... disabilities, I think it would be true to say that the experience of the war shows that independent nationalities for husbands and wives would, on the whole, have been to the public detriment!' Dowson was a persuasive speaker, and by no means insensible to the 'disabilities and difficulties
and inequalities' of the nationality law, but he preferred to remove them by means of special legislation rather than by a fundamental change in it, which in itself might create new difficulties. For example, the difficult case of British-born wives deserted by alien husbands could be covered by a change not in the nationality law, but in the divorce law, by treating separation as grounds for divorce in such cases. Some problems he brushed aside. The British-born wife who lost her vote on her marriage to a foreigner was suffering considerable hardship, but 'she undoubtedly has, to a certain extent, brought it on herself by marrying'. And as to whether a woman civil servant should have to resign on marriage to a foreigner, all women civil servants had to resign on marriage anyway...

He did not agree with Sir John Butcher that female German spies who had gone through a form of marriage with Englishmen to avoid the Aliens Restriction Act had been a serious danger during the war. Such cases had been, he believed, 'very rare'. As for the Cable Law and the problems it created in Anglo-American marriages, he would rather try to 'get the Americans to repeal their legislation' than imitate it. Britain should 'maintain throughout the world the principle of the common nationality of husband and wife'.

On this occasion Dowson did not give special emphasis to the imperial nature of British nationality law, though he did state that 'any change of principle such as that suggested ... would have to be submitted to the Dominions for their consent.65 It was left to the Legal Adviser to the Colonial Office, Sir John Risley, who was called next, to discuss the nationality of married women in the legislation of the Dominions and Colonies. He stressed heavily the need to confer with the Dominions before making any change in British nationality laws.66

If the Colonial Office believed an Imperial Conference had to precede any change in British nationality legislation, the Foreign Office believed an International Convention to be the necessary preliminary. Its representatives, Sir Cecil Hurst and Mr George Mounsey, confined their evidence to the inconveniences arising from the proposal, on which a memorandum had been prepared in the Foreign office. They stressed the near universality of the rule of one nationality for a married couple, and claimed that to abandon the rule would create problems of dual nationality or statelessness which in turn would lead to practical problems of diplomatic protection and passports. They foresaw that the child of parents with different nationalities could inherit dual or even triple nationality, and in view of the liability of military service this would be a matter for 'grave apprehension'. Sir Cecil Hurst agreed with Sir John Butcher that it was 'unfortunate' a foreign woman could get the privilege of British nationality simply by marrying an Englishman, and would alter this if it could easily be done. But independent nationality generally would introduce more undesirable features, such as 'the breaking up of the unity of the family as the element of nationality'; although the importance of maintaining uniformity in the nationality legislation of the whole British Empire was mentioned, the Foreign Office objected to the proposed change mainly on the grounds that it would interfere with family life.

The emphasis of the departmental representatives thus differed, but all were clearly opposed to the changes set out in the Butcher Bill.

67. This would happen if the child of parents of different nationalities was born in a third country where *jus soli* prevailed, and thus acquired its citizenship also.

The next witness, on the other hand, was an eager advocate of independent nationality. Sir Willoughby Dickinson, furthering a cause for which he had already done a great deal, gave evidence as an expert in international law. He detailed the amendments he had attempted to make to the British Nationality and Status of Aliens Act in parliament in 1914 and 1918, and listed the exceptions already made to the rule of one nationality for a married couple, which he claimed had rendered the rule meaningless. He claimed that British-born wives of Germans would have suffered less during the war, if they had not been considered German nationals.69

The next three witnesses were from the International Law Association, then considering the nationality of married women in its Nationality Committee. Professor Bellot appeared briefly to put before the committee the special case of the British-born woman who married a stateless person; he urged that she should be allowed to retain her nationality of birth, rather than be left stateless. Apart from this case, he was against two nationalities in the one family, though he would accept that the British-born wife of an alien living in England should retain British nationality.70

Dr. Ernest Schuster, K.C., chairman of the Nationality Committee, a most distinguished international lawyer, was called to give his opinion on the legal and practical aspects involved in the husband and wife having the same, or different nationalities. He supported independent nationality for married women, being 'very strongly of the opinion that a woman should not by reason of her marriage change her nationality unless she expressly wishes to do so'. But he urged that a change in British law along the lines of the Butcher Bill would not be adequate unless followed by international conventions with the object of avoiding double nationality and

69. Ibid., Dickinson, pp. 380-400.
70. Ibid., Bellot, pp. 400-406.
statelessness; though he did not believe these would necessarily be increased by the proposed new law. He based his argument not on wartime experience, for he believed that whatever her technical nationality, the wife of an enemy must expect to be subjected to a certain amount of control, but on the principle that women should have equal rights with men. 71

Entirely at variance with his chairman was the secretary of the Nationality Committee, Mr Wyndham Bewes, the next witness. He gave evidence of the inconveniences of double nationality and statelessness caused by the passage of the Cable Law and pointed out, justly enough, that although the example of American law had encouraged the British reformers, 'the circumstances of the two countries were so dissimilar that the one change should not be used as an argument for the other.' The States received a vast number of immigrants each year and very large numbers of American women became foreign by marrying with them. Britain on the other hand was an emigrant rather than an immigrant country and the number of English women who married foreigners was very small. He preferred meeting their special difficulties by special legislation. He would, for example, favour a woman who married a foreigner retaining her nationality of birth if she did not by her marriage acquire that of her husband. But he would not give her a vote: 'I think a woman who married an alien is probably so much under the influence of that alien that her vote is an alien vote.' 72

Christal Macmillan was the next witness, sole representative of the female sex, and more specifically of the National Council of Women of Great Britain and Ireland and the International Woman Suffrage Alliance.

71. Ibid., Schuster, pp. 413-422.

72. Ibid., Bewes, pp. 442-450.
She differentiated clearly between her evidence on behalf of the two organisations. As representative of the National Council of Women she concentrated on Britain and the Empire. With its 150 national organisations, representing more than 1,600 societies in all parts of the country, the Council was a force to be reckoned with. It had been campaigning to remove women's disability in nationality ever since 1914, and Macmillan drew attention to its memorials, the deputations, and draft bill, emphasising the support it received from women in the Dominions. Her evidence for the International Woman Suffrage Alliance was international rather than imperial, and she submitted to the committee the Draft Convention from the recent Rome Congress. She recognised the need for concerted action with the Dominions, but believed it was up to Britain to give a lead. This could be done, she suggested, if the committee endorsed a specific bill which could be presented by the Government to the coming Imperial Conference.73

The last witness was Sir Robert Younger, a judge of Chancery Division, called specially to give his opinion on points raised in issue by other witnesses. He had had a great deal of experience in dealing with the problems of women who had married aliens. For three years he had been sitting on a committee at the Board of Trade to deal with exemptions from sequestration of property under the Versailles Treaty. Indeed he claimed to have been on every committee connected with aliens and their property since 1915. His experience had not convinced him that any basic change in the nationality law was required. He was sure that mixed nationalities in a marriage would produce domestic unhappiness. He would be glad to amend the law to 'release the lady from inconvenience here, or inconvenience there with regard say to votes or with regard to Old Age Pension or with regard to eligibility for the civil service' ... but to abandon the basic principle he believed would be a mistake. The only important change he would support would be to ensure that a British woman did not lose her nationality by

73. Ibid., Macmillan, pp. 450-464.
marriage unless she gained that of her husband, but beyond this the unity of the family was essential, the 'law of nature'. He did not believe a wife should be entitled to vote if her husband did not, and seemed shocked by the idea that children might be permitted to follow the nationality of their mother; he believed it would be 'a very terrible misfortune ... the gravest possible public evil'. He made the point that in all his dealings, through the Board of Trade Committee, with British-born women whose property had been sequestered because they were married to Germans, there had been no complaint that they were exposed to this because they were of the nationality of their husbands. They complained, he said, of sequestration not nationality.74

The sharp diversity of opinion among the witnesses was reflected in that of the members of the committee. The chairman submitted his draft report on 17 July. It was a thoroughly competent document which summarised the law of nationality in the British Empire, largely on Dowson's and Risley's evidence, before stating the issue: 'to choose between two conflicting principles, that the nationality of a woman depended on that of her husband, or that nationality was independent of marriage'.

The report then went on to summarise, very fairly, the arguments on both sides, using the evidence of Macmillan, Dickinson and Schuster on the one hand and that of Hurst, Mounsey, Younger and to a lesser extent Dowson, on the other. The crunch came in Clause 11.

The Committee, as a result of this enquiry, have come to the conclusion that a case is not to be made out for a complete reversal of the principle governing the present law. They recognise the growing demand of many women, and of organised women's societies, for equal rights to men in every respect, but they cannot overlook the fact that by marriage a woman is merged in the unit of the family, and that within the family it is at present the husband who is head ... and who, among other things gives his nationality to the children. It is their opinion therefore that in this important sphere of family life the nationality of the husband should be the governing factor and determine the nationality of the wife. If two ride a horse, one must ride in front.

74. Ibid., Younger, pp. 465-484.
The view that the husband must ride in front was fortified by an account of the history of nationality law as it related to women in Great Britain and the United States. The report went right back to the 1868 Royal Commission on Nationality for its argument; it also stressed the near universality of the principle it advocated. This was notwithstanding admitted hardships suffered by wives of enemy aliens during the war: it was necessary to legislate for peacetime, not the exigencies of war. In one case only did the report advocate an amendment to the law 'a woman shall not lose her original nationality if she does not acquire that of her husband under the law of his country'. One point about the Chairman's report is worth noting: It does not stress as heavily as the departmental representatives' evidence would seem to justify, the necessity for consultation with the Dominions. The point appears only at the end of a list of those made by defenders of the present law, below 'unity of the family' and 'international convenience', in a sentence which refers to the 'great desirability' of acting in concert with the Dominions, a mild phrase in comparison with the 'absolute necessity' regularly used in reference to consultation by the Home Office in memoranda and minutes.75

Sir John Butcher responded to the presentation of the chairman's report by immediately laying one of his own before the committee as an alternative. It began vigorously, as Sir John himself always did: there would be no waiting till Clause 11 to see which way he would jump.

The committee have, after weighing the arguments of both sides, come to the conclusion that the present law by which a woman compulsorily takes the nationality of her husband should be abrogated; that in lieu thereof a woman on marriage with a man of different nationality from her own should be allowed the choice either of retaining her own nationality or of adopting that of her husband.

75. Ibid., Draft Report, pp. X - XIX.
The change should be made 'on grounds of equity, and in line with the trend of modern opinion'. He then proceeded to summarise, in order to refute them one by one, the arguments of his opponents, under the heads of Unity of Family and Matrimonial Harmony, Inconveniences which might arise from the Proposed Change, Possible Effects of the Nationality of Children, Double Nationality and Statelessness, Effects of the Proposed changes on British Communities in Foreign Countries.\(^\text{76}\)

Neither report was accepted by a majority of the committee. The Commons members refused to accept the Chairman's report, and the Lords members were against Sir John's alternative. Since Hughes was absent the voting was five to four, so the chairman's report was considered till an impasse was reached when Butcher challenged Clause 11; the committee then adjourned for a week.

When it came together again on 24 July, a way round the deadlock had evidently been worked out. On this occasion Lords and Commons were exactly equal in voting strength, since Hughes, who had attended only one other of the committee's sessions, had been pressed into service. Lord Desart vacated the chair in favour of Lord Chelmsford and debate on the chairman's draft report was resumed. There was some further skirmishing on Clause 11, but it was the vote on the report as a whole that mattered: the five Lords members voted in favour, the five Commons members voted against. So according to the rule *semper praesumitur pro negante* the Chairman's Draft Report was disagreed to. Lord Chelmsford then moved from the chair a brief statement, that the committee had met as instructed and 'having been unable to come to an agreement as to the form of a report, have directed the proceedings, together with the evidence, to be laid before both Houses of Parliament', and the committee ended its labours.\(^\text{77}\)

\(^{76}\) *Ibid.*, Butcher Amendment, pp. XIX - XXIII.

\(^{77}\) *Ibid.*, XXIII - XXV.
result was not too discouraging to the reform lobby since, they reminded themselves, the Lords eventually had to do what the Commons told them.\footnote{78}

Hard on the heels of the Joint Committee, indeed before its report had been published, came a specialised conference which involved several of the same participants. The annual conference of the International Law Association was held in London in October, with the nationality of women at the top of its agenda. At its 1922 meeting in Buenos Aires the Association had unanimously resolved 'that it would be desirable to fix uniformly by treaty the nationality of married women, reserving to a married woman, so far as possible, the right to choose her own nationality'. A Nationality Committee had since been considering this, and its chairman, Dr. Schuster, gave the opening address of the conference on 4 October. He was in entire sympathy with the resolution, and spoke warmly, in a similar vein to his evidence before the parliamentary committee, on a subject he believed to be of 'paramount importance'. His paper, 'The Effect of Marriage on Nationality' was an important one. That a highly respected international lawyer should argue the case for independent nationality before so distinguished and representative an assemblage of legal experts marked a new stage in the debate. Dr. Schuster did not believe the question of the desirability or otherwise of the change to be within the scope of the Association's activities, being a question of 'social politics'. But he believed the Association should discuss first, whether resistance to the proposed change would promote or hinder the establishment of uniform laws, and secondly, if a change was to be brought about, what were the best methods for avoiding conflicts of law. He then went on to demonstrate that the present position of the law on women's nationality was based on a general conception of the position of a married woman which

\footnote{78. Macmillan made the point at the ILA Conference in Stockholm in 1924.}
was rapidly disappearing in all civilised countries; thus uniformity
was more likely to be hindered by resistance to the change than by accept-
ance of it. The rule by which a wife took her husband's nationality, he
demonstrated, was a relatively new one, dating from the French Code Civil
in the early nineteenth century and he detailed legislation by which the
rule had already been modified. He considered that if the United States
were followed by Great Britain, as well as France, the laws of other
countries would probably have to accommodate themselves to the change.79
Objections to independent nationality for women were, he believed, both
legal and sentimental. Concerning the legal objections, he denied that
statelessness and double nationality would be increased by the change,
especially if the rule became general that a woman should not lose her
nationality unless she acquired that of her husband. Objections based on
social considerations centred round the possible danger to the unity of the
family, to which he would reply that the unity of the family did not depend
on legal technicalities. The proposed change need not alter the rules
governing transmission of nationality to children. He made a short statement
on the risk of conflict of laws and its avoidance, but believed that the
time was not ripe for international action. The Draft International Convention
of the International Woman Suffrage Alliance was, he believed, mistakenly
attempting to 'put the cart before the horse' in that 'no legislature
would swallow wholesale a scheme imported from outside'. His own personal
reasons for favouring the change were two-fold. He did not think any adult
person should automatically have to submit to a change in nationality; if

79. A Bill has passed the French Senate in March 1922, and was awaiting
debate by the Chamber to enable a French woman marrying a foreigner
to retain her nationality unless she declared, during the marriage
ceremony, that she desired to adopt that of her husband. ILA
Conference Report, 1923.
a change of nationality was thus imposed by marriage alone it would not involve a genuine allegiance to the imposed nationality.\textsuperscript{80}

As soon as Dr. Schuster had finished speaking, the chairman made a shock announcement. The principal speaker for the conference, Dr. Zeballos from Argentina, had died suddenly on his way to it; the banquet to have been held that evening in his honour was cancelled and the conference would be abandoned as a mark of respect. There followed brief and inevitably rather unsatisfactory discussion of the paper. Several speakers acknowledged the importance of the Nationality Committee's work, though Wyndham Bewes pointed out, in contrast to the view of its chairman, that the absorption of the legal personality of the wife in that of the husband was the general rule of Christendom, laid down in the Gospels. Dr. Schuster, whose hearing was bad, did not reply to specific points, and the chairman closed what he called 'an interesting little discussion, quite as interesting and full as could be expected in the absence of one who was to be the principal speaker'.

It was in these singularly unpromising circumstances that Chrystal Macmillan took the ten minutes she had been allocated to lay before the conference her Draft International Convention. She stressed the support from women's organisations everywhere for the policy of the convention, copies of which had been distributed to the gathering, but emphasised that it was intended only as a basis for discussion. She drew attention to particular points on which the opinion of the International Law Association's Nationality Committee would be specially welcome, and asked for the consideration

of the whole convention by the committee, including the question of 'when it might be adopted by one country, or a number of countries'. There was no discussion. The chairman, thanking her, said that 'no doubt the committee will consider the matter' and wished the conference adieu till the next year in Stockholm.\textsuperscript{81}

The abrupt end to the conference after one session perhaps left an impression that it was more favourable to independent nationality for married women than was in fact the case. Its published proceedings give one side only of the question, and both the presence of Mr Bewes on the Nationality Committee, and the less favourable response at the 1924 Conference to proposals for independent nationality suggest that this is misleading.\textsuperscript{82} Whether the impact on public opinion was greater because the nationality of married women was the only topic aired, or less because the conference was aborted, is open to debate.

One further conference was to discuss women's nationality before the end of 1923. Indeed the Imperial Conference was probably the most important of all in that any change in British nationality law had to begin here, but this was not generally recognised. In her brief address to the International Law Association Chrystal Macmillan had noted that seventy-four women's organisations throughout the Empire had joined to ask the Imperial Conference to consider the nationality of married women, and that the discussion had been set down for that very day.\textsuperscript{83}

\textsuperscript{82} Report of 33rd ILA Conference, Stockholm, 8-13 September 1924, discussion on Nationality Committee Report.
\textsuperscript{83} ILA Conference Report, 1923, p.40. The 1921 Imperial Conference had not dealt with women's nationality, though it reaffirmed that any amendment to nationality law should be uniform throughout the Empire. (Cmd. 1474).
It was Australia that brought women's nationality to the attention of the conference, suggesting that British-born wives who had been deserted by foreign husbands should be enabled to recover their nationality of origin. Pathetic cases were cited in support. The proposal raised questions of principle and policy, so a Nationality Committee was appointed by the Conference to consider these and a memorandum was prepared in the Home Office to assist it in its deliberations. The memorandum, which internal evidence suggests is Dowson's work, explained that the principle of common nationality for husband and wife was followed by the majority of civilised countries, although the United States had recently reversed it. It noted various exceptions to the principle under British law, and discussed briefly the Butcher Bill and the Joint Committee which, although its proceedings had not yet been published, was known to be unable to agree on a report. It noted that the demands for change stemmed from (a) the claims of women's organisations for individual choice and self determination in respect of national status and (b) the special grievances of British-born women who married aliens.

As regards (a) the Memorandum concluded, it has to be considered, inter alia, whether the theoretical value of the principle of self-determination is not outweighed by the practical disadvantage (affecting, inter alia the children) involved in a difference of nationalities between the parents, disadvantages ranging from the regions of diplomatic protection and private international law to the position of the family as a unit of society ... As regards (b), it has to be considered whether the disabilities

84. Cmd 1988, Imperial Conference 1923, Appendix 6B, p. 142. One case cited was that of an English-born migrant in South Australia who in 1885 had married a German there. He deserted her to return to Germany in 1912, since when he had neither written nor sent money to her or her two children. Fourteen of her male relatives had served in the war, her eldest son being crippled as a result, but when she had a stroke and needed care, she was not eligible for aid because she was technically a German national.
and incapacities in question are such as to justify a change in the law of nationality, or whether a remedy for most, if not all, of the grievances of British-born women cannot be found in specific legislative provisions dealing with the particular subject matter.\textsuperscript{85}

The committee accepted this guidance. Its discussion 'did not disclose any opinion ... in favour of altering the existing law as to the nationality of husband and wife' and it concluded that the principle that the nationality of a married woman should depend on that of her husband be maintained, but that a British-born woman should be re-admitted to her British nationality if her foreign marriage had 'to all practical purposes come to an end'.\textsuperscript{86} These conclusions were endorsed by the Imperial Conference as a whole.\textsuperscript{87}

Thus by 1923 the question of the nationality of married women had been discussed fully at a high level. The arguments on both sides were now clear and hardly change at all from this point onwards.

In favour of independent nationality for married women was the general principle of the equality of the sexes; women ought to have the same choice of nationality as men. Then there were the wartime grievances of the wives of enemy aliens; and peacetime grievances, especially the loss of the vote, of all wives of aliens. The loyalty

\begin{itemize}
\item \textbf{86.} PRO HO145/122432/122 (Secret) Imperial Conference Nationality Committee, 11 October 1923. The Home Office was heavily represented - Home Secretary, Mr Bridgeman, chaired the committee, and moved the resolution expressing its opinion. Pedder, Dowson, and Holderness were also present from the HO. Other members were the Attorney-General, the Registrar-General, representatives of the Treasury, Solicitor's Dept., and Cabinet Office, Sir John Risley for the CO., Mounsey for the FO., a representative for the Secretary for Scotland, and representatives from Canada, Australia, South Africa and the Irish Free State.
\item \textbf{87.} Cmd. 1987, p.22.
\end{itemize}
of foreign wives on whom British nationality had been conferred willy-nilly was called in question. Much emphasis was placed on what was claimed, mainly on the evidence of the United States, to be the trend of modern legislation.

The opponents of independent nationality for wives on the other hand, employed two sorts of arguments: a theoretical one centring on the unity of the family and the dominant role of the husband in this, for which biblical justification was often claimed; and a practical one, that specific grievances should be met by specific legislation, and that to do more would be to 'take a steam roller to crack a nut'. There was one further argument increasingly gaining prominence: the claim that imperial nationality could be altered only in Imperial Conference. While the theoretical objections to independent nationality tended to lose ground, a combination of the two practical ones would render British women's attempts to free themselves from disability in nationality futile for many years to come.

88. Select Committee, 1923, Bewes evidence.
If, in the early twenties, the attention of those people interested in changing the law relating to women's nationality was centred on Westminster, with Sir John Butcher's bill and the Joint Committee to which it gave rise, the emphasis from the middle years of the decade was on the imperial context of the question. The Imperial Conference, which had received memorials from women's societies on the subject since 1917, finally gave it serious consideration in 1926. There was not a total lull in parliamentary activity at this time: indeed the House of Commons could be said to have been won over to the principle of independent nationality for married women when it passed a unanimous motion in its favour in 1925. But there was no bill on the subject before the House between 1922 and 1929, and virtually no public comment on it. The reform lobby had little support either from the public at large, or even from organised feminists.

This is not surprising. The twenties were in many ways years of both turmoil and anti-climax in Britain, and the problems they posed affected a much greater proportion of the population than the unknown, but presumably small, number of women who had contracted foreign marriages. Unemployment and industrial strife were continuing issues. Politics were confused by the collapse of the Liberals and the advance of Labour, and leadership was often unclear. The historian of the interwar years, C.L. Mowat, believed that with the resignation of Lloyd George the 'reign of the great ones' had ended and thereafter
country had sunk into 'a hopeless morass.'

In this general uncertainty, women had their own urgent concerns and the legal technicality of their nationality was not one of them. There were many 'surplus women', so that one out of three was forced to be self-supporting; in the post-war economic climate this was not easy. Perhaps the best account of the problems women faced in the 1920s is to be found in Ray Strachey's brief history of the women's movement in Britain, The Cause, which appeared in 1928. Strachey, a suffragist before the war and a tireless worker for women's rights throughout her life, was at the centre of the events she described. She had attended a conference in Paris in 1917 on the position of women war workers, for example, and after the war was active in a host of different organisations, from the Society of Women Welders, of which she was president, to the Women's Employment Federation, of which she was secretary.

Strachey contrasts the restrictions the post-war decade imposed on 'industrial women' with the new opportunities it provided for 'non-industrial women'. For many of those who had been absorbed into the factories during the war the end of hostilities brought their financial security, and consequent independence, to a sudden stop. The Government was committed, under a 1915 agreement, to return to the


2. Macmillan Dictionary of Women's Biography, ed. J.S. Uglow, (Macmillan Reference Books, 1982) p.449-50. Strachey was a close friend of Millicent Fawcett, and had been Parliamentary Secretary of the N.U.W.S.S, as well as editor of its journal Common Cause. She stood three times for parliament as an Independent, and was for a time secretary and political adviser to Lady Astor.
male work force many of the jobs done by women during the war, but the women workers who 'came tumbling out of industry at a great rate' proved very difficult to reabsorb. Attempts to persuade them back into domestic service were only partly successful and even in industries where they were still offered work wages 'flooded back', despite the fact that prices had almost doubled over the war years.3

While 'industrial women' were thus being driven back into almost the same position they had held before the war, 'non-industrial women' were not. Their eligibility for responsible posts was maintained, and there was surprisingly rapid progress towards professional equality with men. The Representation of the People Act of 1918 had been seen as a partial victory only, because it limited the vote to women over thirty, but in the same year a government bill making women eligible for parliament passed rapidly through both Houses, to reach the statute book just three weeks before the general election in November. Feminists had expected another generation of effort before this would have been granted. The Sex Disqualification Removal Act opened the legal profession to women, and they were admitted also to the Society of Chartered Accountants, the Royal Society and some of the higher grades in the Civil Service. Female students were admitted to full membership of all the universities in the United Kingdom, with the sole exception of Cambridge.4

The extension of opportunities to career women was paralleled


4. Ibid., Ch. XX, esp. pp. 375-380.
by an extension of legal rights to married women. Strachey claims that with equal rights for mothers in the guardianship of their children, improved maternity arrangements and widows' pensions, the legal separation of a married couple into two separate individuals was almost complete. One area where such a separation was not evident was nationality law; but how far this mattered to feminists in the 1920s is not easy to determine, firstly because there is still little published material on the women's movement in Britain at this time, and secondly because there was a major upheaval in the movement which absorbed energies and obscured other issues.

Many feminists in the 20s and 30s believed the women's movement had lost its impetus and they looked back with nostalgia to the heady days of the suffrage campaign.

The president of the largest women's suffrage society complained in 1921 of the apathy following the grant of the franchise to women and regretted that women with time and leisure to spare for something beyond the struggle for mere existence had now either left the women's movement or were giving it 'rather a half-hearted and inactive

5. Ibid., pp. 381-3.

allegiance'. Strachey, who was still optimistic about the future of women when she wrote The Cause in 1928, was markedly less so by 1936. At that date, introducing a collection of essays by five women on the status of women since enfranchisement, she regretted that modern young women, with little knowledge of what life had been like before the war, had proved hostile to feminism.8

Until recently, historians have echoed this view. W. O'Neill, in a collection of documents on British and American feminism, published in 1969, called his section on the post-war period 'The End of Feminism' and referred to its 'collapse' on both sides of the Atlantic. Votes for women, he believed, had proved to be the last significant demand that organised women had been able to make and he noted that the 'spurious' unity brought about by this aim could not be maintained.9 As recently as 1981, Olive Banks called a chapter on feminism between 1920 and 1960 'The Intermission,' while admitting that in the case of Britain many aspects of the inter-war years were under-explored or even completely unexplored and suggesting that, in the 20s at least, feminism was by no means a spent force.10 Two years later, Dale Spender used as the title for her collection of interviews with British feminists born about the turn of the century, the indignant affirmation

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of one of them, 'There's always been a women's movement this century'. This is still a defensive stance.

The women's movement in Britain had not, in fact, collapsed after 1918, but it had lost the single-mindedness and much of the drive it had achieved when the vote served as a single, unifying goal and when divisions, though deep enough, had been overtactics rather than aims. After the war, with improved career opportunities enticing away from the movement many women who might have emerged as its leaders, there was a drop in numbers and a general regrouping. The militant wing had disintegrated when war broke out and all suffrage campaigners suspended their activities. The powerful Women's Social and Political Union, which had spearheaded the activist section of the suffrage campaign, was left leaderless when Mrs Pankhurst devoted her energies to war work, then the Conservative party and her daughter Christabel, after standing unsuccessfully for parliament in 1918, turned from politics to evangelism.12

The moderate wing of the suffrage movement proved more durable. The Women's Freedom League, which had broken away from the Pankhurst organisation because of its use of violence, survived the parent body,13

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12. J. Lewis, 'Beyond Suffrage'. p.1. Mrs Emmeline Pankhurst had formed the W.S.P.U. in 1903. She led it into violent tactics from 1908, during which phase she was arrested 12 times, being released when her condition became critical through hunger-striking. She joined the Conservative party in 1926. Christabel trained as a lawyer, and from 1907 was organiser and orator for the W.S.P.U. Both Pankhursts ceased suffrage work in 1914. Christabel wrote a number of religious tracts and travelled widely to preach, before settling in the U.S. in 1940.

and the greatest of the pre-war 'constitutional' suffrage organisations, the National Union of Women's Suffrage Societies, with its solid democratic structure, continued to use its lobbying skills for the benefit of women.\textsuperscript{14}

Even the National Union of Suffrage Societies, however, suffered a severe post-franchise crisis. Its revered leader Millicent Fawcett resigned the presidency in 1919 and Eleanor Rathbone, member of a notable Quaker family from Liverpool and later for many years Independent Member of Parliament, took her place as head of a renamed National Union of Women for Suffrage and Equal Citizenship.\textsuperscript{15} During her decade as president, Rathbone led the Union into new and controversial fields, in what her biographer calls a 'spectacular projection of her interest in the economic and social status of the family into the feminist programme.'\textsuperscript{16} This so-called 'New Feminism' was unacceptable to many dedicated workers in the women's cause; its acceptance by the Union in 1925 led to a major controversy that threw the whole women's movement into ideological crisis. Rathbone wanted to go beyond 'narrow equalitarianism' to 'what women need to fulfil the potentialities of their own natures.' At the heart of her programme was family allowances, but it was the issue of protective legislation for female factory workers that caused the deepest rift between the Old Feminists, with their motto 'Equality First', and the New Feminists, with their

\textsuperscript{14} Lewis, 'Beyond Suffrage', p.2.

\textsuperscript{15} Rathbone was a member of the Liverpool City Council, 1909-35; president NUSEC 1919-29. As an Independent, she represented Combined English Universities 1929-1946. For her parliamentary intervention in women's nationality, see p.271, 367.

\textsuperscript{16} Stocks, p. 115.
concern for women's welfare. The controversy caused Fawcett to resign from the organisation to which she had given 60 years' service, and aligned other women's organisations on one side or the other. The most important feminist organisation founded in the 1920s, the Six Point Group, took an Old Feminist stance for reasons indicated by one of its most talented members, Winifred Holtby: 'The New Feminism emphasises the importance of the 'woman's point of view'. the Old Feminism believes in the primary importance of the human being.'

Despite the depth and importance of this split in the women's movement, there were many areas where the two wings could and did work in unison. Strachey claimed the path to be followed by all feminists after 1918 was clear. She listed as 'flagrant abuses and inequalities' to be removed, 'unequal divorce laws, unequal inheritance and nationality laws, unequal franchise, unequal guardianship of children, unequal standards of morality, unequal chances of employment and rates of pay.' This programme indicates the concerns of most organised women in Britain in the 1920s. Inclusion in it is the only reference to women's nationality in The Case, which probably reflects accurately the emphasis given to the question by feminists at this time. It was lost sight of among topics of more immediate and general concern.

17. Lewis, pp. 6-14. There was opposition to the new feminism even in the NUSEC. In May 1926 the Open Door Council was formed to fight protective legislation.

18. W. Holtby, in Time and Tide, 6 August 1926, cited in Delmar, p.450. Holtby was a journalist and novelist, whose life is recorded in Vera Brittain's Testament of Friendship. Like the Six Point Group (SPG) the WFL was strictly equalitarian.

19. Strachey, pp.369-70. Strachey aligned herself with the new feminists, but emphasised that the new concerns of feminism came in addition to equality of the sexes.
A useful gauge of feminist opinion in the inter-war years, and of the role of women's nationality in this, is the weekly *Time and Tide*. It was founded in May 1920 on the initiative of Lady Rhondda, who already moved in the top echelons of the business and political world and whose name would later be associated with her unsuccessful attempt to enter the House of Lords as a peeress in her own right.20 Devoted to the general interest, as well as to the continuing problems of feminism, the paper was to be owned, managed and directed by women: *Time and Tide*, it was evidently intended, would wait for no man. The paper began life with a shower of good wishes from a wide selection of important people, including the leaders of all the main political parties, the Archbishop of York, and distinguished women from many fields. The Prime Minister 'rejoiced very much to learn that a new magazine was to be established in the interests of the women of the country.' Social and political developments had conferred on them enormous powers and opened up to them vast opportunities and he congratulated *Time and Tide* in its attempt to impart to them political information and sound political principles.

Editorial policy was set out in this first number. *Time and Tide* aimed to fill the need for an 'independent press, without Victorian roots, without political bias', and although composed of women, it intended to treat men and women equally and help elucidate issues for

20. Delmar, p.447. Rhondda, the daughter of a Welsh industrialist, had been a militant suffragette before joining her father as business associate, and succeeding to his viscountcy in 1918. She did not take over as editor of *Time and Tide* till 1926. Helen Archdale, a close friend and secretary to Rhondda, was first editor.
new voters. In the 20s and 30s it fulfilled these aims admirably, and in addition to its distinguished list of male contributors, it drew to itself many of the most notable women on the period, either as directors or contributors.

Before long a feminist action group developed from the paper. At the end of 1920 *Time and Tide* drew up a programme for immediate action made up of six specific points of concern to women, either as mothers or as wage earners. They were: widows' pensions, stronger laws against child assault, equal guardianship of children by married parents, better laws for unmarried mothers and their children, equal pay for teachers and equal opportunities in the civil service. The six points became the charter of the Six Point Group, which made an immediate impact on the feminist scene in Britain. By the end of the decade it would exercise great influence on the campaign for independent nationality for the married woman.

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22. Among regular male contributors were G.K. Chesterton and G.B. Shaw. The directors in 1923 included: Mrs Chalmers Watson, M.D., C.B.E., Chairman (Organiser of the Women's Army Auxiliary Corps during the war), Viscountess Rhondda, vice-chairman; Helen Archdale, Prof. Winifred Cullis, O.B.E., D.Sc., (at this stage President of the International Federation of University Women), writers Cicely Hamilton and Rebecca West, and Mrs Wintringham, Liberal M.P. Writers Winifred Holtby and Vera Brittain were both later associated with the paper.

Inaugurated in early 1921, the Six Point Group maintained its close connection with *Time and Tide*. The three original directors of the paper were all members of the provisional executive of the Group and the rest of the members had all been contributors to the paper.\(^{24}\) The formation of the Six Point Group was hailed by *Time and Tide* as a 'significant event', both a direct response to what it saw as a 'state of stagnation' apparent in women's affairs and a sign that this was ending. 'For a long while now,' ran an article, greeting the new organisation, 'there has been a strong feeling among women - especially the younger women - that in spite of their newly acquired power of the vote they were getting 'no forrarder'...'. The article went on to quote approvingly what Cicely Hamilton had written in the *English Review*: that women had received the vote at a time when it had declined in value, and when interest in economic matters was greater than in the ballot box. The result had been that while several of the most active of the franchise societies had simply dissolved, those that remained had been inclined to go on as before, educating by speech and propaganda, rather than achieving by political action.

It was intended that the Six Point Group would be different, a ginger group determined to achieve results for simple, definite aims. The Group had no intention of trying to educate the public, but intended to 'approach the powers that be with the weight of other societies behind them.'\(^{25}\) Convinced that only the Government could alter the law

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24. V. Brittain calls the Six Point Group 'Lady Rhondda's other foundation', *Testament of Friendship*, p. 142. The first directors were Chalmers Watson, Archdale, and Rhondda.

of the country, the Group scorned the Private Members' Bills promoted by other societies. They believed that, once their use as propaganda was past, such bills actually retarded rather than advanced the chances of success of proposed reforms. So the Six Point Group set itself, from the outset, to bring pressure to bear on the Government; the first stage in this was to make sure Members were returned to Parliament who were favourable to their programme. The Group therefore built up a careful record of votes, speeches and actions of Members of Parliament, on the basis of which they drew up two lists, duly published in *Time and Tide*, a White List, of Members for whom readers were urged to work and vote, and a Black List, against whom they were warned. Party affiliations did not matter in the lists; they were drawn up solely in relation to feminist policy.

The combination of *Time and Tide* and the Six Point Group formed an important new element on the feminist scene in the inter-war years. Its attitude was appreciably more radical than that of the National Council of Women or the National Union of Societies for Suffrage and Equal Citizenship, though *Time and Tide* reported their major meetings and accepted correspondence from their members. It described the Council in 1924 as 'adequately representing the conservatively-minded women of Great Britain' and noted that 'what the NCW decides today, England will decide tomorrow, since resolutions stand little chance of being carried


27. The first list appeared 3 November, 1922, with the comment, 'If the Six Point Group, which has already in the course of two years grown into a powerful organisation, could keep out the 23 members on the Black List, it would have increased its chances of its legislation to an incalculable extent.'
at the annual conferences of this body until they are so generally accepted by moderate women all over the country as to be ripe for legislation..." Two years later it slated the International Alliance of Women for Suffrage and Equal Citizenship, of which the National Union was an affiliate, for its refusal to accept the radical Women's Party of America. 'The Alliance will continue to potter on as in the past', it said. 'It had the chance of bringing new life into its ranks and refused it... It will continue to jog along in peace.'

By the end of the decade, the Six Point Group would be campaigning enthusiastically for independent nationality for married women, sometimes in harmony with groups such as these, sometimes at loggerheads with them, but the issue did not feature in its earliest programme. Neither was there evidence of any interest in women's nationality in *Time and Tide* in the early 20s. The first, very brief mention occurs late in 1922, in an article on 'Modern Legislation and the Ancient Law of Coverture,' which drew attention to the sufferings of British-born wives of Germans during the war. The Butcher Bill in England and the Cable Act in the United States were both introduced in 1922, but neither was deemed to merit comment. Serious treatment had to wait until mid 1923 when a full-page article by Chrystal Macmillan, 'The Coming Imperial Conference and the Nationality of Married Women,' appeared, but it did not lead either to correspondence or editorial


29. *Time and Tide*, 11 June, 1926. The Women's Party had been founded by the brilliant but abrasive Alice Paul in 1916. In the 20s it campaigned for the Equal Rights Amendment.

Apart from this, the 1923 discussions received scant attention. In a report in May on the recent congress of the International Woman Suffrage Alliance, the writer described the session on women's nationality and declared that any international conference on the subject should call Macmillan as an expert adviser. In October an unsigned leading article summarized Sir Ernest Schuster's address to the International Law Association and referred in passing to Macmillan's evidence before the Parliamentary Joint Committee. Considering the political/feminist emphasis of the paper, this is slight enough.

In 1924 the first letters on women's nationality appeared, pointing up with startling clarity the fact that injustices to women under the nationality law were not limited to wartime. Three letters in February described hardships still resulting, more than five years after the war, from the holding of property of British-born wives of ex-enemy aliens by the Public Trustee. 'Legal' wrote that she was still unable to get access to investments held since the war. 'A.N.' told of the case of an elderly relative living in Germany, whose German husband had died in 1894 and who had paid income tax on British investments for forty years, but who was not living on a small allowance while property worth £7,000 was held by the Custodian. 'Myrrh', an English-born woman with a German husband, living in Germany, described bitterly her three-year-long struggle to have released a small bequest left her by

an aunt for the education of her children, which had been seized in 1920 under the provisions of the Treaty of Versailles. 'I am called German', she concluded, 'but I will never admit it.'

This correspondence was followed up in March by comment in an editorial and a report that Mrs Wintringham, who was a member of the Board of Directors of *Time and Tide* and had sat on the Joint Committee the previous year, had questioned the new Labour Prime Minister with disappointing results, on what action would be taken concerning British women who had married foreigners. At the end of November a member of the Inner Temple wrote indignantly that 'the manner in which the Englishwoman who marries a foreigner is treated is one of the greatest scandals of the period ... It is revolting to observe women so manifestly British arriving at our ports herded under a sign 'Aliens' when women of foreign birth are treated as British...' The answer as he saw it was simple: 'Under no circumstances should a British-born woman be deemed an alien.' It proved a brief flurry of interest only. The correspondence faded out at the beginning of 1925 and did not occur again in the 20s.

*Time and Tide* was perhaps the most obvious forum, apart from the periodicals of feminist societies, in which views on the nationality of married women could be aired. Little enough interest was shown here, but less elsewhere. In *The Times* the recent Cable Law and the approaching conferences stimulated a few letters in early 1923. In reply

34. *Time and Tide*, 15 February, 1924.
to a letter pointing out the effect of the American legislation for
British-born women who married Americans, Chrystal Macmillan commented
that 'an American woman who marries a British man shall be American by
the law of the United States and British by British law. In the one
case both countries claim her, in the other both renounce her.' 37
'A correspondent' in March outlined competently and at length the history
of compulsory acquisition of nationality by a British-born woman
marrying a foreigner, stressed that the need for reform was made more
urgent by the passage of the Cable Act and drew attention to the Joint
Committee. 38 A week later another writer pointed out that the property
of British-born women married to Germans or Austrians, which had been
confiscated under the Versailles agreement, was still not restored:
'that English-born (sic) women who have never willingly forfeited
their allegiance should be dispossessed of all rights in their private
property seems,' he thought 'contrary to our tradition.' 39 The
correspondence ended with a letter from Wyndham Bewes, expressing the
hope that the Joint Committee would see fit to leave the general
operation of the law as it was. 40 Apart from the published debates of
parliament there was no further comment till the end of the decade.

37. The Times, 3 February, 1923, letter, A. Willey; 6 February,
1923, Macmillan. She wrote as Chairman of The Committee on
the Nationality of Married Women of the IWSA.
38. The Times, 15 March 1923.
40. The Times, 26 March 1923. For Bewes, see p.125.
The periodicals of feminist organisations were, as might be expected, more consistent in their interest. The International Women's Suffrage News, the most informative, provided a wealth of detail from the questionnaire of 1918 through to the draft international convention of 1923. The December 1923 number included two reports, a detailed one by Macmillan on the International Law Association conference and one on the Parliamentary Joint Committee. In October 1924 an account of the Law Association's conference at Stockholm, welcomed its resolutions of nationality and naturalization as being in accord with the policy of the Alliance. The writer gave the credit for this to Macmillan:

We should like to congratulate her on this decision of an important body to which we cannot doubt that her work for so many years has helped to contribute ... Both nationally and internationally ... Miss Macmillan has been closely identified with the progress of this reform. The Alliance is well aware of its good fortune in having as chairman of the Committee on Nationality a worker so able, so admirably qualified and so indefatigable as Miss Macmillan.

This warm tribute may be taken to mark the end of a phase. When the question of women's nationality came to the fore again in the IWSN at the end of the decade it was in the broader context of international discussion.

Another feminist periodical which kept the topic alive at this time was the Vote, weekly paper of the Women's Freedom League, which from the first had waxed indignant about injustices in the nationality law as they affected women. When the League drew up its post-war programme in 1920 the 'right of a woman to retain her own nationality

42. IWSN, October, 1924.
on marriage' was fifth in a list of seven aims; in a short history of its first fifty years the topic features, on a par with equal pay for women as 'part of the routine work of the inter-war period.' The tone of comment during the war had been emotive rather than strictly factual, as the use of the short story form to describe the plight of British-born wives of Germans indicates. Reporting of the 

British Nationality (Married Women) Bill in 1922 was again enthusiastic rather than accurate; the bill was described as having been brought in by Lady Astor, Mrs Wintringham, Lord Robert Cecil and others, with no mention of Sir John Butcher at all. The paper carried a report on the Joint Committee and the International Law Association Conference. Generally, the Vote enjoyed a hard luck story. It revelled in its indignation when it reported the case, in 1924, of a headmistress, married to an Italian whom she had not seen since 1903, who had been forced to retire without superannuation. The Vote also kept up reports of parliamentary activity, and accounts of the doings of other societies concerning women's nationality. Some organisations, such as the National Union of Women Teachers, had a special interest in nationality law. Already organised

43. S. Newsome, Women's Freedom League, 1907-1957. The 1920 programme was:
1) Votes for women on the same terms as men, 2) Women as Commissioners of Prisons, 3) All professions open to women, 4) Equal pay, 5) Right of a woman to retain her own nationality on marriage, 6) Equal moral standard, 7) Women peers in own right to sit in House of Lords.

44. 'Aliens'. Vote, 23 July, 1915. See p. 58.

45. 'Nationality of Wives', Vote, 4 August, 1922.

46. Vote, 12 October, 1923.

47. 'Married Women's Nationality.' Vote, 18 January, 1924.
to fight for equal pay, women teachers took up the cause of independent nationality with determination, since they were liable to lose their pension rights through contracting foreign marriages. At their 1921 conference they resolved unanimously,

That this conference of women teachers call upon the government to introduce legislation allowing a British woman to retain her nationality when married to a non-British subject. This is of immediate importance to enable them (sic) to benefit from the Superannuation Act of 1918.

Discussion on the resolution brought to light two cases which help to explain their concern. An English teacher who, a month after retirement, married an American, lost her pension even though she continued to live in England; another was refused permission to teach in England, on the grounds that she was an alien, even though she had been deserted by her American husband.48 The Woman Teacher, periodical of the Union, eagerly welcomed the Butcher Bill the next year.49

By this time Chrystal Macmillan was becoming known as an expert on women's nationality, not only to feminist organisations, but also to individuals who suffered under the law. A number appealed to her for advice. One of the first letters in the file of 'hard cases' she kept from this time on related to the teachers' superannuation issue: British-born Mme. Philibert, who signed herself 'a sufferer from sex injustice,' wrote that she was to receive no pension after 30 years teaching. The money involved was substantial, an estimated lump sum of £340, and £170 a year till death, but what was galling to her was that she would lose it through marriage to a Frenchman who had 'all his life worked for the Entente Cordiale', as Editor of a French paper in London, and Chief Lecturer in French at a major Polytechnic there. During the

48. Woman Teacher, 21 October, 1921.
49. Woman Teacher, 7 April, 1922.
war he had been awarded the British Military Medal for work as interpreter with the British army, while his wife had been treated 'exactly as if I had been a German, and of course much worse than German women who had married Englishmen.' She had not received the separation allowance given to wives of British soldiers and had had to support her three small children entirely from her own earnings.50

Macmillan received a number of letters from women in 1923 after the publication of her own letter in The Times. Often they described the effect of the war and its aftermath on British-born women married to enemy aliens. For example, a Mrs Corke Smith wrote from Switzerland, 'I married an Austrian 25 years and have been treated more or less as a criminal by my native country ever since.' She complained that during the war, when she had been working at a hospital, she had been continually harried by police while naturalized German workers had been free to go anywhere they liked. She offered support for any attempt to change the law.51 Later in the year a Mrs Barnett sent from Austria a petition, signed just after the war by British-born wives of Austrians who wanted to regain their nationality of birth. Her covering letter drew attention to those whose money had been sequestered by the Public Trustee. 'There must be dozens of cases of hardship' she wrote, 'but it is difficult to find them and persuade them that there is any hope - they have lost heart, and after five years it is not to be wondered at ... most of us have been living on the charity of our

50. FL PBC Records: Philibert to Macmillan, 10 September, 1922.

51. Ibid., Corke Smith to Macmillan, 11 February, 1923. For Macmillan's letter to The Times, see p. 152.
English relatives for the last five years. 52

One of the most pathetic cases was that of Muriel Koenig, a British-born woman living in England, whose property had been sequestered. She had written to Macmillan in 1921 complaining that her German husband refused to support her and their two children unless they went to Germany, and that the Public Trustee had seized her small capital of securities on the grounds that it was German money; she owed her bank money which had been advanced her for living expenses. Macmillan could give her no comfort. 53 In 1923 she wrote again, offering support for any attempt to change the law. Her own situation was still desperate; her teenage son had died and her German name and nationality made it very difficult for her to earn a living for herself and her young daughter. 54

A whole new category of cases of hardship was caused by conflict of laws after the United States had passed the Cable Act, rendering stateless many women who married Americans. The case of Mrs Norman Lee comes into this category. Married to an American, she refused to swear the oath of allegiance which would make her a United States citizen - 'I married a man, not a country' - and was consequently left stateless, unable to leave her home in France to visit relatives in England. 'I long to visit England sometimes,' she wrote. 'All round me I have seen Poles, Italians, French people ... going over to England for their holiday, while I, an honest loyal British woman, am forced to remain in

52. Ibid., Barnett to Macmillan, 5 December 1923.
53. Ibid., Koenig to Macmillan, 10 October 1921; Macmillan to Koenig, 19 October 1921.
54. Ibid., Koenig to Macmillan, 15 March 1923.
France, the sins that bar me being truth, loyalty and honour ... 

England could set me free by giving women their own nationality. ¹⁵⁵

The question of women's loss of British nationality on marriage might have been an urgent concern for these few women, but for the wider public it held little interest in 1923. Political changes of great moment were brewing. An election at the end of the year brought Ramsay MacDonald's Labour Party into office for the first time. ¹⁵⁶ Since the Labour Party manifesto stood for 'equality of the sexes; equal legal and political rights, equal rights and privileges in parenthood, equal pay for equal work' the women's movement were jubilant. Time and Tide claimed that 'non-party women' were welcoming Labour with enthusiasm. ¹⁵⁷ Of the 20 candidates on the Six Point Group's White List, 18 had been elected, and the Group held a luncheon for them at the Hyde Park Hotel with upwards of 200 people present. ¹⁵⁸

Women who wanted to change the nationality law shared this buoyant mood. The new Home Secretary was Arthur Henderson, one of the supporters of the 1922 bill, recently singled out by Time and Tide as the subject of a favourable character sketch. ¹⁵⁹ Although a vigorous

¹⁵⁵. Ibid., Lee to Macmillan, undated.

¹⁵⁶. Rt. Hon. J.R. MacDonald (Lab.) led Labour 1922-31, and National Labour 1931-37. From Jan.- Nov., 1924 he was Prime Minister and F. Secty; from 1929-35, Prime Minister and First Lord of the Treasury. He held a number of seats, Leicester, E. Woolwich, Aberavon, Co. Durham, and Scottish Universities.

¹⁵⁷. Time and Tide, 25 January 1924.

¹⁵⁸. Time and Tide, 22 February 1924.

champion of independent nationality in the House of Commons had been lost with the elevation of Sir John Butcher as Lord Danesfort to the House of Lords, the reformers still had a determined advocate in Mrs Wintringham.

A question from Mrs Wintringham to the Prime Minister soon quenched the optimism: she asked whether he would allow time for consideration of women's nationality during the session, either by introducing legislation or by setting up another committee on the subject. MacDonald's reply was not encouraging. In view of the fact that the recent committee had failed to reach a conclusion, and that the Imperial Conference had come to the conclusion that no case could be made out for any general change in the law on the subject, he thought there would be no advantage in initiating further enquiry and no possibility of legislation, other than that relating to certain hard cases. When Mrs Wintringham pursued the matter further, reminding the House that all the Commons members of the committee of the previous year had favoured change, he merely expressed his helpless goodwill. 'If I were convinced that anything could be done, I would be perfectly willing to try to do it' he said. 'I look at this question not from the point of view of what I would like to do, but from the point of view of what I might find myself limited in doing.' And there the matter rested.

It was not the only area in which women were disappointed in the First Labour Government. By August 1924 the president of the National Union of Societies for Suffrage and Equal Citizenship was complaining that in the whole range of women's legislation the actual fruits of the

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60. Complete Peerage, XIII, p.4.
61. T.U.C. Deb., 973, 3 March 1924 Time and Tide, 7 March, 1924.
parliamentary report.
The Six Point Group drew up a new list of M.P.s to go alongside its White and Black ones. This was a 'Drab' list of 'those who professed to be strongly in favour' of its feminist programme but 'not only failed to do anything whatsoever to forward it when it was in their power to do so very easily, but have actually gone out of their way to obstruct it.' The list was headed by Ramsay MacDonald and Arthur Henderson.

Meantime Lord Danesfort, in the less congenial atmosphere of the Lords, was still working for changes in the law on women's nationality; he set his sights lower than in 1922, asking whether the government, after consultation with the Dominions, and pending a settlement of larger questions, would introduce legislation to prevent a British-born woman who married a foreigner losing her nationality if she did not acquire that of her husband under the law of his country? He explained that this had been recommended by all the members of the 1923 Joint Committee, would bring English law into con9ruity with that of many European countries and would end the difficulties caused in Anglo-American marriages by the passage of the U.S. Cable Act.

The President of the Council, Lord Parmoor, who had discussed the matter with the Home Secretary, assured Lord Danesfort that he had the sympathy of the government. Sympathy however, had to suffice. Because of the need for consultation with the Dominions, it was obvious legislation could not be introduced at the present moment. So, on the understanding that something would be done as soon as it could be 'conveniently dealt

63. *Time and Tide*, 7 October, 1924.
with,' Lord Danesfort withdrew his motion.64

Beneath this smooth surface of concord there had been a considerable undertow, which illustrates well the problems of incoming Secretaries of State who wanted to change Home Office policy. Differences of opinion were unusually clear-cut in 1924 because Labour was new to its role as government and its ideas suspect, but they were by no means unique to that year.

The Home Office had received notice of Danesfort's question on 18 July, and greeted it with suspicion and hostility. Dowson acknowledged that the question had been carefully phrased, narrowing the issue of married women's nationality to a single point 'on which everyone is supposed to be agreed,' but he believed it would require careful examination. Pedder phrased his criticism more strongly: Lord Danesfort 'in recent years the champion of the nationality grievances (so-called) of married women' in the Commons, having failed to get sufficient support there for his schemes of reform 'now returns to the charge in the House of Lords, and tries for a little bit of so-called reform.' He added uncompromisingly, 'His proposal is wrong in principle and ineffective in practice' and the government had already refused to undertake the necessary legislation. The problem was that Lord Parmoor would be likely to sympathise with Lord Danesfort's view and might be disinclined to follow the Home Office brief. Sir John Anderson shared this anxiety: 'I hope that if Lord Parmoor takes this he will realize ... that he must represent faithfully the view of the responsible minister,'

64. 59 H.L Deb., 81-88, 30 July, 1924. As Sir C.A. Cripps, Lord Parmoor held seats in Gloucestershire, Lancashire and Buckinghamshire, as a Unionist, before 1914. In 1924 he joined Labour, becoming Lord President of the Council in that year and again 1929-31.
It was Dowson who prepared the brief. He stressed that even though the question was, on the face of it 'quite unobjectionable', even 'superficially attractive' and the suggested change unanimously approved by the Joint Committee, it had not been recommended by the Imperial Conference. The example of other European states did not matter: 'The last thing we want to do is to follow the nationality laws of other countries unless there is some very good reason for doing so,' he said. 'Nor do we want to be driven into adopting a principle which is unsound because some other nation, eg. the USA, has made a change in its law which has produced inconvenience to individuals. Nationality law should be based upon good principle and not mere convenience or incidental hardship.' He denied that difficulties with the United States since the Cable Law had been serious, and said the proposed change would tend to introduce uncertainty into the national status of British-born women who married aliens; it would be necessary to ascertain in each case whether the woman had her husband's nationality. He recommended that the Government should not encourage the proposal to introduce legislation on the lines Lord Danesfort suggested.

This advice did not satisfy the Home Secretary. On 2 August he circulated a memo to Cabinet in quite a different tone. Must the government's reply to Danesfort, he wanted to know, 'maintain rigidly that the motion cannot be accepted' or may Lord Parmoor, 'if pressed', admit the 'possibility of further enquiry of the Dominions as to whether

65. PRO HO45/12243/323341/136. Pedder's minute refers to /124 and /132. both destroyed. It is likely they related to Wintringham's question in March. See p.159.

66. Ibid., Dowson memo, undated.
they are prepared, in consultation with the Home Government to consider it further? Cabinet did not find time to discuss the question, but Lord Parmoor must have received permission from the Secretary of State to indicate the Government's approval of the proposal, subject to consultation with the Dominions. The point was added to a circular then being prepared for the Dominions, embodying the minor nationality recommendations of the 1923 Imperial Conference, but Labour's departure from office at the end of the year forestalled any possible further action along these lines.

It was not under the Labour government, but after the third general election in three years had restored the Conservatives to secure tenure of office, that women's nationality was fully debated for the first time in the House of Commons.

On 18 February 1925 Major Harvey moved,

That, in the opinion of this House, a British woman should not lose or be deemed to lose her nationality by the mere act of marriage with an alien, but that it should be open to her to make a declaration of alienage.

Why Major Harvey was the mover is not clear. He was a Unionist Conservative who represented Devon almost continuously from 1922 to 1935, but he never held government office and was neither prominent enough to warrant mention in general histories, nor known as a friend of the women's movement. Other than in connection with this motion, his name does not appear in the records of any of the women's societies. At any rate the motion inaugurated a debate that lasted nearly three hours, involved speakers from all the main parties, and was notable both for its

67. Ibid., Henderson memo, 2 August 1924.

68. 180 H C Deb., 1188, 18 February 1925. Major S.E. Harvey (Con.) represented Totnes division of Devon 1922-3, 1924-35.
thorough airing of the topic and for the unanimity of the views expressed.

The resolution had already been discussed in the Home Office. In its original form it had included a section condemning the automatic acquisition of British nationality by alien women who married British subjects, but this had been withdrawn. Dowson was set the task of preparing yet another memorandum on the subject which, he noted 'involved questions of policy as well as difficulties of a technical and complicated character.' He warned, as usual, that the Government ought not to commit itself before examining the question fully and then produced two very solid documents to assist it to do so: a 'History of the Movement in favour of Separate Nationality for Wives' and a shorter and more specific memorandum on the resolution itself. There is little that is new in the first document, which again makes quite explicit the Home Office opposition to general change in the nationality law relating to women; it consists of a concise summary of familiar arguments. In it Dowson traces the desire for change from the experiences of the war, offering the opinion that,

The experience of the Home Office (who were well qualified to speak with authority on the point) tended to show that the hardships suffered by British women who were married to enemy subjects, and the dangers to the state from the presence of German women married to British subjects would to a large extent still have continued notwithstanding a change in our nationality law.'

He went on to explain that additional impetus to the agitation had come from the grant of the franchise to women in 1918, and the sequestration, under the Treaties of Peace, of the property of British-born women who had acquired enemy nationality by marriage. He mentioned briefly the 1922 and 1923 committees, and the minor change (readmission to British nationality for wives of foreigners in cases
'where the marriage has to all practical purposes come to an end')
recommended by the 1923 Imperial Conference: a bill to this effect had been prepared in 1924 and sent to the Dominions. On the question of Lord Danesfort's motion to avoid statelessness for British women marrying aliens, he commented with some asperity that Mr Henderson 'in spite of objections the Department urged against it' had felt it to be a minor concession, and the proposal had accordingly been submitted to the Dominions, none of which had so far replied.

Dowson then summed up. There were, he said, two distinct proposals under consideration: the Imperial Conference proposal, that the Secretary of State should be able to grant a certificate of naturalization to a married woman if she had been British before marriage, and was living permanently apart from her husband; and Lord Danesfort's proposal, that a British-born woman marrying a foreigner should be allowed to retain her nationality if she did not acquire that of her husband. The first proposal was likely to go through, but the second was more doubtful, since it raised the question of a general change in nationality law as it affected married women, to which the Home Office were consistently opposed. It appeared to the Home Office to be only 'right and reasonable that a British woman who voluntarily threw in her lot with an alien by marrying him ought to be prepared to assume his nationality as part of the transaction.' If she went to live in his country, this would be advantageous to her and even if she remained in her own, the only serious disability would be her ineligibility to vote. It was not desirable to have different nationalities in a family, and could lead to claims by children to follow their mother's nationality. The few cases in which women of undesirable character went through a form of marriage ceremony with British subjects
to avoid deportation hardly warranted a change in the law as a whole. Finally, all questions of change, according to well established constitutional practice, required the assent of the self-governing Dominions.

In his memorandum on the resolution itself, Dowson suggested Government spokesmen should expect it to be supported for reasons of general principle, implicit in the women's movement for self-determination, and because of the special grievances of women who had lost their nationality by marriage, such as loss of franchise, ineligibility for posts in the civil service, statelessness in the case of women marrying Americans.\(^5\)

In moving his resolution, Major Harvey did indeed range over the areas Dowson predicted. He waxed indignant on the general argument:

I think a woman has just as much right as anyone else to say she will remain, as she was born, a subject of Great Britain, even if she does confer upon a foreigner the honour of marriage ... To say that we can arbitrarily dismiss from British nationality a woman who proposes to marry an alien is really an absolute scandal and is not in consonance with the general spirit of the laws of the country.

He also listed the specific disabilities the law imposed, adding to Dowson's list loss of superannuation rights for women teachers married to aliens. In spite of the fact he had been 'prevented' from including the second part of his motion, he spoke of the scandal of 'undesirable women' coming to Great Britain to carry on their trade, immune from deportation because of a marriage ceremony with men who were prepared to 'prostitute their nationality.' On the question of more than one nationality in a family, he denied that this was more likely to lead to

\(^{69}\) PRO HO45/12243/323341/139. Dowson memoranda. Ineligibility for the civil service was not a valid argument, since all women were dismissed on marriage.
disruption than would different political or religious views. The nationality of children who had parents of different nationalities, he saw as no problem, since it was 'the universal law' that the nationality of children followed that of the father. (Not everyone present agreed with this reasoning; there were cries of 'No!' ) Neither was there any need to wait for international agreement before changing the law: 'the governing principle is an Imperial agreement.'

The motion was seconded by Lady Astor in a speech remarkable for its rambling exuberance. She made the doubtful observation that she was 'far more suspicious of a man who marries an alien woman than of a woman who marries an alien man, because the woman generally makes the man think the way she wants him to.' The argument that change was considered 'inconvenient' by the authorities she believed to be important - 'I know the Home Office point of view always is that change is inconvenient' - and she countered it by claiming, 'Women have always been an inconvenient necessity, but they are a necessity or a woman would not have been put in the Garden of Eden...'. She asserted that 'the whole of the sentiment in the Dominions is in favour of this change' and it must come. She concluded 'If I may seem to have wandered somewhat wide of the subject, I hope the Chairman will attribute it to the fact that all the arguments have been taken out of my mouth by the mover of the resolution.' It did not add much to the case, but taken in conjunction with Ellen Wilkinson's speech later in the debate, it did suggest solid support from women for the resolution. The fact that Lady Astor, American-born, had achieved the national status that permitted her

70. 180 H.C Deb., 1189-1197, 18 February 1925, Harvey.
Sir Henry Slesser then proposed an amendment, that though a British woman should normally acquire her foreign husband's nationality on marriage, she might have the option of declaring to retain her British nationality. He preferred this means of dealing with the problem, which had been favourably discussed in the Home Office some years before. The next two speakers saw 'absolutely no difference of any materiality' between the resolution and the amendment, and others urged the movers of each to come together and find a formula all could support. There was, in fact, a deep and substantial difference in principle between the two proposals, as one supporter of the original resolution made clear when he said that 'the onus should not be on the woman at the time of marriage to say that she desires to remain a British subject. She should be entitled, as a matter of right to retain her British nationality until such time as she may care to change it.'

*Time and Tide*, in commenting on this debate described Slesser disparagingly as 'tinged with the official view' in contrast to the 'general body of unimpeachable feminist sentiment evident in the debate as a whole.'

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71. Ibid., 1197-1201, Lady Astor (Con.), Virginian-born wife of politician Waldorf Astor, was elected to his seat in Plymouth when he succeeded to the viscounty in 1919. She was the first woman M.P., the only one 1919-21, and was noted both for her devotion to women's interests and her flamboyant style. She remained in parliament till 1945. For Wilkinson, see note 28, below.

72. Ibid., 1201-1203. Sir H. Slesser (Lab.) sat 1924-9 for S.E. Leeds. Solicitor-General Jan.-Nov., 1924, he became a Lord Justice of Appeal 1929. He might well have had a special interest in nationality; he had changed his name from Schloesser in 1914. The amendment was seconded by Rhys Davies.

73. Ibid., 1209-1212 Hurst; 1212-1216, Harney.

74. Ibid., 1226-1228, Smith, 1229-1231, Richardson.

75. Ibid., 1228-1229 Dixey

76. *Time and Tide*, 27 February, 1925.
Undersecretary Locker-Lampson replied for the Government. His brief was in favour of the amendment rather than the original resolution. The Home Office view was that there would be no objection to showing a sympathetic appreciation of the amendment, but he should explain the difficulty of taking action, in view of the position vis-à-vis the Dominions. So, while stressing that the Government had no intention of opposing the motion, he countered specific arguments put forward in its favour, using the material in Dowson's memorandum. He urged that it would be better to concentrate on the two proposals approved by the Imperial Conference and the Joint Committee respectively, rather than general reform. Both proposals had been sent to the Dominions and replies were awaited. 'I should like to say it is quite impossible until we have the assent of the self-governing Dominions to engage in legislation.' This spelled out the role of the Dominions more precisely than had been done before in parliament and the Undersecretary's statement, far from winding up the debate, revived it with a different emphasis.

It brought to her feet the recently elected Labour member, Ellen Wilkinson. Tiny, impetuous, red-headed, and only recently resigned from the Communist party, she was nicknamed the 'fiery particle' and she would not be put off by what she saw as the delaying of important legislation because it was inconvenient. 'What we are really faced with', she claimed, 'is the resistance of the Departments who have to administer

this law.' She believed it 'a little hard' for British women to be told 'the Colonies are to be the deciding factor in this question' and even if it were true, was it not a fact that Britain was lagging behind the Colonies in this matter? 'I do not think this question should be made a kind of shuttlecock between this Parliament and the Dominions.' Surely it was for the Mother of Parliaments and head of the Empire to take the lead and ask the Colonies to follow.\(^7\)

Another Member urged international agreement through the League of Nations\(^7\) and the veteran of the women's suffrage campaign, Pethick-Lawrence, tried to pin the Undersecretary down to specifics: he hoped Cabinet would not 'insult the opinion of this House by doing nothing after the resolution has been carried.'\(^8\) Locker-Lampson tried, rather clumsily, to turn the argument. 'If this House pass a Resolution in the terms of the Amendment...we shall transmit that Resolution to the self-governing Dominions, and do our best to put it through.' This was too much for the irrepressible Lady Astor, always free with interjections: 'If we pass the Resolution in its original form, will you transmit that also?'

Locker-Lampson: 'I understand that my honorable and gallant friend who moved the original motion was going to withdraw it..' Viscountess Astor: No!\(^8\)

\(^{78}\) Ibid., 1220-1222. E. Wilkinson, the first Labour woman M.P., sat for Middlesborough, then Jarrow from 1924 till her death in 1947. She had been organiser for the NUWSS in 1913-14. Chairman of the Labour Party 1944. Minister of Education 1945-47.


\(^{80}\) Ibid., 1223-5. Rt.Hon. F.W. Pethick-Lawrence, (Lab.), a barrister, had been editor of Votes for Women, the WSPU paper, and was imprisoned for suffrage activities in 1912. He represented Leicester 1923-31 Edinburgh 1935-45: when he became Baron Pethick-Lawrence.

\(^{81}\) Ibid., 1225-6.
Finally, the amendment was withdrawn and the original resolution carried without dissent. 82

The debate, as several participants pointed out, had been remarkably unanimous, and although the major statesmen of the day did not take part, might well have appeared the preliminary to prompt legislation by the government. It made clear that the ground of the opposition to independent nationality was changing. The arguments against it that had been put forward in 1914, and thereafter till the 1923 committee, arguments based on the unity of the family and the necessary dominance of the husband in this, were not heard on this occasion. On the other hand the imperial perspective of the question came into sharp focus, and there was a more insistent emphasis on acting in unison with the Dominions. This emphasis was still not widely recognised outside official circles. Time and Tide, for example, in a surprisingly slight paragraph on the debate, ignored it entirely. 83 It was only later in the year that it noted a 'depressing tendency that the Home Secretary had apparently caught from his colleagues at the Foreign and Colonial Offices, to shelter behind the skirts of the Dominions'. Time and Tide was convinced that if the Government wanted to accelerate reform, it could do so. 84

The requirement of consultation with the Dominions appeared to the reform lobby an imaginary obstacle only, an excuse for inaction invented by the Government departments. They recalled that Canada had tried to

82. Ibid., 1231.
83. Time and Tide, 20 March 1925.
84. Time and Tide, 2 July 1925.
institute its own version of the Cable Act even before the United
States and that the representatives of the Commonwealth of Australia
had come to the 1923 Imperial Conference seeking a change in the law of
nationality, to protect British-born wives deserted by alien husbands. They inferred from this that the Dominions were only awaiting a lead
from Britain; now, after a firm directive from Parliament, the lead
could be given at the coming Imperial Conference and justice could be
done.

The question of how far decisions of the Imperial Conference
were binding on its members was hardly considered. It would have
seemed to the reform lobby incongruous to think that legislation approved
by the British Government could be blocked by one or two recalcitrant
ex-colonies thousands of miles away; or worse, their representatives to
an Imperial Conference, who did not necessarily have a mandate to deal
with the question. Where, then, would be the authority of the elected
representatives of the people? Nevertheless the Home Office and
successive Governments were serious when they said that changes in
nationality law required the assent of the self-governing Dominions.

Chrrystal Macmillan had been one of the first to note this anomaly
in democratic procedure in an article written just before the 1923
Imperial Conference. In it she stressed the limitations imposed on the
Dominion parliaments, rather than the British one. The point she made was

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85. In 1919 Canada passed an Act enabling a married woman to
take out naturalization papers. This was repealed as
contrary to the 1914 Imperial Act. (HO45/12243/323341/51).
The incident is described in Jus Suffragii, 14 January 1921,
and was mentioned by Macmillan before the Joint Committee
in 1923.

See p. 134.
important:

The treatment of women's nationality through the Imperial Conference illustrates the danger to the parliamentary control of legislation if the present method of procedure is allowed to crystallise. The matter is serious. The Empire policy on any imperial legislation of this kind should not be produced in a so-called agreed shape before the different Empire parliaments have themselves had an opportunity of expressing their opinion on the matter. Without such a discussion the individual representatives at the Imperial Conference are not in a position to express the views of their respective countries.

The British Nationality and Status of Aliens Act was called an 'agreed measure', but who had agreed to it? Certainly not the Parliaments ... Macmillan warned, 'The danger of this method of procedure which is creeping into the working of our constitution is by no means grasped by the general public.' However in the particular case of women's nationality she foresaw no problem: the Imperial Conference did not need to abandon its idea of uniformity, but merely to recommend uniformity on the lines of equality between men and women. 87

The growing awareness of the issue of imperial uniformity was evidenced, in the wake of the House of Commons resolution, by the formation of a new women's group, the British Commonwealth League. Indeed the timing suggests it was a direct response to the 1925 debate and the government attitude to women's nationality expressed in it. The inaugural meeting of the League was held in July 1925 and although, as its chairman explained, it was not in any sense a Delegate Conference, because of the very short time in which it had been organised, it was widely representative, including women from as far afield as Canada, Australia, New Zealand and South Africa.

The British Commonwealth League was not entirely a new group.

87. 'The Coming Imperial Conference and the Nationality of Married Women', Time and Tide, 4 May 1923.
Mrs Fawcett pointed out in her introduction to this first meeting that it had developed from the British Overseas Committee of the International Woman Suffrage Alliance and the British Dominions Women's Suffrage Union. That it was to be an extension of the Alliance rather than a rival was made explicit by Mrs Corbett Ashby's presidency of both bodies. There was also a substantial overlap of members. The aim of the League was 'To secure equality of Liberties, Status and Opportunities between men and women in the British Commonwealth of Nations;' it was open to any regularly constituted women's society in any part of the Empire which shared this aim, as well as to individuals. It was to work consistently for independent nationality for women and was thus a true successor to the British Dominions Women's Suffrage Union, which had been one of the first organisations to draw attention to the injustices to women in the nationality legislation of 1914.

The first session of the Conference was on 'Citizen Rights in the British Empire'. Macmillan was the first speaker, with a paper on 'The Nationality of Married Women.' Its tone was strictly practical. She could, she said, take for granted the League's support of independent nationality for women and concentrate on means of action to achieve it: 'The fact that the Imperial Government and the Dominions act together in the matter means that those of us who wish to alter the law must also act together.' She envisaged the development of an Empire-wide lobby for the reform. She first filled in background on action for independent nationality in Canada and Australia, on the 1922 bill and the 1923 committee, before dealing with the recent resolution in the Commons and the statement by the Government representative that 'if the Dominions expressed a practically unanimous opinion, the British Government would be in a position to pass legislation.'
She reported that the International Woman Suffrage Alliance had immediately cabled women's organisations in the various Dominions to try and have similar resolutions passed in their respective parliaments, so that by the time of the Imperial Conference they would be in a position to demand legislation. When Macmillan had finished speaking the meeting unanimously welcomed the recent House of Commons resolution, and called on the legislatures of the self-governing Dominions to pass similar resolutions, 'with a view to the early promotion and adoption of legislation on these lines throughout the British Empire.'

The expectation of the British Commonwealth League that emphasis would be placed on women's nationality at the 1926 Imperial Conference was not shared by the Government. The Prime Minister had said as much when asked whether, in view of the fact that 'subjects such as the nationality of married women' were to be discussed at the forthcoming conference, he would consider appointing women as representatives or expert advisers. He warned that 'subjects of special interest to women will form a very small part of the matters to be discussed at the conference.'

In spite of this, there is evidence that the question of married women's nationality did play a major role, if not in the conference as a whole, at least in the Nationality Committee to which the subject was delegated. It takes up more than half of the Report of the committee, which met six times at the Home Office between 29 October and 17 November, under the chairmanship of the Home Secretary, Sir William


89. 197 H.C Deb., 1587, 5 July 1926.
Joynson Hicks, and with representatives of the Foreign and Dominion Offices, as well as Pedder and Dowson from the Home Office, in attendance. The nationality of married women proved to be the only topic on which agreement could not be reached. Discussion was based on the Commons resolution, that a British woman should not lose her nationality by marriage with an alien except by a declaration of alienage.

After the first meeting, the Canadian representative drew up a memorandum embodying the proposals of the meeting. It did not go as far as the resolution, but did accept two changes to the law: that a British woman marrying a foreigner should not lose her original nationality unless she gained that of her husband, and that an alien woman marrying a British subject should not acquire British nationality if she was not considered a fit person to be naturalized on her own account. After the second meeting, at which there was 'substantial agreement on most points,' the Home Office drew up a memo on which a report embodying provisional conclusions was based. Along the lines of the Slesser amendment of 1925, it was accepted at the third committee meeting. It maintained the existing principle of law, that a British woman should normally lose her nationality on marriage to a foreigner, but gave her the chance to retain it if she so desired. The question of whether this option should be open to all British women marrying foreigners, or only to those who would otherwise become stateless was debated; so was the question of whether it should apply only to those who intended to live in British territories.

In its draft report the committee recommended,

the amendment of the British Nationality and Status of Aliens Act, 1914 so as to provide that a British woman upon marriage to an alien shall cease to be a British subject unless at the time of her marriage or within
one year thereafter she makes a declaration (of her intention of residing in His Majesty's dominions) and that she desires to retain her British nationality.

Discussion was still required on the section in brackets. The recommendation did not go as far as the House of Commons was prepared to do, but it marks the farthest point reached by the committee. At the fourth meeting disagreement reached point of deadlock. A majority were prepared to accept the amendment of the 1914 Act to enable a British woman marrying an alien to declare, at the time of her marriage or shortly after, that she wanted to retain her British nationality, but the representatives of the Foreign Office, The Union of South Africa and the Irish Free State could not agree. No reasons for their attitude are given in the brief official report of the committee's proceedings. So a revised report, accepted at the final meeting, backtracked. It was evident that in the course of the discussions a sharp divergence of opinion had emerged. Supporters of the resolution claimed that no woman should be deprived of her nationality and made an alien in her own country by marriage. Under the law as it stood there was also the danger that a British-born woman marrying a foreigner could become stateless. Opponents pointed out the serious disadvantages to women which they said might arise from the change proposed. They stressed the increase in cases of dual nationality which could result if women acquired a new nationality by marriage without being deprived of their original one. His Majesty's representatives would probably be unable to afford protection to such wives in their husbands' countries, and any difficulties would be accentuated in the event of war involving either or both countries. They also expressed concern at the effect on family life of different nationalities for husband and wife.

The differences of attitude proved too stubborn to resolve.
'Notwithstanding the difficulties indicated above' the final version of the Committee's Report ran, 'many members - (the draft report had said 'a majority') were in favour of a change in the law. Others were averse from such a change.' Some would have accepted that a woman who would otherwise become stateless should keep her nationality of birth. On one point only the committee were unanimous: they all accepted the very great importance of maintaining uniformity throughout the various parts of the Empire in the law of British nationality, and were of opinion that the possible effects of any departure from uniformity in this matter demanded serious consideration. So with what looks like relief, they passed on the problem to a conference of legal experts recommended by the Inter-Imperial Relations Committee of the Conference, believing it best to refrain from making any definite recommendation on the subject of the nationality of married women pending its report. The Imperial Conference endorsed this recommendation.90

It must have been a disappointment to the campaigners for independent nationality, especially as their hopes had been raised by the passage in the Australian parliament early in 1926 of a motion similar to that passed in the House of Commons the previous year.91 There now came a lull in propagandist activity. In the case of the most ardent campaigner, however, this did not amount to total cessation. In May 1927 Macmillan, published for the National Council of Women a 6½ page pamphlet on 'The Nationality of Married Women in the British

90. CAB32/53 E(N-26)series.1926 Imperial Conference, Committee on Nationality, Report, proceedings and Memoranda. The Report was published as Appendix VII of the Proceedings of the Conference, Cd.2769. The Irish Free State had become a Dominion by treaty in 1922.

91. PRO HO45/12243/323341/175. Commonwealth Debates, 4 and 25 February. 1926.
Empire.' It describes the campaign for independent nationality in Great Britain from 1917, discusses the prospect of international action through the League of Nations and urges the women's organisations of the Dominions to seek the adoption of the 1925 resolution in their respective legislatures 'so that the next Imperial Conference will have a mandate to recommend legislation on these lines.'

The Expert Conference, on the Operation of Dominion Legislation, was not to meet till 1929: until then the Government hedged. Ellen Wilkinson's persistent questioning made its attitude clear. On 2 July 1928 she asked the Prime Minister whether he could promise reform on women's nationality in the lifetime of the present parliament. The reply, taken by Joynson Hicks, was not encouraging. 'We must await the report of the Committee of Experts mentioned at the Imperial Conference of 1926,' he said, 'and when the recommendations of that committee are available they will have to be considered by a further Conference. I fear therefore ... no'. Pressed further, he added, 'Owing to the differences of opinion, it will be a long time before we can get a complete report.'

The complete report was not to come from the Conference on the Operation of Dominion Legislation which met in October 1929 although, in accordance with the request of the Imperial Conference, it discussed women's nationality on two consecutive days. The Home Office set the tone of the discussions. Dowson prepared a memorandum for members along the usual lines, expressing sympathy with the women's


93. 219 H C Deb., 974-5, 2 July, 1928. Rt. Hon. Sir W. Joynson-Hicks (Con.) represented N.W. Manchester, 1908-10, and divisions of Middlesex, 1911-29. He was Home Secty. 1924-9, when he became Viscount Brentford.
viewpoint, but stressing heavily the practical objections to it from an international point of view: the increase in dual nationality that would result from the change they wanted, the inadequacy of the protection able to be offered the British-born wife of a foreigner without her husband's nationality, if the couple lived elsewhere than in Britain, the question of the nationality of children of marriages of mixed nationalities.94 On the first day of the discussions, Sir William Jowitt gave a summary of the attitudes the Dominions had taken at the 1926 Imperial Conference, illustrating their differences of opinion more precisely than the Report of its Nationality Committee had done. Subsequent debate was inconclusive.95 On the second day, Sir John Anderson was in attendance to give the Home Office view. He explained that the Home Office had been under great pressure from women's organisations and that though the changes the women wanted would probably not create very great difficulties in this country, internationally they would be very grave.96 In the event the paragraphs on nationality in the Report of the Conference made no mention at all of the nationality of married women, affirming strongly, but in general terms, the principle of a single imperial nationality.97

94. PRO H045/20163/55147/6 Dowson, memorandum on the Nationality of Married Women for Delegates to the Conference on the Operation of Dominion Legislation (hereafter ODL), October 1929.

95. Ibid., /2, 7th meeting of ODL Conference, 17 October 1929.

96. Ibid., 8th meeting, 18 October 1929.

97. H C Sessional Papers. 1929-30. Cmd. 3479. A 'common nationality' was added to the list of elements in the legal nexus of the Empire at HO insistence. (H045/20164/55147/10).
The legislative action, hopes for which had been high in 1925/6, now appeared remote, but there were in the latter years of the 20s two general developments that would deeply affect the question of married women's nationality. The British Empire was evolving into the Commonwealth, acknowledging total legislative independence to its member states, in doing so raising fundamental questions regarding the common nationality law; and preparations were under way for a Conference for the Codification of International Law to be held under the auspices of the League of Nations, which would bring the question of women's nationality to a wider stage. The year 1930 would see the culmination of both these developments.
CHAPTER FIVE

THE INTERNATIONALISATION OF NATIONALITY:

THE HAGUE CONFERENCE, 1930

In the House of Commons debates on women's nationality in 1925, Ellen Wilkinson protested indignantly at the question being made a shuttlecock between Great Britain and the Dominions.\(^1\) By 1930 this game had been complicated by the intervention of a third player, the League of Nations, which sponsored in that year a major conference for the codification of international law, including that of nationality;\(^2\) women's nationality was to become the dramatic centre of the conference.

The codification conference was not welcomed by the Home Office, which deplored what it called the 'internationalisation of nationality',\(^3\) but Britain, as a strong League supporter, could hardly refrain from participating. The Home Office experts on nationality were indeed in a difficult position and the question of women's nationality was central to their difficulty. The British delegates to the conference could not sign an international convention on nationality without the prior agreement of the Dominions, but this was unlikely to be obtained if women's nationality was among the questions considered; the 1926 Imperial Conference had shown that there were wide and irreconcilable divergences of opinion between the Dominions on this matter.\(^4\) At the same time the single imperial nationality, to which the Home Office was undeviatingly

\(^1\) 180 H C Deb., 1221, 18 February 1925.
\(^2\) Conference for the Codification of International Law, held at The Hague, 13 March - 12 April 1930.
\(^3\) PRO HO45/15683/488289/173 Dowson to Pedder, 18 June 1928.
\(^4\) See above, pp. 175-179.

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committed and which had already prevented changes being made in the British legislation governing women's nationality, was being put at risk by far-reaching changes in inter-imperial relations. These were in a state of extreme fluidity during the very period of the late 1920s that the international conference was in preparation, so the timing of the conference appeared unfortunate to the Home Office. Moreover, to put the question of nationality, generally accepted as being governed by municipal law, into the limelight of the international stage threatened a usurpation of Home Office authority on nationality law by the Foreign Office. There was another complication in that although the Home Office did not consider an international meeting the 'right peg on which to hang an agitation', British feminist groups were prompt to welcome it as such; and they were to receive encouragement just before the conference from the recently installed Labour Government. The whole question of women's nationality as it related to Britain and the Dominions was to be permanently changed by the Hague Conference, not only because the articles adopted there provided a clear-cut policy which had to be accepted or rejected within a certain time limit, but also because henceforward the League of Nations would provide a third forum for debate on it, in addition to the House of Commons and the Imperial Conference. Never again could women's nationality be regarded simply as a domestic issue.

It was not possible to keep the international discussions on nationality separate from the imperial ones. The First Codification Conference on International Law at the Hague was the focal point of discussions on the subject in 1930, but it was preceded by a

5. PRO HO45/15683/488289/173 Dowson to Hurst, 19 June 1928.
conference of Imperial experts on the Operation of Dominion Legislation, at the very end of 1929, and followed by an Imperial Conference late in 1930. Each conference influenced the subsequent one. This interaction was a cause of disquiet to the Home Office, which would have preferred to keep the international and imperial issues separate. Its attitude can be seen in 1926 when, together with the Dominions Office, it prevented the Foreign Office from bringing the report of the Codification Conference's preliminary committee before the Imperial Conference, on the grounds that it could only 'complicate the labours' of the Conference's Nationality Committee. And late in 1929 it was recognised as a cause for concern that the first opportunity for representatives of the Dominions to discuss the 'practical application of recently agreed to and complex principles concerning the common status and its relation to Dominion nationality' should be the forthcoming international conference at The Hague.

Indeed the task of British delegates to The Hague was a very delicate one, and this was demonstrated most clearly in relation to the sensitive subject of women's nationality, where it was necessary to balance a firm refusal to make the changes in the nationality law that the women's pressure groups demanded with a warm adherence to their case for equality in principle. The British delegates, especially Dowson of the Home Office, played a major role at the conference, and the ambiguity of the British stance on women's nationality was accurately reflected in its outcome: the articles of the Hague Nationality Convention were based on

6. 'Conference on the Operation of Dominion Legislation and Merchant Shipping', 8 October - 4 December, 1929. (see previous chapter).
7. Imperial Conference 1930, opened 1 October.
8. PRO HO45/15682/488289/40 Dowson minute, 30 August 1926.
the dominance of the husband in determining the nationality of a married couple, whereas the recommendation to Governments accompanying the articles urged advance towards equality of the sexes in nationality.\textsuperscript{10}

Preparations for The Hague Conference were lengthy and elaborate. They began in 1924 when a committee appointed by the League of Nations recommended nationality law as one of the subjects suitable for international codification.\textsuperscript{11} There was little enthusiasm for the project in Whitehall, at least in the Home Office. Dowson queried whether it was wise 'to attempt to secure agreement between nations on points which involve different and irreconcilable principles of law in different countries.'\textsuperscript{12} Professor Brierly, the British representative on the Codification Committee, shared these doubts. He considered the results produced by the committee in a session lasting for eighteen days, at 5\textfrac{1}{2} hours per day, were 'meagre' and expressed the hope that the experience might have had a 'chastening' effect on members by 'demonstrating the fatuity of those who talk of international codification as if it were the simplest thing in the world.'\textsuperscript{13}

As a result of the Codification Committee's recommendation, a Nationality Subcommittee was set up. Its brief was to formulate a report on specific topics suitable for international agreement and circulate this, together with a questionnaire, to various governments, whether they


\textsuperscript{12} PRO HO45/15681/498289/4a Minute, 26 March 1926 on letter of British representative on the preparatory committee.

\textsuperscript{13} PRO HO45/15681/498289/4 Brierly to Hurst: 1 February 1926. Prof.J.H. Brierly, a distinguished jurist, was Professor of International Law at Oxford University, 1922-47.
were members of the League or not. On the basis of the replies received, a detailed agenda for the conference would be worked out.\(^{14}\) By late 1925 the Home Office and the Foreign Office were commencing what was to be a very extensive series of written exchanges and interdepartmental meetings on nationality questions, in preparation for the conference.\(^ {15}\)

In these preparations the topic of women's nationality surfaced only slowly, but came to assume more and more importance. The first, quite casual reference to it occurred in a letter from the Foreign Office to Professor Brierly in September 1925: 'Consideration will no doubt be given to the case of women who by reason of the U.S. Cable Act and of kindred legislation in other countries become stateless or dual on marriage with an alien.'\(^ {16}\) It was the only reference in an eleven-page letter, and neither the voluminous correspondence of the Foreign Office with Professor Brierly, concerning recommendations for his committee, nor the interdepartmental meetings held to determine these, did more than mention the matter in passing. When for example, Dowson noted at the end of September 1925 that the questions of interest to the Home Office were those involving dual nationality or no nationality, and extradition for criminal offences, he did not mention either those cases of dual nationality or statelessness imposed on a woman by a foreign marriage or the effect the extradition of a foreign-born husband would have on his British-born wife.\(^ {17}\) When the Foreign Office raised the question of the protection abroad of British-born wives who did not acquire their husbands' nationality on marriage - always one of its prime concerns in the matter of women's nationality - the Home Office 'felt some doubt as to

\(^{14}\) Ibid., /13.

\(^{15}\) Ibid., /27.

\(^{16}\) Ibid., /3, Becket to Brierly, 16 Sept., 1925.

\(^{17}\) Ibid., /2, Dowson minute, 28 September, 1925.
how far the point could usefully be considered by the Codification Committee'.

The report of the League Subcommittee on Nationality arrived in the Home Office, via the Foreign Office, in May 1926. It ran to over twenty closely printed foolscap pages, and included a series of commentaries on different points of nationality law, on which the opinions of governments was sought, and a preliminary draft Convention. The nationality of women was considered in some detail. The report pointed out that the changes lately introduced in laws as to the nationality of married women, increasing as they did the possibility of conflict, necessitated measures to reduce to the minimum cases of double nationality or statelessness. 'In modern law', it ran 'there is one particular case of change of nationality which might be called a necessary change, although it could not properly be called involuntary, namely, change of nationality by marriage', and noting that 'the most recent laws showed a marked tendency to abandon the old principle that marriage ipso facto involved loss of nationality for the woman', it drew attention to the Draft Convention of the International Woman Suffrage Alliance and the discussions of the International Law Association. The report favoured the principles of the Draft Convention, but believing its immediate adoption would be 'premature', singled out three specific proposals on women's nationality suitable for international agreement.

The first was designed to avoid statelessness. No woman should lose her original nationality on marriage with a foreigner unless she acquired that of her husband. The second point concerned widows and divorcées. The committee considered that a uniform solution was needed to the question of resumption of her original nationality by a woman whose

18. Ibid., /4 H O memo on topics discussed with F O on 8 and 16 October 1925.
foreign marriage had been terminated by divorce or by the death of her husband. It was proposed, in order to avoid cases of dual nationality, that the resumption of a woman's original nationality in such circumstances should always entail the loss of the nationality she had acquired by marriage. Thirdly, the question of diplomatic protection for the woman who became stateless on marriage was dealt with. It was proposed that she should have the right to a passport from the state of which her husband was a national. These proposals appeared as articles 9, 8, and 10 respectively of the preliminary draft convention, and would eventually be incorporated in the Hague Convention.\footnote{19}

Dowson approved the report. He found its 'reasonableness and moderation' disarming, but he held firm against any change in Britain's nationality law as a result of international pressure. Neither did he alter his opinion that 'the quest for a basis of agreement among nations in the field of nationality law ... is obviously quite hopeless, at present at any rate'. He believed 'Britain must in no way be committed to a change in the principles on which our nationality law is based'.\footnote{20}

This desire to maintain the status quo doubtless determined the Home Office reply to two suggestions made by the Foreign Office when it sent on the League subcommittee's report: should the preliminary draft Convention be presented to the Imperial Conference in October, and should those feminist societies lobbying for the representation of women in the League of Nations be given the opportunity to express their

\footnote{19. League of Nations (hereafter LN) C.43, M.18, 1926 V. (Legal) The articles appear in this order on the Amended Draft Convention. In the original version they were 10, 9 and 2 respectively. Important additional topics were added in the Hague Convention. See below pp. 224-231.}

\footnote{20. PRO HC45/15681/488289/40. Dowson, note on Geneva Codification. Committee's Report on Nationality, 15 September 1926.}
views on the clauses dealing with the nationality of married women? The Home Office, with Dominion Office concurrence, opposed the first suggestion. The second was ignored.21

On the question of women's nationality the Home and Foreign Offices were generally in accord; both were in favour of the principles enshrined in Section 10 of the British Nationality and Status of Aliens Act. This is pointed up in an exchange between them in 1926. It was on the subject of a questionnaire sent to the Foreign Office by the Institut de Droit International. Sir Cecil Hurst, chief Legal Adviser to the Foreign Office, submitted his proposed reply to one question for Home Office comment. It ran 'On the whole it is desirable to maintain the principle that the nationality of the wife should follow that of the husband', and Dowson minuted on it 'My personal view is entirely in accordance ... and I do not suggest that you should alter it in any way'. But as a loyal civil servant he added,'If, however, as the result of the discussion at the present Imperial Conference there is a decision to alter the principle of our own law on this point - a decision which is by no means beyond the range of possibility - one may have to alter his own personal views on the point'.22

The forthcoming conference necessitated the setting up of an Interdepartmental Committee for the Codification of International Law, with a special Nationality Section of which Sir Cecil Hurst was chairman. It met regularly from early 1928 to formulate British policy for the Conference. The basic question of the competence of an international conference on nationality was early broached: should

21. Ibid.
22. Ibid. /87a.
there be any qualifications to the principle that each state enacts its own nationality laws? In relation to this question, Dowson expressed the opinion that a person 'should not at any time be arbitrarily dispossessed of his nationality', echoing with unconscious irony an argument regularly used by feminists in relation to women's nationality.²³

The chief purpose of the committee was more prosaic and more specific. It was to work through the Schedule of Points drawn up by the preparatory committee of the conference, and assess the replies Sir Cecil Hurst proposed to send back. Resentment by the Home Office at the intrusion of the Foreign Office, because of its responsibility for dealing with the League of Nations, into what it regarded as its own preserve soon surfaced; perhaps this was prompted by the composition of the committee, which consisted of three Foreign Office representatives, in addition to the chairman, and only one each from the Home Office, the Dominions Office and the Lord Chancellor's Office.²⁴

The ninth meeting, early in May, was concerned with the nationality of married women, and it illustrates well the problems involved in having to deal imperially as well as internationally with even a minor point in the general topic. The members of the committee agreed that there was much to be said for altering the present law to render a British-born woman's loss of nationality on marriage dependent on her acquiring that of her foreign husband. This had been unanimously recommended by the 1923 Joint Committee and Lord Danesfort had received

²³ Ibid., /116 - The date of the first meeting of the Inter-departmental Committee on the Codification of International Law, Nationality Section, is not clear. Dowson, 'Possible Limitations on the right of a state to legislate on nationality', for the committee's consideration, April 1928.

²⁴ Ibid., 168A. As listed on 3 May 1928 they were: Chairman, Sir C. Hurst, F O, G.N. Warner, H.R. Ritchie, M. Shearman; D O, Sir J. Risley; H O, O.F. Dowson; Lord Chancellor's Dept., Hon. A.E.A. Napier.
an encouraging response when he had raised the suggestion in the House of Lords in 1924. But the Dominions had not agreed to it at the Imperial Conference in 1926, so it would not be possible to support the proposal in the reply to be sent by the government in Great Britain to the League questionnaire. When the draft reply was sent to the Dominion governments, it could be accompanied by an explanatory memo in which a proposal to alter the present law as indicated should be included, 'but if those governments which objected to the change in 1926 maintained their previous attitude the proposal would have to be abandoned'. An accompanying note to the League stressed that 'the importance of preserving a uniform law on the subject of British nationality is ... so great that it is not desirable that this proposal should be put forward unless all the governments of the Empire are prepared to endorse it'.

Since there would be Dominion representatives at meetings of the League, before the forthcoming Codification Conference, there was the possibility of endorsing proposals, such as the above, on the spot. Dowson warned against making important imperial decisions at meetings of Dominion representatives incidental to the League meetings. He wrote to Hurst,

> Whatever may be said in favour of inter-Imperial discussion of certain matters, as eg. copyright, with the Dominion representatives who happen to be in Geneva, it is not desirable that we should use Geneva for the purpose of discussing such a vital matter as nationality, which has behind it a special history and practice involving frequent correspondence with the Dominions, and periodic Imperial Conference discussions in London.

Hurst disagreed: he believed that, on the contrary, there was much to

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25. See pp. 128; 160-163.

recommend the practice of discussing Imperial matters in the intervals of League business, because the 'Dominion people' were much easier to deal with at Geneva than they were in London: 'At Geneva, in a foreign country, they are more conscious of the fact that they are not such very big people. In London they are all out on the equality stunt ...'

The exchange is evidence of differences between the Home and Foreign Office viewpoints on the importance of Dominion consultation, and also illustrates inter-Departmental rivalry. The Home Office were concerned that they might not be represented at a meeting in Geneva with Dominion representatives. Pedder made their attitude clear when he minuted on the above:

If Sir C. Hurst is to be taken as representing F.O., and if F.O. think H.O. is wrong about Imperial Nationality F.O. ought to take the usual course as regards putting their view officially to H.O. For the fact remains that that subject is for the H.O. not F.O., and ought not to be dealt with in any way off F.O.'s own bat. 27

The tensions between the two departments may be further illustrated by an incident in June 1928. The General Secretaries of the National Council of Women and the National Union for Suffrage and Equal Citizenship jointly requested that the Foreign Secretary, should meet a deputation of their members in support of the principle that a married woman should have the same nationality rights as a man. They also wished to press for the inclusion of women in the British delegation to the Codification Conference at the Hague, either as full delegates, or as technical advisers for the part of the conference dealing with women's nationality. Hurst notified the Home Office. He believed a campaign by the women's organisations would be 'quite out of place' but thought it

27. Ibid., /172.
'not unnatural' that they should regard the present opportunity as one not to be lost. He believed that 'if they are repelled they are sure to initiate an agitation'. So he proposed to invite the two ladies who had written to see him 'semi-officially', in order to dissuade them from an agitation. Before he saw them, he wanted Home Office information on one point,

Why the fact that the six governments at the Imperial Conference were divided on this question of a woman on marriage taking her husband's nationality and losing her own has been kept secret. Is there any reason it should not be known? The women of this country would quite understand the desire of the authorities that the law of the Empire should be universal...28

The Home Office resented the application for a deputation to the Foreign Office on a topic it considered its own, believed the Foreign Office attitude to women's nationality naive and doubted Hurst's ability to forestall an agitation. Dowson wrote to Pedder, 'The internationalisation of nationality as a subject for discussion has given F.O. the chance of appearing as the nationality authority for this purpose...I don't like the idea of a deputation on which we have no voice'. And on the question of Imperial Conference differences on women's nationality he added 'the fact of division between members of the Empire was not secret: all that was kept secret was the views held by particular members'.29 Pedder scrawled back, in apparent haste and frank indignation,

It is impossible to put Hurst wise about all the information known to the H.O. re Women and Nationality...This is in effect an appeal from Home Secretary to F. Secty. on the former's subject. I entirely agree with you this is not a subject on which Geneva can do much good - least of all with women delegates. But

28. Ibid /173 Green and Hancock to F O , June 1928, and notes thereon.

29. Ibid., Dowson to Pedder, 18 June 1928.
Hurst is not safe to receive women by himself ... 30

Dowson's reply to Hurst was couched in more tactful terms. He reminded the Foreign Office that women's nationality was a topic 'on which the Home Secretary held certain views strongly (and could not get them accepted by the Dominions) 31 and on which the Cabinet might be divided'. He agreed that it was advisable to prevent if possible 'the starting of a new campaign by those organisations in favour of the principle they want to see established'. He hoped Hurst would be successful in 'heading off the ladies', and would explain to them that Nationality Law was a Home Office topic and that Geneva was not a suitable place for 'airing our domestic (i.e. Imperial) differences'.

In relation to these differences, the formula 'some divergence of view' had been adopted in the 1926 Report lest it should appear that some parts of His Majesty's Dominions were obstructive. 32 In the event, Home Office fears that Sir Cecil would not be able to head off the ladies were justified. He failed totally to persuade them not to embark on an agitation and Dowson, noting this, remarked gloomily 'This is the beginning of a new campaign'. 33

It was decided that the various replies to the League questionnaire by His Majesty's Governments in Great Britain and the Dominions should be discussed and coordinated at the League meeting in Geneva in September. Given the Home Office's suspicions of 'Sir C. Hurst's evident desire to run the codification question at Geneva very much on

30. Ibid., Pedder to Dowson. The note is unsigned and undated but is in Pedder's hand, and evidently a reply to the above.

31. Sir William Joynson-Hicks had shown his support for independent nationality for spouses by supporting Sir John Butcher's 1922 Bill.

32. PRO HO45/15683/488289/173 Dowson to Hurst, 19 June 1928.

33. PRO HO45/15745/523629/2 Dowson minute, 28 June 1928.
his own lines', it was natural that their next move should be to have a Home Office representative appointed to Geneva, to advise on nationality matters at the meetings with Dominion representatives. The Home Secretary lent his authority to this move and Dowson was duly sent to Geneva.  

By mid 1929 the Bases for Discussion for the Codification Conference had arrived from the League of Nations, together with comments from various governments and the observations of the League's Nationality Subcommittee. They were considered in June-July in a series of interdepartmental meetings, by an enlarged committee which represented the Home Office, Foreign Office, Dominions Office, India Office, Colonial Office and Lord Chancellor's Department and was chaired by the recently appointed First Delegate for the United Kingdom to the Codification Conference, Sir Maurice Gwyer, of the Foreign Office. Other delegates to the Conference, Dowson of the Home Office and Beckett of the Foreign Office were also on the committee. Its task was to compare the Bases with existing British law and its report would form the instructions of the British delegation to the Conference.

34. PRO H045/15683/488289/178 Dowson minute 11 August 1928.
36. PRO H045/15685/488289,310 Of the earlier committee Warner (FO) and Risley (DO) were also included. Sir Cecil Hurst, who had chaired the earlier committee, had been appointed a judge of the Permanent Court of International Justice. Sir Maurice Gwyer was a barrister with a long record of government service, eg. as Legal Adviser to the Ministry of Shipping 1917-19, Ministry of Health 1919-26. At this stage he was H.M. Procurator-General and Solicitor to the Treasury (1926-33, 1934-7). His later career took him to India as Chief Justice, and Vice-Chancellor of Delhi University.
37. PRO H045/15684/488289/308 Introduction to Draft Report of Interdepartmental Committee 26 September 1929.
On the 'vexed question' of women's nationality, the preparatory committee of the Codification Conference had been of opinion that 'it was not possible at present to hope for a general agreement establishing either the rule that marriage does not affect the wife's nationality, or the rule that the wife takes the nationality of the husband'. So it had given qualified approval to various minor recommendations designed to prevent statelessness. As Bases 16-19, they were considered by the Interdepartmental Committee.

Basis 16 embodied the proposal, already frequently discussed in Britain, that a wife should retain her original nationality if she did not by marriage acquire that of her foreign husband. Its acceptance would require an amendment of the British Nationality and Status of Aliens Act so, in reply to the earlier questionnaire, the Government of the United Kingdom had approved it subject to the concurrence of the Dominions. The concurrence having been obtained, Basis 16 could now be supported. It marked a step forward in British policy.

Basis 17 concerned a change of nationality by a husband during marriage, and proposed that a wife should be entitled to retain her former nationality if she did not acquire her husband's new one by his naturalization. It was likewise approved.

Basis 18 was more controversial, in that it involved a choice of nationality for a married woman; it proposed that naturalization of a husband should not include his wife without her consent. This question had not figured in the report of the 1925-6 Preparatory Committee and so had not been raised with the Dominions. It would require amendment of

38. PRO HO45/15684/488289/306 Bases of Discussion League C73, M38. 1929 V Nationality.

the British Nationality and Status of Aliens Act, although there was already an element of choice in the terms of that Act for a woman whose husband was naturalized abroad: she could retain her original nationality by making a declaration of retention. The Foreign Office believed the proposal would multiply cases of double nationality, so it was thought best to oppose it until it became clear that the generality of the Conference, and the Dominions, were in favour of it. Dowson believed the Dominions were unlikely to agree to it, but added, 'We have been and shall be pressed by the Women's Societies to support it'.

Basis 19, which set out that a woman who recovered her original nationality on the dissolution of her marriage should thereby lose the nationality she had obtained at marriage, was readily accepted. It was not thought to require amendment of the current legislation.

The Interdepartmental Committee's views appeared as paragraphs 48 to 53 of their Draft Report, and Dowson wrote that they represented Home Office policy. The British stance on women's nationality was apparently settled, easily and early. In its Draft Final Report, late in September, the Committee echoed the Geneva Committee's words about the impossibility of reaching universal agreement, and supported compromise on specific points.

But it was not to be so easy. The Report was to go through several drafts before the Committee adopted it in December 1929. In relation to the nationality of women there were a number of changes: more space was given to it, and there were concessions in wording to the feminist point of view. It was, at least in part, the result of pressure.

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40. Ibid., /306. Dowson, note on Basis 18.
41. Ibid., /308. Draft Final Report, and memo by Dowson on this.
42. Ibid.
in the latter part of 1929 from women's organisations.

On 17 December the committee, reconsidering the paragraphs on women's nationality, asked Dowson to redraft them and to prepare an annex to the Report setting out the various demands of the women's organisations, together with the arguments for and against. It also changed its mind on Basis 18: it 'might be desirable' to modify the instructions on this basis, so that delegates could support it if the conference and the Dominions concurred. The committee hoped 'if the four bases dealing with the subject (of women's nationality) were agreed on in something like the present form the demands of the women's organisations would be substantially met'.

Dowson's annex was presented at the last meeting of the committee, on 20 December. It was not favourable to the women's demands. 'The women' he thought, 'do not appear to have appreciated fully the difficulties and inconvenience that might follow from insisting that the law of nationality should not distinguish between the sexes'. There were social and other objections; the arguments against conceding the full demands of the women's organisations were very strong, and quite apart from the practical certainty that all the Dominions would not be prepared to accept them, any attempts to secure agreement for the principle ... should be resisted. 43

The report was agreed on and printed. 44 Dowson noted, when copies finally arrived in the Home Office in the New Year,

The Report is the result of prolonged discussion by the Nationality Section of the Interdepartmental Committee on codification. The original draft, prepared by Sir C. Hurst...

43. Ibid., /311.
44. Ibid.
45. FO 2855/11/377
has undergone a good many changes. I think in its present form it may be accepted as adequate for the purpose of instructions ... The controversial issues are bases ... 16 to 19, relating to the nationality of married women ... I expect the Conference will spend, and probably waste, a lot of time in the discussion of these bases.

He was right in the last comment, but wrong in thinking that the file on instructions for the Hague could be closed."\(^6\)

There were two vital new elements in the situation as the Inter-departmental Committee was concluding its lengthy labours in December 1929. The Conference on the Operation of Dominion Legislation ended on 4 December, and though it was still unclear precisely what consequences its decisions would have for Empire nationality, it was clear that these would be considerable."\(^7\) And there was a new Labour Government which had not made any statement on its attitude to women's nationality, but which was generally favourable to equality of the sexes."\(^8\) The two elements were to pull in different directions, increasing the difficulty of determining British policy for the Conference. To the first the Home Office officials were very sensitive; they were caught totally unawares by the second.

The Conference on the Operation of Dominion Legislation recommended that steps should be taken as soon as possible, by consultation among the various Dominion Governments, to arrive at a settlement of the problems involved in the relationship of the common status to the individual nationalities of the British Commonwealth: the Hague Conference would provide the first opportunity for such consultation.

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46. PRO H045/15684/488289/313 Minute 2 January 1930.

47. PRO H045/20163/551547/9 ODL Conference, Confidential Note on Proceedings, DO to HO 23 January 1930.

JUS CARTOONS: NUMBER ONE.

THE ENGLISH WOMAN WHO MARRIED AN AMERICAN.
In view of the known desire of 'at least three of the Dominions (Canada, South Africa and the Irish Free State) to clothe the Dominion Nationality with all the incidents of nationality for international purposes and to subordinate the common status to it' there was a deep reluctance in Whitehall to call the principles underlying British nationality legislation into question in international conference by raising subjects on which it was known the Dominions had divergent views. The question of women's nationality was the prime example of such a subject.\textsuperscript{49}

It was not a subject that could be avoided, thanks to a combination of feminist pressure and Labour policy. When a deputation of women organised by the National Council of Women, and representing most of the notable feminist organisations, met the Home Secretary in January 1930 it shattered the quiet continuity of Home Office nationality policy; it claimed the Labour Government was explicitly pledged to the full feminist programme on women's nationality.\textsuperscript{50} The deputation was the culmination of a campaign to influence British policy on this matter at the Hague, which must now be considered.

The advent of the Codification Conference had been greeted by feminist organisations with more enthusiasm than the Home Office had shown, though it was only in the year before the Conference that agitation to influence it gained momentum. It was perceived as an opportunity, if not to achieve independent nationality on a worldwide basis, at least to make a significant advance towards this. Chrystal Macmillan was the key person in the campaign.

\textsuperscript{49} PRO HO45/15684/488289/308. Dowson Minute on Draft Report of Interdepartmental Committee, 9 December 1929.

\textsuperscript{50} PRO HO45/15145/523629/45-49.
Macmillan first drew the proposed conference to the attention of the women's movement in an article which appeared in *IWSN* in January 1928. It was a meticulous three-page report on the work of the Preparatory Committee for the Conference, and its likely effect on the question of women's nationality. She began by reminding readers of the principles of the Draft International Convention of the International Woman Suffrage Alliance. She then discussed the setting up by the League of a Committee of Experts, and a Nationality Subcommittee, and considered in detail the report of the latter, explaining that from it another expert committee would separate out Bases for discussion at the conference. She found the report encouraging, for it recognised first that the 'present tendency' in nationality legislation was in the direction the Alliance recommended; secondly, that the conflicts arising from giving a woman a choice in nationality would be solved if a uniform principle were established that she retained her nationality on marriage or the naturalization of her husband, unless she explicitly agreed to a change; thirdly, that it was desirable to establish legislation on the general principles of the Alliance Convention and lastly that, even if this was not possible at present, it could be contemplated at a later stage of codification. She concluded with what must have been considerable personal satisfaction that, even if the Alliance cannot get all that it asks at the forthcoming conference, at least it should be possible to ensure that any international Convention adopted should not be inconsistent with the ... principles of the Alliance Convention, so that no obstacle should be placed in the way of their ultimate attainment.

Macmillan noted approvingly that the spirit of the codification was intended to be more than a mere registering of existing rules, that it was to aim at adapting these to contemporary conditions. She then treated in detail those clauses of the League's Draft Convention
which applied directly or indirectly to married women.\footnote{51}{C. Macmillan, \textit{IWSN} January 1928, 57-59.}

The article does not appear to have generated much interest. More than a year elapsed before the \textit{IWSN} followed it with an exhortation to women's organisations to read the report of the Preparatory Committee and work for the appointment of women delegates to the Conference.\footnote{52}{\textit{IWSN} April 1929, 194.} The Congress of the Alliance at Berlin in 1929 took the matter further. It asked, unsuccessfully, that a representative of the Alliance be made a consultative member of the Hague Conference on matters of concern to women, and it launched a scheme for a great women's demonstration to be held at the Hague at the same time as the Conference.\footnote{53}{C. Macmillan, Report of Committee on Civil Status of Women of IWSA, June 1929 - January 1934, presented to the Istanbul Conference, 1935. Appendix 2, for Report of 1929 Congress on Codification Conference.}

It was not only organisations such as the Alliance, long interested in the concept of equal nationality for women, that were involved in the pre-Conference campaign now building up. The formidable International Federation of University Women threw its weight behind the cause. In January 1929 it set up a small committee of women jurists, chaired by Macmillan. She prepared a memorandum for the Federation's 1929 Conference, later submitted to the Codification Conference.\footnote{54}{C. Macmillan, \textit{The Nationality of Married Women}, published by IFUW, 1929. Prefatory Note.} Heated debate on the memorandum among the 530 women, representing 34 nationalities, at the Conference formed, according to \textit{The Times} report, its undoubted climax, with the concept of independent nationality for married women being challenged by French, Spanish and Swiss lawyers.\footnote{55}{\textit{The Times} 15 August 1929.} That the chief
opponents represented Catholic countries provides a foretaste of the situation at the Hague conference itself. Delegates felt further study was required on many specific points of the memorandum, but the meeting finally resolved (unanimously) 'that a woman, whether married or unmarried, should have the same rights as a man to retain or to change her nationality'. It also urged that meetings of the Nationality Committee of the Codification Conference should be open to the public.

Macmillan's memo was published by the Federation and had a wide circulation. It is a substantial 23 page booklet describing the current law in many countries relating to women's nationality, and changes to this being asked for by women's organisations and legal bodies. It runs through the arguments for and against giving women who marry foreigners a choice in nationality and recommends that equality of the sexes in nationality should be embodied in the Convention of the First Codification Conference. In the last seven pages of the booklet, devoted to the forthcoming conference, Macmillan criticizes the Preparatory Committee for failing to tackle the fundamental issues on women's nationality, for ignoring both women's demands and trends in modern legislation. Its report, she points out, does not mention the recommendation of the 1928 League Assembly that women might appropriately be included in the delegations to the conference, or that the Nationality Committee of the Conference might sit in public. Of the Bases of Discussion 16 to 18, the author approves only 18.56 The booklet is concise and strongly argued and it received an indirect (and probably unknown) compliment in that Dowson took the Home Office copy to The Hague in 1930.57

56. Macmillan, Nationality of Married Women.
57. PRO HO45/15145/523629/48 Note by Dowson, 18 January 1930.
Macmillan's activities were not centred only on the conference circuit of feminist organisations and publications sponsored by them. In December 1929 she wrote to The Times on 'Married Women's Nationality and the Hague Conference'. She discussed the 'trend of modern legislation on women's nationality', mentioned the relevant Bases of Discussion drawn up for the Conference, and criticized the intention that its Nationality Committee should meet privately, since private sessions were 'a danger to the weak'.\textsuperscript{58} She was supported in her views a few days later by a letter from Mrs Archdale, Chairman of the Nationality Committee of the Six Point Group, a pointer to the commitment of the Group to this question from then on.\textsuperscript{59}

It was not only the Hague Conference that stimulated interest in independent nationality for women. After a lull following the 1925 resolution, Parliament was showing renewed interest. Activity centred round two Members, both of whom introduced bills on the subject in 1929, Ellen Wilkinson the impetuous young radical from back-street Manchester, the only new Labour member elected in 1924;\textsuperscript{60} and Captain Victor Cazalet, Conservative, educated at Eton and Oxford, who came into politics after a distinguished career in the Household Cavalry and Household Battalion.\textsuperscript{61} Superficially they had little enough in common, beyond the fact they were both serving in their first parliament, but each was to be a steady and effective advocate of equality of the sexes, in nationality as in other

\begin{itemize}
\item \textsuperscript{58} C. Macmillan, \textit{The Times}, 10 December 1929.
\item \textsuperscript{59} H. Archdale, \textit{The Times}, 16 December 1929. The Nationality Committee, apparently formed in 1929, has left no papers. The records of the Group are in the Fawcett Library.
\item \textsuperscript{60} B. Vernon, \textit{Ellen Wilkinson}, (London 1982) Ch.I.
\item \textsuperscript{61} Col. Victor Cazalet (Con.) represented Chippenham from 1924 till his death in 1943, while travelling with General Sikorski as Liaison Officer with the Polish forces. He was P.P.S. to Dominions Secty. (J.H. Thomas) in 1931.
\end{itemize}
Wilkinson had strongly supported independent nationality in the 1925 debate and had pressed the Government on its intentions in this matter in July 1928. Her next move, in March 1929, was to bring in a bill under the 10-minute rule; the occasion caused a minor sensation. Introducing the bill, Wilkinson derided the idea that Dominion unanimity on the issue was impossible: 'The difficulties of the British Empire are usually used as a screen for not granting this modest request of British women to their nationality ... by Departments who do not want change in the present law', she claimed, and suggested it was the Home Government that was the stumbling block in imperial negotiations. The suggestion drew an affable intervention from Home Secretary Joynson-Hicks. He was quite out of order in speaking, since the 10-minute rule allowed for only one speech in favour of a bill and one against, but this did not trouble him. He explained that at the Nationality Committee of the last Imperial Conference, of which he had been chairman, all but one of the Dominions had favoured the change Miss Wilkinson advocated, and he added 'I and the Government are in favour of the Bill'. Rather than 'push an open door' by proceeding with her speech, Wilkinson welcomed the Home Secretary's assurance and sat down amid general cheers.

The popular press revelled in the incident: The Morning Post enthused about Miss Wilkinson ('What a suffragette, if only she had grown up sooner!'). foretold early legislation and guessed at the Irish Free State as the recalcitrant Dominion. The Daily News subtitled its story

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64. 226 H.C. Deb., 386-8, 6 March 1929.
65. Morning Post, 7 March 1929.
'Gallant Jix', described his 'benign' smile and explained to readers that independent nationality was the logical step after suffrage for women.66 The optimists who believed the papers were in for a rude shock. The same day they carried the story, 'Gallant Jix' had to retract his words, explaining in the House that his memory had played him false as to the Imperial Conference Committee: 'There was greater divergence of views than I stated yesterday', he admitted, and the only point the Committee had agreed on was the need for uniformity.67 Wilkinson did not give up. Less than a week later she questioned the Dominions Secretary as to whether the Committee of Experts had met, and was told that no date had yet been set for the meeting.68 By July she was negotiating with the Home Secretary to reintroduce her bill, but was put off because the Expert Committee had not yet met.69 And in February 1930, when she asked whether the Committee of Experts had reached a conclusion, she was told there was now a delay 'pending the International Conference'.70 Meantime Captain Cazalet had entered the lists, and his experience was to be not dissimilar. He brought in a bill for independent nationality in November 1929, but instructions were given for it to be blocked throughout the session, as the Expert Committee was in session, and it was withdrawn.71 Cazalet reintroduced it in February. He hoped that

67. 226 H C Deb., 571-3, 7 March 1929.
68. 226 H C Deb., 980-1, 12 March 1929.
69. PRO H045/15145/523629/26 Wilkinson to Clynes, 17 July 1929; Clynes to Wilkinson, 30 July 1929.
70. Ibid., /62.
71. Ibid., /40 Cabinet decision (6 November 1929) to block Cazalet bill. For bill, Appendix 5.
delegates might go to the Codification Conference 'armed with the unanimous opinion of the House' on the issue of women's nationality and emphasised support for the bill from 'no fewer than 70 women's organisations within the Empire and 52 ... in this country'. But again the bill was blocked.\textsuperscript{72}

At the back of this political activity was the pressure of the major British feminist organisations. They were especially busy before the general election of April 1929, eliciting replies to questions which would indicate how 'sound' candidates and parties were on feminist issues. Home Office staff were displeased that a questionnaire on women's nationality from the NUSEC was sent on to them from the Conservative and Unionist office. They believed it was inadvisable to tell parties how to pledge themselves, though they supplied the memo requested, standing firm on 'the inability of His Majesty's Government to make any move independent of the Dominions'.\textsuperscript{73} The Labour leader would prove less cautious in responding to a similar query.

On 15 April 1929, Ramsay MacDonald received a deputation of women, representing a number of organisations, who sought his opinion on a series of topics of interest to women which they wanted to see included in the Labour Party General Election Programme. In the course of the interview Macmillan proposed,

That alterations in the law were desirable so that a British woman who marries an alien shall not automatically lose her nationality; that a foreign woman who marries a British subject shall not have British nationality imposed upon her unless she applies to be admitted as a British subject; and that a married woman shall no longer be classified in the nationality laws as a person under a disability, but shall be deemed competent to apply for and be admitted to British nationality in her own right.

\textsuperscript{72} 235 H C Deb., 2056-8.

\textsuperscript{73} PRO HO45/15145/523,629/10 NUSEC Questionnaire to Conservative and Union office, and reply.
MacDonald said that he agreed with the proposals, but there is no record of his actual words, nor is there evidence that the sympathy he expressed found its way into Labour Party policy. Perhaps the matter was lost sight of among the welter of issues raised by the deputation; equal pay for women teachers and civil servants, an increase in the number of women police, equal rights for women in the League of Nations, the raising of the age of consent, self assessment of spouses for income tax purposes and so on. The Home Office record of the interview was to reach it only in January 1930, sent by Macmillan. 74

MacDonald might well have forgotten his expression of support for independent nationality; but the women's societies did not. In July the National Council of Women held a meeting of societies interested in the question, at which Macmillan made a statement of 'the present position'. MacDonald's response to the deputation featured prominently. 75

By this time the Six Point Group was pursuing its own initiative in lobbying for independent nationality. Individual members were already involved. For example Helen Archdale, first editor of Time and Tide, had given a rousing address to members of the Women's Freedom League on the subject in March, and had joined the deputation to Ramsay MacDonald the next month 76; Professor Winifred Cullis, a director of Time and Tide, had been elected President of the International Federation of University Women at the 1929 Congress which had debated women's nationality so heatedly. 77 Both were original executive members of the Six Point Group,

74. Ibid., /48 Macmillan to Clynes, 18 January 1930. The Vote reported the deputation, 19 April 1929.

75. Vote, 9 August 1929.

76. Vote, 29 March 1929; 9 August 1929.

77. IFUW Congress report 1929. I am indebted to the IFUW headquarters in Geneva for information about the Federation.
which in 1929 set up a Nationality Committee with Archdale as Chairman.\textsuperscript{78}

The most significant aspect of the intervention in the campaign of the Six Point Group was its link with American feminists, and its adoption of their policy on married women's nationality. In the United States the granting of independent nationality to women had followed close on the granting of the vote, so that it seemed reasonable to look to them as a model. In her address to the Women's Freedom League, Archdale noted that,

Two conventions have been prepared on the subject (of women's nationality), one by Miss Chrystal Macmillan - who as a lawyer goes into great detail - and the other, on the American side, a much simpler document which resolves into the formula that marriage shall not change nationality.

She urged that between the two 'some definite groundwork should be arrived at'. It was a foretaste of things to come, as was the suggestion that 'women must go to the Hague and make a great splash'.\textsuperscript{79}

In November 1929, in line with its policy of approaching the authorities direct, the Six Point Group secured an interview with Pedder and Dowson for a small deputation consisting of Mrs Archdale, Mrs Gahan and Miss Evans, all of whom were to make a distinctive contribution to the campaign for independent nationality for women. The Group wanted the Government to support at The Hague the resolution proposed by the Inter-American Commission of Women 'That there shall be no distinction based on sex in the law and practice relating to nationality'. They received a noncommittal reply from the Home Office representatives. The Cabinet had decided not to express any opinion while the imperial question was

\textsuperscript{78}. F L, SPG papers. \textit{Time and Tide}, 25 February 1921. For relationship of \textit{Time and Tide} to the Six Point Group, see pp.146-148.

\textsuperscript{79}. \textit{Vote}, 29 March 1929. The simpler convention was the work of Alice Paul of the Inter-American Commission of Women. See p. 281.
sub judice, pending the report of the Conference on the Operation of Dominion Legislation.

The women must have found it an unsatisfactory interview, and made their opinion known, because Pedder followed up by writing to Mrs Archdale: he hoped he had not given the impression that he was opposed to the claims of women. 'I am mainly concerned', he said, 'to see that in grasping at a possibly desirable shadow nobody drops a perfectly good bone.' To which Archdale replied:

I find it difficult to believe that the higher station that we desire to lay hold of in this matter of nationality can ever be a 'shadow' and do know that the present 'bone' of deprivation of any say in the matter is a most uncomfortable, meatless, knobbly thing.

'The position at the Hague Conference next March...' minuted Dowson, 'is going to be very troublesome as regards nationality'.

Just how troublesome it would be was evident well before the delegates left for the conference, as the feminist agitation came to the boil. It centred round two issues: whether a woman should be included in the delegation, and on what terms: and more generally, what the instructions for the delegation would be as regards women's nationality.

The idea of a woman delegate had not been treated seriously in the Home Office when certain women's organisations had raised it in 1928, but that was by no means the end of the matter. British women could point to the American example. A representative of the Inter-American Commission of Women had gone to Geneva and secured the introduction in the League Assembly of a resolution requesting governments to appoint women representatives to the Codification Conference: 'The

80. PRO HC45/15147/523,629/33 Interview and notes.
81. Above, p. 192-3.
Assembly of the League of Nations ... suggested that the special interest of women in the problems be taken into account ... when composing delegations to the conference'. The United States had then appointed two women; British women wanted no less.

There was a great deal of correspondence on the topic between November 1929 and the end of January 1930. The Home Office thought it would be politic to appoint a woman delegate, but emphasized that she would be bound by instructions. Sir John Anderson expressed the general attitude:

> Her presence may be a nuisance to the other delegates, but they will have to put up with her. The educational value to the woman - if she is well chosen - and to the organisation she represents - will be very great.

Both Dowson and Pedder echoed the words 'educational value'. Sir Maurice Gwyer was unconvinced, but Dowson believed they were 'more likely to get the women to see reason if they are given a *locus standi* in the delegation'. He suggested it would be a good strategy to offer to consider nominations of the women's societies for the appointment, adding hopefully, 'It is quite possible when they hear she would be bound by instructions they would drop the idea'.

In the New Year, various women's societies took the opportunity of putting names forward. The NUSEC, acknowledging that the delegate would have to be bound by instructions, proposed Dr. Ivy Williams, D.C.L.Oxon., Ll.D. London, despite the fact, as Mrs Corbett Ashby wrote in making the nomination, that her views could not be said to be those of the women's organisations. They also requested a 'woman technical adviser or

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82. Mrs Ruth Shipley was a delegate, Dr Emma Wold a technical adviser.

83. PRO HO45/15145/523,629/41 Discussions, November 1929.
assessor ... qualified to express the views of organised women and free
to express those views and give information on the subject'. For this
post the NUSEC unanimously recommended Miss Chrystal Macmillan, B. Sc.,
M.A., Barrister-at-Law 'who has made this subject especially her own and
has acted as chairman of various conferences called by women's organis-
ations from time to time to discuss it'. There was considerable
coordination of feminist action in relation to the nominations. The
British Commonwealth League and the British Federation of University
Women, made submissions on similar lines. The National Liberal
Federation submitted Dr Williams' name, and the St. Joan's Social and
Political Alliance (a Roman Catholic feminist group) urged the appointment
of Miss Macmillan as assessor. At the end of January Dr Williams was duly
appointed as 'an additional member of the delegation with the status ...
of technical delegate'. But the government would not accept a delegate,
by whatsoever name, free to express the views of the societies she
represented, and Chrystal Macmillan's name was passed over. 84

The other question on which feminist agitation focused in the
months preceding the conference, that of the delegates' instructions
concerning women's nationality, came to centre round the April 1929
meeting of Ramsay MacDonald with the representatives of women's societies.
By the end of the year the women judged it time to remind the Labour
government of its Leader's pledge. This was the main object of a
deputation to the Prime Minister and Foreign Secretary requested by the
National Council of Women and other groups in November 1929 and finally
taken by the Home Secretary after the Christmas break, on 13 January.

84. Ibid., /50-/53. Dr Ivy Williams, D.C.L. Oxon., was a Barrister
of the Middle Temple, and Law Tutor to the Society of
Oxford.
Mr Clynes was carefully briefed by his department: a note on recent foreign laws on women's nationality, an 8 page review of the question, markedly cool to the idea of change in the British laws, taken from the recent report of the Interdepartmental Committee and a draft reply to the deputation stressing the need for Dominion concurrence in nationality law.85

The women's organisations took the deputation, the first since 1918, very seriously. Their list of delegates was impressive, their statements carefully prepared, and they brought a memorial with signatures gathered throughout the Empire, as well as Macmillan's recent pamphlet on 'The Nationality of Married Women and the Coming of the Codification Conference.'

After the President of the National Council of Women had introduced the deputation, speakers made statements on the action previously taken by the Council to promote independent nationality for women; the 'general position', the need for women to be represented in discussions on nationality at the Codification Conference, and the position regarding women's nationality in the Dominions and internationally. Macmillan, who spoke on the 'general position' and the aims of the reform lobby, stressed MacDonald's support for these in the interview of the previous year.

The Home Secretary's reply was friendly but largely irrelevant. It ranged over his support, thirty-five years before, for the late Mrs Pankhurst, the fact his government was a minority one, and the problems

of having husband and wife of different nationalities.\footnote{Ibid., \textit{/47}. Also FL, PBC papers Deputation to Mr Clynes, 13 January 1930. Speakers were: Mrs Keynes (Pres.NCW); Lady Emmott, Miss Macmillan, Mrs Ogilvie Gordon (Pres.Council for the Representation of Women in the League of Nations), Miss Collison (BCL), Mrs Corbett Ashby (Pres.IAWSEC)}

Feminist reaction was sharp. \textit{Time and Tide} headed a scathing report 'Mr Clynes Talks in his Sleep'. Mr Clynes, it said, does not seem to be awake to the situation. The kindest explanation of his reply to the National Council of Women last Monday, is that he went to sleep during the Christmas vacation and is still dreaming happily of Santa Claus and the good old days when the women's voice counted for nothing...

He put forward views which 'leading legal authorities in this country and governments in many others found out of date ten years ago...'\footnote{\textit{Time and Tide}, 17 January 1930.}

The \textit{Vote} considered Mr Clynes more conservative than his Conservative predecessor, Sir William Joynson-Hicks and summed up its opinion of his reply, 'Thank you for nothing!'\footnote{\textit{Vote}, 31 January 1930.}

The issue could not be left there. Macmillan promptly sent the Home Secretary an extract from the account of the meeting with MacDonald in April 1929 \footnote{See appendix 6.}, and the unsatisfactory deputation was followed up by a much less publicised but perhaps more important interview of Miss Picton Turbervill, M.P. and Mrs Corbett Ashby with Sir John Anderson. The two women must have made an impressive, and sharply contrasting duo. Edith Picton-Turbervill, Labour M.P. between 1929 and 1931 was tall, commanding-looking, described by an acquaintance as 'a cross between a medieval abbess and a female sergeant'.\footnote{P. Brookes \textit{Women at Westminster}, p. 80.} Margery Corbett Ashby was
young, slender, charming, a Cambridge graduate whose failure to enter parliament as a Liberal enabled the women's movement to benefit from her ability and diplomacy. They explained that the deputation had gone away feeling they had 'completely misfired' and that the Home Secretary had not understood or even been aware of the main point, 'viz. the fact that Mr Ramsay MacDonald, in April last, before he was Prime Minister, had expressed to a women's deputation views in favour of the principles the women were advocating'. They wanted to know the position the government would take in view of that expression of opinion. Mrs Corbett Ashby explained that the women wanted three things in relation to the Hague conference; the appointment of Dr Ivy Williams to the Delegation, a promise the Delegation would do nothing to 'set the clock back' and its support for a proposal which she understood was to be made before the conference opened that it would permit a deputation from the women's organisations to appear before any committee dealing with nationality.

Anderson set out, with admirable clarity, the government's problem from a constitutional point of view: they had arrived at a very critical period in the constitutional history of the Empire, when it was probable that the existing legal nexus between the United Kingdom and the self-governing Dominions (based on the supremacy of the United Kingdom parliament) would disappear; and it was very important that the law of British nationality, which was Empire-wide in its operation, should continue to be uniform. But he replied sympathetically to the specific points relating to the Hague, and it was soon after this that he formally recommended Dr Williams' appointment.

92. PRO HO45/15145/523, 629/52a Note of Conversation, 28 January 1930. /51 Recommendation, Anderson to FO, 29 January 1930.
Home Secretary Clynes may not have understood what the
deputation meant by reference to Ramsay MacDonald's pledge but Foreign
Secretary Henderson certainly did. Unlike Clynes, he had been present at
the meeting the previous April, and when a memorandum embodying the
recommendations of the Interdepartmental Committee and intended to form
the instructions for the British delegation to the Hague conference was
presented for his approval on 18 February, he refused point blank to
accept it. It was a direct confrontation, less than a month before the
Conference was due to open, between the new Labour Government and the
permanent officials who had been working for four years on nationality
policy for the Hague.

The memorandum had been prepared by Dowson, in conjunction with
Newsam of the Foreign Office, and had already been approved by the Home
Secretary. It was intended to go before Cabinet over the signatures of
both Home and Foreign Secretaries. In respect of the nationality of
married women, which it described as the 'only serious controversial
issue at the forthcoming Conference', it advised supporting the
Preparatory Committee's Bases for Discussion 16 to 19, despite the fact
they were not wide enough to satisfy the women's organisations, because
it seemed unlikely the Dominions would go further. The Conference
on the Operation of Dominion Legislation had posed for them a difficult
constitutional problem, by affirming the principle of a common nationality
for the Empire, while at the same time recognising the distinct
nationalities of its component members. Since the solution to this
problem would be made very difficult if any part of the Empire legislated
independently on the subject of the nationality of married women, it
would be inexpedient for British delegates to The Hague to follow the line
suggested by the women's organisations.
The Foreign Secretary wanted quite a different emphasis. He insisted that 'as far as possible' effect should be given to the principle of equality of the sexes in nationality and the Prime Minister's pledge of April 1929. So, at this very late stage, the whole question of the attitude Britain should take at The Hague was thrown into the melting pot. How far was 'as far as possible'? The permanent officials maintained that it was for Cabinet to determine this and give precise instructions. They made some concessions in the wording of the memorandum; a revised version, Memo B, ran:

In view of the political and social emancipation of women, the existing law based on the old rule (1870) that the nationality of a married woman depends on that of her husband, can no longer be justified in principle. The United Kingdom has taken a leading part in the movement for this emancipation, and it would be unfortunate if anything said or done by our Delegates at The Hague gave the impression that His Majesty's Government in the United Kingdom were not in full sympathy with the desire of women to realize full autonomy in this matter.

However, the memo still made clear that any change in the law was subject to the concurrence of the Dominions and general international acceptance, in default of which Bases 16 to 19 should be supported as a 'reasonable compromise'. Mainly a tactful rewording of the earlier draft, Memo B did include an important addition, a recommendation that the delegation should choose a suitable opportunity to make an unequivocal statement that the Government 'endorsed the principle that the loss of a wife's nationality should depend on her consent'.

At the same time Warner of the Foreign Office was putting pressure on the Foreign Secretary in favour of the Interdepartmental Committee's policy. He pointed out, in a memo labelled 'C', that while

93. PRO HO45/15685/488,289/354 Cabinet memorandum and comments.
94. Ibid., Memo B.
there was no problem in drafting instructions in accordance with the
pre-election pledge of the Prime Minister, the desirability of doing so
depended on international agreement. The League had made long prepar-
ations for the Hague Conference. A questionnaire sent by it in March
1928 had been fully considered by the Interdepartmental Committee and
replies sent that November. On the basis of these and other replies a
committee of international jurists had sifted out what they thought would
be the greatest measure of agreement. The replies of His Majesty's
Government did not go nearly as far as the women's organisations wished,
but the League would have taken them as a starting point, and there was
'bound to be considerable surprise if the Delegates of the United
Kingdom entirely abandon the attitude suggested in the reply to the
questionnaire.' Moreover it was clear that the Dominions would not be
prepared to go as far - 'there is, therefore, the possibility of
different parts of the Empire voting against each other at the Confer-
ence on a subject in regard to which the common action of the Empire is
particularly necessary'.

The arguments were persuasive, but it was not easy to put pressure
on Arthur Henderson. A big, burly Northcountryman, a former Wesleyan
preacher who had come to politics through the Trade Union movement, he
was both a man of principle and a man of experience. He had sat in the
House, where he was commonly known as Uncle, almost continuously since
1903, and had held a number of prominent posts. He had won the Foreign
Office in 1929 against MacDonald's opposition, and achieved what has
been called much the best record of any member of the Second Labour

95. Ibid., Memo C.
Government. One of the League Secretariat at Geneva, where his efforts in the early thirties would win him a Nobel Peace Prize, said of him, 'He is slow to start, but when he does it's like an elephant going through jungle'. He was now on the move. Henderson had not participated in any of the Commons debates on women's nationality, but he had made his attitude clear by supporting Sir John Butcher's bill in 1922. Above all, he had been present when MacDonald had received the women's deputation in April 1929 and was firmly convinced the Government was bound by his 'pledge' at that time. To Henderson, memo B was not acceptable either.

The fourth and final memo, D, quoted in full the section on women's nationality from the report of the April meeting; but it still retained the points about the improbability of general agreement at the Conference and the necessity of working with the Dominions. This issue was spelled out quite clearly:

Having regard to the present position in relation to the Dominions on nationality questions, it will be a matter of some considerable delicacy to make a public declaration at the Hague in favour of the principle that a woman shall not by reason of her marriage lose her nationality or acquire a new nationality without her consent, and the difficulty is increased by one's knowledge that two at least of the Dominions (the Irish Free State and South Africa) will not endorse the principle. We can therefore only support it as a principle the application of which can only become practicable if the majority of foreign states and all the Dominions will agree to it being applied.

Cabinet endorsed the policy on 26 February. Thus, a mere two and a half weeks before the conference was due to open, the instructions for the British delegation were settled: a victory of verbiage for the Foreign


98. See p.104.
Secretary anc of substance for the officials.\textsuperscript{99}

Even this was not the end of direct intervention by Henderson.

Three days before the Conference opened, on 10 March, he sent Mrs Archdale a letter informing her,

That His Majesty's Government in the United Kingdom are, in principle, in favour of the policy in regard to the nationality of married women on which Mr MacDonald expressed his agreement ... in April last, and that the Delegation of the United Kingdom will be instructed to endeavour to obtain the adoption of this policy by the Conference ... I am to observe however that many practical difficulties are likely to be encountered.\textsuperscript{100}

When the letter was broadcast among the various women's organisations at The Hague, they were, as Dowson wrote back to Warner, very jubilant about it. He himself was perturbed that the letter had given a false impression of the instructions of the Delegation about the nationality of married women.

I don't think they appreciate that among the 'many practical difficulties likely to be encountered' there is the fundamental point that we cannot agree to apply the principle so far as our own law is concerned in the absence of general agreement among members of the Conference and above all in the absence of the agreement by the Dominions.

He had tried to explain to some of them what the actual position was, but 'I think some of them regard me with considerable suspicion - they think that I am one of a Delegation composed of Civil Servants who are determined to whittle down official instructions as far as possible'.\textsuperscript{101}

\textsuperscript{99.} PRO HO45/15685/488289/354 Cabinet memorandum and comments.

\textsuperscript{100.} Time and Tide, 28 March 1930. The letter was later sent, as a belated reply to the 13 January deputation, to the NCW.

\textsuperscript{101.} PRO HO45/15685/488289/349 Dowson to Warner, 17 March 1930.
INVITATION TO THE HAGUE DEMONSTRATION, 1930.

International Council of Women.

President: THE MARCHIONESS OF ABERDEEN & T axis.

J OINT DEMONSTRATION ON THE NATIONALITY OF MARRIED WOMEN

to be held at the same time and place (18th March, 1930, The Hague) as

The First Codification Conference of the League of Nations.

Chairs: CRYSTAL MACMILLAN, Chairman of the I.C.W.S.O., International Women's Committee.

Chairman of the Union: LOUIS VAN DEGUCHTEN, Hon. Corresponding Secretary of the L.C.W.

Chairman of the Study: ROSA MARCUS, Vice-President of the I.C.W.S.O.

Chairman of the Union: MARIA VERONE, Chairman of the I.C.W. Local Committee.

Headquarters Secretary: KATHERINE RUMPH, 106, Vauxhall Bridge Road, London, S.W. 1.

NOTICE, INVITATION AND APPEAL.

DEAR MADAM OR SIR,

The International Council of Women and International Alliance of Women for Suffrage and Equal Citizenship are holding a joint demonstration at the same time and place as the First Codification Conference of the League of Nations, which begins its sessions at The Hague on the 17th March next. The Codification Conference will, among other things, discuss the Nationality of Married Women, and the demonstration is to take the form of a Public Meeting to be held in the Hall of the Hotel De Tuin, Eindhoven, at 8 p.m., in support of the following Resolution:

"That a woman, whether married or unmarried, should have the same right as a man to retain or to change her nationality."

The speakers will be from many different countries representing different stages in the progress made towards giving Nationality Rights to Married Women, and will draw attention to the rapid progress being made internationally in securing these rights and to the demand that exists for it among organised women all over the world.

Many South American States have already recognised the right of a married woman to her own nationality. And in the last 12 years new laws have been passed in Russia, the United States of America, Belgium, Roumania, Sweden, Denmark, Norway, Iceland, Finland, France (including Guadeloupe, Martinique, Reunion and Algeria), Jugoslavia, Turkey and Cape, which give important nationality rights to the married woman.

We ask individuals and organisations to help show the overwhelming backing there is throughout the world for this reform. All men and women in favour of the resolution are invited to express that support in writing to the presiding officers at the demonstration. All societies in favour of the resolution are very specially invited to send Delegates to the Demonstration and to inform us in writing of their support. Will you please sign and return the attached form.

To make the Demonstration possible funds are necessary, and we express the confident hope that our supporters will send us as sufficient to make it effective.

Work for this reform has been going on all over the world for many years. Great progress has already been made. The present opportunity is unique in bringing our voices before the Governments of the world. We hope you will be among those to share in making the Demonstration effective.

Yours sincerely,

CRYSTAL MACMILLAN, Chairman.

LOUIS VAN DEGUCHTEN, Hon. Corresponding Secretary of I.C.W.

ROSA MARCUS, Vice-President of I.C.W.S.O.

MARIA VERONE, Chairman of I.C.W. Local Committee.

BETZY BARKER FORT, Chairman of The Hague Local Committee of Arrangements.
It seems not unlikely that Arthur Henderson also took this view. His Under Secretary in the Foreign Office, Hugh Dalton, who shared his general attitudes, had written with some glee in July 1929 'We are rapidly building up a superiority of gunfire over the officials'. He also quoted Henderson as saying, 'The first forty-eight hours decide whether a new Minister is going to run his Office or his Office is going to run him'.

There is no evidence, however that Henderson regarded the Hague Conference as of great moment; Dalton makes no mention of it in his chapter on the Foreign Office under the Second Labour Government, nor is it mentioned in M.A. Hamilton's biography of Henderson.

If Dowson sounded apprehensive of 'the Women' at The Hague, he had some cause. In a moment of foreboding towards the end of 1929 he had remarked, 'There is, I imagine, nothing to prevent the Women's Societies invading The Hague at the time of the Conference in order to pester the delegates of all countries'.

This is exactly what happened. The city was host not only to the Codification Conference but also to a massive feminist demonstration in favour of independent nationality for married women. Notice of the rally had been given in Chrystal Macmillan's letter to The Times of 12 December and enrolment forms were printed in the February issue of IWSN, together with a draft programme and an appeal for funds. Macmillan chaired the organising committee of the demonstration, which was run jointly by the International Alliance of Women for Suffrage and Equal Citizenship and the International Council of Women.

103. PRO HO45/15145/523629/41
104. Dr E. Lüders, a Member of the Reichstag and a delegate to The Hague Conference, suggested it. (Macmillan Report for Istanbul Conference of IAWSEC, 1935).
ENROLMENT FORM FOR THE HAGUE DEMONSTRATION, 1930.

INTERNATIONAL COUNCIL OF WOMEN. INTERNATIONAL ALLIANCE OF WOMEN FOR SUFFRAGE AND EQUAL CITIZENSHIP.

190, Vauxhall Bridge Road, London, S.W.1.

Joint Demonstration at The Hague, March 14th, 1930.

FORM A. To be signed by a SOCIETY supporting the Demonstration:

1. My Society is in favour of the resolution to be proposed at the Joint Demonstration and gives its name as a supporter of the Demonstration.
2. My Society appoints those whose names are appended as delegates to the Demonstration.
3. My Society encloses £__________________________ (or $____________________ or Mr____________________ or Mrs____________________) as a contribution towards the expenses of the Demonstration.

Signed Name: ____________________________________________________________

Official Position in Society: __________________________________________________

Address: ___________________________________________________________________

Date: _____________________________________________________________________

Name(s) and Addresses of Delegate or Delegates:

1. Name: ___________________________________________________________________
   Address: ___________________________________________________________________

2. Name: ___________________________________________________________________
   Address: ___________________________________________________________________

To:- Mrs. Bompas, Sec., Joint Demonstration, 190, Vauxhall Bridge Road, London, S.W.1.

FORM B. To be signed by INDIVIDUALS supporting the Demonstration:

1. I am in favour of the Resolution to be proposed at the Joint Demonstration and give my name as a supporter of the Demonstration.
2. I enclose a contribution of £____________________ (or $____________________ or Mr____________________ or Mrs____________________) towards the expenses of the Demonstration.

Signed Name: __________________________________________________________________

Address: ____________________________________________________________________

Occupation and other description: ______________________________________________

To:- Mrs. Bompas, Sec., Joint Demonstration, 190, Vauxhall Bridge Road, London, S.W.1.

* Strike out any lines not wanted.
The two days before the demonstration were given over to joint meetings of the Nationality and Laws committees of the two bodies. The demonstration itself, held in the Hotel de Twee Staden on the evening of 14 March, was a public meeting in favour of the resolution, 'That a woman, married or unmarried, should have the same right as a man to retain or to change her nationality'. Described by Margery Corbett Ashby as a 'magnificent success,' it was attended by many of the delegates to the Codification Conference. Distinguished women from many countries spoke in favour of the resolution; the British speakers were Professor Cullis and Ellen Wilkinson. The outcome of the demonstration, in terms of influence on the Conference, was still not known when Mrs Corbett Ashby reported in the *IWSN* in April but, she could confidently affirm, 'one thing is certain, the position of the married woman has been made a live subject of debate and discussion. The Conference realises that women really care for their country in the same degree as men.' There could be no question of avoiding full discussion of the topic at the Conference.¹⁰⁵

An alternative view of the demonstration is contained in a letter from Dowson, who attended with Dr Ivy Williams.

We sat in front in armchairs, he wrote, and were confronted with a formidable array of determined-looking women on the platform, twelve of whom spoke - English, Dutch, German, Japanese, Danish etc.

And he went on to describe a part of the ceremony not mentioned by Mrs Corbett Ashby:

Before the speeches began there was a sort of Ballet of 46 maidens who walked in and paraded in front of the platform. Some of them were dressed in white, seven in pink and the rest in black. The white ones represented those progressive countries which had fully adopted the principle: the pink ones those who had gone half way in that direction: and the black ones, including the United Kingdom, those countries which were still clinging to the ideas of the dark

ages. It was ingenious and amusing, but rather absurd. One thing struck me especially - these organisations, which make almost a religion of sex equality, were fully alive to the propagandist advantages of selecting the more well-favoured maidens to represent the white and pink countries, leaving the less well-favoured the unenviable task of representing the black countries.

Dowson found the speeches 'on the whole quite good', singling out that of Ellen Wilkinson, who had flown over specially for the demonstration:

She explained that she had just been sitting on a committee which included three women members of the Government, each of whom was unmarried, and each of whom would have become ineligible for office and a seat in Parliament if she had been minded to visit a registry office and marry an alien.

He believed most of the women intended going home in the next few days, though some 'like Miss Macmillan and Mrs Archdale' might wait until the question of the Nationality of Married Women has been disposed of. 106

A deputation from the demonstration was reluctantly received on 17 March by the Chairman of the Conference and a small group of members, including the Chairman of the Nationality Commission. Corbett Ashby reported that Miss Macmillan and Mme Véronne, 'doyenne of the French women lawyers' who were the chief spokesmen, had set the case out 'quite admirably.' They presented a memorandum, to be circulated to all members of delegations, together with Macmillan's recent pamphlet. The memorandum is not signed, but its style indicates that Macmillan probably wrote it also. It drew attention to the recommendations of the Draft Convention on Women's Nationality of the International Woman Suffrage Alliance, emphasising the essential point that a woman should, in matters of nationality, have exactly the same rights as a man. It reminded delegates that the 'spirit of the codification' was intended to be forward-looking and that equality between the sexes was 'in line with modern thought.'

urged that any convention adopted should be 'in accordance with enlightened thought and inspired by human justice'.

The deputation does not appear to have gone smoothly. Corbett Ashby wrote that the Conference chairman was 'well known as an anti-feminist, and his cavalier treatment of the deputation was no doubt due to this'. She noted,

Our greatest obstacle is, as usual, the amazing conviction of old-fashioned men that if a woman is not legally bound and hampered she will use the smallest degree of liberty to destroy the family, and in this particular case frivolously desire to be different from her husband.107

Dowson believed the deputation had made a 'lamentable impression' on the conference.108

The women were unsuccessful in their request that the Nationality Commission should open its deliberations to the public or, failing that, an observer should be allowed to sit in on the discussions of the particular points dealing with women's nationality. Dowson believed the deputation was 'as far as they are going to be allowed to go'.109 In spite of these disappointments, the propagandist value of the demonstration and the deputation was great. *Time and Tide* reported in April that the demonstration had made the nationality of married women the 'dramatic centre of the conference,' which could not avoid treating it seriously.110

The Nationality Committee of the Codification Conference met on 17 March. It consisted of fifty delegates, two observers (from the U.S.S.R.), a number of substitutes, secretaries and 'experts'. M. Politis

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108. PRO HO45/15145/523629/96A Dowson, note 8 July 1930.
109. PRO HO45/15686/488289/414 Dowson to Warner, 17 March 1930. There was in fact a second deputation on 1 April. See p.226-7.
of Greece was chairman. Dowson was the only British delegate, and Dr Williams was one of two British substitutes. The committee immediately set up a three-man drafting committee, of which Dowson was made a member, to 'prepare texts embodying the fundamental decisions taken by the committee'. It also determined at once to preserve its 'freedom and frankness' by meeting in private.\footnote{For the following account, LN (V) Legal 1930 V15 Hague Codification Conference, Minutes of First Committee, Nationality. A set of minutes is in PRO H045/15686/488,289/414.}

The Bases of Discussion drawn up by the preliminary committee were taken in order, so that it was not until the thirteenth meeting, on 31 March, that the subject of women's nationality was broached, in the terms of Basis 16.

If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

Discussion ranged beyond the terms of the Basis, over the fundamental question of the principles on which women's nationality should rest. The chairman noted the 'very voluminous documentation the subject had generated': amendments to the basis had been submitted by Austria, Belgium, Chile, China, Colombia, Denmark, Estonia, Germany, Italy, the Netherlands, Roumania, the United States and Yugoslavia, and the debates demonstrated a wide range of opinion. Most of the arguments had been aired in Britain in the 1923 committee or the 1925 parliamentary debates. On the one hand, Germany wanted 'to put the laws into conformity with the new status of women', and Chile urged 'a total remodelling of nationality law on lines of total equality between the sexes'; on the other hand, the Italian delegate supported Basis 16 as it stood, because Italy was a
Catholic country. As he put it, 'For us marriage is a duty and not a pleasure ... We are the defenders of family unity'.

Dr Williams spoke for Britain, with brevity and dignity and in French so as to be immediately understood by the majority of the committee. She put six points in favour of equality of nationality. The time had come, she said, to take a step forward; in codifying international law, the 'tendency of existing legislation should be taken into account'; there would be no danger to family unity in permitting a woman to choose her nationality on marriage with a foreigner; the law which compelled such a woman to adopt her husband's nationality was a recent one only, which went against the basic principle that all persons were equal in the eyes of the law; the wife's original nationality should be retained. Dr Williams' last point was one which would become increasingly important. In times of unemployment, she said, a woman who had become a foreigner had fewer employment prospects. Those organisations in Britain which had proposed Dr Williams' membership of the delegation had good cause to be satisfied with their choice.

Pressure from the women's organisations on the Committee was not over, and a decision on basis 16 was deferred until after the committee met another deputation from them. This meeting, at which the now familiar case for independent nationality for married women was put forward, took place on the evening of 1 April. There were four speakers, including Macmillan, the only British representative and Doris Stevens, of the Inter-American Commission of Women.\footnote{Speakers were Macmillan (IAWSEC), Vérone (ICW), Stevens (Inter-American Commission of Women), Vergara (National Council of Chilean Women). Wittermore, of The Women's Party of America, gave up her time to Stevens.} Their approach was backed up by letters and telegrams to the chairman of the Committee, from all parts of
the world and every kind of women's association, expressing the general
desire that the committee should pronounce in favour of equality of the
sexes. There is no evidence that they influenced the committee on specific
points, other than a minor one relating to passports for women made
stateless by marriage, but they may well have stimulated delegates from
countries which practised equality of the sexes in nationality to assert
themselves. Despite their agitation, basis 16 was adopted 32 to 2 as the
greatest measure of agreement possible, to become Article 8 of The
Hague Convention.

At this point, four recommendations on the general question of
married women's nationality were considered: they were put forward by
Chile, Belgium, China and the United States, and were all in favour of
separate nationality for spouses. They varied in tone from the 'imper-
ative' one of the Chilean delegation to the 'very mild' United States
one. The Chilean motion read 'The contracting states agree that from the
going into effect of this Convention there shall be no distinction based on
sex in their law and practice relating to nationality'. It was rejected
by 25 votes to 11.

The Committee then considered the U.S. amendment:

The Conference recommends to the study of the Govern-
ments the principle that in their law and practice
relating to nationality there shall be no distinction
based on sex, with particular consideration of the
interests of children involved in the application of
the principle.

The delegate from the U.S. believed that the problem of the
married woman, and the problem of the children were one.

The Belgian proposal was that

The laws of the various countries should not determine
the nationality of a woman solely by reason of her
marriage, or by a change of nationality of her husband,
without to some extent giving her the right usefully to
manifest her intention.
Both these recommendations were adopted by the committee, and the drafting committee was called on to combine the two texts. Their version was accepted in the form of a voeu:

The Conference recommends the States to study the question whether it would not be possible:

(1) To introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children; and

(2) Especially to decide that, in principle, the nationality of the wife shall henceforth not be affected without her consent, either by the mere fact of marriage or by any change in the nationality of her husband.

The recommendation was opposed by the Italian delegate who saw it, not unreasonably, as 'naive' and 'useless'. 'We were unable to agree upon the principle to be inserted in the Convention', he said, 'but we now propose to ask countries which hold other views to alter their conception of society. I cannot accept a recommendation to alter our conception of society'.

Since the Chilean proposal had been rejected by the committee it did not come before the plenary session of the conference, but it was not the end of the proposal. It had considerable backing, for it emanated from American feminist organisations, and had already received the unanimous approval of the American Institute of International Law. It would come before the League again, with much greater support, two years later.113

Basis 17 was less controversial and the text of the preparatory committee was adopted 30 to 2, to become article 9 of the Hague

113. Crozier, p.142-5. The motion was drafted by the Nationality Committee of the Inter-American Commission of Women, chaired by Alice Paul. See pp. 316-7.
Convention:

If the nationality law of the wife causes her to lose her nationality upon a change in the nationality of her husband during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.

The committee rejected a proposal to omit basis 18 entirely, passed over criticism by the Irish Free State that it would 'drive a wedge into the unity of the family', and finally adopted the wording of the preparatory committee:

Naturalization of the husband during marriage shall not involve a change in the nationality of the wife, except with her consent.

This became article 10 of the convention. Basis 19 Dealt with the question of the recovery of her original nationality by a wife whose marriage had been dissolved, and it ran into opposition from delegates of those countries, such as Italy and Spain, which did not recognise divorce. Finally it was adopted 26 to 2 to become article 11 of the convention. It read:

The wife who, under the law of her country, lost her nationality on marriage shall not recover it on the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.

The committee added a recommendation that a woman made stateless by a foreign marriage should be granted a passport from the state of which her husband was a national.

The report of the Nationality Committee and the Draft Convention were considered in plenary session by the Conference on 10 April. The rapporteur, in introducing the documents, drew special attention to the nationality of married women, calling it 'one of the most delicate questions which the committee had to investigate'. His tone was
apologetic: 'When you examine the four articles of the Convention; he said 'I ask you to bear in mind that, as the committee could not decide between existing tendencies, it aimed in these articles at settling actual cases only,' in an attempt to ensure that no woman who married a foreigner should become stateless by the marriage. And he drew attention to the fact that the principle on which article 10 was based was 'in harmony with the most liberal theories'.

When the time came to vote on the Convention as a whole the American delegate, with painstaking tact, explained that he would await 'a further and more progressive movement'. For quite other reasons the Italian delegate was also discontented: believing that marriage and the family were threatened by the articles on women's nationality, he would sign the Convention only with reservations on this topic.

On behalf of the British Government, Dowson then made an important statement. He referred to the discussions on the nationality of married women in the First Committee, during which he had stated that his Government was in favour of applying the principle of equality of the sexes in matters of nationality, and that it hoped a large majority of the states represented at the conference would be ready to go considerably further in giving effect to this principle than the bases of discussion. However, discussions in committee showed that the different members' views were so divergent that no useful purpose could be achieved by amending the original bases. He went on:

I desire ... to take this opportunity of saying, on behalf of my Government, that in voting for the Bases of Discussion as they stand ... my Government does not in any way modify its strong opinion that a woman ought not, on marriage, to lose her nationality, or to acquire a new nationality without her consent.

The statement was the last act of this difficult assignment. He had played a full part in the Nationality Committee of the Conference,
had avoided undermining the delicate structure of imperial unity in nationality, and now finally made a statement of principle on his government's policy conciliatory to the reform lobby. It was a skilful balancing act. He could express himself in favour of the feminist demands, undoubtedly against his own personal opinion, safe in the knowledge that it was too late and the Conference was too divided on the matter to be swayed by him.

Of the forty-five states represented at the conference, thirty signed the Convention; four more had done so by the end of 1932, some of these with reservations. The Convention would enter into force when 10 ratifications had been deposited with the League of Nations. In Britain the question now became whether the Government would ratify the Hague Convention, or legislate for equality of the sexes in nationality. Feminists flung themselves into a campaign both national and international against ratification, which is the main theme in the story of women's nationality over the next three years.

114. Convention concerning Certain Questions relating to the Conflict of Nationality Laws, opened for signature at The Hague 12 April 1930 Art. 25. For clauses relating to married women, see Appendix 8.
CHAPTER SIX

THE NATIONALITY CAMPAIGN:

FOCUS ON LONDON, 1930 - 1931.

The results of the Hague Conference on the Codification of International Law for British women's nationality were far from clear, and feminists in the United Kingdom were justifiably cautious in expressing an opinion on them. There appeared to be no way to reconcile the articles on married women's nationality in the convention, which were based on the assumption that normally a woman would take her foreign husband's nationality on marriage, and the recommendation made by the Conference's Nationality Committee in favour of full equality of the sexes in nationality. As one commentator put it,

The conference passed a reactionary convention - then it immediately passed a recommendation on the most advanced lines. Great Britain signed the reactionary convention - then the British Delegation, on advice from the Home Government, declared itself to be in favour of equality of the sexes. 1

The general tone of the response was initially one of cautious optimism, though opinion varied according to whether emphasis was placed on the 'reactionary' convention or the 'progressive' recommendation. For example, in April, Time and Tide termed the convention 'not by any means wholly satisfactory', but welcomed the recommendation, attributing its adoption largely to the pressure of women's organisations on the delegates. 2

1. H. Gahan A Memorandum on the Nationality of Women for Submission to the Imperial Conference, 1930.

2. 'The Week', Time and Tide, 25 April 1930.
The *International Women's News*, in a substantial report, greeted the convention as a 'definite if limited step in the direction of progressive equalization of the juridical position of the sexes,' but Chrystal Macmillan told the Women's Freedom League she 'was not able to say that the effort made [by the women's organisations at the Hague] had affected the policy on the articles on married women in the Convention adopted.'

One thing was clear: the time for procrastination was past, and legislation of some sort was bound to come. The conference had pointed to two alternative courses of action for the British Government. It could ratify the Hague Convention as it stood, or legislate to give women a nationality independent of that of their husbands. The former course, which required preliminary legislation to ensure that a British-born woman could not become stateless through a foreign marriage, was quite unacceptahle to the feminist lobby. The latter course was regarded as implementing the Hague Nationality Committee's recommendation and feminists flung themselves into a campaign in its favour. The 'nationality campaign', as they called it, would maintain momentum through till 1933.

Before 1930 was out there were three opportunities to consider the whole issue officially and in depth: the meeting of the Assembly of the League of Nations in September, at which the report of the Hague Conference would be presented, the meeting of the Imperial Conference in October/November, and the introduction, yet again, in November of a Nationality of Married Women Bill in the British parliament. The


4. 'Nationality of Married Women', *Vote* 23 May 1930.
importance of the League's role was not fully perceived by British feminists at this stage, and in 1930 attention was focused on parliament and the Imperial Conference.

The nationality campaign was spearheaded by a new organisation, a committee made up of representatives of national feminist societies to co-ordinate their work for independent nationality for women and enable them to speak with a unified and thus more powerful voice. The Nationality of Married Women Pass the Bill Committee rapidly marshalled an impressive range of support; it would remain the focus of the nationality campaign in Britain right through till its objective was attained in 1948. Its founder and chairman was Chrystal Macmillan, and her papers provide a clear insight into the aims, methods and impact of the committee. They bear witness to the enormous amount of work it handled; making the issue known to feminist bodies and to the public by publishing pamphlets; providing speakers for meetings and writing to the press; putting pressure on the Government through deputations to Ministers; lobbying Members of Parliament and briefing advocates of independent nationality in the House; providing information and advice to many women disadvantaged by the nationality laws. They are a rich source of information and in addition to the detailed committee minutes, include copies of all relevant British nationality legislation and parliamentary debates, often annotated by Macmillan, notes of the nationality laws of other countries as they related to women, voluminous League of Nations documents on the subject, various pamphlets, including several of her own, and a great deal of correspondence.⁵

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⁵ Nationality of Married Women Pass the Bill Committee, (PBC), Minutes and Papers. 3 boxes. Fawcett Library, London.
The idea for such a co-ordinating committee had been broached by Macmillan in that busy period early in 1930 when she was organising support for Captain Cazalet's Bill in parliament, and at the same time making preparations for a women's demonstration at The Hague. She had received various donations towards these two causes and the practical advantages of a committee to attract further donations and save her the routine task of handling them must have been evident. It is surely not coincidental that the first mention of a Nationality of Married Women committee occurs in a letter of thanks for a donation. A Captain Owen had sent £40, with specific instructions as to its use - £15 for the printing of Macmillan's pamphlet and £25 for fare and first class accommodation for a delegate - he hoped it would be Ellen Wilkinson - to the Conference. Macmillan thought there would be some money over, as Miss Wilkinson's expenses 'could not exceed £12.' As she wrote to Owen,

This would leave £6 which could be used towards printing the memo presented to the Home Secretary in January and distributing it to all M.P.s, together with a whip asking them to be in place when Captain Cazalet's Bill came up.'

The remainder could go towards general expenses at The Hague, hall, typists etc. She continued,

I have proposed to the National Council of Women that a special committee be set up to push for this reform, especially to get the Bill through and to get the Imperial Conference to take similar action throughout the Empire, and I think they will certainly do it. This will be the machinery in this country for making a special push this year and I hope it will bring in representatives of the women's societies interested and also Members of Parliament and Members of the House of Lords. 6

6. FL PBC Records, Owen to Macmillan, 18 February 1930; Macmillan to Owen, 19 February 1930.
Within a fortnight the committee had been set up. Even before its first meeting, Macmillan's plans for it had become more precise and more ambitious. They are set out in a letter to a friend at the beginning of March, thanking her for a donation. The immediate objectives of the committee, as Macmillan outlined them, were still 'to bring pressure in connection with the Bill in this country and also to bring pressure on the Imperial Conference which meets this autumn', but she did not envisage the committee as remaining a small sub-committee of the National Council of Women. 'I want to propose' she wrote, 'that it be made larger in order that it has sufficient members to keep it in touch with all the societies who are specially interested in this reform.' Macmillan now appeared to be thinking of the committee in terms of a stable organisation, suitable to carry out a long-term campaign rather than a 'special push this year.' She saw as one of the first essentials the appointment of a good organising secretary, 'I mean one of sufficient calibre to take responsibility and deal with things, and if she has any spare time to address meetings.' Ideally, she should also know how to 'get at the press.'

Office space for the committee should be no problem; it would probably be able to find space in the offices of the Council or one of the other women's societies, and such society might well be able to help in the mechanical part of the secretarial work, such as duplicating, though this would probably have to be paid for.

What the committee must do is to get a continuous stream of resolutions on the subject [of women's nationality] pouring in to the Government from all over the country. This involves circulars, postages and as far as possible the personal work which can be done by an organiser or organisers, e.g. getting up special meetings.'
In a post-script Macmillan returned to the details of organising the committee:

P.S. I just jot down a few points here. A good responsible organising secretary would ask a salary from £300 upwards. One has to give just what is necessary to the suitable person who happens to be found fitted for the job. Speaking very roughly, if one expended at the rate of £300 or £350 a year on the organising secretary about an additional £300 or £350 would be necessary to pay for the other expenses in connection with the running of the office. That means for clerks, postage, stationery, telephones, etc., office etc. The above is necessary before any other expenditure can be undertaken.

Once the headquarters is running, additional expenses for further organisers would be their salaries and travelling expenses. With an organiser of the above grade at headquarters a second organiser would not require so high a salary.

Once a headquarters was started the Headquarters Organising Secretary could visit different places for local organising or speaking, from time to time but not continuously.7

For much of the time between 2 March, when this letter was written, and 16 April, when the committee met for the first time, Macmillan was at The Hague.8 She returned eager to swing into action, buoyed by the British representative's statement at the conference's plenary session in favour of independent nationality, and pleased by a £50 donation which would enable the Nationality of Married Women Pass the Bill Committee to begin work at once.9

7. FL PBC, Macmillan to Sloan Chesser, 2 March 1930.
8. See above pp. 221-224.
9. FL PBC, Beilby to Macmillan, 28 March 1930. Lady Beilby apologised for not sending the £100 suggested.
She was imbued with a sense of the 'desperate urgency' of the next few months' work. She wrote to a friend,

We want resolutions from all over the country, deputations to members, articles in the Press and ordinary propaganda and literature if we are to create the atmosphere that is to compel the government to pass Cazalet's bill.\(^{10}\)

The first full committee meeting took place on 16 April in the London committee room of the National Council of Women. Preliminary arrangements had already been made to invite women's societies to send delegates to the committee and the eleven women present represented the Six Point Group, St. Joan's Social and Political Alliance, the British Commonwealth League, the Women's National Liberal Federation, the National Council of Women and the London and National Society for Women's Service. Since the stated aim of the group was to promote the passage of Captain Cazalet's bill, he was present to explain it. Macmillan was appointed chairman.

The first decision of the committee was to enlarge its membership and strengthen its political ties by inviting certain Members of Parliament to join it. These included such tried and true friends as Miss Wilkinson and Captain Cazalet from the Commons and Lords Dickinson and Danesfort from the Lords. All four consented to join, as did Messrs Llewellyn Jones and Marjoribanks. Several others declined on the grounds that they could not find the time.\(^{11}\)

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10. FL PBC, Macmillan to Sloan Chesser, 26 March 1930.

11. FL PBC, Minutes 16 April 1930. On 7 April preliminary invitations had been sent by Miss Green of the NCW, and Mrs Morley had been made Hon. Sec. F. Llewellyn Jones (Lib.) represented Flintshire 1929 - 35. E. Marjoribanks (Con.) represented Eastbourne 1929 - 32. Others invited to join were the Countess of Iveagh, Miss Picton-Turbervill, Mr Boothby, Sir Gervais Rentoul, Lord Buckmaster, Lord Balfour of Burleigh, Lord Lytton.
Apart from Captain Cazalet, who played a conscientious part in the committee in its early months, no Members in the Committee's early years attended more than a single meeting, and at most meetings none were present. But though they did not come to committee meetings, the M.P.s concerned evidently retained close ties with its members.¹²

Asked to advise the Committee on a course of action, Captain Cazalet suggested: 'keep on worrying the Government' to get time for the bill. He referred to the nationality laws as a 'glaring instance of gross inequality between the sexes, by which married women ranked with lunatics and minors' and claimed the bill had many stalwart supporters in the House of Commons, where he intended to ask another question shortly.¹³

The new committee was soon in full operation. A donation of £100 enabled it to engage Miss Clementina Gordon, known to Macmillan for her 'great experience', as full-time organising secretary for three months. This brought an immediate side benefit; Miss Gordon was also secretary to another committee which offered the Pass the Bill Committee shared use of its office and equipment, on favourable terms. The National Council of Women made its committee room available free of charge for meetings and provided a volunteer to help with the office work, and an Honorary Secretary and Treasurer were appointed.¹⁴

¹². For example, in the House of Commons debate on 28 November 1930 Wilkinson used PBC examples of hardship. Both Picton Turbervill and Marjoribanks spoke on behalf of the bill. See below p. 268.

¹³. FL PBC Minutes, 16 April 1930.

¹⁴. FL PBC Minutes, 16 April 1930, 20 May 1930. The committee paid half rent, (15/- per week) cleaning (2/6 per week), and telephone (£2 a quarter) to the Studley Appeal Committee.
During the next three months, the committee initiated an energetic campaign with the triple object of convincing the public, the Government and the Imperial Conference of the justice of its cause. The campaign illustrates well the means of action used by moderate feminists at this time. It sent out full minutes of its monthly meetings for the information of supporting societies. The organising secretary was not slow to prove her competence. At her first committee meeting, in May, she outlined a scheme of work: the first priority was to persuade women's organisations to bombard the Government with resolutions in support of the Nationality of Married Women Bill. Co-operating societies would therefore be asked to get their branches to pass such resolutions and sponsor them at meetings of any other societies. Two leaflets, suitable for sending out with journals or newsletters, had already been drafted and it was hoped that interested people in provincial centres would set up local Pass the Bill committees and enlist the sympathy of the editors of their local newspapers.

The committee was also putting more direct pressure on the Government. Its officers had drawn up a memorial to be signed by M.P.s and presented to the Prime Minister requesting that the Nationality of Married Women Bill be passed before the end of the year. A memo had been drafted for submission to the government department dealing with the agenda for the forthcoming Imperial Conference. The May meeting amended and approved the leaflets, memorial and memo.  

15. FL PBC Minutes, 20 May 1930.
So far the committee had been concerned with the machinery of propaganda and this was now beginning to run smoothly, but the scope of its activities, and indeed the precise aims of its agitation, proved to be continuing causes of controversy among member societies. The problem was touched on, lightly enough, at the first meeting, when some members suggested there had been 'ambiguity' concerning the aims of the committee in the circular asking societies to name members to serve on it. It was agreed that a second letter be sent explaining simply that its aim was to promote the passage of Captain Cazalet's Bill and that it was concerned with 'matters of machinery not policy.' The explanation omitted any mention of imperial concerns, as a letter from one of its member societies was prompt to point out; so the committee further explained that 'its work in this country and in connection with the Imperial Conference' was to 'do propaganda to secure the acceptance by Parliament and the Imperial Conference of the proposals contained in the Bill.'

This brief exchange was a forewarning of things to come. The issue which was to divide the committee for years came up a month later, the question of whether it should have a policy on the nationality of children of mixed marriages. The British Commonwealth League especially wanted it to work for the right of such children to derive nationality equally from both parents, but the chairman convinced the committee that this was outside the scope of its terms of reference, and apart from the need to consult supporting societies about it, was likely to lose it support. The League, probably because of this disagreement, withdrew from the committee, though it continued to

16. FL PBC Minutes, 16 April 1930, 5 May 1930.
co-operate with it in plans for a combined deputation to the Imperial Conference. 17

By June the organising secretary could report considerable progress: twenty or so more organisations had responded favourably to the committee's approach, agreeing to pass resolutions, distribute leaflets and report the committee's aims and activities in their journals. The committee was now using its own headed stationery, with national societies supporting its work listed on it. All the chief women's papers had been interviewed, but very little interest had been shown in the campaign. The attitude of the general press had also proved disappointing, so the committee decided to follow up well-known women journalists, and send letters to the major papers. The financial situation also caused concern; once the secretary's salary and various expenses of organisation were taken out of the £160/4/6 so far received, only £10 would remain. The supporting societies would have to be asked to shoulder some of the burden, beyond the small sum they paid to receive the minutes and it was decided to ask them to allow the committee to circularise their subscribers with an appeal. 18

The Pass the Bill committee was a business-like body and discussion generally concentrated on the detail of administration and propaganda, but at this time, its Honorary Secretary, tried to bring it into direct contact with the people it was trying to serve.

17. FL PBC Minutes, 23 June 1930. It was only on 20 June 1933 that a B C L. committee member was again listed.

18. FL PBC Minutes, 23 June 1930. The new supporters came from a wide range of organisations, including a number of trade unions without any obvious ties to the feminist movement, such as the National Union of Blast Furnacemen, Ore Miners, Coke Workers and Kindred Trades, or the National Amalgamated Society of Operative House and Ship Painters and Decorators. For an example of the letter heading, see appendix 11.
She urged that it should collect instances of women suffering under the nationality laws and it was agreed the Treasurer should spend £3 on an advertisement in the agony column of The Times to seek them out. There was no evidence of any response and the committee's work of advice to such women came later.¹⁹

July marked the end of the intensive three month campaign and of Miss Gordon's appointment. Support for the committee had been sought beyond women's organisations, and many of the 39 societies now pledged to support the Nationality of Married Women Bill had no connection with feminism at all. These had been asked to do specific tasks rather than the general work of propaganda; for example the Shop Assistants' Union had helped with publicity and issued leaflets, the House and Ship Painters had asked their branches to put pressure on their local M.P.s and the United Pattern Makers had printed the committee's two leaflets.

Hard work by supporting societies had gone into the collection of signatures for the M.P.s' memorial to the Prime Minister. Committee members had first of all approached Members known to be favourable, then local feminist organisations had approached their M.P.s, and the organising secretary had lobbied in the House of Commons. Once fifty signatures had thus been obtained, the memorial was sent to all other Members of the House together with a list of these names. Each of the two leaflets for distribution to supporting societies had been printed in an edition of 10,000, and sales were satisfactory.

A great deal had obviously been achieved, and the committee conveyed its unanimous congratulations to Miss Gordon. It also

¹⁹. FL PBC Minutes, 23 June 1930.
decided to use another £100 donation to offer her a half-time appointment for a further six months. Further donations enabled this appointment to be made full-time, when the office re-opened after the summer break.\textsuperscript{20}

The main propaganda instrument of the committee in this period was its two leaflets; both were short, one a single sheet with both sides printed, the other a four-page pamphlet. They illustrate clearly what the committee expected of its supporting societies. The single sheet leaflet was crisp in tone, practical in advice. On one side, under the heading 'Nationality of Married Women Pass the Bill Committee' (formed by the National Council of Women) and a list of its officers, the committee provided in bold capitals 'Eight reasons why you should support the Nationality of Married Women Bill'.

These were:

1. Because it is a measure of justice.

2. Because to possess nationality is the most fundamental political right.

3. Because no woman should be penalised on account of marriage.

4. Because women should not lose their separate identity on marriage.

5. Because the present law weakens the conception of allegiance by easy grant or denial to women of nationality.

6. Because women are human beings and should be denied no human rights.

7. Because the present law treats women as chattels, whose consent is unnecessary when allocating them citizenship.

8. Because loss of nationality involves loss of political rights, including the parliamentary and municipal vote, her freedom of movement within her own country, her country's protection when abroad, and frequently causes passport and other travelling difficulties.

20. FL PBC Minutes, 21 July 1930; 17 October 1930.
The eight reasons were preceded by a short explanation of the bill and followed by an affirmation that the British Government had publicly declared itself in favour of its principles.

The reverse side listed in similarly bold type, 'Eight ways you can help this bill to become law', such as writing to or interviewing M.P.s, submitting resolutions in favour of the bill (a suitable form was included) at meetings, setting up local Pass the Bill Committees, speaking, writing to the press, sending donations or raising money.\(^{21}\)

The leaflet sold at 1/2d a copy, 2d a dozen or 1/- a hundred, and within three months 7,000 copies had been sold. Some societies took large numbers: the NCW took 3,000 to insert in the July issue of the *National Council of Women News*, and the National Women's Liberal Federation took 1,250 to insert in the *Liberal Women's News*.\(^{22}\)

The four page pamphlet included many of the same features. In its *Proposed Action* section it offered two model resolutions suitable for introduction at meetings; it made suggestions concerning the formation of local Pass the Bill Committees, and press publicity, and provided a brief *History* of the question of married women's nationality, and a description of the *Present Position*; this stressed the need to make the Government aware of the widespread support for Captain Cazalet's Bill, so that they would give time for all its stages. Definite parliamentary action along these lines before the Imperial Conference would encourage the Dominions to pass similar legislation of their own.\(^{23}\)

\(^{21}\) FL PBC Records. Pamphlets. See appendix 9.
\(^{22}\) FL PBC Minutes, 23 June 1930; 21 July 1930.
\(^{23}\) FL PBC Records. Pamphlets, 1930.
The longer pamphlet sold more slowly, perhaps because it was less suitable for interleaving in a society's journal, perhaps because, at 2/- a hundred, it was dearer, but by July 5,000 copies had been disposed of, again with some societies taking large numbers; the National Women's Liberal Federation, which had taken 1,250 copies of the single sheet to send out with its journal, took the same number of the longer version for distribution to branches.24

If the marshalling of feminist opinion by the committee was proceeding satisfactorily, its efforts to influence the Government were proving less successful. The M.P.s' memorial to the Prime Minister was presented in July with an impressive 241 signatures, but Captain Cazalet's Bill lapsed when the parliamentary session ended. While still urging the Government to 'take all necessary steps to make it possible to reintroduce and to pass this measure without delay', the committee came to concentrate its hopes and its activities on the approaching Imperial Conference. Its members tried to inform the public of the Imperial Conference's role in nationality law, and to organise a women's deputation to it; when this failed it sent to all representatives to the Conference a substantial memorandum explaining their cause.25

The public at large probably became aware of the existence of the Pass the Bill committee while the committee itself was in summer recess. On 30 August The Times published a letter written for the committee by Macmillan. Under the headline 'Married Women's Nationality: Points for Imperial Conference', the letter spelled out clearly the

24. FL PBC Minutes, 23 June 1930; 21 July 1930.
duty of the Conference to act on the policy of sex equality in nationality law advocated by the British Government's representative at The Hague. It also tackled the thorny question of imperial uniformity:

We are of opinion that uniformity is possible only if it is a uniformity of recognition of the married woman as a political entity in her own person... we are not in favour of the married women of this country being sacrificed to a uniformity which denies them this measure of justice' because of the veto of 'one or perhaps two of the Dominions'. If the Dominions will not agree, 'it will be the duty of the Government to make it clear that uniformity must give place to justice, and that so far as this country is concerned the Government will promote legislation along these lines.' The letter appeared over the names of sixty-four prominent men and women; some signed as individuals - including a number of Members of Parliament and the presidents of some feminist societies - others as representing organisations which ranged from religious groups, of varied persuasions, such as the Women's League of London Congregational Union, the Union of Jewish Women, St. Joan's Social and Political Alliance and the Theosophical Order of Service, through professional associations such as the National Union of Teachers and the National Union of Women Teachers, to unions such as the National Union of Clerks and Administrative Workers and the Amalgamated Society of House and Ship Painters and Decorators.26

The committee had drawn together an impressive body of support. At the Home Office Dowson minuted on the letter, 'It is evident that the women are going to be troublesome at the Imperial Conference.' and

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he asterisked on the copy of the letter on file the sentences that referred to uniformity having to give way to justice, commenting,

The women think it is more important to establish a point of principle affecting a small number of 'British' wives of aliens than to keep the members of the British Commonwealth together under a single nationality and allegiance.27

From its inception, committee members had planned a deputation to the Imperial Conference, but their hopes were thwarted. They began by applying to see the Dominions Secretary, who was responsible for the agenda of the conference, but he refused to receive a deputation.28

Next, in conjunction with the British Commonwealth League, they asked to be received by the Imperial Conference itself. When the request reached the Home Office, Dowson professed surprise that, the women, after the lamentable impression produced by their deputation to the Hague Codification Conference last April, should still think it to their advantage to press their views in this way on the delegates at the Imperial Conference.

But he saw some advantage, if the Home Secretary was prepared to receive a deputation, in knowing 'the latest developments in the minds of these women who run these organisations.' The Government had expressed itself in favour of the principle the women wanted to press at the Imperial Conference, but it would be difficult to 'adjust their position inter-Imperially' because all the members of the Commonwealth did not think alike. Then there was the 'overriding constitutional problem' of the whole future of Imperial Nationality Law. If the Home Secretary did consent to see a deputation (and he was

27. PRO HO45/15146/523629/107, September 1930.
28. FL PBC Minutes, 21 July 1930. Miss Picton-Turbervill M.P. negotiated on the Committee's behalf. The Dominions Secretary was J.H. Thomas.
the right person to do so, though in no way as representing the Conference) he could only reiterate the need for inter-Imperial solidarity 'leaving the constitutional issues aside as matters on which no statement can be made.' The Home Secretary saw no point in this. He wrote to the committee that, as he had received a women's deputation on nationality as recently as January, he saw no useful purpose in receiving another, and the Dominions Secretary explained that it was against the policy of the Imperial conference to receive deputations.

Nothing daunted, the committee then went to the top. When their office reopened in early October, they applied to the Prime Minister himself, in his capacity as Chairman of the Imperial Conference, pointing out that both the Hague Conference and the London Naval Conference had received deputations from women's organisations and enclosing a list of 'ten salient points' on women's nationality. Ramsay Macdonald sent a 'very sympathetic' reply, making the excuse that lack of time precluded the Conference from seeing them, and suggesting they send a written statement instead. To a further letter, which suggested that the Conference might direct its Nationality Committee to receive them, there was no response. Still, something has been achieved; copies of the second letter to the Prime Minister, together with a detailed memo, which included a copy of the Nationality of Married Women Bill were sent to all members of the Imperial Conference, eliciting a friendly reply from the leader of the Canadian delegation.30

29. PRU H045/15145/523629/96A, PBC to Hankey, 26 July 1930, BCL to Hankey, 9 July 1930. Dowson minute, 30 July 1930, Sir Maurice Hankey was Secty. to the Imperial Conference.

30. FL PBC Minutes 17 October 1930 citing Thomas to PBC, 2 August 1930.
The final initiative of the committee in relation to the Imperial Conference shows its members to have been ingenious as well as tenacious. In default of the delegates, committee members decided to enlist the sympathy of their wives; the National Council of Women managed to lobby a number of them. 31

The case the Committee wanted to put to the Imperial Conference had to rest on the written rather than the spoken word. Its memorandum was, predictably, the work of Chrystal Macmillan, and ran to ten cyclostyled pages. 32 It would later be expanded into a 22 page printed pamphlet, published by the committee the following January and thereafter reissued with modifications and additions; for example, four more pages were added in the 1932 edition. The last version was published in 1938, after its author's death. It is thus the kernal of the committee's primary statement on its policies and aims. 33

Reminding the Imperial Conference that 'to deprive a woman of her nationality on marriage with an alien is an innovation and not part of the Common Law,' it asked:

That throughout His Majesty's Dominions the law should be so that a British woman marrying an alien shall no longer lose her nationality; that an alien woman marrying a British subject shall not have his nationality conferred on her unless she so desires, and that a married woman shall be regarded as an individual competent to claim and be admitted to British nationality in her own right.

It urged immediate action;

If the Dominions are not yet all prepared to grant their married women this most fundamental of political rights

31. FL PBC Minutes, 17 October 1930, 1 December 1930.
32. PRO DO35/106/4166/12.
it is essential that those which are so prepared should go forward together now.

There was evidence that Australia, New Zealand and Canada were favourable to the reform, so that these Dominions were 'being definitely hindered from reforming their law by agreements of the Imperial Conference now completely out of date'. The memo then commented on the postponement of a decision on the question by the 1926 Conference, the Hague Convention and recommendation, and the extent of the demand for the reform among women's organisations, and listed countries which had opted for the reform over the previous twelve years. It concluded, under the heading Justice versus Uniformity:

My Committee hopes that all the constituent parts of the Commonwealth will act together. But it most strongly emphasises that it is not possible for the women of the Commonwealth longer to be denied justice in the matter of nationality by reason of the veto of one, or it may be of two Dominions ... if the choice lies between uniformity and justice, it is uniformity that must be sacrificed.  

The nationality campaign which began in 1930 was not limited to the Pass the Bill Committee, nor was this committee the only feminist group to appeal on the issue to the Imperial Conference. Its supporting societies were encouraged to do likewise. Some forwarded resolutions, a few sent their own memoranda to the Conference. The most elaborate of these emanated from a comparative newcomer in the field, the Six Point Group. The Group's adherence to the cause of independent nationality, which was of the utmost consequence, seems to have come rather suddenly in 1929 or 1930; it centred round the Chairman of its Nationality Committee, and as its representative a founding member of the Pass the Bill Committee, Helen Archdale. Her role in persuading the Foreign Secretary to a statement of policy on women's nationality just before the Hague Conference has already been discussed.  

34. PRO 0035/106/4166/12  
35. Above pp.209-210; 220.
was a determined and talented woman. Daughter of a distinguished editor, and war widow of a staunchly Protestant Ulsterman with a seat at Castle Archdale, she had been a close friend of the Pankhursts and (to the horror of her in-laws) had been imprisoned more than once as a suffragette. 36

Though no longer editor of *Time and Tide*, Archdale maintained her association with it. The interest of the Group in independent nationality for women was reflected in the paper, which proved effective in publicising the issue at this time. Early in 1930 it followed up its scathing comment on the Home Secretary's reception of the women's deputation on nationality 37 with the publication of two letters, written from his home in Italy by the expatriate American poet Ezra Pound. Pound's English-born wife had become stateless on marriage and his vividly expressed outrage at this fact and its consequences made excellent copy. At the end of January he wrote,

> It is through no act or volition of mine that idiotic impediments are placed before her when she wishes to visit her relatives in England... Nothing but a new war (i.e. between America and England in the present case) can restore her right to move from Italy to England without these idiotic restrictions. I mean that private dissolution of contract (divorce) is no remedy, it would not restore her freedom of travel. 38

He followed up a fortnight later,

> English women who married Americans before 1914 are now severely penalised for an act (matrimony) not at that time criminal or illegal. 39

37. *Above p.214*.
When the Six Point Group produced an eight-page Memorandum on the Nationality of Women for submission to the Imperial Conference it was clearly intended to instruct the public as well as delegates to the Conference. Prepared by Hildegarde Gahan, it broke the monopoly Macmillan had so far established in the production of such documents. It is brisk in style, clear in lay-out. It begins by quoting in full Articles 8-11 of the Hague Convention, and gives the following reasons why they are unacceptable. They,

1. Deny adult status to a married woman in regard to her nationality.

2. Burden her with practical disabilities and difficulties in addition to humiliating her by giving her a low status.

3. Write into a new international code of law a principle which the piecemeal legislation of nearly every country in the world has been for some years past rejecting.

Instead of ratifying the Hague Convention the British Empire should opt for the Hague recommendation in favour of equality of the sexes in nationality, which the leader of the British delegation to the Hague supported in plenary session.

The pamphlet then goes on to deal with the role of the Imperial Conference in determining British nationality law, claiming that in the Dominions feeling was very strong against the principle of 'thrusting women on marriage from one nationality to another, like pawns on a chess board,' but that when the question was raised in Parliament, nothing was done either in Britain or the Dominions 'because of the disinclination to upset the unity of the Imperial law.' If this Imperial Conference postponed action, it was probable that an independent move by some Dominion would breach imperial unity; if, on the other hand, the Imperial Conference adopted the Hague articles, there was a danger the 'principle of the incapacity of the married woman with regard to her
nationality' would be incorporated in the new International Code of Law. The time was thus most critical both for those who cared for the Empire and for those who cared for the interests of women. So, for the sake of 'imperial unity and prestige as well as grace and justice; the members of the Conference were urged to exclude the articles on women's nationality from any ratification of the Hague Convention and to initiate Empire-wide legislation to effect sex equality in nationality law.40

There is a difference in tone between the memoranda of the Pass the Bill Committee and the Six Point Group, but the message is the same and the argument is the same. That of the third women's group to submit its own memo may be passed over lightly, for it too covers the same points. It came from the National Council of Women, and may have been drafted for them by Macmillan. The National Council reminded delegates to the Imperial Conference that at every such Conference since 1917 women had asked for the right to retain British nationality on marriage with an alien. They drew attention to the statement of the British representative in favour of sex equality in nationality at the Hague conference, and pointed out that in the preceding twelve years twelve countries had amended their legislation in this sense, so that about half the world's population now recognised the right of a woman, notwithstanding marriage, to her own nationality. They urged the Imperial Conference to find some means of taking joint action, 'even if complete unanimity cannot at present be attained.'41

40. FL SPG Papers. H. Gahan, A Memorandum on the Nationality of Women for submission to the Imperial Conference.

41. PRO DO33/136/4166/5 NCW of GB. (unsigned) Memorandum for submission to the Imperial Conference 1930. The Nationality of Married Women.
The British Commonwealth League, which in co-operation with the Pass the Bill Committee had tried unsuccess-\nfully for a deputation to the Conference, also forwarded its own memo to it. This document, which summarised resolutions passed at the League's recent conference, included submissions on matters other than the women's nationality, but the resolution on nationality formed the first paragraph. It urged implementation of the 'recommendation adopted in the Nationality Committee of the Codification Conference by the votes of 27 nations including Great Britain and her Dominions.'

While feminist groups were flinging themselves into their campaign to influence the Imperial Conference, those departments with responsibility for advising the government on the question of women's nationality were equally occupied with the question. The Cabinet Policy Committee asked the Inter-Departmental Committee on Inter-Imperial Relations to prepare for it a memo on the nationality of married women, 'setting out briefly its history and dealing with political and legal aspects of the question'; this would be the government's brief for the Imperial Conference.

The preparation of the memo proved to be a lengthy task. At the beginning of August Dowson drew up a first draft for Foreign Office and Dominion Office comment, treating the subject under the four heads of British nationality law, past and present; proposed amendments to the law and the arguments for and against these; development of the reform movement in the United Kingdom; and international action, centring on the Hague Conference. His main theme was the now familiar argument that to go beyond the Hague recommendations would endanger the 'common

42. FL BCL Conference Report, 1930.
status' of the Empire. He defended the negative tone of his draft in a covering letter.

It has been suggested to me that, as the Government is committed up to the neck in favour of the great principle of the equality of the sexes, it is useless and perhaps impertinent to set out ... any arguments against the women's proposals. I do not share this view because it seems to be quite absurd to assume or pretend that there are no arguments against it and I think it would put ministers in a false position if they are allowed to believe that it is the position. 43

This disclaimer did not satisfy Foreign Office officials.

Beckett was concerned at the 'whole trend' of the memo which, he believed, was 'not written in an entirely helpful spirit,' and also tended to confuse 'history' and 'argument', 'We must assume, I think, that the Government, in view of their commitments in this country, will want to do their utmost at the Imperial Conference to persuade the Dominions to come into line with their views', he wrote in a lengthy commentary, adding in the margin that he assumed these views to be substantially in accordance with the demand of the women's organisations.

At the Dominions Office Stephenson agreed with this, but insisted that the prime consideration was,

that the United Kingdom should not start the break-up of the Imperial unity of nationality. All our efforts should be in the opposite direction - and if we were to "break away" on this subject, I cannot see any hope of maintaining a common body of Imperial law on the whole subject. 44

Since Dowson had gone on leave, a nationality expert at the Foreign Office redrafted the memo to incorporate the 'highest common agreement', among departments, in preparation for meeting as soon as

43. PRO DO35/06/4166/5, HO to DO, 8 August 1930.

44. PRO DO35/06/4166/6, FO to DO. A few first reflections upon reading Mr Dowson's draft memo on the Nationality of Women, 12 August 1930, and DO minute. W.E.Beckett was 2nd Legal Adviser, FO, 1929-45, Legal Adviser, 1945-53. J.E. Stephenson, who entered CO 1919, later became Deputy US of S., Commonwealth Relations Office.
Dowson returned. The redraft was circulated at the very end of August. Contrary to intention, it had now become longer instead of shorter and ran to more than 20 pages. The Dominions Office approved it as a basis for discussion, but vetoed some new material, notably a section on 'psycho-political considerations' and a passage in which the writer mused, 'There is no escaping the fact that traditional religion whether Pagan, Protestant or Catholic has always thought that a wife follows her husband whithersoever he goeth', and quoted the example of Ruth among the alien corn, relating this to the opposition by Dutch Calvinists in South Africa, and Roman Catholics in the Irish free State to independent nationality for married women.

By mid-September repeated revision of the memorandum had extended its length to more than 23 pages, and this necessitated the provision of a 6 page summary for the Cabinet Policy Committee. It had now become too late to discuss the latest version in the Interdepartmental Committee. The Imperial Conference was due to open in a fortnight and the Cabinet office had to have the document at once if it was to be duplicated, circulated to the Policy Committee and printed in time for the conference, so it was agreed that the memo embodied the views of the departments concerned and it was finally sent off. The laborious nature of the process throws light on the reasons why successive Home Secretaries who wanted to make swift changes in the law relating to women's nationality had so little success in doing so.

45. PRO D035/106/4166/7. Memo on the Nationality of Married Women, the short version appeared as the Report of the Interdepartmental Committee for the Cabinet Policy Committee, the longer one as the Report of a Nationality Subcommittee of the Interdepartmental Committee.
The longer of the memos that resulted from these protracted labours was a concise and balanced document. Part I set out the history of British women's nationality. Part II discussed the arguments for and against the introduction of amending legislation to give effect as a whole or in part to the demands of the Women's Organisations, with particular reference to the views of the Dominion governments and the effect of any such amendment upon the whole question of nationality in the Commonwealth, and finally the memo discussed what options were open to the government. There is little that is new in the document, though it does spell out the differences in Commonwealth policy, on the basis of Dominion attitudes at the 1926 Imperial Conference; while Australia and New Zealand fully supported the principle which the Women's Organisations desired to see established, the Union of South Africa and the Irish Free State were definitely against acceptance of the full principle and Canada's position was somewhere in between. It reaffirmed, unequivocally, that 'only by strict adherence to [the] practice of consultation can a uniform corpus of nationality law within the British Commonwealth be maintained'; which practice must include the law on women's nationality. Certainly there was strong political pressure from the Women's Organisations, supported by a considerable section of opinion from all quarters of the House of Commons, to pass a Nationality of Married Women Bill, and the Pass the Bill 'manifesto' in The Times was cited as evidence of this, but the general public were indifferent or neutral. The important factor was that to legislate as the women demanded would breach imperial nationality law; the principle, that is avoidance of statelessness, embodied in the Hague Convention was clearly the greatest measure of agreement possible of attainment. While it would reduce the number of stateless wives, it would not satisfy the Women's Organisations. Two steps might be taken to help
win over the Dominions to the women's view;

1. To obtain their consent to the principle unanimously voted in the House of Commons in 1925, that a British woman should not lose her nationality by the mere fact of marriage with a foreigner ('though on the evidence before us, we cannot hold out much prospect that the Dominion governments would agree'), and

2. To give effect to the third of the women's demands, that a married woman should be enabled to apply for naturalization on the same terms as a man.

The memo concluded by reaffirming that any further step in the direction of giving effect to the women's demands would be a step in the direction of breaking up the Imperial law of nationality:

Whether or not such a breakup is inevitable, we feel that our principal recommendation must be that His Majesty's Government in the United Kingdom should not themselves initiate any legislation tending to this result. 46

The Imperial Conference of which the independent nationality lobby had held such high expectations, did nothing for them. Its Nationality Committee was wrestling with a more fundamental problem than married women's nationality: how to maintain the 'common status' in face of the decision to repeal the Colonial Laws Validity Act, thus granting full legislative autonomy to the Dominions. The common status possessed by all citizens of the Commonwealth arose from the possession of British Nationality, based on the 1914 Nationality Act. but when the Colonial Laws Validity Act was repealed, it would be competent for any Dominion to pass legislation simply repealing the 1914 Act in its application to that Dominion, although the definition of a distinct Dominion nationality would not necessarily imply the repeal

of the 1914 Act. In the attempt to maintain the common status in the context of the new autonomous Commonwealth, any change to women's nationality was simply too divisive to contemplate.

With regard to the nationality of married women, therefore, the Conference trod very lightly. It opted, under the British Government's guidance, for the Hague solution.

All members of the Commonwealth represented at the Hague Conference of 1930 had signed the Nationality Convention there concluded and will, it is assumed, introduce such legislation as may be necessary to give effect to articles 8-11 of that convention.

The Conference was satisfied, 'that any proposals for the further modification of the principle of the existing law would fail to secure common agreement'. So the Conference could make 'no recommendation for the substantive amendment of the law on this subject'.

It was a disappointing conclusion to the Imperial Conference phase of the nationality campaign. 'Uniformity' had clearly won out over 'justice' in this instance, but even before the Imperial Conference held its final session on 14 November, another Nationality of Women Bill had been introduced into the British parliament, and feminist organisations were launching a campaign to ensure its progress.

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47. PRO CAB 32/100 Imperial Conference 1930. Committee on certain aspects of Inter-Imperial Relations. Sub/committee on nationality (E.I.R./N/(30)).


49. 245 H C Deb. 1675 - 1680, 31 October 1930. Dr. Bentham introduced the Bill.
The Nationality of Married Women Pass the Bill Committee had not planned beyond the 'push' of its first three months, but though Captain Cazalet's Bill had lapsed and the Imperial Conference had proved unapproachable and intractable, there was no thought of dismantling the network of support so efficiently built up. Miss Gordon was re-engaged, and when the half-share in the Studley office expired a lease was taken on another office in the same building.  

Preparatory to another campaign by the committee, Macmillan requested the Prime Minister to include a Nationality of Married Women Bill in the King's Speech for the coming session of Parliament. Her request was brief and well argued, making clear the Government's commitment to action. But the Home Office, to whom it was referred, minuted that the Nationality Committee was not discussing the special question of women's nationality, 'not yet having come to an agreement on the general nationality question.' In these circumstances it was clear that nothing could be said in the King's speech.

On the last day of October the Nationality of Women Bill was again introduced. In its July meeting the Committee had decided to circularise all the M.P.s who had signed the memorial to the Prime Minister to ask them to ballot for the bill; although the evidence is lacking, this is probably how a new champion for the measure was found, Labour's Dr. Ethel Bentham. Dr. Bentham was in her first parliament, having turned a Conservative majority of nearly 4,000 into a Labour one of 1,500 in East Islington, to enter it. She was a member of the Quaker family of Jeremy Bentham, held a medical degree

50. FL PBC Minutes, 17 October 1930.
51. PRO HO45/15146/923629/116. Macmillan to Prime Minister. 15 October 1930; Minutes. Appendix 11.
52. FL PBC Minutes, 17 July 1930.
from Dublin and had specialised in the care of mothers and children. One of the first woman magistrates, she had experience in local government and an interest in women's affairs.53 The bill she introduced was identical to that of Captain Cazalet, except for the dropping of the word 'married' in the title, and a change in the object: instead of 'a Bill to allow women marrying foreigners freedom to retain their nationality' this became simply 'to amend the law relating to the nationality of women'.54

As the second reading of the bill approached, the committee set about vigorous propaganda on its behalf. They sent letters to The Times, Manchester Guardian, Glasgow Herald, Yorkshire Post, Scotsman, The Birmingham Post, and prominent provincial papers.55 The letter to The Times of 21 November, written by Macmillan, may be taken as typical. It drew the attention of readers to the failure of the Imperial Conference to 'make any recommendation for the substantive amendment of the law on the nationality of married women', beyond the inadequate provisions of the Hague Convention; but it found satisfaction in the 'constitutional arrangements [which] leave it open to any Dominion to adopt more progressive legislation.' There appeared to be no longer any barrier to the adoption of independent nationality by the United Kingdom or any Dominion and the letter went on to 'look confidently to the Government to provide facilities to enable [Dr. Bentham's] Bill to pass into law this session.56

54. FL PBC Minutes, 1 December 1930.
55. FL PBC Minutes, 12 January 1931.
56. The Times 21 November 1930.
Macmillan's last point was a telling one, but not one the Government wanted publicised. When Sir A.B. Keith came to write on the Dominions as Sovereign States he would echo it, affirming that the decision to repeal the Colonial Laws Validity Act was not compatible with the maintenance of the British Nationality and Status of Aliens Act of 1914. The committee found the attitude of the press generally more sympathetic than previously, and noted that several editorials were appearing on women's nationality.

Three days before the second reading was due, the committee pressed home its advantage by sending out to M.P.s a circular, signed by 38 societies, urging them to 'make a point of being present on this occasion and record your vote for the measure.'

As the confidence of the reform lobby blossomed, the position of the Government became more and more embarrassing. The Home Secretary explained to Cabinet 'any steps taken by the Government to facilitate the passage of the Bill into law would be a clear breach of the agreement recently reached at the Imperial Conference' and would 'be the first step towards destroying the Empire-wide status of British nationality.' It would be 'fatal to the solidarity of the Commonwealth.' He hoped therefore to satisfy the Commons with a proposal for legislation to remove specific disabilities on British-born women married to foreigners, 'legislation to enable married women to enjoy the rights and privileges they would have enjoyed had they not lost

58. FL PBC Minutes, 1 December 1930.
59. FL PBC Records.
British nationality.' Cabinet concurred.\(^6\)

There was another problem raised by the bill also, as Henderson of the Home Office pointed out: it 'could scarcely be passed constitutionally as it would be operative everywhere throughout the Empire, whereas it has been decided to repeal the Colonial Laws Validity Act, etc., etc.' Pedder added on a note of forlorn hope, the day before the debate, 'I understand the Government has decided to oppose its second reading.'\(^6\)

If the Government were acutely conscious of their pledge of uniformity to the Dominions, several of the speakers in the debate, which began late next morning, 28 November, reminded them sharply of their pledge to justice for married women. The debate lasted almost five hours and was notable for its near unanimity of opinion - as one Member put it, the topic was 'non-political and non-party'\(^6\) - and for an unusually full participation by women M.P.s. Some of the ablest of these were Labour Members in their first parliament, who would fall victim to the landslide against Labour in 1931,\(^6\) Proceedings were enlivened by interjections from the irrepressible Lady Astor.

Of the twenty-two speakers, only four opposed the bill, and on the same grounds; its danger to the unity of the family, and the need to proceed in any change of the nationality law in collaboration with members of the Commonwealth and other nations. Sir Gerald Hurst, who

\(^{60}\) C P 386(30) 20 November 1930, Clynes memo; Cabinet conclusion, 26 November 1930.

\(^{61}\) PRO HO45/15146/523629/121: Pedder minute.

\(^{62}\) 245, H C Deb, 1723, Campbell, 28 November 1930.

\(^{63}\) Dr. Bentham (Lab.), 1929-31; Miss Wilkinson (Lab.), 1924-31; Miss Picton-Turbervill (Lab.) 1929-31; Dr. Phillips (Lab.) 1929-31. Lady Astor (Con.) 1919-45, and Miss Rathbone (Ind.) 1929-46, also spoke.
led the attack on the bill, described women's nationality as 'an inter-
Imperial and an international question' which had to be dealt with in
collaboration with other countries. He favoured the old principle
of one nationality in a family: like Ruth, a wife should be
prepared to say 'Thy people shall be my people'.  

64. Col. Fremantle placed his main emphasis on the fact that 'the foundation of the
greatest institution of all, family life, must be respected,' and
Major Davies, to whom the matter was of personal concern since he himself
had dual nationality and a wife who had been born in India, took a
similar line; 'for the family ... there should surely be one
nationality.'  

66. Other speakers expressed reservations about the detail
of the bill's provisions, but thought any problems could be dealt with
in its committee stage. For example, Sir Rennell Rodd, who had 'spent
40 years in different parts of the Continent and all quarters of the
world' thought the bill could lead to considerable difficulties, and
agreed the matter would best be handled at an international meeting,
but still supported it in the hope that 'if this country gives a lead
in the matter other countries will follow.'  

67. Another speaker
favoured a second reading to enable closer examination of the bill
in committee.  

68. 

64. 245 H C Deb, 1689-1691, 28 November 1930. Sir G. Hurst (Con.)
sat for Moss Side 1918-23, 1924-35. Till 1916 his name had
been Hertz.  

65. Ibid., 1696 Col. (later Sir) F. Fremantle (Con.) represented
St. Albans 1919-1943.  

66. Ibid., 1730 Davies.  

67. Ibid., 1706 Sir J. R. Rodd (Con.) St. Marylebone 1928-32 had a
distinguished diplomatic career before entering parliament.
He became Baron Rennell, 1933.  

68. Ibid., 1727, Burgin.
In the case of most speakers, however, championship of the bill was wholehearted. Dr. Bentham, in a short and carefully developed speech, stressed the support the bill enjoyed in the House and the country. While not ignoring principle, she refuted the suggestion that the agitation for independent nationality was 'got up largely on sentimental grounds of theoretical equality by feminists who find themselves, since women's suffrage was achieved, without a grievance to exploit.' She spent most of her time on particular cases, known to her personally, of injustice caused by the law.  

Captain Cazalet seconded the motion. He described the bill as a small and simple one which, in the metaphor of the racecourse, always took the first jump easily. Everybody applauds it, and everybody wishes it well. But then it is not that it falls down; it never really manages to reach the second fence. This time 'with strong support from the Liberals' he hoped to see it reach the winning post... 'He also hoped that whoever would reply for the Government would not use the old arguments that 'we must wait and see what other countries do and what other parts of the Empire wish to do.' 'We must lead the way and demonstrate ... [that] in the matter of nationality we will not allow a question of sex to be the ground for discrimination and injustice.'

The negative views of Hurst and Fremantle came next, bringing Ellen Wilkinson to her feet. 'The last two speakers really are delicious' she began, in a fine burst of indignation at their 'antediluvian' speeches. She then pointed out, amidst lighthearted interjections, that if she chose to marry a foreigner she would

69.  Ibid., 1675 - 1680 Bentham.
70,  Ibid., 1680 - 1685, Cazalet,
automatically lose her seat in parliament, whereas a male M.P. who married a foreign wife would not. Like Dr. Bentham, she also detailed cases of women suffering severe hardship because of the nationality laws, before turning to the question of the Dominions:

We shall be told, probably, that the Imperial Conference has decided this and therefore nothing can be done. Really I do not know whether we are always to be dragged at the heels of the Imperial Conference,' and she reminded her colleagues on the Front Bench that the pledges of the Prime Minister and the Foreign Secretary on this matter were 'absolutely specific' and that the Foreign Secretary had in no way concealed his very strong views on this question. Australian and New Zealand women were 'all very keen on the bill'; it was not enough to say the Empire as a whole was against it, 'what we have to face today is the opposition of officials in the Home Office.' The official mind might like things 'nice and tidy,' but this must not be enough for the House, and she looked forward to hearing the Home Secretary say his Government was determined to pass the bill in the present parliament.71

To a surprising degree, the speech of the 'fiery particle' of the Labour party was paralleled by one from a Conservative speaker. In a lively, if wayward, speech Lady Astor backed up Wilkinson's attack on the 'official mind,' 'To get things through the Home Office is really a triumph,' she said, 'I am just watching.' She then rounded on the two members of her own party who had opposed the bill, telling Sir Gerald Hurst, who had quoted from the Book of Ruth, that 'we have passed from the Mosaic Law' and commenting on Colonel

71. Ibid., 1697 - 1702, Wilkinson,
Fremantle's plea for family unity, 'It is an extraordinary thing that, whenever we ask for equality and justice for women, up comes the old family life.' She too stressed that the Prime Minister was 'pledged up to the hilt', adding 'he could not wriggle out of this to save his soul.'

Edith Picton-Turbervill, a new Labour Member from a family that stretched back to the days of the Conqueror, had already shown her support for independent nationality by accompanying Mrs Corbett Ashby to the Home Office to discuss it, and by trying to arrange a deputation to the Dominion Secretary for the Pass the Bill Committee. She now stressed the government's commitment to act, and the support of women throughout the Empire for the reform.

Mr Marjoribanks, a member of the Pass the Bill Committee, spoke briefly, and Dr. Marion Phillips insisted that the House must get from the Home Secretary information on whether the position of the dominions was such as to prevent their acting together.

The Home Secretary was not in the House when Dr. Phillips spoke, but he arrived soon after. He did not face an easy task, withstanding the solid support for the bill, with his only allies diehard members of the Opposition Conservatives. Clynes began by expressing in the most emphatic terms government approval of the principles embodied in the bill. But the wider issues involved in it could not be resolved in the

72. Ibid., 1709 - 1714, Astor.
73. See above, pp.214-5: n.248, n.28.
74. 245 H.C. Deb., 1714 - 1717 Picton-Turbervill
75. Ibid., 1719 - 20, Marjoribanks.
simple principle of equality of the sexes, for 'questions of nationality affect not this country alone, but all the other members of the Commonwealth'. He explained the argument: what linked the component parts of the Commonwealth together was allegiance to the Crown, the basis of the common status possessed by all subjects of His Majesty; it could not be altered save in pursuance of legislation passed by common agreement. Since the statutory basis of the common status was the Nationality Act of 1914, it followed that any change to this could come only through imperial agreement, which was not at present attainable. In these circumstances, to pass the bill would be 'a clear breach of faith' with the Dominions. He then offered three specific concessions, first prompt legislation to amend the British Nationality Act on matters on which substantial agreement had been reached with the Dominions; for example, the 1923 and 1926 Imperial Conferences had recommended special concessions to facilitate resumption of British nationality by a British-born woman who, having lost her nationality, was living apart from her husband. Secondly, the granting to British-born woman married to foreigners and living in the United Kingdom of 'all the rights and privileges she would enjoy if she were still a British subject'; that is, she would be enabled to vote and would be relieved of the need to comply with the laws relating to aliens; and thirdly, legislation along the lines of the Hague Convention which, he said, 'went a considerable way in the direction of meeting demands made by several women's organisations.' Clynes concluded by saying that if a second reading was given to the bill he would regard this as a demonstration of a principle acceptable to all.77

77. Ibid., 1730 - 1740, Clynes.
The Home Secretary's speech disconcerted supporters of the bill, and prompted the Liberal leader, Sir Herbert Samuel, to intervene in the debate.

He quoted Bismarck's quip, that

"when anyone expresses approval of the principle of a measure, it indicates very strongly that he has no intention whatever of doing anything to carry it out in practice."

He believed the Hague amendment to be of 'comparatively minor importance', and pressed for more detail on the extent of disagreement at the recent Imperial Conference. Several other speakers intervened in support, and the Dominions Secretary, J.H. Thomas rose to reply, explaining rather ineptly that at the Conference 'the British Government were supplied with the whole of the arguments of the Home Office' on women's nationality, that a committee had dealt with the matter and the compromise arrived at had been the Hague compromise. His speech probably did little to reassure those who suspected the omnipotence, and disapproved the policy, of the Home Office. Samuel finished his speech by begging the 'somewhat lethargic government' to take action.

The exchange was not without irony. Sir Herbert Samuel, as Home Secretary during the war, had seen something of the complexities and frustrations of administering nationality law. He was firmly convinced of the justice of independent nationality for women and his

78. Ibid., 1745 - 1748, Samuel.
79. Ibid., 1749 - 50, Thomas.
80. Ibid., 1750 - 52, Samuel.
81. He was Home Secty., January - December 1916.
wife, as President of the Union of Jewish Women, had signed both the Times manifesto of the Pass the Bill Committee and the whip it had recently sent out.\textsuperscript{82} He would, at last, be guest of honour at the Victory Dinner of the Committee in 1949.\textsuperscript{83} Meantime, in less than a year, he would himself become Home Secretary and be forced to struggle - as unsuccessfully as Clynes - to reconcile the irreconcilables of equality of the sexes in nationality on the one hand and unanimity of imperial action on the other.\textsuperscript{84}

The debate was wound up, appropriately, by a Member who sat as an Independent and who had been from the beginning of her public life, closely identified with the women's movement. Eleanor Rathbone had entered parliament the previous year, and would become something of a parliamentary institution by the time she died, still a member of the House, in 1946. She delivered a scathing indictment of the 'lethargy' of the government.

\textit{We have a bill which has been before the House for 4 or 5 years at least; which all three parties are pledged to support, and on which the present Prime Minister has given a special pledge... we had an Imperial Conference at which this question was discussed... the representatives of His Majesty's Government knew the position, knew the pledges... knew of the promise by the Prime Minister. All that they were able to exact from the Conference... was that the whole Conference was pledged not to take action... [except] after previous consultation and unanimously... What is the use of assuring a Conference that you hold a forward position if at the same time you give a binding pledge that you will keep pace with the slowest member of the team?'}

And out of her long experience with the women's movement, she

\textsuperscript{82} Above, pp.246-7, Appendix 9; p.263.
\textsuperscript{83} FL PBC Records, 25 January 1949.
\textsuperscript{84} Samuel became Home Secretary in MacDonald's National Government in August 1931. Below, pp.296-297.
appealed eloquently to the Government not to offer either 'a barren second reading victory' or 'practical reforms ... which simply deal with particular hard cases' but to give

something which satisfies the broad principle to which we cling, namely, that if a woman has a passionate sense of her own nationality, if she feels that she is British in blood and wants to remain British till she dies, she shall be able, of her own free choice, to gratify that sense of her passionate attachment to her own nationality. 85

The Nationality of Women Bill passed its second reading without a division and was sent to a standing committee. 86

When Dr. Bentham put in an appearance at the Pass the Bill committee meeting a few days later, she was greeted with cheers, but the committee was most disappointed that the Government showed no sign of honouring its pledge, with which its agreement with the Dominions was apparently inconsistent. Only Dr. Bentham's urgent recommendation not to exhibit publicly dissatisfaction with the speech of the Home Secretary, but 'rather to encourage the Government in well-doing' dissuaded them from broadcasting their dissatisfaction in a press release. Dr. Bentham further suggested that the adjourned Imperial Conference in Ottawa in 1932 might support the bill.

So the committee simply placed on record its satisfaction at the progress of the bill, especially since it had gone to a standing committee and could not be blocked by the Government at this stage, and decided to suggest that its promoters form an ad hoc committee within the House to guide it through its further stages. They also decided to try and persuade women's societies overseas to campaign

85. Ibid., 1751 - 1755, Rathbone.
86. Ibid., 1755.
vigorously for independent nationality, in preparation for the Ottawa Conference.\(^87\)

The Home Office greeted the progress of the bill with considerably less enthusiasm. As Sir John Pedder noted glumly, 'Only the absence of a quorum or some such reason' could prevent its progress through the committee stage, and he queried whether it would be better to stop it on Report or Third Reading. Now that the bill had got its second reading, Henderson thought, the Government had three options;

a) Not to oppose its further progress but to amend it by providing that it did not become operative until similar legislation was passed by the Dominions;

b) To amend it so that the women who acquired British nationality under its provisions would not be deemed to have the common status, or

c) To so amend it as to reduce its scope to the Hague formula.

Officials agreed that the first option was 'without precedent', and undignified as well, whereas the second was complicated by the remarkable fact there was no legal definition of the common status, so that any bill along these lines would have to be preceded by a definition of exactly what the women were being denied; this option was also thought to be 'a bad example'. The third option was virtually the transformation of the bill, and its supporters would certainly protest.

The only thing that was agreed was that something would have to be done to give effect to the Home Secretary's undertaking. Sir John Anderson came up with a solution; it was an ingenious compromise, the preparation of a bill in two parts, the first of which would embody all the women's demands so far accepted in principle, but would be brought

\(^{87}\) FL PBC, Minutes, 1 December 1930.
into force by Order in Council if and when the Dominions 'came into line'; the second part would embody the Hague agreement and supplementary provisions as to local privileges, and this would operate meantime. Anderson was quite cynical about the purpose of his proposed bill: 'Part 1 would of course be window dressing', he admitted frankly, 'but it might appease the women' and the plan, if it succeeded, would have the advantage of stopping further demands for legislation.83

The bill was drafted in January,89 the Foreign and Dominions Offices and the Prime Minister approved it, and the Home Secretary was able to submit it to Cabinet when he reported on the second reading of Dr. Bentham's Bill. He explained in his memo to Cabinet that the government had to frame a policy which would

Safeguard the existing constitutional position, while at the same time giving an earnest of the sincerity of our desire to give effect, as soon as agreement among the members of the Commonwealth can be reached, to the principles embodied in the Bill promoted by the Women's Organisations.90

It is hardly likely that the 'window dressing' would have been acceptable for a moment to the Women's Organisations, especially as no action was intended in the near future. 'What is contemplated', ran a Home Office note to the Prime Minister's department, 'is not the immediate introduction, or even the promise of the immediate introduction of a Government Bill ...'91

88. PRO HO45/15146/523629/124 J.F. Henderson memo, 4 December 1930. Minutes, Pedder, Dowson, Anderson.

89. Ibid.

90. Ibid.,/131 J.R. Clynes memo C.P. 13 (31)

91. Ibid., Newsam to Duff, 23 January 1931.
But in the event the window dressing solution proved unnecessary. The Council of the League of Nations decided to put the question of women's nationality down for consideration at its assembly in September, and the Home Secretary could therefore ask Cabinet to postpone any decision pending League of Nations action. Cabinet duly decided that, when the bill reached Standing Committee, the Home Secretary should announce that a new situation had arisen and 'try to dispose of the Bill on these grounds.'

Whether this reason for postponement of action on the *Nationality of Women Bill* would have satisfied the Pass the Bill Committee and other interested feminist groups is open to doubt, especially in view of the long delay before the League Assembly would meet, but the issue was not put to the test. At this point an unexpected and tragic occurrence took the initiative away from the reform lobby. In January, after a bout of pneumonia, Dr. Bentham died; at 68 she had been the oldest woman elected to parliament in 1929 - she now became the first to die while still a member of the House. The Pass the Bill Committee minuted her 'deep loss', also noting that her death had made it very difficult to make any progress with her bill; there was uncertainty as to whether it was open to another member to take it on at the stage at which Dr. Bentham had left it. Some thought one of the backers might do so, in which case Captain Cazalet was the obvious person, but through a misunderstanding his name had been omitted from the list of backers. Miss Wilkinson, who had been in the United States and not available for consultation, was willing to undertake the responsibility,

92. Ibid., Cabinet conclusion, 4 February 1931.
93. Ibid., Newsam to Home Secretary, 17 February 1931.
but was of opinion that the bill would have to be re-introduced. In this case (the organising secretary thought) it would be impossible to get another second reading in the Commons, and the prospect of having the bill introduced in the Lords should be considered. Miss Wilkinson had discussed the matter privately with Mr Clynes and hoped to get a small non-party deputation of women M.P.s to see him in the coming week.94

Their mood of optimism dissipated, the impetus of the Committee's 'push' was lost. To be sure the work of propaganda was still going on; 5,000 copies of Macmillan's pamphlet, a detailed one intended as a guide to speakers, had been printed, now with a supplement on the Bentham Bill in the light of its Second reading debate.95 It made the practical suggestion that, as the Government's agreements with the Dominions dealt only with the common status,

They do not prevent this country adopting legislation which will make a married woman a British subject everywhere except in a Dominion which has not yet adopted legislation to make such citizenship effective. [sic]

The Nationality of Women Bill, it suggested, could be amended in committee in this sense.96 The pamphlet was sent out in all directions, to the press, for review, to all women Members of Parliament, to the chief provincial and feminist papers, to women's organisations, to 630 Divisional Labour Parties, to 300 individuals and organisations in the Dominions.

On the other hand the financial situation was grim. The committee had a bank balance of only £10 and could no longer afford

94. FL PBC Minutes, 2 March 1931.
95. FL PBC Minutes, 1 December 1930.
96. C. Macmillan, The Nationality of Married Women, 1931: Supplement
a paid organising secretary. Miss Gordon resigned amidst expressions of grateful appreciation from committee members for her work, and was promptly co-opted on to the committee. She suggested that Mrs Isabel Donzé, who had been helping in the office for some weeks, be made Joint Honorary Secretary; Mrs Donzé agreed to give three days a week to running the office.\textsuperscript{97}

The last episodes in the promotion of Dr. Bentham's bill occurred in March. Lady Astor, who had planned to ask the Prime Minister whether the Government would find time for the remaining stages of the \textit{Nationality of Women Bill}, received a communication two days before the question was due to come up, stating that though the Government was in sympathy with the bill, it had not been able to get agreement at the Imperial conference and that the whole situation had been changed by the decision of the League of Nations to reopen the matter. Moreover the bill was 'very controversial' and the Government strongly advised that no hope should be held out of any facilities being given to it.\textsuperscript{98}

A few days later, Wilkinson, who had 'taken charge of Dr. Bentham's Bill for the time being' took a small group of women M.P.s, to the Foreign Secretary to ascertain the Government's intentions. The deputation, both formidable and varied, consisted of Lady Astor, Miss Picton-Turbervill, Miss Rathbone and Miss Wilkinson herself. In the absence of the Home Secretary, Foreign Secretary Henderson replied.

\textsuperscript{97} FL PBC Minutes, 2 March 1931.

\textsuperscript{98} PRO HO45/15146/523629/141 HO to Watson (Astor's secretary), 11 March 1931.
He spoke with real sympathy, but offered little encouragement. He pointed out the congested state of public business, the need to await the League's decision. He placed some emphasis on the League. 'At the League Assembly the Dominions will be represented, and they will have to take a definite stand'... the Government hoped to 'carry the whole of the Dominions with us'. The deputation agreed that international action was best, but as Ellen Wilkinson pointed out, they 'wanted an assurance that even if there was no agreement' that would not close the question ... because I think the women will feel they have been taken from the Imperial Conference and put on the League of Nations...' This was indeed where the focus of the controversy was to remain for the next two years.

99, PRO H045/15146/523629/143 Interview, 15 March 1931.
CHAPTER SEVEN

THE NATIONALITY CAMPAIGN: FOCUS ON GENEVA
1931 - 1933

Ellen Wilkinson's suspicion that women might be 'taken from' the Imperial Conference only to be 'put on' the League of Nations was a shrewd one, but it was not shared by most advocates of independent nationality for married women. They were delighted that the League was taking up the question, since only the League, either through its own Assembly, or through a further Codification Conference held under its auspices, could alter the clauses on women's nationality in the Hague Convention. By mid 1930, well before any state had ratified the convention, the attention of the international feminist lobby had come to focus squarely on Geneva.

For its part the League seemed disposed to meet the women half way. In January 1931, its Council invited the major international women's organisations to set up a Women's Consultative Committee on Nationality, an action 'definitely taken with a view to assisting the objects you have in view' the chairman of the Council, Arthur Henderson, told a deputation of British Women M.P.s in March.

To a striking degree, over the next two years, the focus of the British controversy on women's nationality was situated in Geneva. The Consultative Committee was of great importance to the British feminists working to change their country's laws on women's nationality and they

2. PRO HO45/15146/523629/143, Deputation of Women M.P.s to Foreign Secretary, 17 March 1931.
in turn exercised strong influence on the Committee. Its British members were all on the Pass the Bill Committee: Chrystal Macmillan, as representative of the International Federation of University Women, sat on both the full Consultative Committee and its drafting sub-committee; Margery Corbett Ashby, President of the International Alliance of Women for Suffrage and Equal Citizenship, and Dorothy Evans of the Equal Rights International, both served on the committee, Evans as its secretary. As a result of this overlap, differences of opinion in the Consultative Committee would be transferred to the reform lobby in Britain, breaching the unity carefully nurtured by Macmillan.

British officials also played a major part in the Geneva debates on women's nationality. The delegation, which regularly included Dowson as its Home Office representative, was influential in the First (Legal) Committee, where nationality questions were considered. Arthur Henderson chaired the League Council meeting which recommended the setting up of the women's committee. There was in addition a Commonwealth presence, for the Dominions were represented on the First Committee; at both the 1931 and 1932 Assemblies, informal discussions on women's nationality took place between their representatives and the British delegation.

The initiative in setting up the Women's Consultative Committee on Nationality was American. Although not a member of the League of Nations, the United States had participated in the Hague Conference, but refused to sign the Convention because it fell short of establishing full equality

4. PRO H045/25246/523629/143 Henderson to deputation of Women M.P.s 17 March 1931.
5. PRO D035/106/4166/49 Meeting of British Delegation with Dominion representatives, 9 September 1931. Ibid. 93 Meeting 28 September 1932. Dowson's role is evident from his letters and despatches. See pp. 298 - 300; 319 - 320.
between men and women in its clauses on nationality. The Conference had aroused a great deal of interest among lawyers in the States and had been followed by a spate of articles in legal journals there, expressing a wide range of opinion on the Convention. But if American legal experts were divided, American feminists were all indignant that the Convention should have 'stereotyped the inequality of the sexes in nationality'. The Women's Party took a delegation to complain to the Foreign Relations Committee of Senate and Alice Paul, a brilliant lawyer and influential feminist, urged that,

It would be a matter for laughter and for tears if the opening chapter of the International Code of Law should contain such out of date enactments...

If there is to be an International Code of Law, the women will spare no pains to secure the acceptance of the principle of absolute equality for men and women in its provisions.


7. For example, C.C. Hyde, 'Aspects of marriage between persons of different nationalities, American Journal of International Law (AJIL) 24, (July 1930), 742, criticized the Convention for merely ameliorating the effects of discrimination against women; R.S. Miller, 'Recent development in the law controlling nationality of married women', George Washington Law Review I, (1933), 330-356, put the view that domestic changes must precede international agreement in laws on women's nationality; R.W. Flournoy, U.S. delegate at The Hague Conference, reporting on the work of the First Committee there in AJIL 24, (July 1930), 467-485, merely noted that international agreement was still impossible on women's nationality; M.O. Hudson, 'The Hague Convention of 1930 and the nationality of married women', AJIL 27 (1933), 117-122 did not think international agreement desirable, and criticized the U.S. policy of independent nationality for women. W.F. Wiltz, The Nationality of Married Women, (Illinois, 1937), includes an extensive list in his bibliography.


9. Cited in D. Evans, 'Nationality', Vote, 3 October 1930. Alice Paul, of American Quaker background, went to further her law studies in England in 1908, and became an ardent W S P U member, arrested six times, even forcibly fed. Back in the U.S., she organised suffrage parades in New York, and out of the Congressional Committee of the National American Woman Suffrage Association, founded the Women's Party. After female suffrage was achieved in 1918, she campaigned for the Equal Rights Amendment.
That the nationality of women was put on the agenda of the League Assembly and a women's committee set up to advise on it was largely due to Paul.\textsuperscript{10} Lobbying had begun well before the Assembly met in September 1930 and the Inter-American Commission, through which she worked, was at the centre of the activity. Consisting of representatives of the twenty-one republics at the 1923 Pan-American Conference, the Commission was charged with the drafting of reforms in international measures to improve the status of women and had chosen for its first topic the status of women in nationality. The Nationality Committee of the Commission, under Paul's chairmanship, proposed a very simple policy on women's nationality, the one already presented to the Hague Conference by the Chilean delegate earlier in the year, and rejected: 'The contracting parties agree that from the going into effect of this treaty there shall be no distinction based on sex in their law and practice relating to nationality'. The Commission was prepared to put money and effort into lobbying for this policy. It had sent its chairman, Doris Stevens, to The Hague to address the First Commission,\textsuperscript{11} and it now set up a headquarters in Geneva near the Assembly Hall. Its efforts to influence delegates to the League were supported by the International Alliance of Women, the International Council of Women, the Open Door International, the Six Point Group of Great Britain and the Women's Party of America; influential feminists from all over the world converged on Geneva. When a motion in favour of further study of the question of women's nationality came before the First Committee, deputations of women waited on every one of its fifty-two members.\textsuperscript{12}

\textsuperscript{10} L. van der Schalk, 'The Nationality Campaign', IWN, March 1931.

\textsuperscript{11} LN (V) Legal, 1930, V15 Hague Codification Conference, Minutes of First Committee Meeting with deputation, 1 April 1930, Stevens. See pp. 226-7.

\textsuperscript{12} D. Evans, 'Nationality', Vote, 3 October 1930, p. 317. The headquarters was at 4 Place Neuve. The motion was moved by the Cuban delegate.
From the beginning there was evidence of rivalry between the British and American wings of the nationality lobby, dominated by Macmillan and Paul respectively. In January 1931, Macmillan reported to the Pass the Bill Committee the formation of an international committee of women, under her chairmanship. It was to press for the right of a married woman to her own independent nationality and an equal right to transmit this nationality to her children, to bring the equality resolution of the Hague Conference to the attention of Governments and to urge them not to ratify the Hague Convention till the question of women's nationality had been further discussed by the League. She said that four of the major international organisations had already agreed to co-operate, and that Lily van der Schalk, a Dutch member of the International Alliance of Women, would be secretary.\textsuperscript{13}

Meantime van der Schalk had been discussing with Alice Paul what steps to take if the League Council should decide to reopen the question of women's nationality at the 1931 Assembly. According to her own report, she 'suggested the formation of a women's advisory commission to the League, thinking it would be the most effective and dignified way of exposing the women's point of view'. The Guatemalan representative on the Council moved their proposal and the resultant committee superseded or absorbed the Macmillan one; there is no further mention of it.\textsuperscript{14}

The resolution to which the League Council unanimously agreed in January 1931, after some of its members had been 'bombarded with hundreds of telegrams', referred to the failure of the Hague Conference to reach

\textsuperscript{13} FL PBC Minutes, 12 January 1931.

\textsuperscript{14} van der Schalk, 'The Nationality Campaign', IWN, March 1931, pp. 84-85. van der Schalk gives Paul credit for having the question of women's nationality reopened by the Council, which had finished its deliberations on codification before the Guatemalan representative had a chance to put his proposal, and also for the unanimous vote. M. Matcs, who moved the motion, was an expert on nationality law.
international settlement of the problems of the nationality of married women and its recommendation of equality of the sexes in nationality. Noting the 'movement of opinion throughout the world in favour of a suitable settlement' and the petitions the Council had received from women's organisations, it proposed that the question be placed on the agenda of the next Assembly, and that in preparation the Secretary-General should consult with the following organisations which had shown themselves to be specially interested in the question:

- International Council of Women
- International Alliance of Women for Suffrage and Equal Citizenship
- Women's International League for Peace and Freedom
- Inter-American Commission of Women
- Equal Rights International
- World Union of Women for International Concord
- All-Asia Conference of Women
- International Federation of University Women
- World Young Women's Christian Association

All but the last of these organisations accepted the Secretary-General's invitation to appoint two delegates to a Consultative Committee on Nationality, to meet at the beginning of July. In the meantime a four person drafting committee, which included both Macmillan and Paul, met twice to draw up a basis for discussion.¹⁶

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¹⁵. LN [A.19.1931.V] (1931 V. 7.) Nationality of Women. Report by Secretary-General, 27 July 1931. In line with the IACW's policy of working through members of the Pan-American Conference, Venezuela and Peru supported the resolution.

¹⁶. M. Corbett Ashby, 'Nationality at Geneva', IWNN, August 1931, pp. 170-172. The World YWCA refused to join the committee because it had no policy on women's nationality. The other members of the drafting committee were Maria Vérone, the first woman to be called to the Bar in France, who would be the committee's chairman, and Betsy Bakker Nort, a member of the Dutch Parliament.
Women's Consultative Committee on Nationality, 1931

Front Row (seated) Alice Paul, Dorothy Evans, Maria Vérone, M. Buero, Margery Corbett Ashby, Chrystal Macmillan.
At the close of a series of meetings between 2 and 6 July, the Women's Consultative Committee on Nationality presented a statement for the Secretary-General of the League to transmit to the Assembly.\textsuperscript{17} They urged the League to take immediate steps to reconsider the Hague Convention and submit to governments a new nationality convention founded on the principle of equality between men and women. This statement of policy was supported by a substantial memorandum deploring the 'psychological effect' of the adoption of the Hague Convention on the status of women all over the world and suggesting it was out of step with modern legislation. Whereas only two countries - Monaco and Norway - had so far ratified the Convention, eighteen countries had, in the last thirteen years, radically amended their laws in the direction of recognising the independent nationality of the married woman. The memorandum denied that conflicts of law would be increased by the adoption of the reform the committee recommended, or that it would endanger the unity of the family; to suggest it would, was to confuse harmony in a family with juridical unity. There would be no question of forcing husband and wife to have different nationalities, since facilities could easily be provided to enable one spouse to take the nationality of the other. On the controversial question of whether both parents should have an equal right to transmit nationality to a child, the committee merely noted that those states which had granted the right found the system satisfactory.

\textsuperscript{17} I have not succeeded in tracing the records of the Consultative Committee. Neither the United Nations Library in Geneva, nor that in New York holds them. A few items, especially from the Propaganda Subcommittee, are among the ERI papers at the FL. As Secretary, Evans might be expected to have held a set, but her daughter (interview, London, December 1983) assured me there were none among her papers. The IFUW headquarters in Geneva, where Macmillan, as the Federation's representative, might have left papers, has none, nor are there any among her nationality papers at FL.
The committee spelled out the 'most important and necessary' applications of the principle of equality in nationality:

(a) That marriage should no more affect the nationality of a woman than it affects the nationality of a man;
(b) That the right of a woman to retain her nationality or to change it by naturalization, denationalisation or denaturalization should not be denied or abridged because she is a married woman;
(c) The nationality of a woman, whether married or unmarried, should not be changed or lost except under conditions which cause a man to change or lose his nationality;
(d) That facilities of choice should be given to either spouse on marriage to take the nationality of the other;
(e) That with respect to the derivation of nationality from a parent, the nationality of one parent should be given no preference over that of the other.

The statement was signed by the representatives of the International Alliance of Women and the Federation of University Women with the proviso that 'the equality asked for includes the right of a married women to her independent nationality'. The Federation took no position on the question of the derivation of nationality, since it had not discussed this aspect of women's nationality. Appended to the statement was a table drawn up by Paul, showing the extent to which equality in nationality already existed, grouping countries which had improved their legislation into different categories, and giving precise reference to the laws in each case.

The 1931 Report of the Women's Consultative Committee on Nationality is important in that it was the only unanimous statement the international feminist lobby was able to make on women's nationality. The unanimity had

not been easily attained. With her customary tact, Margery Corbett Ashby described the Committee meetings as 'very lively, since members differed greatly in their views as to the suitable length and contents of the report'. Chrystal Macmillan was more blunt in her report to the Pass the Bill Committee. She said there had been one difference of opinion affecting every part of the report, which made it no more than an inadequate compromise. This difference was between those who affirmed that after marriage a husband and wife should simply retain their nationalities of origin and those who, while they insisted in equality between the sexes in nationality law, did not object to a couple being compelled to assume the same nationality. The former group insisted on what they called independent nationality, the latter accepted equal nationality; both at Geneva and in London, differences between the two would become sharper over the next two years.

One of the advocates of equal nationality was Dorothy Evans. As representative of Equal Rights International, she had taken the opposite view from Macmillan at the Consultative Committee and, like Macmillan, explained her attitude to the Pass the Bill Committee in July, but her explanation is not detailed in the minutes. Evans had joined the committee at the beginning of 1931 when, as chairman of the Nationality Committee of the Six Point Group, she replaced Helen Archdale as its representative. In her capacity as Secretary to the Consultative

21. FL PBC Minutes, 28 July 1931.
22. FL PBC Minutes, 12 January 1931. Archdale settled in Geneva to run the Equal Rights International, a feminist organisation formed in September 1930 to work for equality between the sexes in all legislation. (FL ERI papers).
Dorothy Evans

Photo, courtesy Lyndal Evans
Committee, and because of her own strength of personality and purpose, she rapidly emerged as a force in the British nationality agitation, sometimes working in conjunction with Macmillan, sometimes in opposition to her. The contrast between the two women and their methods may be pointed up by considering their contribution to the pre-war suffrage campaign. Both were totally committed to the attainment of votes for women, but whereas Macmillan's energies had gone into the production of closely argued pamphlets and the championship of female graduate suffrage in the House of Lords, Evans had joined the militant movement, for which she gave up a career as a teacher, served nine terms of imprisonment, and endured hunger- and thirst-striking and force-feeding. Dorothy Evans was a generous, vital person, who inspired warm affection among her friends; after her sudden death in 1944, one of them, with whom she had worked for years in various feminist causes, wrote that 'her vitality and energy were glowing, her intellect brilliant, her personality vivid' and that her main characteristic was her complete 'unpossessiveness'. While Evans' warmth and drive were assets to the Pass the Bill Committee, her strong individualism and her advocacy of views held by the Six Point Group and the Equal Rights International, which were out of step with those of most of the committee, created tensions; and whereas Macmillan and her associates in the National Council of Women, the Federation of University Women and the International Alliance of Women were prepared to use traditional, constitutional means of political pressure, presenting petitions, organising deputations, writing memoranda and so on, Evans and her ex-suffragette friends favoured more direct action.

The Pass the Bill Committee was in the doldrums for much of 1931.

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23. See pp. 80-81.
24. S. Morrison, 'Dorothy Evans, as appreciation', IWW, (October 1944), 5-6.
This was partly because its chairman was preoccupied with the League's Consultative Committee and members were awaiting League of Nations action, but it was not the only reason for a hiatus in its activities between March and the end of July. Dr. Bentham's sudden death in January had left the Nationality of Women Bill sponsored by the committee in limbo; six months later it was still blocked in committee by other measures, none of its backers seemed to be taking responsibility for it and prospects for it in the current parliament were acknowledged to be dim. Already the Pass the Bill Committee was talking of the next session and hopes of getting Captain Cazalet to reintroduce his 1929 bill then.²⁵

The committee missed the services of its experienced organising secretary. The new secretary, Isobel Donzé, was a voluntary part-time worker only, and it was unfortunate that soon after she took over, she suffered a bout of illness which hampered her activity.²⁶ She had not been a member of the committee before she assumed its secretariship and her name, unlike those of the other committee members, does not appear on the list of office-bearers of other feminist organisations. Her interest in the effect of a woman's marriage on her nationality was personal. Speaking on the subject to the Women's Freedom League in 1932 she introduced herself as 'Exhibit A'. Scottish by birth, she had been made a 'friendly alien' by marrying an American soldier in 1917. Within twenty-four hours of her return to England from war work in France at the end of hostilities, she had had to report as an alien. She settled in England, and when her American passport expired it could not be renewed because she had not fulfilled the necessary residential qualifications. Since neither the Home Office nor the American

²⁵ FL PBC Minutes, 28 July 1931. For Bentham Bill see pp. 261-275.
²⁶ FL PBC Minutes, 28 July 1931.
Embassy could do anything for her, she became stateless. She had to go abroad on a special passport on which there was a notice to the effect that there was no objection to her returning to her own country, and which she had to pay to have vised on every possible occasion. She had no vote, although she owned a house on which she had to pay taxes. The source of the indignation which fuelled her loyal work for the Pass the Bill Committee, right through to World War II, is not hard to find.

Nevertheless it would be unfair to blame only Mrs Donzé's comparative lack of experience in 1931 for the committee's reduced activity. The principal reason for this was quite simply financial. Reliance on donations rather than regular subscriptions from supporting societies left the committee vulnerable. Significantly, in January 1931, sorrow at the death of a generous benefactor is recorded under the heading, 'Finance'. Threatened with cessation of its activities unless a regular income could be found, the committee was forced meantime to consider makeshift expedients, such as jumble sales or 'theatrical teas', to make ends meet.

In these circumstances the regular generosity of the Six Point Group was of great importance. The January financial statement showed that the Group had contributed a full £100 towards the salary of Miss Gordon, and was currently printing a new leaflet for the committee, subject to agreement on the wording. The chairman could justifiably look to the Group as 'our most hopeful source'. As 1931 wore on, other sources did not appear at all hopeful; in March, an appeal to well known feminists brought in one donation of £5 and an appeal to previous donors netted only £3/10/-.

27. I. Donzé report of talk to WFL, Vote, 21 October 1932.
28. FL PBC Minutes, 12 January 1931.
29. FL PBC Minutes, 2 March 1931. The committee had only £10 in the bank.
By July the office had had to be closed and the committee was saved by the Six Point Group, which took over the lease of the Office and allowed the committee desk space in it for a nominal fee.30

What the committee would have done without the Group is hard to imagine, but it was not always an easy ally to march with. The difference of opinion between Macmillan and Evans at the Consultative Committee in Geneva had been a hint of things to come, but for most of 1931 peace was maintained.

In one direction the committee extended its scope. Early in the year it sent out three hundred letters, each with Macmillan's latest pamphlet enclosed, to women and women's organisations in the Dominions. The letters suggested that since women's nationality was on the agenda of the League Assembly, women in the Dominions should press their government to send delegations pledged to equal nationality rights for men and women.31

As the months went by, more and more attention was focused on the approaching Assembly. The statement sent to the Secretary-General by the Women's Consultative Committee on 16 July, was not the only policy statement issued that month in preparation for the September meeting. On 28 July the British Government sent a despatch to all the Dominions explaining its policy on women's nationality and proposing inter-imperial talks at Geneva, in order to present a united front at the Assembly.

The preparation of this despatch to the Dominions, and then the debate whether or not to send it, had dominated the thinking of the

30. FL PBC Minutes, 28 July 1931. The charge was 3/- a week and 1/-for telephone.

31. FL PBC Records.
departmental policymakers on women's nationality in the first half of 1931. The Foreign Secretary explained to Cabinet in February that the question had been 'opened up in a way not contemplated when the late Dr Bentham's Bill was introduced' by pressure from women, both in the United Kingdom and other countries, for an advance on the position taken at the Hague. Since the Assembly of the League would be debating this advance, Cabinet decided, against the advice of the Home Secretary, to defer any action till after the League had met in September. A telegram explaining the delay was sent to the Dominions on 8 April.

The decision gave the Government a breathing space to consider its options. There was pressure on it from two directions. On the one hand the women's organisations were becoming insistent that the United Kingdom should formally deny any intention of ratifying the Hague Convention, and press at Geneva for a new Convention to replace it. The Six Point Group was especially vociferous in this, Dorothy Evans writing to Henderson in Geneva that the Government had 'let many an opportunity pass, at The Hague, Geneva and home, of assisting the women to realise their aspirations towards control of their nationality', and asking him personally to propose a new Nationality Treaty in the Assembly. Henderson had suggested to Cabinet that the Home Secretary meet the women and discuss the question, but the suggestion won scant favour with the Home and Dominions

33. PRO HO45/15146/523629/131 C P 45 (31) Cabinet memo by J. R. Clynes, 13 February 1931.
34. PRO D035/106/4166/23.
36. Ibid., /152 Evans to Henderson, 18 May 1931.
Offices; rather unwise', an officer of the latter department called it.38

On the other hand, Canada was pushing ahead with her own legislation along the lines of the Hague Convention. The Canadian Naturalization Act was not a gesture of defiance towards the British Government, or the concept of the common status. It followed the recommendation of the 1930 Imperial Conference, and was worked out in close collaboration with British draftsmen and advisers, who accepted that the situation in Canada was 'really urgent, as they have so many cases arising through the marriage of Canadian women with U.S. subjects'. But even if they acknowledged the Canadians to have a 'strongish' case for going ahead, British officials still saw serious objections to the proposed legislation. The women's organisations would very likely claim that Canada was acting independently and that Britain's reason for not granting the women's full demands was no longer valid. The Canadians were persuaded to add a clause to their bill enabling it to be brought into operation by Order-in-Council when other members of the Commonwealth had legislated, or were about to legislate, in the same sense.39

Henderson's wholehearted belief in independent nationality for married women may well have been decisive in establishing what became the Labour Government's policy; the despatch for the Dominions, adopted on 24 June by an interdepartmental committee, reflected the feminist view. After an explanatory section that ran through the history of the question of women's nationality since the Hague Conference, the despatch proposed discussions at Geneva between the British delegation and those from the Dominions, 'hopefully to reach agreement' on a common policy to adopt in

37. PRO HC45/15146/523629/131 C.P. 53 (31) Memo by Henderson, 17 February 1931, and minutes.
38. PRO D035/106/4166/20 unsigned.
League discussions. His Majesty's Government in the United Kingdom attached the highest importance to the 'well-established principle, re-affirmed at the recent Imperial Conference, that no modification shall be made of the nationality law in force throughout the Commonwealth except in pursuance of common agreement' but, subject to this agreement, they were prepared to accept a series of amendments to the law which added up to the full grant of independent nationality to wives: marriage should not affect nationality, and a married women should be eligible to be naturalized in her own right. Only on the 'further new request' of certain women's organisations, that parents should have equal rights to transmit nationality to children, were they not prepared to move.40

Considering the content of the proposed communication, it is not surprising that debate on whether it should be sent or not was sharp; indeed it was more lengthy than debate on the communication itself.

'The choice appears to be', the Home Office noted, 'between the course of making a communication which may not in fact advance the women's objects, but may be convenient politically in enabling the Government to tell the Women's Organisations that it did its best, and the course of making no communication which, if no progress is made at Geneva with the Dominions, will expose the Government to the charge of having done nothing to prepare the way for that discussion and of being responsible for further adjournment of the question.41

It was a perceptive analysis, and the Under-Secretary at the Dominions Office, equally perceptively, added to it:

The question is really political and chiefly turns on whether what the Government want is actually to secure agreement to the women's demands, or merely to be able to tell the women's organisations that they have done their best... If the first, then it would probably not be desirable to make any communication, just because I the

40. PRO D035/106/4166/37 Memorandum on the Nationality of Married Women, 24 June 1931. See Appendix 12, for extract.

41. PRO H045/15146/523629/154 Unsigned, June 1931.
Dominions] would be the less likely to agree to any advance if they felt that they were being pushed into it by us. If the second, then there is no objection to communications.

The Dominions Office were specially doubtful of the wisdom of communicating, and wanted the point submitted to Cabinet.\(^2\) Foreign Office staff explained that, since the Foreign Secretary had promised the women M.P.s to try and bring the Dominions into line, they would not bring possible objections to the circular to his notice.\(^3\)

In the end the three Ministers agreed the despatch should be sent. It should probably not be suggested that the delay of over a month between writing and sending was sinister, but it meant that the despatch arrived too late for most of the Dominions representatives to Geneva to be briefed by their Governments on its contents.

The report of the Women's Consultative Committee on Nationality did not reach the departments until after they had sent their circular despatch to the Dominions. Two of its points the Home Office found unacceptable, the provision of special facilities to enable one spouse to take the nationality of the other, and the proposal for derivation of nationality equally through the mother.\(^4\) In the absence of Dowson, who had already left for Geneva as Home Office representative to the First Committee of the League, an Assistant Secretary, J.F. Henderson, drew up a memo on government policy at Geneva in relation to the report from both the inter-imperial and international points of view. He was uncertain what the Committee's condemnation of the Hague Convention would mean in practical terms; if it meant that the Council of the League would be asked to prepare a new

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42. PRO D035/106/4166/37 Batterbee minute on Memo on the Nationality of Married Women, 24 June 1931.

43. PRO HC45/15146/523629/156 minutes on memo of 24 June 1931, July 1931.

44. PRO HO45/15146/523629/165 Henderson to Private Secretary, P.M.
Nationality Convention before the 1932 Assembly, this would necessitate another nationality conference which, for administrative and financial reasons, was not possible in view of the proposed Disarmament Conference. He supported the suggestion of the League Secretariat, that the report of the Committee be submitted to governments for comment before the 1932 Assembly. Henderson also commented that although his Government were prepared to support most of the women's demands, they would settle for immediate ratification of the Hague Convention if the Dominions were not prepared to go further.45

In the event, the Government's policy was thrown in the melting pot. The meeting of the 1931 League Assembly coincided with the 'great turning point' in Britain's history in the twenty years between the two World Wars, the sudden collapse of the Second Labour Government and its replacement by a National one under the same Prime Minister.46 The massive political changes resulting from this, bitter splits in the Labour party and a landslide away from Labour in the consequent election, the fatal weakening of the Liberals, would directly affect the question of British women's nationality. In the short term, the British delegates to the League were left in an awkward position. 'The British representatives at Geneva', a member of the Home Office pointed out to the new Home Secretary early in September, 'have not received any official instructions, either from the last Government or from the present Government, as to the attitude which they should adopt when the question of the nationality of married women comes up for discussion in the First Committee'. He suggested bringing the matter before Cabinet,47 but Cabinet had other priorities and when

45. Ibid., Henderson, Memorandum.
46. C.L. Mowat, p.400.
47. PRO DO35/106/4166/45. Newsam, Memo for Secretary of State, 9 September 1931.
the instructions were sent, they came from the Home Secretary personally. 48

The National Government was probably less sympathetic to the feminist viewpoint than Labour had been, and the House of Commons resulting from the October election would certainly be less so, but the new Home Secretary was both informed about the question of women's nationality and committed to the concept of equality in it; he was the Liberal leader, Sir Herbert Samuel. The topic of women's nationality is not mentioned either in his memoirs, 49 or his biography, 50 but his contribution to the attainment of independent nationality for women was considerable, and recognised to be so by the feminist lobby; he would be the chief speaker on the last deputation before independent nationality was achieved, 51 and guest speaker at the Victory Dinner when the reform finally came to pass. 52 He was in office for just a year as Home Secretary at this stage, 53 a year which marked a most vigorous attempt to implement a reform policy in nationality law as it related to women.

As early as 3 September, one of his Home Office colleagues wrote to Dowson that, although the new Government had not yet considered the matter, Sir Herbert Samuel wished to inform him that,

there is a strong feeling in parliament, which the Home Secretary fully shares, that this matter ought not to be allowed to be indefinitely suspended … It would be 'very unfortunate' if the dissent of one or two of the Dominions were to block a reform otherwise generally desired.

48. PRO HO45/15147/523629/169 Dowson to Newsam, 4 September 1931.
53. He resigned 28 September 1932.
He suggested these considerations should be pressed on the Dominion representatives at Geneva with a view to avoiding a deadlock. The firm tone of the message was perhaps not entirely welcome to some of the British delegates, who had seen the memo as politically convenient, but no more. Dowson accepted that

in the absence of express instructions from the Government, it will, no doubt, be right for us to act on the view expressed by Sir Herbert Samuel; i.e., try and persuade Dominion representatives to agree to all, or at any rate some, of the memo proposals.

One Dominion's Office member noted that it was fortunate the question of women's nationality was the last item on the First Committee's agenda, since this not only gave plenty of time for discussion beforehand, but also increased the chances of the Committee deciding to shelve it. Since there appeared no likelihood of any considerable number of foreign governments wanting to go further than the Hague Convention, it would be a pity to enter into needless controversy with the Dominions on the point. This was, he thought, generally realised, 'but Dowson has to go through the motions, so to speak, in order to fulfil the instructions sent to him on behalf of Sir Herbert Samuel'.

The meeting between the British delegation and the Dominion representatives, which took place on 9 September, was 'rather rushed'. Lord Cecil had already drawn the attention of the Dominion representatives to the subject of women's nationality as 'one of the most important the Assembly has to consider' and expressed his personal sympathy with the objects of the women's organisations; they had been acquainted also with two draft resolutions from the women, one expressing their preferred programme, a new Convention, the other what they would accept, reconsideration of the topic at the 1932 Assembly. It remained to ascertain the

54. PRO D035/106/4166/45 Newsam to Dowson, 3 September 1931.
55. PRO HO45/15147/523629/169 Dowson to Newsam, 4 September 1931.
56. PRO D035/06/4166/46 Clutterbuck to Dixon, 14 September 1931.
Dominions' views as to how far they would go in the direction proposed by the women, what attitudes they would take in the First Committee of the Assembly, and what results the Commonwealth should try to get in the Assembly itself. 57

Apart from the delegates of the Irish Free State, none had received specific instructions. 58 Canada reported on her recent legislation to give effect to the Hague Convention, explained the delay in implementing it, and noted that it did not close the door to further amendment of the law. Australia and New Zealand had not received the Secretary-General's report, or the United Kingdom Government's memo, in time for instructions to be given their delegates. Australia favoured equality in principle, so long as this was agreed to by other governments, especially those of the United Kingdom and the other Dominions. New Zealand, which had not been represented at the Hague Conference, was not prepared to sign the Nationality Convention - a blow to uniformity - but might legislate, as Canada had done, to prevent statelessness. Interest centred on the line the two 'recalcitrant' Dominions, South Africa and the Irish Free State, would take. South Africa had signed the Hague Convention, but had not yet introduced legislation to give effect to it. The Irish Free State insisted that each Dominion delegation should be free to put its own views in the First Committee; its representative did not think unanimity among the Commonwealth delegates was essential, and favoured further study of the question of women's nationality. 59

Meetings with individual delegations continued, but Dowson reported to the Home Office that he did not feel there was much prospect of further

57. PRO D035/106/4166/49 Correspondence from United Kingdom delegation at Geneva, September 1931.
58. PRO H045/15147/523629/74 Cecil to FO, 23 October 1931.
progress. Emphasis was placed on the attitude of the senior Dominion; it appeared that Canada was by no means ready to give its women independent nationality. The delegate who handled nationality questions believed it would rouse strong opposition, 'mainly from the very large Catholic population in Quebec'. There was certainly no feeling amongst Canadian politicians that 'there was a rising tide in this direction which they might be unable to resist'. Canada believed the common status must remain unimpaired and welcomed the idea of carrying the matter further by correspondence before the 1932 Assembly. 

It seemed unlikely that the Assembly would take definite action, as there had not been much change of ground since the Hague Conference. Dowson therefore telegraphed for permission to propose referring the matter back to governments, to report before the 1932 Assembly. He believed it would be 'advantageous to the women's cause and to His Majesty's Government in all their future relations with the women's movement that such a resolution should be proposed by the United Kingdom delegation'. The Dominions favoured it, so Sir Herbert Samuel gave his consent, provided the resolution met with the approval of the Women's Consultative Committee.

Relations between the British delegation and the Women's Committee were in fact excellent; Dowson reported with satisfaction that there had been 'nothing in the nature of a squabble about anything'. Its chairwoman welcomed the resolution as 'thoroughly good; agreeing that only a resolution along those lines would have a chance of being passed. But she did not carry the whole committee with her. The cracks that had been papered

60. Ibid., Notes of conversation, Dowson/Robertson, 11 September 1931.
61. Ibid., Dowson to Newsam, undated, but mid-September.
62. PRO HO45/1547/523629/170 Newsam to Dowson.
over in July were becoming all too evident, and she proved 'unable to bring into line her more extreme members, ie, those who belonged to the Equal Rights International and certain other of the more extreme organisations'. These organisations, despite the strong opposition of the moderates on the committee, were inundating the British delegates with telegrams, urging the United Kingdom to come out against the Hague Convention.\(^6^3\) In London, Sir Herbert Samuel was receiving telephone calls with the same message.\(^6^4\)

The honour of proposing the British resolution in the First Committee was tactfully given to a woman member of the delegation. Dame Edith Lyttelton came of a political background and had distinguished herself in a number of different spheres before her appointment to the League of Nations in 1924. *Time and Tide* had greeted her appointment warmly at the time,\(^6^5\) and on this occasion she justified all the feminist hopes. Her speech succeeded in pleasing both the Home Office and the Consultative Committee. She had been authorised by Sir Herbert Samuel to make a firm statement of the British Government's commitment to equality of the sexes in nationality;\(^6^6\) it would be quoted repeatedly thereafter by the women's organisations as a reminder to later Governments:

> The British Government considers it right that all disabilities of married women in matters of nationality should be removed, and that so far as nationality is concerned, a married woman should be in the same position as a man - married or unmarried - or any single woman.\(^6^7\)

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63. PRO HO45/15147/523629/170 Dowson to Newsam, 17 September 1931.
64. Ibid., /171. The SPG, Mrs Pethick Lawrence and the WGE all phoned.
65. 'Personalities and Powers', *Time and Tide*, 24 October 1924, 1026. She had founded the Women's Land Army during World War I, was a magistrate, a governor of the Old Vic and Stratford Theatres, as well as being known as a playwright, journalist and musician.
Discussion was lively and when it closed there were still a dozen members waiting to address the committee. The resolution, which thanked the Women's Consultative Committee and asked governments to submit their views on the nationality of married women in time for the 1932 Assembly, was adopted. It did not satisfy all the members of the Consultative Committee, some of whom were eager to commit the Assembly specifically to a reconsideration of the Hague Convention, but Dowson, in his official report, called it 'a definite step forward', noting with satisfaction that it was approved both by the Dominions and the women.

In an informal letter to Sir John Pedder, Dowson was less sanguine, expressing some misgivings about the policy to which he had scrupulously but reluctantly adhered.

My experience of the present Assembly, he commented, has shown me quite clearly that our fears about the consequences of giving way to the women are well-founded. [The resolution] is regarded by the women as quite satisfactory because they look upon it as a recognition by the Assembly of the 'justice' of their claims. They think they have scored a success, and I am not at all sure that they are not right. We shall have to fight the battle all over again at the next Assembly under conditions which will make it very difficult to avoid suggesting a resolution which will commit us a great deal further. In the meantime the position vis-à-vis the Dominions will really be a very embarrassing one.

It was a moot point whether the Dominions' approval of the British resolution meant anything. Those Dominions which had signed the Hague Convention believed they were committed to ratify it, the more so because it had been approved at the Imperial Conference. But, as Dowson pointed out in his report, 'none of the Dominion delegates other than Mr Hearne


70. PRO HO45/15147/523629/171 Dowson to Pedder, 23 September 1931.
of the IFS, had any real knowledge of the subject of nationality and were only imperfectly acquainted with the recent inter-imperial developments on the subject, including the very important discussions and conclusions of the last two Imperial Conferences. He believed there was no prospect of 'carrying all these Dominions with us in any legislation giving effect to the proposals in the memo of July 28 last' and that it would be advisable to pass legislation giving effect to the Hague Convention as soon as possible. Then Canada could bring her Act into operation, and Australia and South Africa would follow suit. In his opinion, the question of Canada was more significant than that of the other Dominions:

If we cannot persuade Canada to go further than the Hague articles, and if nevertheless the United Kingdom in due course proceeds with legislation on the lines of our memo of 28 July... it might, I think, mean the beginning of the end of British Nationality law as a uniform code throughout the Commonwealth.

As for the Irish Free State, it was a unique case altogether; it was obvious that in future the Commonwealth for purposes of nationality would consist of Britain and the Dominions other than the Free State.

Should the British Government try and maintain the 'advanced' policy of its July despatch to the Dominions, or settle for legislation along the lines of the Hague Convention? As this question was being hammered out at the beginning of 1932, Sir Herbert Samuel took an interest unusual for a Home Secretary. He wanted to know whether the law of nationality was entirely uniform throughout the Empire and, if not, what the variations were; what attitude each Dominion took to the policy advocated by the women's organisations; whether the 1914 Act applied to the Irish Free State.

71. PRO HO45/15147/523629/181 Dowson Report.
72. Ibid., /171 Dowson to Pedder, 23 September 1931. For 28 July despatch, see pp.293-295.
73. Ibid., /181 Dowson, Report. Dowson had special knowledge of the IFS, having spent 1920-21 there on Home Office business.
State, since it had assumed Dominion status only in 1922.\textsuperscript{74} The final draft of an interdepartmental memorandum on 'this well-worn subject' asked Cabinet to decide whether a bill to deal with the nationality of married women should be part of the legislative programme of the session. The bill proposed by the interdepartmental advisers was in no sense that of the women's organisations: 'Assuming that His Majesty's Government agreed with the principle of the women's demands; there was still the strongest possible objection to giving immediate effect to them, because of the matter of Commonwealth uniformity which had 'become all the more desirable in consequence of the passing of the Statute of Westminster'.\textsuperscript{75} Because of the delayed Canadian legislation, it would be hard to justify a policy of inaction. Three courses were open:

(a) To legislate for clauses 8-10 of the Hague Convention; the legislation to enter into force when the rest of the Commonwealth did likewise,

(b) to incorporate the women's demands in a bill, to come into operation when there was corresponding legislation throughout the Commonwealth, or

(c) as a temporary measure, simply to remove the disabilities of British women married to aliens and living in Britain.\textsuperscript{76}

Samuel then took a hand, adding several pages of suggestions and modifications. His additions to the section that set out possible courses of action were especially sharp in tone. There were, he suggested, not three, but five options:


\textsuperscript{75} The Statute of Westminster gave legislative autonomy to the Dominions. For its effect on nationality law, see PRO H045/20164/551547/10 Minutes, 21 February 1930, on ODL Conference Report.

\textsuperscript{76} PRO H045/15147/523629/181B Memo for Cabinet on Nationality Legislation, January 1932.
(a) To legislate as Canada had done, with a suspension clause.
(b) To try and persuade the Dominions to accept the full claims of the women.
(c) To introduce a bill with the women's claims, but meantime enact the Hague clauses as a temporary measure.
(d) To legislate for independent nationality, and simply accept the breach in uniformity.
(e) To do nothing, which would again cause a breach in uniformity.

All the courses had self-evident shortcomings and he asked Cabinet to decide 'which of the evils was the least'.

Cabinet considered the memo on 27 January and referred it back to the interdepartmental committee for advice.

A period of intense interdepartmental discussion followed, punctuated by a number of initiatives from the Home Secretary. Unlike most of his predecessors, Sir Herbert Samuel did not flinch from sounding out feminist opinion; two days after the Cabinet meeting he received a major deputation of women's organisations whose main spokesmen were almost all members of the Pass the Bill Committee.

The Pass the Bill Committee had not met for more than four months from July 1931; it appears to have been jolted into action by the results of the October General Election which swept away many of its staunchest friends in the House. To sound out new Members and make new friends was recognised to be of the utmost importance and its end-of-year

77. Ibid., /183 C.P. 43 (32) Memo of Home Secretary.
78. Ibid., /183 Cabinet decision.
79. Ibid., /182 deputation to Home Secretary, 29 January 1932.
80. FL PBC minutes, 28 July 1931, 7 December 1931.
meeting took place in an atmosphere of revived vigour. Favourable replies to election questions on women's nationality had been received from all the party leaders, that of Sir Herbert Samuel being specially encouraging. The news of the League's action and the British delegation's stance at Geneva was also welcome, and the committee at once proposed a deputation to ask the Government to declare that it would not ratify the Hague Convention, but instead implement the policy it had advocated at the First Committee. The committee also decided to send a circular letter to societies in the Dominions asking them to take similar action.\textsuperscript{82}

The renewed vigour of the committee would be offset by increasing disagreements within it, to some extent mirroring those in the Women's Consultative Committee. They occurred both on policy and tactics. The majority of the Pass the Bill Committee were rigorous in their determination to promote their cause through orthodox channels, equally rigorous in demanding independent nationality for women and nothing less. A minority of activists, who followed the Six Point Group's dictum that only the Government could change the law and that any means to persuade it to do so were acceptable, were less precise in their policy, adhering to the general concept of equal nationality, and even looking favourably on the Government's offer of civil rights to British-born women, aliens by marriage, who lived in the United Kingdom.\textsuperscript{83}

Dorothy Evans had been the sole representative of this second attitude on the Pass the Bill Committee, but at the December meeting she nominated to it Mrs Flora Drummond, 'Founder and Controller-in-Chief' of

\begin{itemize}
  \item 82. FL PBC Minutes, 7 December 1931.
  \item 83. FL PBC Minutes, 29 February 1932. S P G letter shown by Drummond. For differences in policy, see p.287. Under 'equal nationality' legislation a couple could be forced to assume the same nationality.
\end{itemize}
the Women's Guild of Empire, a doughty little warrior still nicknamed from her suffragette days, 'The General'. During the suffrage campaign she had been imprisoned nine times, and been on hunger strike five times. Together the two would form a focus of undignified, even outrageous, but amusing activity that would, finally, make the nationality of married women an issue in the popular press in 1933.5

The Women's Guild of Empire, which thus added a popular element to the nationality campaign, was closely aligned with the Six Point Group, and like it affiliated to the Equal Rights International. Its own Aims and Objects were of daunting breadth and ranged from 'upholding King and Country', 'maintaining peace at home and restoring industrial prosperity' to 'establishing equality between men and women' and 'inculcating a spirit of kindness in every sphere of life towards children and animals'. But if the Women's Guild of Empire appears from its records to be unsophisticated it was by no means to be taken lightly. Its Presidents included some notable women, it had a membership that included Scottish and Welsh branches as well as English and its financial assets, according to its Annual Report, in 1936 totalled £1463.6 Above all, in Flora Drummond it had a leader with a capacity for righteous indignation and a flair for publicity that dated back to the distant time when she had been stopped by the police for riding astride in Rotten Row.7

Even before Drummond joined the committee, her collaboration with Evans had caused it some annoyance. During the 1931 election campaign a

84. FL PBC Minutes, 7 December 1931. Membership of the WGE was provisional, pending its organisation on a national basis. Mrs Drummond's first meeting was 29 February 1932.

85. 'A Woman With a Load of Mischief Reappears', Daily Express, 22 June 1933.

86. Women's Guild Empire, Annual Report 1936. (London School of Economics). The date of affiliation to the Equal Rights Internation is not clear.

87. R. Fulford, Votes for Women, biographical notes.
Nationality Election Campaign Leaflet, 1931.

IS YOUR
BRITISH NATIONALITY
PRECIOUS TO YOU?

If it is you will help us to abolish the unjust law whereby a British born woman has to give up her British Nationality on marriage with a foreigner, or when her husband chooses to change his nationality during the marriage.

A WOMAN SHOULD HAVE THE SAME RIGHT AS A MAN TO RETAIN OR TO CHANGE HER NATIONALITY.

A Bill to make this reform passed its Second Reading in the House of Commons on November 28th, 1930, but has gone no further.

Help us to secure that such an ACT OF SIMPLE JUSTICE shall be added to the Statute Book in the NEXT SESSION OF PARLIAMENT.

The Council of the League of Nations asked an International Committee of Women to make a Report on the subject.

THIS COMMITTEE ASKED THE LEAGUE TO TAKE STEPS TO PREPARE A TREATY BY WHICH THE NATIONS MIGHT PLEDGE THEMSELVES TO GIVE THE SAME NATIONALITY RIGHTS TO WOMEN AS ARE ENJOYED BY THEIR MALE NATIONALS.

The Assembly of 1931 decided that the whole question should come up for reconsideration in 1932. Meanwhile the Nationality Convention provisionally concluded at the Hague Codification Conference of 1930, which reaffirmed the old unjust system, must be regarded as in abeyance.

There are many PUBLIC SPIRITED WOMEN (BRITISH BORN) in England to-day WHO CANNOT VOTE or stand for election and must report their movements to the police and suffer all the other disabilities of aliens, merely because their husbands are citizens of another State. Moreover they are ineligible to regain British Citizenship through naturalisation.

There are many FOREIGN BORN WOMEN WHO WILL VOTE in this election by virtue only of their marriage with a British citizen.

The system affords an opportunity for many very undesirable women to become British nationals by going through a form of marriage with a British man, merely in order to carry on nefarious trades in this country.

The Nations must cease to make SHUTTLECOCKS OF WOMEN!

A MAN loses his nationality if he commits high treason,
A WOMAN—if she commits high treason or marries a foreigner.

A WOMAN’S NATIONALITY SHOULD BE INVIOLATE AS A MAN’S IS UNLESS SHE VOLUNTARILY TAKES THE NECESSARY STEPS TO CHANGE IT.
leaflet had been distributed and a questionnaire to all candidates had been sent out from the address the committee shared with the Six Point Group. The questionnaire, headed 'Nationality Election Campaign', sought candidates' views on women's nationality and was generally assumed to have come from the committee. Evans later explained that it had been the work of herself and Drummond, in co-operation with the Six Point Group, the National Union of Women Teachers and the Suffragette Club.

In spite of these kinds of differences, the deputation of twenty-eight women's organisations which Sir Herbert Samuel received at the end of January was a good example of co-operation between the two groups. Separately requested by Drummond, through Captain Cazalet, for the Women's Guild of Empire, and Macmillan for the Pass the Bill Committee, it was organised by Drummond and presented a memo drawn up by Macmillan.

Thelma Cazalet, M.P., deputising for her brother, who was in South Africa, introduced the deputation. A Conservative, and a committed feminist, she had recently won the seat held by Dr Bentham. She would work consistently for the reform lobby in nationality until she left parliament in 1945.

Most of the speakers on the deputation were members of the Pass the Bill Committee. Macmillan explained that this committee was trying to co-ordinate the work of reform, and was 'particularly anxious to bring up not only the national, but the Imperial aspect of the question and the international aspect'. She thanked the British Government warmly for its

88. FL PBC Minutes, 29 February 1932.
89. PRO HO45/15147/523629/177 Cazalet to Home Secretary, 7 December 1931.
91. Thelma Cazalet (later Cazalet Keir), Con., represented E. Islington, 1931–1945.
statement of policy and its resolution at Geneva and asked the Home Secretary a series of very direct questions on its intention to implement them:

Will you refuse to ratify at all?
Will you introduce into the House of Commons legislation on the lines of the Nationality of Married Women Bill? (She gave him a copy of Captain Cazalet's 1929 Bill, which she said was the only adequate one.)
Will you urge the Dominions to adopt similar legislation - but not postpone action till the Dominions have acted?
Will the Government at Geneva propose the Hague Nationality Convention be reconsidered with a view to introducing a new Convention based on the principle of equality between the sexes?

There were several other speakers, including Drummond, who demanded a 'definite promise from Government to get a Bill this session or next'.

The Home Secretary was friendly; he proposed that after his formal reply they should 'sit down and have perhaps a few minutes informal heart to heart talk as to the best thing to be done', which he believed was better than merely making speeches at one another; no notes would be taken. His own opinion was quite clear: He believed the question was determined by one's view generally on the whole question of women's emancipation, and those who hold, as I do, that 'woman' is not an adjective, but a noun, hold the view that her nationality should be personal to herself.

The great practical difficulty arose from the question of imperial uniformity. He explained that, if the two or three Dominions that opposed independent nationality persisted in refusing this legislation, a large number of M.P.'s would not be prepared to act. The Dominions accepted the 'exceedingly modest proposals of the Convention', but beyond that the

92. PRO DO35/106/4166/66 Note of Deputation.
Corbett Ashby represented the IAWSEC; Evans the SPG; Collison the BCL; Drummond the WGE; Ogilvie Gordon the NCW.
Government had not been able to secure agreement.\textsuperscript{93} The informal discussion presumably followed, unreported.

In mid February, Samuel followed up the discussion by inviting Drummond to bring a small committee of women to discuss proposed legislation with him in private.\textsuperscript{94} The Pass the Bill Committee, to whom the message was passed on, selected the speakers on the January deputation as a committee. It also gave them a clear directive, which would preclude any agreement with the Home Secretary; they must oppose any suggestion of a bill giving effect to the Hague Convention and removing civil disabilities from British-born women married to foreigners and living in the United Kingdom.\textsuperscript{95} Either the suggestion had come up at the informal talk, or the committee was making a shrewd guess.

When the women met Samuel, he had the Interdepartmental Committee's recommendations to put to them. The Foreign Office had objected strongly to a British-born wife being allowed to retain her nationality on marrying a foreigner, and all the Committee members had objected to the removal of civil disabilities from such a wife if she lived in Britain, because she would 'enjoy the benefits of nationality without the nationality', and because, as they rightly judged, it would not satisfy the women's organisations. So the Committee had recommended that the Government legislate, as Canada had done, along the lines of the Hague Convention, with a suspensory clause until the other Dominions came into line.\textsuperscript{96}

The Home Secretary therefore had no option but to warn the women that immediate legislation to give full effect to their demands was 'just

\textsuperscript{93} PRO D035/106/4166/50 HO to DO, Notes of Deputation, 29 January 1932.
\textsuperscript{94} PRO HO45/15147/523629/183 P.S. to Home Secretary to Drummond, 13 February 1932
\textsuperscript{95} FL PBC Minutes, 29 February 1932.
\textsuperscript{96} PRO HO45/15147/523629/184. Interdepartmental Committee, recommendations, February 1932. Members were Sir W. Malkin, Warner, Beckett for FO; Dowson, Henderson for HO; Dixon, Stephenson for DO.
not possible'; even if Cabinet agreed, the House of Commons probably would not, and the House of Lords was still more doubtful. The options were indefinite postponement; postponement to give the women's organisations a chance to carry on propaganda in the Dominions; the removal of civil disabilities for British-born women married to foreigners and living in Britain (he could not promise this); and the Hague clauses, perhaps combined with the removal of civil disabilities. This fourth course, which went beyond the recommendations of the Interdepartmental Committee, was favoured by the Home Secretary, but the women had already decided against it. Macmillan said that the Hague articles were 'irrelevant', because they did not touch the matter of principle.

The Government was under considerable pressure, for Canada had grown impatient of waiting for concurrent action and brought her legislation to prevent statelessness into operation on 15 January. Macmillan pointed out to the Home Secretary that this breached imperial uniformity, and Samuel agreed that it made action before the next League Assembly essential. The Cabinet also had to define its policy on women's nationality in time to report to the League by 1 July; as early as April, Thelma Cazalet had a question down on the nature of the proposed reply.

The matter came before Cabinet again on 1 June. Sir Herbert Samuel had found the Interdepartmental Committee's report 'inadequate'; to prevent statelessness among women married to foreigners dealt only with exceptional cases and was of comparatively slight importance. However, he acknowledged the need to maintain imperial uniformity and so, despite the fact that this course had found favour neither with the officials nor with the women, he suggested drafting a bill in two parts, the first giving

98. Ibid., /190 Memo on reply to L N, April 1932.
effect to the Hague recommendations, the second enabling British women to retain their rights under domestic law on marriage with a foreigner. They would be eligible to vote and would not be required to register as aliens, but could not claim British protection abroad. The Home Secretary thought that while this scheme was not likely to command the general support of organisations pressing the question, it might well command support of a proportion of their members, and would remove substantial grievances. Cabinet provisionally approved the proposal, pending a report from the Law Officers.99

At this point Captain Cazalet added to the speculation as to the nature of the expected legislation on women's nationality by introducing in the House of Commons, almost at the same time, two separate bills on the subject. On 8 June, he reintroduced the Nationality of Married Women Bill, promoted by the Pass the Bill Committee, which he had already introduced in 1929. It was smartly blocked on Home Office instruction. One official expressed surprise that Captain Cazalet had introduced it, since he was known to be engaged on the preparation of another bill, limited to the removal of civil disabilities for wives of foreigners living in Britain.100 Presumably he was testing opinion, for a week later, on 16 June, he sent his British-born Alien Women Civil Rights Bill (1932) to the Home Office, asking them to recommend a suitable time for its introduction. The bill exempted the women from registration and allowed them to vote.101 He was informed, with the utmost courtesy, that the Government were themselves considering a bill similar to his proposed one and that there would be no chance of time being found in the present session for Private Members' Bills. However, the Home Secretary thought

99. Ibid., /194 C.P. 162 (32) Memo by Home Secretary for Cabinet. Cabinet conclusion, 1 June 1932.
it would be valuable to test opinion in the House by having Captain Cazalet introduce his bill under the ten minute rule;\textsuperscript{102} he did so on 6 July, just a week before the end of the parliamentary session.

The Pass the Bill Committee were furious at the defection, as they saw it, of their loyal champion. At their meeting on 7 November indignation erupted at once. 'In moving this Bill in the House of Commons,' the committee Minutes explained for the benefit of supporting societies,

Captain Cazalet had said he was introducing it because some women's organisations had asked him to, but did not refer to the fact that this committee and many of the organisations represented on it were against the introduction of the measure.

Letters of protest had been written to him by several women's organisations, with copies to the backers, one of whom, Sir John Sandeman Allen, replied:

\begin{quote}
I agreed to back the Bill as I understood from Captain Cazalet that women's organisations approved it as a provisional step. I am all out for the whole scheme of the original Bill and am prepared to bring it forward at the first opportunity.
\end{quote}

The meeting voted at once to ask him to do so.\textsuperscript{103}

About the same time as Captain Cazalet was introducing his two bills, another blow came for the reform lobby. Foreign Secretary Sir John Simon reported to the League that his Government would ratify the Hague Convention as soon as the necessary domestic legislation had been passed, explaining that Articles 8-11 of the Convention appeared to represent 'the greatest measure of agreement that is likely to be reached for the present in the nationality of married women', and constituted an advance on the present situation. Whether His Majesty's Government would be able

\textsuperscript{102} Ibid., Newsam to Cazalet, 29 June 1932. The session ended 14 July.

\textsuperscript{103} FL PBC Minutes, 17 November 1932. Sir J.S. Allen (Con.) represented W. Derby division of Liverpool, 1924-35.
to go further in giving effect to the principle of equality of the sexes would depend on the support the principle received from other countries and especially from other members of the Commonwealth of Nations. It was quite a different attitude from that Arthur Henderson had taken at the previous year's Assembly.

In July, the Imperial Economic Conference opened in Ottawa. It would affect the question of women's nationality in the British Empire in two ways: first, the women's organisations interested in it chose to present a major petition to the Conference, with a long list of names gathered throughout the Commonwealth, marking a new stage in Commonwealth co-operation for the reformers; secondly, the protectionist policy the National Government followed at Ottawa, clear against the Liberal commitment to free trade, led directly to the resignation of Sir Herbert Samuel and the jettisoning of his proposed Civil Rights Bill.

That nationality was outside the scope of the Ottawa Conference had been noted by the Pass the Bill Committee in January 1931, but throughout that year correspondence had been carried on with the Dominions, and in April 1932 the committee decided to send a petition, signed by women from the United Kingdom and the Dominions. The petition, drafted by Macmillan, was sent to the committee's mailing list of 300; by June replies were coming in. The response was good, especially in view of the short time available; 120 organisations in the United Kingdom, Canada, Australia, New Zealand, The Irish Free State, Bermuda and Ceylon, signed the petition, which was circulated to all the members of the Economic Conference, as well as the Canadian press. There is no evidence that the Conference, even informally, in the intervals of its pressing and sometimes ill-tempered tariff negotiations, considered the petition.105


105. FL PBC Minutes, 12 January 1931; 4 April 1932; 7 November 1932. The presentation and publicity were arranged by the Canadian Alliance for Women's Vote.
For the second consecutive year, the meeting of the League of Nations coincided with a political crisis in Britain which left the British delegation at Geneva without precise guidance from home on nationality. Though not of a scope comparable with the 1931 crisis, that of 1932 was serious enough. It meant an appreciable change of temper in the Government. After the resignation of two Liberal Cabinet Ministers and one Labour one, as well as two Under Secretaries, there was little of a National flavour left in the Government, which showed itself increasingly conservative from this point on. In Sir Herbert Samuel, the reform lobby on women's nationality lost a most valuable friend.

The new Home Secretary, Sir John Gilmour, a Scottish Conservative coming to the Home Office for the first time, was less ready to direct policy - the hand-written minutes of the previous Home Secretary disappear - and much less egalitarian in his views on nationality. It was he who received the Attorney-General's report on his predecessor's scheme to relieve British-born women with foreign husbands of civil disabilities. Sir Thomas Inskip, who had replaced Labour's Sir William Jowitt the previous January, was averse from 'creating a class of persons who while remaining aliens suffer none of the disabilities of aliens in the United Kingdom'. Sir John Gilmour found the argument convincing and advised

106. Mowat, p. 419.

107. Sir John Gilmour (Con.) represented E. Renfrewshire 1910-18 and the Pollok division of Glasgow 1918-1940. He had been Secretary of State for Scotland 1924-26, and was Home Secretary between September 1932 and June 1935.

108. Sir T.W.H. Inskip (Con.) Sat for Bristol (1918-29) then Fareham (Hampshire) from 1931 till he was made Viscount Caldecote in 1939. He held the highest legal offices: he was either Solicitor-General or Attorney-General for most of the period 1922-36, became Lord Chancellor in 1939, and Lord Chief Justice, 1940-46.

109. PRO Ho45/15148/523629/266. Attorney-General, Disabilities of British Women Married to Aliens (undated).
Cabinet that there were
very strong objections in principle, both of a constitutional and legal character, to any proposal to create a special class of privileged persons who, while remaining aliens in the eyes of the law, would enjoy the rights and privileges of a British subject.

He advised prompt legislation, before any Private Member's Bill could be introduced, to enable the Hague Convention to be ratified.\textsuperscript{110}

If the British Government had thus retreated to a position of the Hague Convention and nothing more, the 1932 League Assembly also found itself unable to advance beyond it. The effectiveness of the Women's Consultative Committee as a pressure group was marred by an irretrievable split in its ranks. At the August meeting it had been unable to make an agreed report. Two reports had therefore been signed, one by the International Council of Women, the International Alliance of Women, the Federation of University Women and the Union Mondiale, the other by the Inter-American Commission, Equal Rights International, the Women's International League of Peace and Freedom and the All-Asian Women's Conference. While the former group insisted on independent nationality for wives, the latter were prepared to support equality in nationality, even if such equality made it compulsory for husband and wife to be of the same nationality. The second group also wanted to extend the scope of the committee beyond questions of nationality.\textsuperscript{111} The report of the independent nationality group was long and closely argued, on the lines of the 1931 report; that of the equal nationality group came out squarely for the succinct equality resolution of the Inter-American Commission. It also wanted 'to provide means of taking into consideration the woman's point of view on all codification projects affecting the status of women which may

\textsuperscript{110} C.P. 394 (32) Home Secretary memo for Cabinet, 15 November 1932.

\textsuperscript{111} FL PBC Minutes, 7 November 1932; IAWSEC Conference 1935, Report on Women's Nationality.
hereafter be brought forward'.

The sensitive question of the Catholic attitude to women's nationality proved to be an important one at the 1932 Assembly. Catholicism and feminism did not sit easily together in terms of nationality. At the Hague Conference and the 1931 League Assembly, Catholic representatives had generally opposed independent nationality for wives as a challenge to the husband's rightful place as head of the family; in the imperial context, the Irish Free State would not countenance husband and wife being of different nationalities; and it was Catholic Quebec, which caused modification of Canada's formerly egalitarian policy. The International Catholic Women's League presented to the 1931 Assembly a memorial advocating unity of the family in nationality.

In view of this apparent consensus of Catholic opinion, the work for independent nationality of the British Catholic suffragist society the St Joan's Social and Political Alliance is significant. Its organ, the Catholic Citizen, steadily and firmly supported independent nationality as a policy, and individual members made a notable contribution to its eventual achievement. Clementina Gordon, Executive Secretary of the Pass the Bill Committee in its early phase, was a member of St Joan's, its President in 1930 and a contributor to the Catholic Citizen. But the outstanding contribution was that of the tireless and self-effacing Florence Barry, Honorary Secretary of St Joan's for an astonishing fifty years,

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112. For the resolution, proposed by Chile at The Hague, see pp.225-6.

113. LN A.41. 1931. V. 5 September, note by Secretary-General. (a) Communication from Union Internationale des Ligues féminines catholiques.

114. PRO HC45/15148/523629/218 Canadian attitude of nationality of married women. Rougetel to Stephenson, 1 September 1932.


116. FLPBCC Records. Gordon signed the whip for Dr Bentham's Bill in her capacity as President of St Joan's, 25 November 1930. On 15 October 1930, she wrote a leading article in the Catholic Citizen, on 'Nationality of Married Women'.
who, in her youth, had given up thoughts of a career to work for the 'only Catholic contingent in the gallant army of women struggling for the vote'.

She attended the Pass the Bill Committee assiduously as the St Joan's representative almost from its inception and when the committee fell into difficulties during World War II, cheerfully took over the onerous task of Honorary Secretary. She would be one of the very few of the original band to see the fruition of their work in the British Nationality Act of 1948. As Florence Barry clearly saw, St Joan's was the only body of British feminists which could speak on acceptable terms to the Catholic women of other countries, and Barry's long dialogue with them resulted in the formation of St Joan's International of which inevitably she became Honorary Secretary, remaining so for nearly thirty years.

In 1932, Barry was the moving force in organising a counter-petition to the League against that of the International Catholic Women's League. The undertaking was a striking success. St Joan's placed its office and her services at the disposal of the ad hoc committee of Catholic women collecting signatures; their petition, 'that a woman, married or unmarried, should be in the same position regarding nationality as a man', achieved some 8,000 signatures from twenty-three countries, including Archbishops, Bishops, members of religious orders, the Prime Minister of Australia and various Members of Parliament. Barry went to Geneva to supervise its presentation to the Assembly. The International Catholic Women's League then withdrew their 1931 memorandum and substituted another, acceptable to the reform lobby.

117. N.S. Parnell, 'Florence Barry', Shield, October 1965, (Fawcett biographies: cutting).
118. EL PBC Minutes 20 May 1930. The date when she became secretary is not clear, but was after 1940. She spoke at the Victory Dinner, 25 January 1949.
120. 22nd Annual Report, St Joan's SPA, Catholic Citizen, XX, 3, 15 March 1933. The petitions are LN (A.33.1932.V.) and (A.1.10.1932).
As in 1931, the British delegation discussed women's nationality with the Dominion representatives before it came up in the First Committee. The meeting took place the very day the Home Secretary whose policy they were discussing resigned office, 28 September. The United Kingdom delegates made clear that their Government intended to ratify the Hague Convention, but stressed that this should not 'stereotype the position' or 'shut the door to further progress'. At present they believed a further international conference would serve no purpose. Reporting on the meeting, Dowson considered that all the Dominions but one would agree to a resolution on these lines. The Irish Free State had a scheme of its own; it proposed 'to give effect to the principle of equality so far as was consistent with the unity of the family', but in no circumstances to allow a woman to choose a nationality different from that of her husband. It was a suggestion, Dowson noted condescendingly 'which it is almost impossible to take ... seriously; but you never know where you are with the Irish'.

The nationality of married women was discussed over three days, 1, 5, and 6 October, in the First Committee; a resolution, prepared by Dowson and Sir William Malkin of the Foreign Office and handed over to Canada to propose, was very well received. It referred to the Secretary General's report, noted that in the opinion of many governments, Articles 8-11 of the Hague Nationality Convention represented the limit of international agreement, hoped that the states which had signed the Convention would proceed to ratify it, and requested the Council to follow the development of public opinion on this important question in the different countries of the world, with a view to deciding when such development has reached a stage at which further international action may be practicable.

121. PRO HO45/15148/523629/218 discussions between members of Commonwealth on nationality of women, 28 September 1932; Dowson to Newsam, 28 September 1932.
Dowson wrote to Newsam,

I think on the whole our strategy has been sound and the result is certainly not unsatisfactory. The women's organisations can no longer make any progress in their campaign against the Hague Convention. The Dominions have been with us, except for the IFS who, for purposes of nationality, can hardly count as a Dominion. The First Committee decided the withdrawal of the articles on married women in the Hague Convention, and the holding of a conference to redraft them, was unacceptable.

On 12 October the Assembly voted to adopt the Hague Convention as it stood.

On 24 October, Dowson summed up that the Hague Nationality Convention had been maintained, and it seemed very probable sufficient states would ratify to bring it into force in the next few months. He recommended that Britain should ratify promptly; on 15 November a memo to Cabinet embodied this advice.¹²⁴

The women's organisations were less satisfied with the results of the Assembly, but they cannot have been surprised by them. The Pass the Bill Committee appended the Assembly's resolution to its Minutes without comment.¹²⁵ The Catholic Citizen devoted much of its November number to the Assembly. In its leading article, 'The XIIIth Assembly of the League of Nations from the Feminist Point of View,' Helen Archdale dealt with the nationality issue, acknowledging that the outcome had been a 'defeat for feminism', but taking consolation in the fact it had not been an easy one: 'the number of abstentions, the tone of the long debates and the acceptance of the principle of equality can only be seen as a big step towards the final victory.'¹²⁶ The International Women's News, faced at


¹²⁵. FL PBC Minutes, 7 November 1932.

this time with the options of drastically reducing its size or ceasing publication, still found room in its new eight page format to comment both on the Governments' replies to the League on women's nationality and the Assembly as a whole. The Vote of 21 October 1932, ran a leading article on 'Women's Nationality at Geneva' by Mrs Pethick-Lawrence, which included a photo of herself lobbying Sir John Simon on the subject. Although the case had been lost in the Assembly, she believed certain concessions had been made which would hold the door open for revision at a later date.

In spite of these expressions of qualified optimism, the 1932 Assembly marked a defeat for the women's nationality lobby. They had, as Dowson noted, 'used every kind of influence to secure the revision of the Convention' and failed. The Women's Consultative Committee on Nationality had not maintained the tenuous unity of the 'women's view' and the strident tone adopted by certain of its members had alienated delegates to the Assembly, such as Anthony Eden, who recommended immediate ratification by Britain of the Hague Convention directly in order to avoid a repetition of the feminist lobbying to which he had been subjected at Geneva.

Relations between the two groups in the Consultative Committee continued to worsen, a particular cause of friction being the activities

129. PRO H045/15148/523629/227 Dowson Minute, 24 October 1932.
130. PRO F0372/2947/T 503 Eden Minute on Nationality of Women, 16 January 1933. Sir A. Eden (Con.) sat for Warwickshire 1923-57. At this point, he was Parliamentary Undersecretary for Foreign Affairs (1931-4), beginning a career which would make him Foreign Secretary for many years and Prime Minister 1955-57.
of a Propaganda Sub-committee established by the equal nationality group, influenced by Paul and financed from America.131 When its chairman arrived in London, presuming to explain the Committee's past work and future plans, Macmillan's indignation knew no bounds.132 In June 1933 the two organisations whose nationality policy she influenced, the International Alliance of Women and the International Federation of University Women, withdrew from the Committee, explaining that they believed the views of women's organisations on nationality could best be communicated to the League through recognised channels and that they assumed their withdrawal would automatically bring the Committee to an end.133

It was not at all certain that it would do so. The secretary of the Alliance expressed her disquiet to Macmillan that the 'C.C. [might be] left alone in the field without any sign of life at all from the Alliance and the Federation'.134 The American element in the Committee, which could not be represented through the 'recognised channels', urged strongly that the secession of two members out of eight did not necessitate the dissolution of the whole Committee. Dowson thought it 'by no means clear' that the Committee was at an end; the 'remnant' had demonstrated its vigour by getting Chile to put the nationality of women on the supplementary agenda for the 1933 Assembly.135 The Secretary-General of the League refrained from making a decision, merely stating the viewpoints of both groups.136

131. FL ERI Papers. These, as yet uncatalogued, are Archdale's papers.
132. FL PBC Records. Invitation to hear Matsch-Hendrick on 10 May 1933, and Macmillan's reply.
133. IAWSEC Records, Macmillan, report on nationality to 1935 (Istanbul) Congress.
134. FL PBC Correspondence, Bompas to Macmillan, 21 August 1933.
135. PRO FO372/2948/T8956 Dowson to Malkin, 2 August 1933.
136. Cited in FL PBC Minutes, 30 October 1933.
The quarrels of the Consultative Committee were a subject of derision for some League delegates, but there was in fact nothing frivolous about the issues that divided its members. They were important matters of principle and tactics: whether the Committee should work for the lesser good of equal nationality for women, or hold out for independent nationality; whether it should channel its energies, deeply, but narrowly, towards nationality questions, or use the opportunity the League had given it to broaden its advocacy of an improved status for women over a wider front; whether, in the long run, it was preferable for women to work through a separate consultative committee or aim at fuller representation in the League structure.

In retrospect, the decision of the Alliance and the Federation to withdraw from the Committee might appear mistaken, since its remnant went on to demonstrate convincingly that existence was nine points of the law, but the two organisations were not cutting themselves off from all influence at Geneva. They could still work through a Liaison Committee of international organisations, recently formed to promote the co-operation of women in the work of the League. Moreover the failure of the Women's Consultative Committee to achieve international reform of the law on women's nationality should not conceal the stimulating effect the nationality issue, and the attendant lobbying, had on the women's movement as a whole. When the great international organisations set up headquarters at Geneva and women from many countries arrived each September for the League Assemblies, they made Geneva a focus of international feminism to an extent that marks a new stage in its development; and the fact that this would be cut short, by first depression and then war, does not negate its very real significance.

137. IAWSEC Records, passim. The Liaison Committee was set up in 1931. 'An Experiment in Cooperation, 1925-45' (anon. pamphlet), Australian National Library MS 2004/7/542.
'JUSTICE VERSUS UNIFORMITY', 1933

When the British Cabinet in June 1932 and the League of Nations in October both came to the conclusion that the Hague Convention marked the farthest point of general agreement on women's nationality, the outcome of the nationality campaign in Britain was probably a foregone conclusion. But that was not how the campaigners read the evidence. There was nothing in the League resolution of 12 October to prevent any state that adhered to the Hague Convention from going beyond it towards equality of the sexes in nationality. It was specified that the coming into force of the Convention, 'would in no way prejudice further concerted international action' and that states should follow the development of public opinion on the question; it was also suggested to those states that had not yet passed the necessary legislation to give effect to the Convention that they might 'enact their internal legislative measures in a form appropriate to meet the wishes of the women's organisations'. Clearly this advice applied to Britain and since it was equally clear that legislation of some sort on the matter was imminent, the period between the League Assembly in late 1932 and the amendment of the British Nationality and Status of Aliens Act in mid 1933 was a very busy one for the reform lobby. They were helped by a burst of publicity for women's nationality which had hitherto eluded them, when a number of 'hard cases' concerning British-born women married to foreigners made headlines in the popular press for the first time.

1. L.N.A. 1/2 1935 Nationality of Women. Results of Previous Consideration of this Question by the League, First Committee, 9 September, 1935.
The choice of policies open to the Government was made clear when in mid 1933 two different bills on married women's nationality were simultaneously before parliament, the one promoted by the Pass the Bill Committee, this time introduced by Sir John Sandeman Allen, and a Government one, introduced by the Lord Chancellor, to bring British law on women's nationality into line with the clauses of the Hague Convention, preparatory to ratification. The nationality campaign reached a climax as the women's organisations pursued an intensive, but by no means united, campaign in favour of their own bill and against that of the Government.

When they met in November 1932 after a gap of five months, members of the Pass the Bill committee drew up their plans for future action. They would ask Sir John Sandeman Allen to introduce their Nationality of Married Women Bill, either by balloting or under the Ten Minute Rule; they would request that a promise of legislation on the lines of the bill be inserted in the King's speech; they would write to the Prime Minister and Members of the Cabinet asking them not to ratify the Hague Convention, reminding them that the League favoured legislation 'more in accordance with the wishes of women' and pointing out that there had been a large minority in the Assembly (9 as against 30) which had refused to support ratification. Finally, as soon as their bill was introduced, they would organise systematic lobbying in its favour.

There was no mention of 'hard cases' as this meeting, but not much more than a week later the story of a British-born woman with an

4. FL PBC Minutes, 7 November 1932.
American husband, who was prosecuted for failing to register as an alien, broke in the press.\footnote{Mrs Grace Tyndall, newspaper reports 16 November 1932. See below pp.329-334.} As a result of Macmillan's involvement in this case, the committee were consulted on a number of others; at each of the three meetings in 1933 its officers reported on cases they had dealt with.\footnote{FL PBC Minutes, 27 February 1933; 20 June 1933; 30 October 1933.}

The focus of attention was the question of a British-born woman's right to retain her nationality if her husband became naturalized in another state. A clause permitting a declaration of retention in these circumstances had been incorporated in the 1914 Act, but the right was not widely known.\footnote{See p. 17.}

The case of Mrs Helen Courthope Lake provides an interesting commentary on this. She had married an Englishman in 1903 and the couple later settled in the United States, where Lake became a Professor at Harvard. He took out naturalization papers in 1924, but his wife had no inkling of this until, preparing to travel to England, she found she could get neither a British nor an American passport and had to use a special travel pass. Warned by the British immigration authorities that she must register as an alien after two months, she replied 'she'd be shot if she d'id', and set about using her considerable determination and influence to regain her British nationality. Sir Willoughby Dickinson, to whom she was referred, explained that she was eligible to make a declaration of retention and after 'endless negotiations' she succeeded in getting a certificate from the Home Office saying that her declaration had been registered.\footnote{FL PBC Records. Macmillan, notes taken at interview with Courthope Lake, undated.} As Dickinson wrote to Macmillan, 'neither the Home
Office, nor the Police, nor anyone else would believe at first she had any right to what she was asking. He was not quite right. The British consulate in Boston might not have been acquainted with the details of Section 10 of the British Nationality and Status of Aliens Act, any more than Mrs Lake herself was, but in the case of the Home Office it was unwillingness to issue a certificate, rather than ignorance of their power to do so, that informed their actions. They demanded an explanation of the twelve month delay which had elapsed between Professor Lake's naturalization, on or about 24 October 1924, and Mrs Lake's application to the Home Office on 20 October 1925. Reluctantly, they decided to accept the declaration, someone minuting that 'no very clear idea of our requirements exists'. It was a remarkable admission, more than a decade after the legislation had come into operation.

The chief uncertainty in the requirements for declarations of retention was the time which might elapse between the naturalization abroad of the husband and his wife's declaration. The 1914 Act specified no time limit, but Home Office practice was generally to refuse registration of the declaration more than 6 months after the naturalization; and to prefer the declaration to be 'substantively contemporaneous with loss of nationality'. The reasoning behind the practice was that the words in the Act, 'retain' and 'remain', did not apply if the wife lost British nationality and subsequently resumed it. A considerable number of declarations of retention were refused on the grounds that they had been made too late, though the Home Office recognised that some people

10. PRO HO45/14675/485250/1-2. Courthope Lake declaration and minutes.
would criticise their practice as 'tantamount to inserting a temporal limitation in the Act'. In August 1931 the Home Office consulted the Law Officers on the question of whether there should be a time limit on a declaration: could it be made at any time after the husband ceased to be a British subject? only at the time? or only within a 'reasonable' time? As Dowson acknowledged, the wording of the query was intended to 'lead the Law Officers to support the view on which Home Office policy has always been based'. The Law Officers in fact adopted an even more rigid attitude:

In our opinion a declaration must be made as soon as a wife is aware of the fact that her husband has ceased to be a British subject ... [It is] unreasonable to claim the right to exercise an option which in fact has been already exercised by her omission to make any declaration.

The onus for making a declaration was on the wife, and ignorance of her right could not be regarded as an adequate reason for not doing so. Dowson noted on this that perhaps the Home Office should make some reduction in the period within which they would register a declaration, say from six to three or four months.¹¹

Helen Courthope Lake probably did not realize how lucky she had been. There was a postscript to her case when, in 1932, her husband instituted divorce proceedings against her in the States. She applied to the Foreign Office for protection and before replying to her, they checked with the Home Office that she was a British national. The Home Office response was singularly grudging; her certificate had been duly registered, they acknowledged, 'though in the light of the subsequent Law Officers' opinion there may be doubt in similar cases'; Still, 'for administrative purposes ... subject to any observation which Sir John

¹¹. PRO HO45/15127/496343/19-21; HO to LO, 26 August, 1931; L O Opinion, 6 November 1931, and minutes.
Simon may wish to offer ... Mrs Lake should be regarded as having retained British nationality'.\textsuperscript{12} The difference between the reformers, who regarded the declaration of retention of nationality as a statutory right without time limit and the officials who hedged the right with qualifications, would recur in relation to the 1933 legislation.\textsuperscript{13}

The case which brought this difference in interpretation into the open and made women's nationality a public issue was that of Mrs Grace Tyndall. It was the first of several cases in 1932-3 in which women of some influence challenged the regulations governing British-born women married to foreigners and is worth looking at in some detail. Mrs Tyndall came from Newent in Gloucestershire, where she was well known. Her father was a retired police sergeant and she herself owned thirteen houses in the area. Her British origins meant so much to her that, although she had settled with her British husband in the United States, and stayed there for eight years, she returned to England in 1919 in order to give her daughter the benefit of an English upbringing. Tyndall, who had a landscape gardening business in the United States, was naturalized there on 8 October 1931. When he came to England the next year, duly registering as an alien, he was told his wife should also register. She refused indignantly,\textsuperscript{14} and on 29 July 1932 sent a handwritten declaration of her intention to retain British nationality, to be registered with the 'Inspector of Aliens'.\textsuperscript{15}

\begin{flushleft}
\textsuperscript{12} PRO HO45/14675/485250/3 F0 to HO 15 August 1932, and minutes, 18 August 1932. Sir John Simon was Foreign Secty.
\textsuperscript{13} Below pp.360-3.
\textsuperscript{14} Western Mail, 16 November 1932.
\textsuperscript{15} PRO HO45/15239/621836/2a Tyndall to 'Inspector of Aliens' 29 August 1932.
\end{flushleft}
To Mrs Tyndall's astonishment, the declaration was promptly sent back, on the grounds that it was too late, and she was advised to register immediately with the local police, to whom a copy of the letter was sent. When she persisted in her refusal, the police had no option but to prosecute, and at the Gloucester City Petty Assizes on 15 November she was charged under the Aliens Registration Order. The proceedings were lively. Tyndall stoutly denied she had any case to answer, simply stating 'I am British'. Her father backed her up, affirming she was 'British to the core' and that he 'would rather see her shot than sign as a foreigner'; when she was found guilty and sentenced to £1 or 7 days imprisonment, he called out from the back of the court, 'Stick to your country! Don't pay! Do the seven days'. The case touched the popular imagination and was fully reported in several papers; especially Reynolds Illustrated News and the Western Mail.

Chrysal Macmillan, who had already been alerted to Mrs Tyndall's position by the vigilant Flora Drummond, now wrote to her 'at the prison to which women prisoners are sent from Gloucester', expressing the sympathy of the Pass the Bill Committee, and drawing her attention to her right to make a declaration of retention, for which she enclosed the appropriate form. It was, she thought, 'a most extraordinary thing' that the police who had to do with the registering of aliens should not have explained the option to her, still more extraordinary that the magistrates did not mention it. She surmised that both were perhaps ignorant of the law on the point. It was the beginning of a brisk

16. Ibid.
17. 'Newent Woman. Remarkable Case at County Police Court' Reynolds Illustrated News, 16 November 1932. 'Alien, Born in Britain', Western Mail, 16 November 1932.
correspondence.

The letter reached Mrs Tyndall without delay, although she had paid the fine and was not in prison, and she explained how her declaration of retention, signed and sworn before a magistrate, had been rejected by the Home Office. She had now made a second declaration, and had written to her M.P. about her position, but if she was summoned again, she wanted to know, should she register? Macmillan asked for exact copies of her correspondence with the Home Office - 'I cannot understand how they have refused you' - and advised against registering, since this acknowledgement of her alien status might make it impossible for her to 'become British again'. If she was summoned again, she should ask for trial by jury, which would put the case off till the Quarter Sessions. Meantime, since Parliament was sitting, it might be possible to raise a question in the House. Macmillan sent on a copy of the British Nationality and Status of Aliens Act and the regulations about declarations of retention. At the same time she wrote a detailed memo for Dr Worthington, Mrs Tyndall's M.P., summarising the facts of the case and making the point that the Home Secretary had no discretion under the 1914 Act to refuse declarations; 'if the Home Office is basing its refusal on the fact it is so long since the naturalization, that means they have added another proviso to the Act'. She added that police all over the country should be instructed not to register as aliens British-born wives whose husbands had become nationals of another state, unless they first informed them of the method by which they could retain

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21. Ibid., Macmillan to Tyndall, 21 November 1932.
their own nationality if they so wished.\textsuperscript{22}

Mrs Tyndall's second declaration of retention, in the correct form but without the required 10/- fee, caused disagreement in the Home Office. Someone minuted on it 'another abortive attempt'\textsuperscript{23} and one of the principals commented that, if the Law Officers' Opinion guided their actions, there could be no question of registering the declaration. He wrote a lengthy memo pointing out that, under present practice, if a woman failed to make a prompt declaration through ignorance of the law that enabled her to do so, she had no remedy. He also noted that it was not for the Home Office to determine a person's nationality, but for a court of law; and in this case the court had found Mrs Tyndall to be an alien.\textsuperscript{24} He was on shaky ground here, because at the Gloucester Assizes it had been asserted, incorrectly, that she was an American citizen.\textsuperscript{25} The point that the Home Office could not determine nationality had not escaped Macmillan either, and she had already suggested that Tyndall test the case in a court of law if necessary.\textsuperscript{26}

But the Home Office were having second thoughts. Dr Worthington called, urging acceptance of the declaration because 'the women's organisations were determined to make a test case of it'. He had talked with Macmillan and left her notes for officials to peruse.\textsuperscript{27} C.G. Markbreiter, an Assistant Secretary, then set a more liberal policy in

\begin{enumerate}
\item[Ibid.\textsuperscript{22}, Macmillan to Worthington, 21 November 1932.]
\item[PRO H045/15239/621836/4 Tyndall declaration of retention, 19 November 1932 and Minutes. Dr.(later Sir) J.V. Worthington (Nat.Lab.) represented Forest of Dean, 1931-5 during which time he was PPS to MacDonald.]
\item[PRO H045/15239/621836/5 Prestige memo 29 November 1932.]
\item[\textit{Reynolds}, op.cit. She was charged with failing to register as an American.]
\item[FL PBC Records. Macmillan to Tyndall, 22 November 1932.]
\item[PRO H045/15239/621836/5 Markbreiter notes.]
\end{enumerate}
motion. He would like to exempt from registration all British-born women who had become aliens by marriage. The Government intended shortly to waive registration for aliens with ten years residence; the same privilege could be extended, without any loss of principle, to British-born wives of aliens. In this particular case he believed it would have been better to have registered the declaration at once, especially since less than a year had elapsed between naturalization and declaration, and considering that Mrs Tyndall would otherwise be left stateless. He thought rigid adherence to the 6 month rule 'absurd'. He therefore recommended registering the declaration, waiving the 10/- fee (as the lady had already been fined £1) and explaining the change to Dr Worthington and the Gloucester police.28

So on 11 December Reynolds could announce Grace Tyndall's success in a bold headline, 'British Wife Wins Her Fight for Nationality. No Longer an Alien'. Similar notices appeared in the News Chronicle, Telegraph, and Daily Mail.29 Macmillan was jubilant; she wrote letters of thanks to Dr Worthington30 and congratulations to Mrs Tyndall, expressing her warm gratitude to her for 'putting up this splendid fight'.31 Never one to let an opportunity slip, she followed up with letters to the four papers mentioned, explaining that Mrs Tyndall had not needed to apply to the Home Office for recognition of her nationality, nor was it up to the Home Office to 'allow' her to retain it: 'It is a right and the Home Office have no discretion'. The imposition of the £1 fine had thus been illegal.32

28. PRO HO45/15239/621836/5.
30. Ibid., Macmillan to Worthington, 12 December 1932.
31. Ibid., Macmillan to Tyndall, 12 December 1932.
32. Ibid., Press cuttings.
The correspondence between Macmillan and Tyndall closed with a grateful note from the latter. She wrote, 'I am afraid you will be deluged with new so-called aliens. I've got stacks of letters from all over the country. I have taken the liberty of giving them your name and address'. Meantime her home town was celebrating; 'Dr Worthington M.P. is in Newent tonight and my father is on the reception committee'. The case did in fact lead to a flow of letters from other 'hard cases'. The Secretary reported 'numerous letters' at Pass the Bill committee meetings, and half a dozen were reported as having been dealt with by the officers at each of the three meetings in 1933.

One person who was moved by newspaper reports of Mrs Tyndall's success to try and recover her own status as a British subject was society leader Mrs James Beck, described as 'one of the best-dressed and most attractive women in London' and married to the son of a former Solicitor-General of the United States. The press was not slow to point out the irony that the daughter of a peer and the mother of an heir to another peerage - Mrs Beck had formerly been married to Lord Tennyson - was a woman without nationality. Mrs Beck's lawyer had her case well publicised; he made much of the fact that the Government had still not acted on the recommendation unanimously agreed to by the Hague Conference three years before, and endorsed by the Imperial Conference, namely that a woman should not lose her nationality by marriage unless she gained that of her husband. The Foreign Office disclaimed responsibility for the delay, blaming it on the women', presumably with feminist opposition to the Hague articles in mind. A terse note on the Beck case reads, 'We are informing the Home Office that Mr. Eden hopes the matter will be

33. Ibid., Tyndall to Macmillan 14 December 1932.
34. FL PBC Minutes, 27 February, 20 June, 30 October 1933.
expedited', certainly not the first time he had expressed the hope. Mrs Beck, who had married an American citizen, was in a different situation from Mrs Tyndall, whose husband had become an American after marriage. She did not get her nationality back at this time, but it is safe to assume that the publicity surrounding her attempt to do so added to the pressure the Government was under to revise its legislation on women's nationality.35

More dramatic was the case of another prominent woman who had lost British nationality through her marriage to an American, the Australian-born novelist Winifred James. Miss James' marriage had been dissolved by a Panamanian court, but because the divorce was not recognised in British law, she could not apply to be readmitted to British nationality.36 Like Mrs Tyndall, Miss James, who was well known in England as a novelist and journalist, was ardently patriotic; so much so that an Australian reviewer would criticise one of her best-known novels for its 'excess of Englandism' and 'failure to understand the constitutional changes in the Empire during recent years.37 She would not acknowledge the Government's right to deprive her of her treasured British nationality. For refusing to register as an alien and failing to produce her identity book to a police officer on demand, she was summoned to Bow Street court on 6 February 1933.38 The charges carried a maximum


38. 'Miss Winifred James. Aliens Act Summonses Withdrawn', The Times, 7 February 1933, p.4.
penalty of £100 fine or six months gaol, and Miss James proclaimed her intention of going to gaol, in spite of a message from the Foreign Office that there was no need for her to make such difficulty about registering, because she would recover her British nationality before long anyway.\(^{39}\)

The case was taken up by the activist wing of the nationality reformers, led by Miss Evans and Mrs Drummond. Evans' position as Secretary to the Women's Consultative Committee on Nationality of the League of Nations seems to have gained her entrée to Whitehall, for she was able to call at both the Foreign Office\(^{40}\) and the Home Office\(^{41}\) early in February in relation to the case, putting the view strongly that removal of the registration requirement, and even Hague-style legislation was not enough. When the case came up, the two women organised a demonstration, outside the court, of Women's Guild of Empire members, bearing banners which proclaimed, 'British-born Women Protest Being Made Aliens by Marriage'. The women attracted a large crowd, but the hearing itself was an anti-climax. A representative of the Aliens Department applied for a withdrawal of the two summonses in consequence of the Home Office order of 3 February exempting British-born women married to foreigners from the provisions of the Aliens Act.\(^{42}\) This outcome was regarded by the demonstrators as a triumph for Miss James,\(^{43}\) but it is evident from Home Office notes on the Tyndall case that the ending of registration

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39. PRO F0372/2947/T1450 Minute, 2 February 1933.
40. PRO F0372/2947/T1450 Warner note of interview, 2 February.
41. PRO HO45/15148/523629/259 Dowson note of interview on 3 February 1933.
42. 'Miss Winifred James. Aliens Act Summonses Withdrawn', The Times, 7 February 1933. p.4.
43. IWN., vol.27, 7 April 1933. 'British Nationality': report of talk to BCL by James.
was already under consideration before her hearing."

From Bow Street a procession of about 50 women, led by Drummond, Evans and James, marched to the Home Office. They were unable to see the Home Secretary, Sir John Gilmour, who had influenza, or the Parliamentary Undersecretary, Mr Stanley, who was absent, but Sir John's Private Secretary, F.A. Newsam, who had had a great deal to do with the subject, received half a dozen delegates." They were extremely annoyed, he reported later, at the recent exemption order, and said the Home Secretary must not think this would satisfy the women's claims; they believed the Government was 'on the run' and would press for immediate satisfaction of their claims. They also wanted to see the correspondence with the Dominions on the subject of women's nationality. They stayed half an hour and, Newsam concluded, 'I think they went away in a better temper than they were in on their arrival'. Someone put a large exclamation mark in the margin. Stanley commented jocularly, 'I admire Mr Newsam's courage', and Sir John Gilmour expressed the hope that he might be as fortunate when he met the women."

The different groups working for change in the nationality laws disagreed sharply on what they considered to be appropriate action to promote their cause, but they all agreed that the abolition of registration was far too small a concession to satisfy them. James stressed

44. Above, pp.332-333.

45. Evans (S P G ), Drummond (W G E ), Whately (St.J S P A ), Boyle, How Martyn (Suffragette Fellowship), Rees (W F L )

46. HO45/15148/523629/246 Newsam, memo on interview of 6 February 1933, and minutes. Newsam (later Sir F.A. Newsam) was Private Secty. to a succession of Home Secties, 1927-33, Deputy Undersecty of State, 1941-8 and Permanent Undersecty. in the Home Office till 1957.
the point strongly in a speech to the British Commonwealth League and Macmillan pointed out that, while the order put women married to foreigners in a same position they had been in before the war, it did not touch the main issue, their nationality. She correctly predicted that the order would mean the disappearance of the proposed Civil Rights Bill, since the abolition of registration had been one of its main provisions.

It was not known how many women were affected by the order. Captain Cazalet asked the Home Secretary twice during February and was told on each occasion that no figures were available. It seems likely however, that there were a considerable number. A rough indication, obtained by comparing Police Department statistics of registered aliens for the years 1932 and 1933, suggests that nearly 41,000 British-born wives of foreigners were relieved of the requirement to register.

Little more than a fortnight after the impromptu delegation of women had been received by Newsam, the Home Secretary met several of the same people in a formal deputation, organised by Dorothy Evans as Honorary Secretary of the Women's Consultative Committee on Nationality created by the League of Nations. The proposal for this deputation

47. 'British Nationality', Vote 17 March 1933.
48. FL PEC Minutes 27 February, 1933.
49. 274 HC Deb.342, 9 February 1933; 1597, 21 February 1933.
50. H C Papers. Police Department Annual Report. Statistics of Registered Aliens, 1932, 1933. H. Morrison, (Lab.) H. Secy., cited the figures (376 HC Deb., 1710-1711, 11 December 1941), explaining the difference between 186, 891 aliens (1932) and 146,022 (1933) - i.e. 40,869 - in terms of the abolition of registration. The accelerated immigration of the '30s did not affect the statistics till 1936. When war broke out, British-born wives of aliens were again required to register, probably accounting for much of the difference (39,858) between the statistics for 1938 (171,195) and 1939 (211,053).
had stirred up a hornet's nest. Evans had invited Macmillan to speak on the Nationality of Married Women Bill, explaining that she herself would speak on the agreed part of the first report of the Consultative Committee.

As chairman of the Pass the Bill Committee, Macmillan refused to join the deputation, because the committee was considering a deputation of its own; as a member of the Consultative Committee, she wrote to the Home Secretary that Miss Evans' approach to him was unauthorised. She sent copies of the exchange of letters between herself and Evans to a number of women's organisations. Her actions were unanimously endorsed by the Pass the Bill Committee. Both the International Alliance of Women and the National Council of Women dissociated themselves from the deputation, the latter protesting strongly that an international body should presume to 'put our case to our own Government'.

That the deputation took place at all in the circumstances was due to the powers of persuasion of its organiser. Evans wrote to the Home Office describing the 'dual emergency' for women caused by the threat of the Hague Convention and the pressures of economic depression. She enclosed the two reports of the Women's Consultative Committee on Nationality, explaining that all eight component organisations had recommended that the League should reconsider that Hague Convention, delete the articles on the nationality of married women and submit to Governments a new convention based on the principle of equality of the sexes in nationality. Four of the eight also wanted to provide means for taking the woman's point of view into account on all codification projects affecting the status of women, to ensure that the codification of international law undertaken under League auspices should be free of

51. FL PBC Minutes, 27 February 1933.
inequalities based on sex, but the deputation would not go beyond the agreed recommendations of all the societies. The Home Office decided that for the purposes of the deputation differences between the wings of the Consultative Committee were 'immaterial'.

The Home Secretary was briefed for the deputation by an unsigned 8 page note, which suggested answers to points the women were likely to make. They would undoubtedly protest, he was told, that the exemption of British-born wives of aliens from registration did not mitigate their objection to the existing law; in this case the Secretary of State could say 'that he entirely agreed with the Deputation ... the order was issued because the administrative advantages of registration were not worth the trouble the requirement caused the police and the women concerned'. He could also agree that the present law 'involved anomalies and was wounding to the feelings of women'... 'If in order to achieve their objects, it had only been necessary for the women's organisations to persuade British Ministers and Members of the British Parliament, it is probable that their end would have been attained long ago', but British nationality was a common attribute of all His Majesty's subjects, and Dominion agreement to any change in the law was necessary. The Minister should make clear that the Government had not been inactive; if it were suggested that the recent Canadian legislation on women's nationality breached imperial uniformity, he should explain that Canada was merely anticipating agreed legislation. But if Great Britain were to agree to the women's demands, she would be 'taking the initiative in the policy of breaking up the Imperial unity of nationality'. Common nationality for the Empire may prove 'an impracticable ideal', but it was not for Great Britain to take the first overt step in ending it.

52. PRO HO45/15148/523629/256 Evans to HO, 20 February 1933 and Minutes.
The Secretary of State should emphasize that ratification of the Hague Convention was not a retrograde step and would not close the door to further reform in the future.\(^3\) There was nothing new in the note, except the unusually frank admission that imperial uniformity of nationality might in the long run prove impracticable.

Evans, Drummond and James led the deputation and two others of its ten members had also been at the impromptu meeting with Newsam. They were received by Sir John Gilmour, Mr Stanley, a Foreign Office representative and several Home Office ones, including Newsam and Markbreiter. Evans explained that although some organisations had dissociated themselves from the deputation even in the last few hours, they were all united in opposition to the Hague Convention. She then reminded the Home Secretary of Britain's policy statements at the Hague in 1930 and Geneva in 1931 in favour of equality of the sexes in nationality, listed the recommendations agreed to by all members of the Consultative Committee, and asked what attitude the various Dominions had taken on women's nationality at the 1930 Imperial Conference.

The Home Secretary gave her little satisfaction; he had not been present at the 1930 Imperial Conference and besides, the information she was asking for was privileged. There was no probability of Britain bringing in early legislation of the kind the women wanted, nor would he say he was prepared to authorize its passage.\(^4\)

Previous women's deputations on nationality to the Home Secretary had released a press statement agreed to by both parties, but this one had an unofficial report by 'A Woman Correspondent' inserted in the

\(^3\) PRO H045/15148/523629/257 Note prepared in the HO for deputation, 22 February, 1933.

\(^4\) PRO H045/15148/523629/257 Deputation, 22 February 1933. Mesdames Lorsignol and Nalbandova had been at the earlier meeting.
Daily Mail. Under the heading 'Women's Fight for Nationality. British - but Aliens' it read,

The excuse [Sir John Gilmour] advanced for the inability of the Government to introduce legislation was that this country cannot move without the Dominions. Apparently it is South Africa which is the stumbling block ... 35

They were putting words into his mouth.

The year before, when Sir Herbert Samuel had agreed to receive a deputation on women's nationality, he had specified that it should be a 'comprehensive' one. Sir John Gilmour had not taken this precaution, and the Evans deputation had to be followed closely by another, organised by the Pass the Bill Committee. Though there was some overlap in membership, it was a much larger and more representative group that came to the Home Office on 30 March to ask for independent nationality for the married woman. Macmillan reminded the Home Secretary that organised women had been approaching the Government on the topic for 20 years and urged that action should be taken at once, rather than waiting for the Dominions. It was, she maintained, 'not suitable that the women of this country should be kept at the level of the most retrograde of the Dominions'. The women presented a memo asking the government to give practical effect to the declaration of policy made at the League Assembly in 1931, 'That all disabilities of married women in matters of nationality should be removed'. They urged the policy nationally, by allowing time for the Nationality of Married Women Bill, in the Empire, by persuading the Dominions to follow suit and internationally, by refusing to ratify the Hague Convention. The request was accompanied by a workmanlike four page memo prepared by the Pass the Bill Committee, giving a brief history of the subject. The deputation was courteously

55. Daily Mail, 23 February 1933.
received, but achieved no definite policy statement from the Home Secretary.\textsuperscript{56}

That not all advocates of reform in women's nationality seen by Home Office personnel at this time were as hostile to the Hague Convention as the two deputations is evidenced by an intriguing interview that Dowson gave in April. At the request of Mrs Drummond, he saw Col. T.H. Owen, who was acting for 'a very wealthy woman determined to do everything she could to remove hardships from British-born women married to aliens'. He had disbursed her money in this cause, he explained, to various women's organisations at Geneva, but was of the opinion that some of the international organisations had got 'completely out of hand'. He and his principal were not interested in theory, and were eager to see Hague-style legislation passed; he believed the women's organisations had made a practical as well as a political mistake in opposing it. He had been busy collecting hardship cases and claimed to have a list of about 8,000.\textsuperscript{57}

By this time, legislation on women's nationality along the lines of the Hague Convention had been accepted in the Home Office as the only viable option for the Government. The question of whether to legislate at all, and if so what form the legislation should take, had been under close consideration from the time Sir John Gilmour became

\textsuperscript{56} PRO HO45/15148/523629/266. Notes of deputation, 20 March 1933;
FL PBC records, deputation, 20 March 1933.
Drummond, Naibandova, Lorhignol, Whately, Buchanan were on both deputations. Besides Macmillan, speakers were Lady Trustram Eve (Pres.N.C.W.), Mrs Ganby (Women's Cooperative Guild), Mrs Hubback (N.C.E.C.), Mrs Ayrton Gould, J.P. (Joint Standing Committee of Industrial Women's Organisations), Miss Collison (B.C.L.), who handed the Home Secty. the petition presented to the Ottawa Conference, Miss Froud (N.U.W.T.), Miss Underwood (W.F.L.).

\textsuperscript{57} Ibid., /267. Note by Dowson. There is some correspondence between Owen and Macmillan at the time the PBC was founded.
FL PBC records.
The problem of whether legislation to prevent statelessness for British-born women marrying foreigners should be accompanied by the removal of civil disabilities for them if they lived in Britain, and/or miscellaneous minor amendments, was finally resolved soon after the deputations, in April 1933.

Cabinet had discussed the matter the previous November, when the Home Secretary had put forward strong objections of principle to the removal of civil disabilities from British-born wives of aliens and sought approval for the preparation of a bill, to be introduced early the following session, to enable ratification of the Hague Convention. Cabinet showed itself unwilling to act unless a Private Member's Bill forced its hand; when it became known that there would not be such a Bill in the immediate future, Gilmour interpreted the feeling of Cabinet as a preference for doing nothing and the matter was shelved.

It was the Parliamentary Undersecretary, Stanley, who set the ball rolling again. At the end of January he wrote to his Minister that, 'the question of the nationality of married women is getting into a state of confusion from which it should be rescued'. There were three proposals under consideration: the late Home Secretary's idea of removing civil disabilities for British-born wives of foreigners living in Britain, the Hague articles, and miscellaneous provisions, some of which the Dominions had agreed to. The interdepartmental position seemed to be: the Home Office was anxious for the Hague Convention; the Foreign Office was extremely anxious for some of the miscellaneous provisions, and the Dominions Office 'now appears to be not opposed to consulting the

59. Ibid., Minute 29 November 1932,
Dominions on the miscellaneous provisions, while their attitude to the Hague remains obscure'. Surely, he concluded, it was time for the Ministers to consult?⁶⁰

Newsam was delegated to prepare a memo for interdepartmental talks. He argued strongly that the Government was 'unequivocally pledged' to the Hague Convention; that this would not meet the women's claims was not a sufficient reason for refusing to ratify it. Certainly British Governments had accepted the principle of equality of the sexes in nationality, but only so far as all the Dominions could be brought to agree to it. The unity of imperial nationality law was the essential consideration:

British nationality is a common attribute of all His Majesty's subjects, and the existing law gives statutory expression to the sentiment of unity which binds together His Majesty's subjects dwelling in all parts of the Commonwealth. If there is one subject on which no Government in the United Kingdom is entitled to consider from a purely insular standpoint, it is the subject of the law relating to British nationality.

Since the session was far advanced, he thought it best to defer introducing the miscellaneous legislation, and simply give effect to the Hague articles.⁶¹ The Dominions Secretary and the Foreign Secretary agreed and the memo was approved by Cabinet on 12 April.⁶²

There was no problem as to the form of the legislation required to carry out the Convention; the Canadian Act could be used as a model, since it had virtually been drafted in the Home Office, but it had to be made quite clear that the Act was retrospective. Two modifications were

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⁶¹ Ibid., Newsam, memo 27 March 1933, approved as basis for talks by J. Gilmour, 28 March 1933. Presented to Cabinet as C.P.97 (33).

⁶² Ibid., C.P.97 (33). Joint memo of J. Gilmour, J.H. Thomas, J. Simon, presented to Cabinet 12 April 1933. Cabinet conclusion of same date.
suggested, a specific time limit within which a wife's declaration of
retention must be made if her husband became a citizen of another state;
and an amendment, agreed on as long ago as the 1923 Imperial conference,
giving the Home Secretary power to naturalize a British-born woman
permanently separated from a foreign husband. This latter amendment would
remove a substantial grievance. The only argument against such changes
was parliamentary; that is, any bill not strictly confined to the Hague
articles would be open to amendments designed to give the women's
organisations their full demands. However, differences of opinion with
the Dominions could be avoided; on these minor changes it would be
necessary only to inform, not consult, them. The Dominions Office
showed a decided nervousness of consulting the Dominions even on minor
amendments to the legislation lest it should open up 'major questions of
imperial relationships'.

Such a major question loomed at the end of March, when the
Dominions Office, preliminary to interdepartmental talks, had to decide
whether the British Nationality and Status of Aliens amendment should
extend, as the original Act had done, to 'all the Dominions of the Crown'.
It could not be extended to any Dominion that had adopted the Statute of
Westminster, recognising its full legislative autonomy: this would mean
that the amendment would extend to Australia, New Zealand and Newfoundland,
but not to Canada, South Africa or the Irish Free State. But Australia
and India had signed the Hague Convention separately, and on principle
Australia, New Zealand and Newfoundland should be allowed to pass their
own legislation. So on 2 June a telegram simply informed all the
Dominions Governments of the early introduction in the United Kingdom of

63. Ibid., /260 MacAlpine to Newsam 9 March 1933.
64. Ibid., /242, C.P. 97 (33) Joint memo for Cabinet, 12 April 1933.
legislation on the lines of articles 8-10 of the Hague Convention. 65

That the proposed bill by no means eliminated all the anomalies of the nationality law as it affected women was freely recognised in the Home Office. Especially it failed to give an indisputable national status to the British woman who married an American. Under current law she became stateless until she was naturalized in the United States. Under the new law she would remain British even if she were naturalized there, because she was under disability in British law and her right to naturalize could not be recognised. The Home Office came to the conclusion that 'it is impossible to avoid the anomaly without impairing the 'disability' principle and opening the door to the full feminist claims'. It would 'raise the whole point of women being under a 'disability', something not to be contemplated lightly, as it would bring up the whole question of married women being treated on a level with lunatics and minors'. Markbreiter commented, 'I have no doubt the right course is to retain the disability principle intact', and someone added, 'Let the anomaly exist, but don't advertise it'. 66

Meantime, ignorant of the proposed Government bill, the Pass the Bill Committee were negotiating with Sir John Sandeman Allen to introduce their own Nationality of Married Women Bill. Macmillan heard about the Government bill on 16 June, just after it had been introduced in the Lords; its second reading was set down for 27 June, the very day Allen was to bring in his bill in the Commons. As she wrote at once to her long-time ally Lord Dickinson, it was probably not a bad thing that both bills should be under consideration simultaneously; it would 'have the effect of making it very clear that we are asking for something other than the

65. PRO D035/106/4166/114 H O to D O, 29 April 1933 and minutes; Office of Parliamentary Counsel to Markbreiter, undated: telegram, 2 June 1933.

66. PRO HO45/15366/661710/2B. Minutes on draft B N S A Bill, April/May, 1933.
Lord Chancellor's bill', although it could also mean the Government would put on their whips against the Committee's bill. She considered the Government bill, which did nothing towards giving the married woman independent nationality in her own person, a 'red herring', and she was indignant that the Government had 'cut down the right you managed to acquire for us' by limiting the time limit within which a woman eligible to do so could register her declaration of retention of British nationality.\(^67\)

Dickinson intended to move the rejection of the bill in the Lords, so Macmillan sent him various documents he might find useful: her own 1931 pamphlet, which included a copy of the Committee's bill, and its supplement dealing with 1931-2; the petition to the Ottawa Conference; the reports of the Women's Consultative Committee on Nationality; the newly introduced Government bill, and the memo presented by the Pass the Bill Committee on its recent deputation to the Home Secretary. She also set out what she called some 'rough notes on the present position, just as they come into my head'. These 'Few Rough Notes on the British Nationality and Status of Aliens Bill (Bill 109 of 1933), to amend the law relating to the national status of married women, so far as is necessary for giving effect to a Convention on Certain Questions on the Conflict of Nationality Laws' run to 2½ closely typed foolscap pages, set out in 13 numbered paragraphs. They would be used extensively by Dickinson in his motion of rejection. The main points were: that the bill did nothing to implement the statement of policy the British Government had made to the League of Nations Assembly in 1931, and was thus 'in the nature of a red herring'. Although it prevented a woman from losing her nationality if she did not

\(^67\) FL PBC Records. Macmillan to Dickinson, 16 June 1933.
gain that of her husband, her nationality still depended on what happened in the law of another country. The principles of the Hague Convention, which the bill was intended to implement, were out of date; a Convention to be imposed internationally ought to be based on 'modern tendencies'; Besides, it was by no means certain that the Convention would come into force. The longest paragraph dealt with the 'whittling down' of the right of a woman whose husband naturalized abroad to make a declaration of retention of British nationality; the present Act set no time limit on the declaration, but the proposed amendment specified a six month limit. Moreover, this topic was not in the Hague Convention and so should not be in the bill. Finally, Macmillan criticised the bill for failing to implement Article 10 of the Convention, that naturalization of the husband should not involve any change in the nationality of the wife without her consent.\textsuperscript{68}

The Pass the Bill Committee held an emergency meeting on 20 June to consider the Government bill. In spite of very short notice, seventeen people, including the Committee's parliamentary spokesmen Dickinson and Allen, managed to attend. They agreed to rally support in every way possible for Dickinson's motion of rejection. A resolution urging withdrawal of the bill in favour of one based on the Government's statement to the League in 1931 was appended to the minutes, for supporting societies to bring to the notice of their M.P.s. Allen stated that he was opposed to the Government measure because it dealt only with statelessness, a small issue compared with the broad principles in the Committee's bill. There was some discussion as to whether he should try to defer the

\textsuperscript{68} Ibid., For 1931 policy statement see pp.326-334
Macmillan cited the Tyndall and Courthope Lake cases above, as evidence that H O were unwilling to register declarations.
introduction of his bill until after the second reading of the Government bill, but the committee decided against this, because of the difficulty of getting another date before the end of session.\(^6^9\)

The simultaneous consideration of the two bills on the nationality of married women, the one to be opposed, the other to be supported, posed its greatest challenge to the Pass the Bill Committee. It was not well placed to meet such a challenge. The latest financial report showed a deficit of £9.6.0., it had already had to give up its office and put its furniture into storage, and most of its correspondence was being handled by Macmillan personally. Moreover, there was only a week in which to act.\(^7^0\)

Uncertain as to the temper of the House of Commons, the Committee thought it advisable to send a letter to all M.P.s urging them to vote for the Nationality of Married Women Bill, on the grounds that it fulfilled the policy of equality of the sexes in nationality upheld by the Government before the League of Nations in 1931.\(^7^1\) A number of supporting societies also used a draft letter provided by the committee to gain the support of their own local M.P.s.\(^7^2\)

It was not thought prudent to circularise all the Lords urging their rejection of the Government's British Nationality and Status of Aliens Bill, lest this bring out the 'backwoodsman antifeminist'. A letter was therefore sent to about a hundred peers whose names had been

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69. FL PBC Minutes, 20 June 1933.

70. Ibid. The deficit included £5 lent by Macmillan. Also PBC Correspondence file, 1933.

71. FL PBC Records. See Appendix. 13. There had been no debate on women's nationality since the 1931 election.

72. FL PBC Minutes, 30 October 1933.
supplied by women's organisations.73 Macmillan also provided material for possible speeches to a dozen special friends in the House of Lords. She pointed out the differences between the Government bill they were about to consider and that promoted by the Committee, and suggested arguments that could effectively be used in debate, setting these out in concise paragraphs under such headings as The Hague Convention, Conflicts of Law, Women's Support and The Dominions. She enclosed the same set of documents that she had sent to Dickinson and a list of the criticisms made by the Committee of the Government bill. It was a most useful package.74

While Macmillan, with the weight of the Pass the Bill Committee behind her, was working to influence the legislators, some of their supporters were bringing the cause of women's nationality before the public. Not for them the patient marshalling of familiar arguments to indicate their support for one bill and their opposition to another. Their action was more direct, less specific, more controversial; aimed to attract public notice to the position of British-born women who had married foreigners rather than to influence parliamentary debates. They believed they were fighting more than the law. They were tackling a 'widespread subconsciously held emotional attitude'. In an article in Time and Tide, its founder/editor Lady Rhondda justified their action:

'Argument may be fought with argument, but subconscious emotional preconception needs always emotional dynamite - needs, in other words, direct action'.75

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73. FL PBC Records. Macmillan to Dickinson, June 1933. The letter was sent to 75 temporal and 25 ecclesiastical peers.

74. FL PBC Correspondence, June 1933. Among recipients were Lord Danesfort, who as Sir John Butcher had introduced the British Nationality (Married Women) Bill in 1922, and the Archbishop of Canterbury.

75. Rhondda, 'Sir John Simon's Doorstep', Time and Tide, 1 July 1933, pp. 790-1
The direct action group centred round the Six Point Group and the Women's Guild of Empire, the individual leaders being Dorothy Evans and Flora Drummond. Drummond did not participate in the action, but was featured by the press as the campaign organiser. She made excellent copy. In an article headed 'Suffragettes again: Mrs Drummond on the Warpath', the Evening News reported that the aim of her campaign on behalf of British-born wives of aliens was to tackle 'a Cabinet Minister a day'. She added, 'The man we really want is Jimmie Thomas'. The Daily Herald used the headline 'The Woman with a Load of Mischief Reappears', illustrating the accompanying story with an old photograph of the sturdy, smiling Mrs Drummond being arrested by two rather shamefaced policemen at an Ulster Day rally in Hyde Park. 'Mrs Flora Drummond', claimed the Herald 'is going to make a perfect nuisance of herself ... to become once again the most annoying woman in Great Britain'. She told the interviewer her campaign on behalf of the 'alienettes' would consist of three things: pestering the Prime Minister, pestering the Cabinet Ministers and pestering the Members of Parliament. She scoffed at the Government Bill as 'a ridiculous measure, the half-hearted sort of affair that one could expect from such a crowd'. 'The Government wants to trick us on this. Just why - I cannot say', she warned, adding, 'We have just started. You don't know our power'.

The pestering of a Cabinet Minister a day began the day before the Pass the Bill Committee met to plan its campaign. The first Minister tackled was Foreign Secretary Sir John Simon. Evans led to his residence a group of women who had failed to get an interview with him at the

76. Evening News, 20 June 1933. J.H. Thomas was Dominions Secretary.
77. G. Beckles, in Daily Herald, 22 June 1933.
Foreign Office. He refused to talk with them, so they settled down on his doorstep, prepared for an all-night vigil if necessary. When Sir John and Lady Simon emerged to go to a reception at the German Embassy, Evans tried to prevent their departure by throwing herself on the bonnet of their car, from which she was prised by 'the rather forcible persuasions of the police'. The group then split up, one section going with Winifred James to lobby at the House of Commons, the other, led by Evans, to the German Embassy. Police hustled them away as the Simons emerged about 11 o'clock. Evans explained in an interview to the Daily Telegraph why the Six Point Group and the Women's Guild of Empire found the British Nationality and Status of Aliens Amendment inadequate and supported instead the bill shortly to be introduced by Sir John Sandeman Allen. 78 The Evening News describing the episode in less detail, attributed its inspiration and organisation to Mrs Drummond who, 'like a good general directed affairs from her G.H.Q.' 79 Monica Whately, who was present, said it had been organised by Evans. 80

The next day the Cabinet Minister pursued was Dominions Secretary J.H. Thomas; this episode was even more dramatic than the pursuit of Sir John Simon. Under the headline 'Four Women in a Taxi Arrive at Buckingham Palace' the Manchester Guardian described how Evans and three companions, having picketed the Hotel Metropole and the Fishmongers' Hall in pursuit of Mr Thomas, followed him to the Palace itself where, passing sentries and police without being stopped, they asked a doorman to deliver their letter to the Dominions Secretary. Later, with

78. 'Sir J. Simon Mobbed by Women', Daily Telegraph, 20 June 1933. The Six Point Group was throughout referred to as the Six Point Club.

79. 'Suffragettes Again', Evening News, 20 June 1933.

80. Whately, letter to Time and Tide, 1 July 1933. Whately was a member, later President, of the SPG. In 1929 she stood as a Labour Candidate.
reinforcements which brought the numbers of the group up to about 20, they went to Londonderry House, where Mr Thomas and other Cabinet members were to attend a reception for delegates to the World Economic Conference. Special squads of police were told to make sure that no member of the Cabinet was approached by them, with only partial success, for the Prime Minister was 'buttonholed' by Evans and Mr Thomas by Whately. A large crowd had gathered in hopes of a confrontation between the women and the police and for a few moments there was trouble in restraining it. Evans had to be escorted away from the scene by police. The Daily Herald, which illustrated its account with a picture of women carrying banners - 'British-born Women Protest against being made Aliens by Marriage' - said the vehicle used to deliver the letter to Buckingham Palace was a 'baby motor-car' and identified the person delivering it as Monica Whately. On 23 June the Daily Express reported that an 'army of alienBritons', led by Mrs Drummond, would march to the House of Lords to tackle the introducer of the Bill, Lord Sankey; it went on to describe some of the anomalies of the nationality law as it affected women. Dowson commented on the cutting, 'The Daily Express special representative has managed to put into this article a surprising amount of muddled and misinformed nonsense'. The march did not take place. Lord Sankey

82. 'One Woman Puts Mr Thomas to Flight', Daily Herald, 21 June 1933.
83. As Sir John Sankey, he had had an outstanding career in the legal profession, and was a Judge before he was made Baron Sankey (later Viscount) and Lord High Chancellor in 1929. He chaired the Inter-Imperial Relations Committee at the 1930 Imperial Conference.
84. PRO HO45/15366/66176/9. Daily Express, cutting, and notes.
instead received at his home a small deputation, with whom he spent nearly
two hours, over tea, in informal discussion. Of the five women, one
represented the Women’s Guild of Empire, another the Six Point Group and
the others were aliens by marriage.85 One of these, a member of the Pass
the Bill Committee, had asked its chairman to join the deputation and
speak on the Committee’s bill,86 but Macmillan refused, as she was ‘not
convinced the deputation would make the right impression’.87 Perhaps she
would have felt her doubts confirmed when the Daily Herald headed its
report of the deputation ‘Women’s Tea Party. Talk with Lord Sankey’.88

Press reaction to the activities of the direct action group was
generally unfavourable; though some papers dealt sympathetically with
individual cases of women who suffered under the nationality law.89
Some, such as the Morning Post, were sharply critical. In its opinion,
the tactics of the Women’s Guild of Empire were ‘too utterly pre-War’.

It went on,

The sex has been accused of lacking both patience and
logic, and the Guild of Empire must beware of giving
occasion to the unchivalrous. Once the franchise was
gained there was to have been a truce to demonstrations
and scratching of faces; is it possible that, having
wrested their coveted ‘rights’ womankind does not
want them?90

85. ‘Women’s Tea Party. Talk with Lord Sankey’, Daily Herald, 24 June
1933. The deputation consisted of Mrs Buchanan (W G E), Miss
Archdale (S P G), Mrs Rabeneck, Mrs Nalbandova and Mme Lorsignol
(from the P B C).

86. FL PBC Minutes, 30 October 1933. Madame Lorsignol.

87. FL PBC Records. Macmillan to Danesfort, undated. (paragraph
marked ‘Private’).

88. Daily Herald, 24 June 1933. The Daily Express also gave a full
account, with a photograph, under the heading ‘Lord Sankey’s Tea
Party of Rebels’, 24 June 1933.

89. eg. ‘Women to March to the Lords Today’, Daily Express, 23 June 1933.

90. ‘Pre-War Women’, Morning Post, 22 June 1933.
Truth was scornfully virulent in an article entitled 'The Squealing Sisterhood'; it came out against the tactics of the demonstrators, comparing them to 'a spoilt child which finds it gets delicacies ... by screaming loudly'. The average woman in England, it believed, 'does not trouble herself with politics, but an extremely vociferous section does so, and is not even content that a wife should merely enjoy the privileges of the strong and the immunities of the weak, as she now does under our 'man-made laws'. It came out also against independent nationality for married women. 'The percentage of English women who marry foreigners must be almost negligible' it argued, 'and the majority of them, living abroad, would be better off as subjects of the country they inhabit and not aliens'.

In contrast to this blaze of publicity for the direct action group, the Pass the Bill committee had great difficulty getting its views published. Mrs Donzé wrote to Macmillan on 27 June that the notice sent to the press had not appeared in The Times, Morning Post, Sunday Times, or Observer, and added 'It looks a little as though nationality has a taboo on it at the moment among the better class papers'. One serious article, by Helena Normanton in the Daily Telegraph, may well have been based on Committee information. It discusses the issues involved in the Government's Bill and its probable effect, making the point that the new law would be 'even a little worse' for British-born wives of foreigners, because of the time limit on declarations of retention. But although it states that 'nearly all of the Lord Chancellor's Bill is in the teeth of the expressed

91. 'The Squealing Sisterhood', Truth, 28 June 1933.
92. FL PBC Records, Donzé to Macmillan, 27 June 1933.
wishes of the majority of our Dominions', it makes no attempt to explain the role of the Dominions in nationality legislation.93

The actions of the demonstrators caused considerable embarrassment to the Pass the Bill Committee; there was a real danger that their tactics might turn moderate people against the bill the Committee favoured, if they were regarded as representative of the nationality reform lobby. Lord Dickinson sent a hasty postcard to Macmillan asking for confirmation that the Committee had nothing to do with 'the attempts to get at Sir J. Simon and Thomas and Co.' He explained 'It makes no difference to me, but in the House of Lords it might help if I could make this statement'.94 Macmillan gave the assurance, as she did to Sir John Sandeman Allen as well.95 She wrote to Dickinson that the Committee had heard of the exploits of some of its members only from the press, and explained that it had no control over its constituent societies. Moreover, although the Six Point Group named a member to the Committee, the Women's Guild of Empire had been only provisionally admitted to it, subject to its becoming a nationally organised body. The Committee had never been told whether or not it had adopted the constitution mentioned when the arrangement was made.96 Mrs Donzé had to write to Time and Tide dissociating herself from the demonstration outside Sir John Simon's house; the paper had reported the participation of the 'Secretary of the Nationality Bill' instead of the 'Secretary of the Women's Consultative Committee on Nationality'.97

93. H. Normanton, 'British Wives of Foreigners', Daily Telegraph, 30 June 1933. Normanton was the first British woman to be called to the Bar.
95. 279 H C Deb., 1338, Sandeman Allen, 27 June 1933.
96. FL PBC Records. Macmillan to Dickinson, undated.
97. 'The Simon Deputation', Time and Tide, 1 July 1933. Letters by Donzé, Whately.
In the event, the Nationality of Women Bill and The British Nationality and Status of Aliens Amendment Bill did not come up on the same day. The second reading of the latter in the Lords was deferred until 4 July, and Sir John Sandeman Allen introduced his bill in the Commons as arranged, on 27 June. He spoke briefly, with a moderation that must almost have looked like compromise to the women's organisations backing the bill. He explained that a bill in similar terms had been before the House six times before, and he quoted the unanimous Commons' resolution of 1925 and the declaration of the Government's representative at the League Assembly of 1931 as proof of the widespread support for the principles embodied in it and the Government's commitment to it. He suggested that failure to implement the policy could only be due to differences among the Dominions and so, because Commonwealth agreement was important, he was prepared to accept that any legislation for independent nationality for the married woman should include a clause suspending its operation till unanimity among the Dominions could be achieved. This would 'show the world that this country takes the matter seriously'. He was not against the Government Bill, he made clear; it was a 'small sop to Cerberus', but if one could not get the whole it was as well to proceed in parts where one could. He asked the House to ignore some 'slight foolish activities that may have been shown by certain unbalanced women, who mean well, because the great women's organisations in this country stand firmly for the proposal, and rightly so'. The Government had decided to allow the first reading to take place unopposed, and no-one else spoke.

Macmillan congratulated him on behalf of the committee for having had reported the whole of the Government's 1931 declaration in favour of equality of the sexes in nationality, She wished, 'it really meant they

98. 279 H C Deb., 1333-1338, Sandeman Allen, 27 June 1933.
were prepared to do anything'. She added, 'Now that it is successfully
over, I may say that this is such a very different House of Commons from
what one has known before and I was not at all certain about the intro-
duction'. She did not mention the suspensory clause, but in his reply Sir
John recommended it to the Committee's consideration. He was satisfied
with the introduction of the bill, but did not think anything more could
be done that session, because every minute of the time was taken up by
the Government.\textsuperscript{100}

He was right. Indeed the end of the session proved to be the end
of the bill. The Home Office, which had received a number of resolutions
from women's organisations in favour of the bill,\textsuperscript{101} disliked the
suggestion of a suspensory clause on the grounds that it would subject
the Government to new pressures and that to pass an Act to which Canada,
South Africa and the Irish Free State were unlikely to assent would be a
dangerous precedent. There was another reason for opposing the bill;
it would be impossible to adopt it without the Government making a state-
ment in favour of equality, a statement they had deliberately refrained
from making. Besides, this bill and the Lord Chancellor's bill could not
exist together, and the Government was already committed to the latter.\textsuperscript{102}

The Sandeman Allen bill was blocked, with a note to the effect that the
block should be made parmanent if necessary.\textsuperscript{103} The field was now clear

\begin{footnotes}
\item 100. FL PBC Records, Macmillan to Sandeman Allen, 28 June 1933.
Sandeman Allen to Macmillan, 29 June 1933.
\item 101. PRO HO45/15366/661710/13 Nationality of Married Women Bill, 29 June
1933. The resolutions in favour came from B F W, W. Bromwich
Equal Citizens Society; Girls' Guildry; N C W. of G.B.; and
P B C (which sent the Circular to M.P.s).
\item 102. Ibid., /14 Minutes on above bill.
\item 103. Ibid., /25 Markbreiter minute, July 1933.
\end{footnotes}
for the British Nationality and Status of Aliens Bill.

When on 4 July it had its second reading in the Lords there were only seven speakers and no clash of opinion. Lord Sankey, a Labour supporter and an expert on nationality, began the debate with an apologetic frankness that was quite disarming. The reasons that prevented the Government from taking up the question of equality of the sexes in nationality, he made clear, were not reasons connected with the intrinsic advantages or disadvantages of the proposal, but quite different reasons based on the imperial character of British nationality law and the improbability at the present time of securing agreement on any points other than those in the bill. Most of his speech was taken up by the impossibility of securing imperial agreement beyond the Hague articles. He freely acknowledged that this was unfortunate. On the specific question of a time limit for declarations of retention by British-born wives whose husbands became nationals of another state, he favoured a longer period.

In moving the rejection of the bill, Lord Dickinson was equally conciliatory, explaining that this was the only way the whole case of the opponents of the bill could be put before the Lords, and the public. His fundamental criticism of the bill was that it was inadequate, and he drew attention to the almost unanimous opposition to it of the principal women's organisations of the country. He sketched in the history of women's nationality in Britain, and claimed that if Britain extended this measure, on the lines the women wanted it extended, they would be able to carry the Dominions with them.

The other speakers all expressed their regret at the limited nature of the bill. It is by no means clear in all cases from the speeches

104. Lords Buckmaster, Snell, Danesfort (formerly Sir John Butcher), Balfour of Burleigh, Rennell.
whether, if it had come to a vote, they would have voted for the bill or its rejection. The principal concern was whether the limited reform of the bill would prejudice further reform in the direction of equality. Lord Buckmaster put the one view, 'One of the most fatal things if you want to secure a wider measure is to accept a small one at the outset', and Lord Rennell the other, 'I cannot help thinking that to reject the less because you may think it may render it more difficult to get the greater would be a mistake'. It was the second view that won out.

Winding up the debate, Lord Sankey urged that the 'strongest of the legal links' of the Empire was contained in its nationality laws and 'first and last and all the time we must see to it that nothing is done to weaken or supplant it'. At the same time, he numbered himself among those who hoped to see the day when all the demands of the women's organisations would be granted. Lord Dickinson, accepting the Government's assurance that the bill was a 'first step towards the reform which we desire', withdrew his motion of rejection. The bill was amended in committee by the extension of the time limit for declarations of retention to one year instead of six months, and was read for the first time in the Commons on 21 July, but the second reading was held over till after the summer recess.

While they must have realized that their attempts to stop the Government bill were doomed to failure, the Pass the Bill Committee nevertheless kept up pressure to try and do so. Macmillan, who had to be out of the country for part of July and August, wrote to Committee members suggesting what action the supporting societies might take.

105. 88 H L Deb., 2R 515-542, 4 July 1933; Committee 648-51, 11 July 1933.

106. 280 H C Deb., 2142, 21 July 1933.
The tone of her letter is practical but not optimistic. While she believed M.P.s should be asked to oppose the bill on principle, because it did not give a married woman her nationality in her own right, she thought 'quite a good speech' could be made against the insertion of a time limit for the registering of declarations of retention, because this cut down an existing right. Removal of the time limit was one of two amendments to the bill she suggested on the grounds that, if it were to be pushed through, it would be 'better to have it a little less bad than it is at present'. The other amendment was intended to clarify the wife's right to consent to a change of nationality if her husband took out naturalization papers abroad.\textsuperscript{107}

The committee was severely restricted in what it could do. From July on, Donzé had been interviewing and writing to M.P.s,\textsuperscript{108} and in the last weeks before the bill was debated in the Commons on 9 November, Committee members lobbied determinedly. But, as Macmillan complained, their finances were 'dreadful'; they had still not paid for the first letter to M.P.s when the time came to send another in preparation for the Second Reading debate.\textsuperscript{109}

The rejection of the bill in the Commons was to be moved by the long-serving Liberal member Mr Llewellyn Jones. Macmillan sent him a memo setting out points which could be raised in opposition to the bill. A section on 'Main Objections to the Bill' stated concisely the usual arguments: the bill was inadequate; it did not give effect to what the

\textsuperscript{107} FL PBC. Records, Macmillan to members of Committee, 13 July 1933. She was presiding over a conference of the Open Door International.

\textsuperscript{108} \textit{Ibid.}

\textsuperscript{109} \textit{Ibid.}, Macmillan to Donzé, 12 October 1933.
Government had stated to be its policy in 1931; the excuse that the Dominions were opposed to further reform should not be accepted. A second section covered 'Points to be raised in Committee' and concentrated largely on the time limit in declarations of retention. The final section, 'Other political Considerations in Connection with the Convention', pointed out that the Hague Convention had not secured the necessary ratifications to bring it into force, and that even if the Government wanted to ratify it, there was nothing to prevent them from explicitly excluding the articles on women's nationality from the ratification.\textsuperscript{110}

At the October committee meeting, which Llewellyn Jones attended, there was discussion on the possible effect of the unusually short session, 7-16 November, on the progress of the bill. Pressure of time would mean that very few opponents of the bill would be able to speak, and since it was already through the Lords, the Government would be reluctant to drop it. On the other hand, if sufficient opposition were shown, they might well be forced to do so. The committee decided to make an all-out effort; they would send a letter to all M.P.s; write to the Prime Minister, with copies to Cabinet members; arrange lobbying for four hours on the evening of 7 November and five the next evening, the lobbiers to give an information sheet to M.P.s; send a letter to The Times, signed by societies supporting the Committee, and a press note suitable for the 'chatty column' to Allied newspapers.\textsuperscript{111}

Considerable effort went into drafting the letter to The Times

\textsuperscript{110.} \textit{Ibid.}, Macmillan to Llewellyn-Jones, 27 October 1933.

\textsuperscript{111.} \textit{Ibid.}, Minutes 30 October 1933. For information sheet see appendix 14.
and securing signatures from 12 national societies,\textsuperscript{112} but it was not published, on the grounds that \textit{The Times} readers already knew the Committee's views. Committee members did not know how many of the 'short snappy paragraphs' prepared for the popular press had been printed. The letters were duly sent to all M.P.s and the lobby was well supported; about 30 or 40 Members were seen. The chairman and secretary were at the hub of all this activity and in addition poured out letters, with detailed briefing for the Second Reading debate, to sympathetic M.P.s. Donzé wrote 25 such letters.\textsuperscript{113} The campaign had something of the feel of a last ditch stand. In the midst of it all Miss Gordon, who had been the Organising Secretary of the Committee in its early months, applied for a reference; in her reply on 6 November, Macmillan wrote, 'Donzé and I have been desperately throng [sic] the last fortnight, because the Government's Bill is coming up for its second reading next Thursday, and if we don't kill it now we are doomed...'.\textsuperscript{114}

The Commons debate, which lasted 3½ hours, proved to be a lively one, but more on account of its light-hearted comments and interjections, eagerly seized on by the press, than because of conflict of principle. Of the 15 speakers only one, Sir Gerald Hurst, put the view that the unity of nationality of a couple imposed by British law and recognised by the Hague Convention, was in itself a good thing. Introducing the bill, Sir John Gilmour acknowledged its limited scope, but stressed that the articles of the Hague Convention were the farthest the League or the Empire had been able to go and reiterated the importance of a uniform

\textsuperscript{112} FL PBC Records. Letter to \textit{The Times}, 3 November 1933.

\textsuperscript{113} FL PBC Minutes. 29 January 1934. The lobby was supported by St. Joan's, N.C.W., W.F.L., O.D.C.

\textsuperscript{114} FL PBC Records. Macmillan to Gordon, 6 November 1933.
imperial nationality law. While urging prompt passage of the bill to help women who had been made stateless by marriage under the present law, he emphasised that 'nothing done today would put any obstacle in the way of future legislation on the principle of equality'. His speech verged on the apologetic.  

Llewellyn Jones had withdrawn his motion of rejection in favour of one moved for the Labour Party by its Deputy Leader Major Clement Attlee, his first intervention in favour of a policy that his own Government would implement in 1948:

This House cannot assent to the Second Reading of a Bill which fails to give full effect to the policy declared by His Majesty's Government at the 1931 Assembly of the League of Nations in favour of the removal of all disabilities of married women in matters of nationality, and will postpone indefinitely a satisfactory settlement.

Attlee agreed wholeheartedly with the Home Secretary that the bill was small; he went further, it was 'trivial and entirely inadequate'. He demanded to know what were the practical difficulties of legislating without the Dominions, because it was 'possible to be so Imperialistic as to sacrifice the Empire to an Imperial idea'. He feared that if the Bill was passed there would be a 'tendency for the Government to go to sleep as far as this matter is concerned'. So he asked, simply, for the omission of the paragraph in clause 1 which declared that 'the wife of an alien should be deemed to be an alien'.

115. 281 H C Deb. 353-358. Gilmour, 9 November 1933.
116. FL PBC Minutes. 29 January 1934.
117. 281 H C Deb. 358-361, Attlee, 9 November 1933. Major (later Rt. Hon.) C.R. Attlee (Lab.) represented Limehouse 1922-50, then Walthamstow W. until he was made Earl Attlee in 1953. A barrister, he had been a lecturer at L.S.E. before entering politics. PPS to MacDonald 1922-4, he was Deputy Leader of Labour Party in the Commons, 1931-5, Leader 1935-45, Leader of The Opposition 1935-40; he became Dom. Secty. in 1942-3, Deputy P.M. 1942-5, and P.M. 1945-51.
None of the other members who joined in the debate thereafter spoke at length, and almost none spoke uninterrupted. Several rephrased or elaborated on the points made by these first two speakers.

Sir Gerald Hurst spoke in favour of the bill using arguments, carefully avoided by the Government spokesman, of the 'practical influence on family life' of nationality laws. He refused to accept that forcing husband and wife to belong to the same nationality really represented a disability to the wife.¹¹⁸

Llewellyn-Jones scoffed at him for expressing 'views of 60 years ago' and used his Pass the Bill Committee briefing to illustrate in concrete terms the inadequacy of the bill. He denied the Dominions were 'backward' in nationality matters and urged Britain to give them a lead; he also pointed out that the Hague Convention was far from achieving the number of ratifications required to bring it into force.¹¹⁹

The undoubted star of the debate, if one follows press reports on it, was Viscountess Astor, whose penchant for interjection was so far indulged that one newspaper described her as interrupting every speaker, including herself.¹²⁰ Her interjections began while Hurst was speaking and continued through Llewellyn Jones' speech before she rose to her feet. She took Hurst to task for 'the same old plea that we always hear when we want to do any thing about women, the plea that family life will be impaired'. She waxed indignant at the thin attendance in the House. 'If it were a question of the nationality of married men they would be

¹¹８. 281 H C Deb., 361-366, Hurst.
¹¹⁹. Ibid., 366-371, Llewellyn-Jones.
¹²⁰. 'Lady Astor Awes the House', Morning Post, 10 November 1933.
here in their thousands'. She listed an imposing number of women's societies opposing the bill and she pressed for information as to which colonies [sic] were against independent nationality; she guessed South Africa, Ireland and the Quebec section of Canada. She roundly accused the Government of failing to fulfil its pledge to women.\textsuperscript{121}

The question of Dominion attitudes was raised again and again. Some speakers believed, with Captain Cazalet and Major Attlee, that the Empire was a 'poor excuse for inaction'. With her customary acumen, Eleanor Rathbone alluded to Lord Sankey's introduction of the bill:

\begin{quote}
The Lord Chancellor, she said, is a great lawyer, and he cannot be accused of ambiguity about anything on which he is not compelled to be ambiguous, but I noticed that he was singularly vague in his reference to the reasons which make non-unanimity among the Dominions on this question so very disastrous and undesirable.\textsuperscript{122}
\end{quote}

Had she seen the Home Office memo for the Lord Chancellor on Dominion attitudes, with its special instruction to avoid indicating in public what individual Dominions thought, she could not have been more accurate in her assessment.\textsuperscript{123} The press paid more attention to her remark, as she looked round the House, that she wondered why any woman wanted to marry anybody.\textsuperscript{124}

The voting hinged on whether Members would accept the admittedly inadequate bill in the expectation they could proceed further towards equality in nationality later. The Government representatives who opened and closed the debate both emphasized, that the bill would not 'stand in the way of the object the women's organisations have so

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121. 281 H C Deb., 372-377, Astor.
122. 281 H C Deb., 386, Rathbone.
123. PRO HO45/15366/661710/10. Supplementary Note for Lord Chancellor on Nationality of Married Women.
\end{flushright}
enthusiastically championed in Geneva and elsewhere'. This was enough for most reformers, including Captain Cazalet: he 'could not vote against a Bill which ... would actually give practical relief to some 4 to 500 women made stateless by the nationality laws'. But Eleanor Rathbone expressed the nagging doubts of others. She was, she said, 'a convinced thin-edge-of-the-wedger', but in this case she doubted the Government would go on to introduce something bigger.

We are doing this utterly inadequate and feeble thing in the hope that the other Dominions will follow. It would be difficult to take this step now, and ask the Dominions to go thus far, and then the very next year ask them to go a little further.

She was not convinced, even when a Government spokesman quoted in full Dame Edith Lyttelton's statement at the 1931 League Assembly, affirming it to be Government policy. However, most people were prepared to accept half a loaf rather than no bread, when it was evident that a whole loaf was out of the question; the bill was passed by 179 votes to 43.\(^{125}\)

In committee, Cazalet suggested further extending the period within which a declaration of retention might be made, from one year to two, but withdrew the motion on an assurance that the Home Secretary's discretion would cover cases where, for good reason, the declaration was not made promptly. Both he and Rathbone sought, and received, a further assurance that the bill would not be used by the Government as a reason for doing nothing more, and the bill became law without amendment.\(^{126}\)

The popular press relayed to their readers titbits from the debate which made it sound like an episode of the greatest hilarity, making the most of arch exchanges and interjections, and reporting carefully where laughter had greeted Members' sallies. Their emphasis is evident from the

\(^{125}\) 281 H C Deb., 408-418, 9 November 1933, Hacking (US of S, Home Dept.)

\(^{126}\) 281 H C Deb., 822-827, 14 November 1933.
headlines: 'Sex War Breaks Out in the House of Commons', proclaimed the Daily Express, and followed up

'Spinster Looks at Men M.P.s and Wonders why Women Marry'.

'Nationality of Wives Storm', ran the News Chronicle headline,

'Women M.P.s Pillory Men', the Daily Herald.

Reporters appreciated the irony of American-born Lady Astor's attack on the nationality laws which, by endowing her at marriage with British nationality, had enabled her to take her seat in the House. The parliamentary correspondent of the Morning Post concentrated on her to the extent of virtually ignoring all the other speakers, and the issues involved. Under the heading 'Lady Astor Awes the House. 14 Members Badly Heckled', he explained how, 'when she did not directly interrupt to explain, comment, deny, expostulate, she interjected. She popped up excitedly, she subsided suddenly ...' and so on.

While several of these papers commented on the effect independent nationality for wives would have on women married to Germans - they might sit in the House of Commons - none discussed the question of imperial nationality.

There were exceptions to the generally flippant tone. Winifred Holtby, in the News Chronicle of 2 November, explained clearly the basis of feminist objections to the Hague Convention; and the Manchester

127. Daily Express, 10 November 1933.
128 News Chronicle, 10 November 1933.
129 Daily Herald, 10 November 1933.
130 Morning Post, 10 November 1933.
131 Daily Express, News Chronicle, Daily Herald, Morning Post. op. cit.
Guardian provided a succinct and balanced précis of the Commons debates, accurately identifying the main issues involved. But generally newspaper coverage of the passage of the British Nationality and Status of Aliens Amendment must have disappointed, even infuriated, the reform lobby.

Despite Macmillan's comment that if the bill were passed they were 'doomed', the Pass the Bill Committee did not acknowledge that they had come to the end of the line. On their behalf Macmillan protested strongly to Sir John Gilmour that in the debates Mr Hacking had doubted the bill was really opposed by women's organisations. She also claimed that the bill went beyond its title (to make such amendments as were necessary to give effect to the Hague Convention) by introducing a time limit for declarations of retention.

In committee, on 29 January, she took comfort from Labour's clear support for independent nationality in the debates, and from the National Government's acknowledgement, for the first time, that the 1931 statement was its own policy. Although it was still in debt, the committee made plans to plod on, especially stepping up its propaganda to the Dominions.

In fact the heat had been taken out of the nationality campaign. The campaigners still had the argument of equality of the sexes, but they no longer had 'hard cases' to attract public attention to their cause. The sudden diminution in the amount of Home Office material on women's nationality, from the bulging files of 1930 - 1933, to a very slender

133. 'Nationality of Married Women', Manchester Guardian, 10 November 1933.
134. FL PBC Records, Macmillan to Gilmour, 10 November 1933.
135. FL PBC Minutes, 29 January 1934. The 1931 statement had been made on the instructions of Home Secretary, Sir Herbert Samuel, not the Government.
one running from November 1933 to March 1934, suggests that from the Government's point of view the legislation was working well. There was a brief exchange between the Home and Foreign Offices in the New Year over the question of women marrying Americans, whose naturalization in the States was not recognised in Britain. But to cover their case it would have been necessary to provide that they did not retain their British nationality if they acquired a new one; in which case it would be extremely difficult to continue to treat married women as under disability. The matter was acknowledged to be a political rather than a legal one, but 'on this question, an ounce of politics weigh more than a pound of law'. The anomaly remained.136

There was no discussion of women's nationality either in parliament, or in the League of Nations in 1934, and the Government's promises that its 1933 legislation would not prejudice the main issue of sex equality in nationality were quietly forgotten. It was not the end of the campaign for independent nationality for married women, but it was clearly the end of a crucial phase.

CONCLUSION

The long controversy over the nationality of married women is significant in several respects. It sheds light on the nature of the women's movement in Britain in the period after women's suffrage had been achieved. The work of Chrystal Macmillan, through organisations such as the International Woman Suffrage Alliance, British Commonwealth League, National Council of Women, International Federation of University Women and especially the Pass the Bill Committee, provides a case study of the means of action available to women's pressure groups in the period; at the same time it demonstrates the ability of this determined advocate of women's rights in suffrage, nationality, and the work force. But it was not only Macmillan and the organisations she was directly involved in that carried on the campaign. The interaction of those organisations with St Joan's Social and Political Alliance and the Women's Freedom League, as well as the less easy cooperation with the Six Point Group and Women's Guild of Empire, shows how, in the interwar period, a feminist network was built up with fairly clear-cut aims. It also shows that differences in the tactics of the legal and activist wings of the women's movement, sharp during the pre-war suffrage campaign, were still evident to a lesser degree in the twenties and thirties.

The nationality of married women is unique in linking feminist history with the history of imperial relations. It was discussed at every Imperial Conference in the inter-war years, the only topic directly relating to women to be raised there. This imperial dimension to the question, implicit in the imperial nature of British nationality law, led to the building up of a Commonwealth-wide lobby for independent nationality. Beginning with the meeting of the British Dominion Women's
Suffrage Union as the British Nationality and Status of Aliens Act was going through parliament in 1914, it was carried a stage further in 1925 with the formation of the British Commonwealth League, and further still when the Pass the Bill Committee sent its information and exhortations to women's groups who, throughout the Dominions, showed themselves ready to act on the advice given. This Commonwealth strategy marks a new and important stage in the British women's movement.1

The nationality of married women was not only a British and imperial question, but also an international one. It was the International Council of Women that first alerted women to the issue by sending out its questionnaire to member councils in 1905; in the twenties all the major international women's organisations actively supported equality of the sexes in nationality. Their representations to the Hague Conference and the League of Nations involved a notable degree of cooperation among the chief British, European and American women's organisations; and to seek advice from a specially formed Women's Consultative Committee on Nationality was an important precedent for the League. Despite the withdrawal of the International Alliance of Women for Suffrage and Equal Citizenship and the International Federation of University Women from the Consultative Committee in favour of representation on official League organisations, it clung to its tenuous position after 1933, enlarging its sphere of interest to include any matters relating to the status of women. Because of its work, together with that of the Liaison Committee of Women's International Organisations and individual organisations which set up temporary head-

1. The Australasian response to the PBC's call can be illustrated from the Bessie Rischbieth papers (Australian National Library MS2004/5); N.Z. National Archives, (Internal Affairs series 116/6, Pts. I, II, passim), and the James Hight Collection in the University of Canterbury Library, esp. papers of the Christchurch branch of the NCW of N.Z.
quarters in Geneva during the League Assembly, Geneva in the 1930s became a centre for international feminism to an extent that still requires investigation. There is a direct line from this activity to the setting up of a Commission on the Status of Women by the United Nations.²

Perhaps the most significant aspect of the question, however, is the relationship of the nationality of married women to the concept of the common status of the Empire. It has been argued that the principle of a common nationality for the Empire obstructed the achievement of independent nationality for British married women in the period under consideration; it is also likely that the impossibility of settling this question under the terms of the common status in nationality contributed to the eventual abandonment of that principle. This is a topic touched on only very lightly by imperial historians or legal writers and perhaps only recognised at all after abandonment of the common code of nationality in 1948 led to a reappraisal, often a devaluation, of its importance. When Sir A.B. Keith commented on the British Nationality and Status of Aliens Act two years after its passage, he called it a measure which no Dominion legislature could in any way affect, noting that it fixed immutably 'the position of the natural-born British subject, the status of wives and widows, of children, the right of alienage and so forth'. He did not comment on the implications of this.³

Two decades later R.T.E. Latham described Commonwealth nationality


law in similar terms, as 'imperial fundamental law', although he was of opinion it could be altered by the over-riding authority of the Imperial Parliament. He emphasised 'the duty of maintaining the largest possible measure of effective common or mutual citizenship'. Neither of these writers dealt with the question of the nationality of married women.

The only serious treatment of the subject by an imperial historian in this period occurs in a monograph, *Nationality within the British Commonwealth of Nations*, published by E.F.W. Gey van Pittius in 1930, in the midst of heated discussions on imperial nationality in general and women's nationality in particular. The author supported the idea of legislation to guard against a woman being made stateless by her foreign marriage, but assumed that this would be approved Empire-wide. He offered the opinion that ultimately independent nationality might prove to be the answer to the problem of women's nationality, but that much 'converting' would have to be done before this could be implemented.\(^5\)

Even in 1971, more than twenty years after its demise, Duncan Hall appeared to lament the passing of the common status. In accounting for it, he put his emphasis on the unwillingness of the Irish Free State to acknowledge allegiance to the Crown. He saw the 1930 Imperial Conference as a turning point, when the intransigence of the Irish delegation, who wanted a definition of nationality excluding allegiance, prolonged the conference for ten days. He agreed with Dowson, a personal friend, that their attitude had been a 'fatal blow' to the common status. He referred

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to the British Nationality Act of 1948 as being intended to 'rescue some element of the common status of British subject'. His account contains no mention of women's nationality.6

Legal writers demonstrate rather less nostalgia for the common status, although they pay it little enough attention. The views of J. Mervyn Jones are interesting, both in themselves, and because he wrote just before and just after the British Nationality Act of 1948. In 1947 he prefaced his British Nationality Law and Practice with the comment that, in spite of its increasing importance in the modern world, nationality law had received little attention from legal writers in Britain; he pointed out that although the fundamental legislation was thirty years old, there had been no book showing either the background to it, or the principles on which it was based.7 By the time his own book appeared, the system was on its way out and transformation of the basis of British nationality law in 1948 necessitated a complete rewriting of the text.

Looking back on the pre-1948 system from the vantage point of 1956, Jones argued that the uniform system of nationality had remained long after the theory on which it was based had become irreconcilable with political facts. Divergences had developed which by 1930 had to be recognised by the Imperial Conference: the common status, the Conference affirmed, was 'in no way inconsistent with the recognition, within and without the Commonwealth, of the distinct nationality possessed by nationals of the individual states of the British Commonwealth'. After the Statute of Westminster, divergences to the code became even more explicit. This was especially true in the case of the nationality of married women;

for example, not all Dominions followed the action of the United Kingdom in giving effect to the Hague Convention. Jones came to the conclusion that 'the difference of opinion within the Commonwealth on the issue of nationality of married women was the most important single factor which contributed to the dissolution of the common code'.

Sir Clive Parry was also dismissive of the common code; he prefaced a major work on Citizenship Laws of the Commonwealth with the comment that he no longer believed the 1948 Act had shattered a common status hallowed by tradition and embodied in the 1914 Act. Pointing to the widely differing dates at which this Act had been adopted by the Dominions - in Canada even before Britain, in Australia in 1920, in South Africa in 1926, in New Zealand as late as 1928 - and the fact that it was already being amended by 1918, he concluded it would appear improbable that there was ever a moment in time when, even apart from local divergences, it was in force throughout the entire Commonwealth. He concluded the regime of the Act of 1914 had been an 'untypical episode in the long history of British nationality'. Like Jones, he identified a social revolution in relation to the status of married women as a cause of its early abandonment.

The British Nationality Act of 1948 altered the basis of British

Parry believed the most serious defect of the common code was its failure either to create a real unity of nationality in the Commonwealth, or to satisfy the needs of national self-awareness in its parts. Since Parry is unique in referring to the agitation of feminists against British nationality law, it is regrettable that his references to it are inadequate or inaccurate. He incorrectly dates the agitation 'from the beginning of the present century' and says women petitioned the 1921 Imperial Conference [only] on the subject (p.86): He suggests the right of a woman whose husband naturalizes abroad to make a declaration of retention dates from 1933, (p.177) instead of 1914, and wrongly describes the Hague Convention as accepting the principle of equality for married women in nationality (p.531).
nationality law in two fundamental ways. Whereas nationality law had centred around allegiance, this now became a consequence rather than a source of nationality; and there were now several legislative sources of British nationality, whereas before there had been only one. At the same time women were granted independent nationality, a full 34 years after the commencement of a campaign that had appeared on the brink of success by 1923.

During these years the campaign had gone through several phases, and been greatly enlarged in scope. Expressions of concern at the clauses on women's nationality in the 1914 Act, which had received no comment when they were first incorporated in British nationality law in 1870, had been submerged in the shock of the outbreak of war, simultaneous almost to the day with the passage of the Act. Although the war stifled comment on the new legislation, it also demonstrated its injustice to women by focusing on the special case of British-born women living in Britain and married to enemy aliens. Many of these suffered severely in the war. They were often suspected of spying, popular hostility prevented them getting employment, and their position contrasted poignantly, in the popular mind at least, with enemy-born women who had become British by marriage. The experience of the war provided the stimulus for a campaign by women's organisations to change the law.

This campaign had two centres, the National Council of Women of Great Britain and the International Woman Suffrage Alliance. Active in both organisations was the woman who would make the nationality question peculiarly her own, the Scottish barrister Chrystal Macmillan. The two centres reflected differing emphases: the National Council of Women took a British/Imperial stance, presenting memorials for independent nationality

to the Imperial Conference, and sponsoring a Private Member's Bill repeatedly introduced in the House of Commons in the inter-war years; the International Woman Suffrage Alliance took an international stance, favouring an international convention as the long term solution to a problem which could not be solved merely by a change in British or even imperial law. Both the bill and a draft international convention were the work of Chrystal Macmillan, who coordinated British and international feminist opinion in favour of independent nationality. In Britain she produced pamphlets, wrote to newspapers, spoke to women's organisations, joined deputations to Ministers and in 1930 linked nationally organised women's groups into a Pass the Bill Committee to promote legislation. In conjunction with European and American feminists, she organised a demonstration in favour of independent nationality to coincide with the Codification Conference at The Hague in 1930 and thereafter worked in Geneva through the Women's Consultative Committee on Nationality against the inadequate Hague Convention.

British Government policy on the nationality of married women remained consistent, through several changes of government and in spite of the personal views of a number of different Home Secretaries: the British Nationality and Status of Aliens Act, which ran Empire-wide, could not be changed unilaterally by any member of the Empire, even Britain, but only through the unanimous decision of an Imperial Conference. Specific arguments for and against the reform had been made clear by the proceedings of a Joint Committee of Both Houses as early as 1923, but even by that date the main theoretical argument against it, that a wife should take her husband's nationality for better or for worse, was giving way to the argument of imperial uniformity. It is ironic that the evolution of the Empire into a Commonwealth where each Dominion was entirely autonomous in its legislation should have made change in the
national status of married women more difficult, but common nationality
came to be seen as an essential element in the legal nexus of the
Commonwealth, the more precious as other formal ties were loosed.

This fact informed the attitude of British delegates to inter-
national discussions on women's nationality at the Hague Conference in
1930 and the League of Nations in subsequent years. While favouring
equality of the sexes in nationality on principle, they were not
prepared to implement it without full Dominion support. Neither was
the international climate of opinion amenable to change: Catholic
countries especially refused independent nationality for women as under-
mining the family and even society itself.

The centre of the question, from the British point of view, came to
be not Parliament, where debates in 1925, 1930 and 1933 showed virtual
unanimity across all parties in favour of independent nationality, but
the Imperial Conference. Here the Irish Free State and South Africa, for
their different religious reasons, firmly vetoed any suggestion that
husband and wife should possess different nationalities. The best Britain
could do under the circumstances was to follow the example of the Hague
Conference, mitigating acknowledged hardships under the law without
changing its basis. In 1933, in the face of a vociferous feminist
opposition, the British Nationality and Status of Aliens Act was
amended along the lines of the Hague Convention, to ensure that no
woman could be made stateless by a foreign marriage.

Repeatedly described as a 'first step' by Government apologists,
this legislation in fact marked the end of an era. Together with the
abolition of registration for British-born women who had married
foreigners, it took the edge off the reform programme. What remained,
the assertion that married women were being denied equality in nationality,
carried little weight at a time when the depression was biting deep and
even a British marriage could be grounds for dismissal from employment. The more realistic of the agitators accepted defeat; even the indefatigable Macmillan spent most of her efforts in the last three years of her life trying to improve working conditions for women through the Open Door International.11

Neither was there any progress internationally. The question of the nationality of women was debated in the First Committee of the League late in 1933 when, in the face of a demand by Chile for an Equal Nationality protocol, quite separate from the Hague Convention, Britain assumed the role of champion of the Convention.12 At the very end of 1933, the Pan-American states approved equality of the sexes in nationality in the terms of the resolution Chile had moved at the Hague Conference and this simple formula gained increasing acceptance from women's organisations.13

After a break in 1934, the topic came up again at the League meetings of 1935 in the broader context of a general consideration of the status of women.14 The Hague Convention came into operation in 1937,15 still steadily opposed by feminists, and the matter had been taken no further when war interrupted the League's activities. It would be 1957 before a convention of the United Nations finally established

11. FL, Open Door International Records.
13. FL, E R I Records. 'Facts about the Equality Treaties', 4 p. information sheet of W C CN. Equal Nationality Treaty signed at Montevideo, 26 December 1933. Its first article read, 'There shall be no distinction based on sex as regards nationality, in their legislation or in their practice'. By 1935 the WCCN, ICW, IFUW,(provisionally), IAWSEC, (provisionally) were among the dozen major international women's organisations endorsing the Treaty.
14. LN A 1/2 1935. 16th ordinary session of Assembly. First Committee: Nationality of Women. Results of Previous Consideration by the League. (Note by Secretariat).
15. Hague Convention, 1 July 1937.
independent nationality for women as the norm internationally.\textsuperscript{16}

In Britain the Pass the Bill Committee did not disband, although its all-out effort in 1933 had left it penniless, but its meetings became much less frequent. It adopted longer-term measures, drawing up a constitution which would enable it to tap the funds of supporting societies; persuading women in the Dominions to put pressure on their governments and thence on the Imperial Conference. Macmillan wrote a new pamphlet 'The Nationality of Women in the British Commonwealth' which was sent to 300 individuals and groups in the dominions.\textsuperscript{17} In the Antipodes the seed fell on fertile ground; pressure to take the Commonwealth beyond the Hague formula came from Australia and New Zealand. Australia had not been represented directly at the Hague Conference, but having given the British representatives power to sign for her, was committed to the Hague Convention. New Zealand had not been at The Hague, and disliked the formula.\textsuperscript{18} The Parliaments in both countries wanted to give married women independent nationality and at the meeting of Dominion Prime Ministers in 1935 and the Imperial Conference of 1937 it was their representatives who set the pace.

In 1935 Australia and New Zealand both insisted on raising the question of women's nationality.\textsuperscript{19} In one sense it was an appropriate time

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17. FL PBC Minutes, 1934-6, passim. Macmillan's pamphlet, January 1934.
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18. The Australian representatives at The Hague are listed as M. Gwyer (FO) and O.F. Dowson (HO) (Hague Convention, plenipotentiaries). For N.Z.'s attitude, report of meeting of UK and Dominion delegates to LN., 8 September 1931 (PRO D035 106/4166/49)
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to do so. The Irish Free State, implacable opponent of separate nationalities for husband and wife, had just passed its own *Nationality Act*, specifically repealing the *British Nationality and Status of Aliens Act* and thus opting out of the common status. It was one obstacle the less to Commonwealth agreement, but it was not enough. South Africa remained adamant that it would not go beyond the Hague agreement; and Canada, the practical problem of those numerous Canadian women who had become stateless by marrying Americans solved, also refused to go further, probably in deference to the views of Catholic Quebec.

Both Australia and New Zealand had already tried to do so. When a bill, preliminary to the ratification of the Hague Convention, had been introduced into the Australian Parliament in 1934, Members objected that it did not confer equality of the sexes, and J.A. Lyons promised to raise the matter in London. In New Zealand, an amendment to the *British Nationality and Status of Aliens Act*, designed to prevent statelessness, had been stretched to provide independent nationality; and then, on representations from the British Government, restricted so that the rights conferred on New Zealand women marrying foreigners were civil rights in New Zealand only, not the full status of British subjects. In a Committee set up by the Dominion Prime Ministers in 1935 at the insistence of Lyons, and chaired by him, he argued eloquently that there was no longer any uniformity in Commonwealth nationality laws, so that this should no longer be made an excuse for delaying justice. But British policy-makers were not convinced.


21. Cab. 32/125 (PA35) Lyons Committee on Nationality of Married Women, 30 May 1935. Te Water (SA) said his government would never go beyond the Hague formula. Bennett (Can) said his country had already gone too far towards equality of the sexes in nationality.
In 1937, the question of women's nationality was referred to the Imperial Conference's Committee on Constitutional Questions. Here Australia's suggestion, that those Dominions granting civil rights to their women who married foreigners might make reciprocal arrangements, won the approval of New Zealand but not Britain, which did not give its own British-born wives of aliens civil rights and so could scarcely give them to Australian or New Zealand-born wives; or Canada, whose representatives explained that civil rights were a provincial responsibility; or South Africa. As usual, the Conference found its report on women's nationality difficult to phrase. The Summary of Proceedings printed in June 1937 includes in its section on constitutional questions, under the heading 'Nationality of Married Women', a blank space about a paragraph long. When the paragraph was finally inserted, it consisted of all the old worn phrases. 'It was not found possible to arrive at an agreement in favour of any change in the existing law ... It was assumed that the matter would be the subject of further consultation between the respective governments'.22 War was to interrupt the 'further consultation'.

As war loomed near in 1939, the Pass the Bill Committee (now renamed the Nationality of Married Women Committee) urged the necessity for women having their own nationality in war time. When their bill was introduced in Parliament for the first time since 1933, 114 Members petitioned the Government to let it proceed, but in vain. All the Committee could achieve was publicity for the right of British-born wives of Germans to resume their original nationality and aided by a less restrictive Home Office policy than in 1918 many did so. Apart from debate in 1942/3 when minor amendments to the British Nationality and Status of Aliens Act provided an opportunity to raise it, the question of women's nationality

was submerged in the immediate anxieties of war. Yet the war itself proved as much a catalyst as the First World War had been: it led to many foreign marriages; to an affirmation in the United Nations Charter of equality of the sexes; to a sharper sense of national identity on the part of the Dominions. Within three years of the peace Britain and the Dominions had replaced the common British Nationality and Status of Aliens Act with a series of virtually identical Nationality Acts which made nationality quite independent of marriage. Thirty-four years after it had begun, the campaign for independent nationality for married women had been won.

Why so long? The campaigners blamed obstruction by the Home Office, the apathy of women, the small numbers involved, but this is not an adequate explanation. It is clear that the main obstacle to change was the necessity of maintaining an imperial nationality, the common status. For British policy makers, maintaining the common status was the fundamental objective; independent nationality for married women, acceptable enough in itself, had to be sacrificed to it. Feminists throughout the Commonwealth found this hard to believe. As Chrystal Macmillan wrote,

> It is impossible to accept that this injustice to married women is to continue till the most reactionary dominion or dominions are prepared to act. That would mean to give one dominion power to veto progress in other parts of the

23. FL Nationality of Married Women Committee records. Public meeting, 28 November 1939, concerning wives of enemy aliens. By 1945 some 2,000 women had resumed British nationality under this clause. FL PBC memo of deputation, 21 November 1945. After Macmillan's death in 1937, Eva Hartree as President of the Committee and Florence Barry as its Secretary, saw the last phase of the campaign to a successful conclusion.

Empire... Justice to women should not be made subservient to a uniformity based on injustice. 25

But in the key period of the campaign by British women against their disability in nationality, from 1914 to 1933, this is precisely what happened. The feminist cause came up against the imperial cause and was resoundingly defeated.

MEMORANDUM.

Wives and Children of Alien Enemies.

1. How to deal with the destitute wives and children of alien enemies is a problem which calls for immediate solution. Nearly all of these women and children are families of Germans and Austrians who have left this country to join the enemies' forces, or who have been, or are about to be, arrested by the Police with a view to concentration in camps. A very few of them are ordinary poor persons who happen to be aliens, but whose destitution has nothing to do with the war.

2. The great majority of the wives are British by birth, language, habits and sympathies, and the children are nearly all natural-born British subjects.

3. The means at present available for their relief are as follows:

A.—Throughout the Country.

(i) The Poor Law, under which they have a right to relief which is almost universally admitted, but the relief may be offered in the shape of admission to the workhouse and not of allowances paid to them in their homes.

(ii) The assistance given by friends and relations and certain small local charitable contributions, which are rapidly becoming exhausted.

(iii) The American Ambassador acting on behalf of the German and Austrian Governments.

B.—In London.

There are, in addition to the foregoing agencies, several important charitable associations for the relief of distressed aliens, which, partly independently and partly through a central council constituted at the instance of the Destitute Aliens Committee, have hitherto administered substantial funds, amounting to several hundred pounds weekly, for the benefit of alien enemies in London. It is certain that the claims made on such associations will increase, but it is now clear that the funds at their disposal will not grow proportionately.

4. The American Ambassador has, it is understood, received 10,000l. from the German and 5,000l. from the Austrian Government for the benefit of their distressed nationals in this country. These funds will probably be supplemented by further contributions from the same sources, but it may be expected that these contributions will, as in the past, be limited to the equivalent of the sums provided by the British Government for the benefit of British subjects in the enemy countries, who are much fewer than the enemies in the British Islands.

These funds are spent by the American Embassy partly in assisting the repatriation of Germans and Austrians who can get "permits" from the Home Office to leave the country and partly in maintaining families no longer supported by their breadwinner.

The grants made to German families are:

(i) To the wives and children of men serving in the German Army or Navy separation allowances of the same amounts as are made to the wives, &c., of British soldiers.

(ii) To the destitute wives of civilian Germans interned in camps 10s. a week + 2s. per child.

These amounts are adhered to irrespective of the previous position of the families, no larger grants being made to families heretofore in comfortable circumstances than to the very poor people who form the great majority of the beneficiaries. It is understood that great stress is laid on this equality of treatment.

5. Under this system the American Ambassador has maintained and will continue to maintain all families of German combatants, whether British born or not.

He has also been maintaining substantial numbers of families of civilian interned Germans, though it seems doubtful whether funds will be at his disposal sufficient to enable him much longer to undertake entire responsibility for this class. The
Committee has reason to suppose that he has not yet even heard of the existence of
many German families, who are, or are likely soon to be, in distress.

6. The Committee has made inquiries of the American Embassy with regard to
the relief given by them to alien enemy families; and, although no suggestion was
made or wish expressed on the part of the American Embassy, the question naturally
 arose whether the British Government was likely to assume responsibility for the
relief of the British-born wives and families of the interned civilian Germans.

7. It appeared to the Committee that the British Government might reasonably
be held to have a special responsibility with regard to this particular class in which
the wives are aliens in law but not in habits or sympathies and the children are
British subjects in every respect, with but remote possibilities of ever becoming
aliens.

Some special form of relief seems desirable for these British-born families, and
there are strong reasons why it should not be provided from German funds. The
possibility of obtaining relief from German sources is practically certain to remain
unknown to many of them, and to nearly all it would be extremely repugnant to
apply for assistance from German funds, even if the application were certain to be
successful. And the Committee does not think it probable that German funds are
available, or are likely to be in the future available for many of the claimants.

They think, therefore, that some provision should at once be made for the necessary
relief of these cases, and that the cost should be met, not out of the rates, but from the
Exchequer, as it is the action of the State which has directly caused the destitution
which calls for relief. The administration of the relief would be directed by a
Department of the Government, naturally the Local Government Boards.

8. The principles regulating the relief could not well be those which have sometime guided Poor Law action in the past. Absolute destitution should not be a sine
quâ non before aid is given, and the policy to be adopted should be in the main that
embodied in the recent Local Government Board recommendations with respect to
relief to widows.

9. The Committee does not think that it would be expedient that the special
relief funds should be administered by them or by any other body appointed ad hoc.
They are aware that certain advantages, sentimental or other, might arise from the
total separation of the administration from that of the Poor Law, and they have
considered whether it might not be placed in the hands of the National Insurance
Committees, of the Old Age Pension Officers, or of the Local Relief Committees.
They see great difficulty in adapting any of these agencies for the purpose, especially
in the matter of the provision of funds and the accounting for expenditure, and they
are not prepared to recommend that recourse should be had to any of them.

10. They are of opinion that for the due administration of such a special fund as
they propose the machinery of the Poor Law is adequate and available; but that it
should be directly and closely controlled by the Local Government Board. And
they recommend that such State provision be promised without delay as will enable
the many cases of distress of which they hear to be relieved.
APPENDIX 2.
National Council of Women, Bill on Women's Nationality and Memorial to Imperial Conference, 1921.

The Nationality of Married Women.

The following bill has been drafted by the National Council of Women of Great Britain and Ireland on the lines of the Memorial addressed to the Imperial Conference and signed by fifty-nine women's organisations in the United Kingdom, Australia, Canada, New Zealand, South Africa, Southern Rhodesia and East Africa which is appended.

British Nationality (Married Women) Bill.

Memorandum.

This Bill restores to British women the right lost by them in 1870 of retaining their British nationality on marriage with an alien; and provides that women who have lost their British nationality by marriage shall regain it by a simple declaration.

It further provides that an alien woman shall not, as here-tofore, acquire British nationality merely by marriage with a British subject, but requires her to satisfy the same conditions as to residence, oath of allegiance, etc., as is required before an alien man is naturalised. At the same time it safeguards the position of alien women who have already been recognised as British on their marriage with British subjects, or who in future may marry British subjects.

It also makes clear that a married woman is to have the same right to apply independently for naturalisation as a married man; and that any restrictions with regard to nationality shall be the same for married women as for married men.

Title.

A BILL to amend the British Nationality and Status of Aliens Act, 1914, so far as it affects married women.

Be it enacted by the King's Most Excellent Majesty, etc., as follows:

1. This Act shall be called the British Nationality (Married Women) Act, 1921.

2. Sections 10 and 11 of Part III. of the British Nationality and Status of Aliens Act, 1914, hereinafter called the principle Act, are hereby repealed and the following substituted for them:

(1) A natural born British woman or a woman to whom a certificate of naturalisation has been given or has been deemed to have been given shall not be deemed to lose her British nationality by reason of her marriage with an

* The British Nationality and Status of Aliens Act, 1914, is now printed as amended in 1918, with the same title and date. It is important to secure the 1918 Edition of the Act.
(7) The information required of any woman with respect to her husband in connection with nationality or naturalisation shall be the same as that required of a man with respect to his wife; and restrictions placed on a British woman because of an alien husband shall not be different from those placed on a British man because of an alien wife.

(8) A married woman shall not be under a disability and in Sub-section 27 (1) of the principle Act the words "a married woman, or" are hereby repealed.

Memorial on the Nationality of Married Women in the British Empire, addressed to the Imperial Conference.

We, the undersigned, representing Women's Societies throughout the British Empire, have the honour to submit to you our claim that any amendment of the nationality laws should include the grant to women, in those parts of the British Empire where such amendment is necessary, of the right to retain their British nationality on marriage with an alien, a right enjoyed by them under the laws of the United Kingdom until 1870.

We further urge that uniformly throughout the Empire the laws should provide that a woman shall not on marriage with an alien be deprived of her British nationality against her will; but that she shall be given the same choice of nationality as a man.

Signed on behalf of the following Societies:

SOCIETIES IN THE UNITED KINGDOM.

Alexandra College Guild, Dublin.
Association of Head Mistresses.
Association of Assistant Mistresses in Public Secondary Schools.
British Dominions Women Citizens Union.
British Women's Emigration Association.
Catholic Women's Reform Association.
Catholic Women's League.
Conservative Women's Reform Association.
Criminal Law Amendment Committee.
Fabian Women's Group.
Federation of Working Girls' Clubs.
Irish Women Citizens and Local Government Association, Dublin.
Mothers' Union.
National Adult School Union.
National British Women's Temperance Association.
National Council of Evangelical Free Churches (Women's Council).
National Council of Women of Great Britain and Ireland.
National Union of Societies for Equal Citizenship.
National Union of Teachers.
Salvation Army.
Scottish University Women's Suffrage Union.
APPENDIX 3.

BRITISH NATIONALITY (MARRIED WOMEN) BILL. (1922)

Note of evidence to be given by Mr. O.F. Dowson (Home Office).

I. Historical Summary of English law affecting the nationality of married women.
   (a) Position at common law.
   (b) Scope and effect of Naturalization Acts, 1844 and 1870 and reasons for changes introduced by these Acts.
   (c) Position under British Nationality and Status of Aliens Act, 1914.

II. Effects of change proposed in the Bill require examination from several points of view.

Present law (nationality of wife identical with that of husband) in force for past 50 years.
Nationality law of most foreign countries has been for a great many years, and still is, based on this principle.

(a) Effect in relation to English Municipal Law.

The proposals in the Bill require careful examination by lawyers competent to say whether, if carried, the Bill would cause any and, if so, what practical difficulties from legal point of view.

Instances of matters for consideration:-

(1) Probate and Divorce matters.

(2) Income Tax, Finance Act, 1920, Section 24 - allowance to British subject. Wife makes no separate return for Income Tax.


(4) Position as regards eligibility of wife for old age pension.

(b) Effect in relation to laws of foreign countries

(1) Legal - determination of civil rights and status. Different principles applied in different countries. In some countries nationality is the test and not, as in English law, domicile. Important that Committee should have before them evidence as to the laws of the more important foreign countries as to the effect of marriage upon the nationality of women; and expert opinion as to the effect of the proposed change in English law from the point of view of international law.

(2) Diplomatic. A new kind of dual nationality will be created by the Bill e.g. a German woman marrying a British subject will be an alien according to English law and will be regarded here as a German subject; but she will not be
regarded by Germany as a German subject under the law at present in force in Germany.

Position may lead to difficulty as regards diplomatic protection in either state or in third country; and requires consideration.

III. Difficulties resulting from difference in principle between nationality laws of different countries cannot be cured by Government action. No state can properly interfere with the sovereign right of other states to settle their own nationality so long as they keep those laws within certain internationally recognised limits.

IV. Demand for change arises from

(1) Women's movement for complete self-determination.

(2) Danger to state and personal hardships in time of war.

As regards (1) :-

Change in law not justified solely on the ground that it is a necessary step towards the complete assimilation of the rights of women to those possessed by men. Some proof of practical benefits is required. Against any such benefits must be weighed inconvenience of different nationalities in same family.

As regards (2) :-

Proposed change not necessarily beneficial in the light of experience during war as to conduct of British born wives of Germans and German born wives of British subjects. The latter were not on account of their British status immune from effective control by state.

Experience of late war points to conclusion that loyalty to husband is quite as likely to have influence over the feelings and conduct of the wife as loyalty to the state to whom the wife belonged before marriage.

It is doubtful whether a permanent change in the law as proposed in this Bill can be justified merely on the ground that it would produce in war time better results than the old system. War necessities are not a sound basis for permanent legislation.

V. The Bill in relation to Imperial Nationality Law.

Consent of Self-governing Dominions necessary.

Present nationality law (British Nationality and Status of Aliens Act, 1914) is the result of agreement reached at successive Imperial Conferences.

The following Draft International Convention has been prepared by the Chairman of the Committee on the Nationality of Married Women of the International Woman Suffrage Alliance for submission to that Committee at its meeting at the Rome Congress on May 12, 1923. The Draft is submitted as a basis for discussion and amendment. The proposal is that after such amendment the full Convention of the Alliance should be asked—

(a) To submit the Draft Convention to the League of Nations with a view to its adoption for recommendation to all the countries of the world, and

(b) to recommend to each individual country the adoption of legislation on the lines of the Draft Convention.

DRAFT INTERNATIONAL CONVENTION ON THE NATIONALITY OF MARRIED WOMEN.

Preamble.

The High Contracting Parties [here name the States signatory to the Convention] recognizing the undesirability of treating as of little importance the privileges and responsibilities of nationality by imposing upon married women a nationality against their will, and further recognizing the desirability as far as possible of preventing Conflicts of Law and hardships to Stateless persons, hereby resolve to adopt each in its own State, legislation based on the following General Principles and Scheme of Legislation on the Nationality of Married Women—

1.—GENERAL PRINCIPLES.

(a) Effect of Marriage.—The nationality of a woman shall not be changed by reason only of—

(i.) Marriage, or

(ii.) A change during marriage in the nationality of her husband.

(b) Right to retain or change.—The right of a married woman to retain her nationality or to change it by naturalization, de-nationalization or de-naturalization shall not be denied or abridged because she is a married woman.

(c) Absence of consent.—The nationality of a woman shall not be changed without her consent except under conditions which would cause a change in the nationality of a man without his consent.

(d) Restrictions (if any) of rights due to marriage.—Restrictions of the right to retain or to change nationality because of marriage shall be the same for a woman as for a man.

2.—SCHEME FOR LEGISLATION TO BE ADOPTED IN EACH INDIVIDUAL STATE (SAY X).

[Note.—As the legislation recommended for adoption is in the form in which it may be adopted by any one State, the name "X" has been taken for this State, and "X nationality" means the nationality of the individual State legislating.]

(a) Right to retain X nationality.—An X woman national shall not lose her X nationality by reason only—

(i.) That she marries a foreigner, or

(ii.) That during marriage her husband ceases to be an X national by naturalization in another country or otherwise.

(b) Loss of X nationality.—An X married woman shall lose X nationality—

(i.) If she satisfies the conditions which cause a married man to lose X nationality; or

(ii.) If she on marriage, or during marriage, makes a declaration of alienage and is deemed by the laws of the State of which her husband is a national to have acquired his nationality.

[Note.—(ii.) above would ultimately become unnecessary when all countries have adopted the Convention. It is inserted as possibly of use during the time of transition, but it might be omitted altogether.]
APPENDIX 5.
Bill on Nationality of Married Women,
Introduced by Captain Cazalet, 1929.

[20 Geo. 5.]  Nationality of Married Women.

A

BILL

TO

Allow women marrying foreigners freedom to retain their nationality.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. There shall be substituted for sections ten and eleven of Part III of the British Nationality and Status of Aliens Act, 1914, the following sections:—

(1) A woman who is a British subject shall not lose or be deemed to lose her British nationality by reason of her marriage with an alien:

(2) A woman who at the time of her marriage was a natural born or naturalised British subject and who by or in consequence of her marriage with an alien is at the time of the coming into force of this Act deemed to be an alien, shall be deemed to be a natural born or a naturalised British subject, as the case may be, unless she makes a declaration of alienage within one year after this Act comes into force, or, being outside the United Kingdom at the time this Act comes into force, within one year after she returns to the United Kingdom:

(3) An alien woman who after the coming into force of this Act shall marry a British subject

[Bill 51]  A
Nationality of Married Women. [20 Geo. 5.]

1. This Act shall not by reason of such marriage be deemed to be a British subject:

(4) A woman who was an alien at the time of her marriage to a British subject and who at the time of the coming into force of this Act is by or in consequence of such marriage deemed to be a British subject shall continue to be a British subject unless she makes a declaration of alienage.

2. A woman, notwithstanding marriage, shall be competent to apply for and receive a grant of a certificate of naturalisation under the same conditions as a man.

3. (1) The conditions under which a married woman who is a British subject shall be deemed to have ceased to be a British subject shall, irrespective of her marriage, be the same as those under which a man is deemed to have ceased to be a British subject and under no others.

(2) A woman who at the time of her marriage is a British subject and who by or in consequence of such marriage to a national of a foreign state and without a voluntary and formal act on her part is deemed under the laws of such state to be one of its nationals shall not be deemed to have been naturalised in such state by a voluntary and formal act within the meaning of section thirteen of the British Nationality and Status of Aliens Act, 1914.

4. A woman shall not be under a disability by reason of marriage, and the enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

5. This Act may be cited as the Nationality of Married Women Act, 1929, and the British Nationality and Status of Aliens Acts, 1914, 1918, and 1922, and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 to 1929.

6. In this Act, unless the context otherwise requires, the expression "British subject" shall have the same meaning as in the British Nationality and Status of Aliens Act, 1914, as amended by the British Nationality and Status of Aliens Acts, 1918 and 1922.
APPENDIX 6.
Report of meeting of women's groups with Ramsay Macdonald, 1929, sent by Macmillan to Home Secretary.

15th January 1929.

The Rt. Hon. J. R. Clynes,
Whitehall.

Dear Sir,

Deputation on the Nationality of Married Women.

At the deputation last Monday I undertook to send you particulars of the statement made by the Prime Minister at the General Election to a deputation from Women's Organizations on this question.

The deputation was arranged by the Equal Rights General Election Campaign Committee and the National Union of Societies for Equal Citizenship and received by Mr. Ramsay Macdonald on the 15th of April 1929. Mr. Arthur Henderson and Mr. Philip Snowden were also present.

The following is the extract from the authorised report dealing with this question.

"With regard to the question of the 'nationality of married women like those in the W.C.G.,' said that alterations in the law were desirable so that a British woman who married an alien shall not automatically lose her nationality, that a foreign woman who married a British subject shall not have British nationality imposed upon her unless she applies to be admitted as a British subject, and that a married woman shall no longer be classified in the nationality laws with minors and lunatics as a person under a disability, but shall be deemed competent to apply for and to be admitted to British nationality in her own right."

"Mr. Ramsay Macdonald said that he agreed with this proposal."

I may also mention that Mr. Arthur Henderson was one of the backs of the British Nationality (Married Women) Bill introduced into the House of Commons in 1928 by Lord Danesfort, but Sir John Arthur (Bill 68), which bill gave effect to these three points.

With respect to the statement made by you to the deputation that a comparatively small number of states had modified the principle that a wife automatically followed the nationality of her husband, I can only think that in making this statement you were reporting an misstatement. I am enclosing three pamphlets which give the facts.

1. A brochure published by the U.S.A. Congress of Information given to it by the Earl Bath on a deputation answering the law of this question in 71 countries under 200 headings. Even since that was published new legislation on the question has been enacted in Turkey, Japan, Ethiopia and Cuba.

2. A report published last August by the International Federation of University Women which summarizes the position up to that time, and

3. A brochure giving some particulars of the law.
The position today is that the Argentine, Brazil, Chili, Colombia, Ecuador, Guatemala, Panama, Paraguay, Soviet Russia, the United States of America and Uruguay recognize the independent right of the married woman to her own nationality, whether it is a woman national who marries a foreigner, or a foreign woman who marries a national. France, Guatemala—Martinique, Belgium, Yugoslavia make it possible for the foreigner who marries a man national to remain not to acquire her husband's nationality, and do not automatically deprive a woman who marries a foreigner of her own nationality. While in addition Norway, Sweden, Denmark, Iceland, Finland, allow a woman to retain her nationality at least as long as she lives in her own country and Romania and Cuba also enable a woman to retain her nationality on marriage with a foreigner.

Except for the South American countries all this legislation has been adopted since 1938 and every year new countries are added to the list. That is to say since 1938 Russia, the U.S.A., Sweden, Denmark, Norway, Iceland, Finland, Belgium, Romania, Yugoslavia, Turkey, Cuba, France, Guatemala, Martinique, Reunion and Algeria have given to married women important nationality rights.

I am,

Yours faithfully,

[Signature]
APPENDIX 7

MEMORANDUM.

Married Women's Nationality.
The right of citizenship is the most fundamental political right. For a woman to have her own nationality taken from her, or her husband's imposed upon her without her consent, is to refuse her the status of an adult. It is treating nationality and allegiance as matters of little importance, if nationality may be changed without the consent of the individual concerned.

We recommend therefore:

That a woman whether married or unmarried should have the same right as a man to retain or to change her nationality; and in particular:

(a) that the nationality of a woman shall not be changed by reason only of marriage, or a change during marriage in the nationality of her husband.

(b) that the right of a woman to retain her nationality or to change it by naturalization, denationalization or denaturalization shall not be denied or abridged because she is a married woman.

(c) that the nationality of a woman shall not be changed without her consent, except under conditions which would change the nationality of a man without his consent.

The essential point in these proposals is that the woman should herself have the same right to choose as a man; that she should be treated as an adult and not as a subordinate entity because she is married; that she should not have a nationality taken from her or imposed upon her without her consent.

Article 18 of the Bases of Discussion drawn up by the preparatory Committee, is in accordance with this principle.

With regard to proposals to statelessness on the one hand or double nationality on the other, it has to be remembered that to prevent a woman being stateless by imposing on her a nationality for which she has not asked or to prevent her being of double nationality by taking from her a nationality she may wish to retain is no substitute for the right to decide for herself what her nationality should be.

Unity of the family is a common argument against giving a choice of nationality to a married woman. But that is really the argument that the woman ought to be the subordinate partner in marriage. In so far as this argument concerns the children it assumes that facts are other than they are, for under many existing systems of law it is possible for a child to have a different nationality from a parent.
APPENDIX 8.  

HAGUE CONVENTION  

CHAPTER III  

NATIONALITY OF MARRIED WOMEN  

Art. 8.  If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.  

Art. 9.  If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband’s new nationality.  

Art. 10.  Naturalization of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.  

Art. 11.  The wife who, under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.  

HAGUE CONFERENCE RECOMMENDATION  

VI  The Conference recommends to states the study of the question whether it would not be possible:  

1) to introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children;  

2) and especially to decide that in principle, the nationality of the wife shall henceforth not be affected without her consent either by the fact of marriage or by any change in the nationality of the husband.
APPENDIX 9.
Pass the Bill Committee Leaflet.

Nationality of Married Women Pass the Bill Committee.
(Formed by the National Council of Women.)

Chairman: Miss Crystal Macmillan
Hon. Treasurer: Mrs. Elizabeth Edwards
Hon. Secretary: Mrs. C. McL. Morley
Organising Sec.: Miss C. M. Gordon

EIGHT REASONS
WHY YOU SHOULD SUPPORT THE NATIONALITY OF MARRIED WOMEN BILL, WHICH

Restores to women a right taken from them in 1870, and
Provides that a British woman marrying an alien shall no longer automatically lose her nationality; that an alien marrying a British subject shall not have his nationality conferred upon her unless she so desire; and that a married woman shall be regarded as an individual, competent to claim and be admitted to British nationality in her own right.

1. BECAUSE it is a measure of justice.
2. BECAUSE to possess nationality is the most fundamental political right.
3. BECAUSE no woman should be penalised on account of marriage.
4. BECAUSE women should not lose their separate identity on marriage.
5. BECAUSE the present law weakens the conception of allegiance by easy grant or denial to women of nationality.
6. BECAUSE women are human beings and should be denied no human rights.
7. BECAUSE the present law treats women as chattels, whose consent is unnecessary when allocating them citizenship.
8. BECAUSE loss of nationality involves loss of political rights, including the parliamentary and municipal vote, her freedom of movement within her own country, her country's protection when abroad, and frequently causes passport and other travelling difficulties.

The British Government has publicly declared itself strongly of opinion that a woman ought not on marriage to lose her nationality or to acquire a new nationality without her consent. The time has therefore come when we must urge the Government to pass the bill without delay.

[P.T.O.]
Nationality of Married Women Pass the Bill Committee, letter to The Times, 28 August 1930.

Letters to the Editor

MARRIED WOMEN'S NATIONALITY

POINTS FOR IMPERIAL CONFERENCE

TO THE EDITOR OF THE TIMES

Sir,—We have noted with satisfaction that the Government through its reprehensive (at an open session of the Codification Conference at The Hague) declared itself strongly of opinion that a married woman is not on marriage to lose her nationality or to acquire a new nationality without her consent; and that 229 members of the House of Commons have memorized the Prime Minister asking for his assent in a private bill before the end of this year the Nationality of Married Women Bill embodying this policy, which in February of this year was introduced into the House of Commons under the ten minutes rule without a division, and has now been dropped by reason of the end of the Session. We trust that the Government will take all the necessary steps to make it possible again to introduce and to pass this measure without delay.

We desire here specially to call attention to the action which the Government will require to take at the forthcoming Imperial Conference. It will be remembered that at the last Imperial Conference in 1926 many members expressed the view that a British woman should not lose her nationality on marriage with an alien, further consideration of the matter being postponed till after the meetings of the Conference on the legislative powers of the Imperial and Dominions Parliament, and of the Codification Conference of the League of Nations. Both these bodies have now reported and there is no reason for delay. The following resolution of the Codification Conference passed in the form of a recommendation is of importance in this connection.

This Conference recommends to the States the study of the question whether it would be possible:

(1) To introduce into their law the principle of equality of the sexes in matters of nationality, taking particular care in consideration the interests of the children.

(2) To take special care to ensure, in principle, the nationality of the wife shall henceforth not be affected without her consent either by the marriage itself or by any change in the nationality of her husband.

The Conference in making this recommendation is of importance if it be certain that this reform is spreading rapidly throughout the world. Indeed, already in States within whose territories very nearly half the population is composed of married women it is recognized that a married woman is recognized as having a nationality in her own right. It is desirable that the Imperial Conference should consider whether it is in accordance with its objective—of elevating the position of the women of the Dominions—by very large proportions of the women of the Dominions remaining subject to a law which makes it impossible (or possibly even against the law) for a married woman to retain her own citizenship.

The Imperial Conference of 1926 also foreshadowed the possible necessity of departing from its recent policy of uniformity on the question of the nationality of married women, when it intimated that "any departure from uniformity in this matter demanded serious consideration." This question of uniformity or no uniformity will have to be faced by the Conference. We are of opinion that uniformity is possible only if it is a uniformity of recognition of the married woman as a political entity in her own person. But we are not in favour of the married women of this country being committed to a uniformity which denies to them this measure of justice. It is not possible that the women of this country and of those Dominions which are also prepared to include married women among those who enjoy this most fundamental of all political rights should have their interests made dependent upon the veto of one or perhaps two of the Dominions.

In order to give effect to the declared policy of the Government, its duty at the Imperial Conference is clear. It should propose that the Dominions should promote legislation on these lines, undertaking to do the same itself. We believe that in this it will have the support of a number of the Dominions. If all are not prepared to act together in this way then it will be the duty of the Government to make it clear that uniformity must give place to justice, and that so far as this country is concerned the Government will promote legislation on these lines.

We have the honour to be yours faithfully,

ELIZABETH ABBOTT; ARABANAH; HEDDA ARCHIBALD; MARJORIE I. COXEDT ASSHBY; FRANCES BILSTON; ELIZABETH BONHAM CARR; PETER B. BELLY, President of Women's League of London Congregational Union; SIR M. BURDS, President National Union of Women Teachers; ELIZABETH M. CADELL; V. A. CARRICK, THOMAS CHADWICK, Sir James, Thelma, of the Executive Council of the National Union of Foundry Workers; JENET CARRILL, President, N. A. W.U. F. CARUSO; C. C. Cellon; GEORGE V. CULLEN, Central President, Girls Friendly Society; ELIZABETH DAVIES, J.P.; CHARLOTTE DESPARD; EVELYN EDWARDS; ELIZABEHT.

GEORGE BONHAM; LUTTICE FISHER; ETHEL E. FINCH, National Union of Women Teachers; GEORGE GIBSON, General Secretary, N.A.W.U.; J. A. GIBSON, National Union of Teachers; F. GOUGH; J. H. GOURNOLD, Honorary Secretary, National Union of Administrative Society and Shop Painters and Decorators; C. R. GORDON, Chairman, St. John's Social and Political Alliance; ALICE GOSDEN, General Secretary, National Antislavery Tract Association; E. S. HALLMAN; HEBERT W. HUNGER, President, National Union of Clerks and Administrative Workers; HARVEY JONES; E. KARREN; FLORELLA LEWIS; E. MARY; H. L. LUTTRELL; HELEN MACEDON; S. E. W. MAIR, President, National Union of Women Teachers; MARLAC; ERMA MILLER; M. COPE MATHEWES; JOHN MATTHEWS; National Antislavery Union of Ticket Stewards, Warehousemen, and Clerks; FRANCIS W. Mc-Mahon; LADY H. Mooring; W. N. MONK, LORD MONTAGU; MARY CHRISTOPHER MILLER; MARY NELSON, Secretary A.M.I.; H. W. NIXON.

MARY BONHAM; E. ANDERSON; MARY BONHAM; E. BLACKMORE; C. D. BONHAM; HELEN M. BARKER; LADY (HARRIETT SAMUEL), Half of the Union of Jewish Women; SANDRETH; MARY SABROU; C. A. SNOW; EUGENIA MAY CCWilliam; C. W. Smith; ROBERT H. SMITH; ANDAH B. SMALL; AUGUSTUS SAMUEL; THEODORE SMITH; OLIVER SMITH; H. E. SWANSWICK; H. E. G. SWANSWICK; J. WALKER, M.D.; A. K; WESLEY, General President, U.C.M.; A. M. C. WOOD.
APPENDIX 11.

Request for Nationality of Married Women Bill to be included in King's Speech, 1930.

"NATIONALITY OF MARRIED WOMEN"
PASS THE BILL COMMITTEE
(formerly by the National Council of Women)

EXECUTIVE COMMITTEE -
Hon. Sec.: Mrs. C. McL. Morley.
Hon. Treas.: Mrs. Croft Edwards.

CHAIRMAN: Miss C. M. Macmillan.

Societies Supporting the Bill:

Association of Housewives.
Association for Moral & Social Hygiene.
Association of Women Clerks & Secretaries.
Conservative Women's Reform Association.
Women's Social & Political Union.
Local Government Board Women's League.
London & National Society for Women's Service.
National Association of Parenting Times.
National Anarchist Union of Ship's Engine Socialists & Clerks.
National Council of Women.
National correspondents.
National Union of Agricultural Workers.
National Union of Boar & Stone Operatives.
National Union of Plaekers & Metalworkers, Boat & Marine.
National Union of Clerks & Administrative Workers.
National Union of Disputers & Allied Workers.
National Union of Foundry Workers.
National Union of Shop assistants.
National Union of Teachers.
National Union of Women Teachers.
National Women's Liberal's Association.
Order of Good Templars.
St. John's Order of Social & Political Alliance.
Society for Promoting the Teaching of Womanhood among the Members of Women's Trades' Unions.

Telephone: SLOANE 5671.

SIR,

I have the honour to request that the Nationality of Married Women Bill be included in the measures listed in the King's Speech and laid before Parliament in the coming session.

May I remind you that:

1. On the eve of the General Election you informed a delegation of women's organisations that you agreed that a British woman who marries an alien should not automatically lose her nationality; that a foreign woman who marries a British subject should not have British nationality conferred upon her unless she applies to be admitted a British subject; and that a married woman should no longer be classed with minor and lunatics as a person under a disability, but that she should be deemed competent to apply for and be admitted to British nationality in her own right.

2. In 1929 a measure called the Nationality of Married Women Bill was introduced by Captain Gassiot without opposition and backed by members of all political parties. That that measure embodied the three vital points with which you had expressed your agreement in a form which gave to women equal rights with men with respect to their own nationality.

3. In 1930 the same measure with similar backing was again introduced without opposition.

4. In January 1930 a large delegation representative of the women's organisations throughout the country was received by the Home Secretary. The delegation urged the adoption of legislation on these lines.
"NATIONALITY OF MARRIED WOMEN"
PASS THE BILL COMMITTEE
(form formed by the National Council of Women)

EXECUTIVE COMMITTEE

CHAIRMAN: Miss C. McPhail Macdonald.

VICE-COMMITTEE:

Chairman: Miss C. McPhail Macdonald.

HON. Sec.: Mrs. G. W. Waller.

HON. Treas.: Miss. J. E. Hunter.

EXECUTIVE COMMITTEE:

John McPhail

SOCIETIES SUPPORTING THE BILL

The Conference on the Codification of International Law at the Hague this year adopted the following recommendation:

5. In March the Foreign Secretary in writing to a letter from the Six Point Group declared that the Government was in principle in favour of this policy and had instructed its delegates to the Codification Conference to endeavour to secure its adoption there.

6. The Conference on the Codification of International Law at the Hague this year adopted the following recommendation:

The Conference records to the States the study of the question whether it would not be possible:

1. To introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children, and

2. Especially to decide that in principle that nationality of the wife shall henceforth not be affected without her consent either by the marriage of her husband.

7. The recent Assembly of the League of Nations adopted a resolution submitting to all States for their consideration a proposal from Cuba recommending that in view of the above quoted recommendation and of the fact that "the Convention on Nationality (to which four articles were concerned with married women) adopted by the Conference, had not yet been ratified by any State, the question of the nationality of married women be taken up again at a future Codification Conference."
"NATIONALITY OF MARRIED WOMEN"  
PASS THE BILL COMMITTEE  
(formulated by the National Council of Women)

EXECUTIVE COMMITTEE:

Chairman: Miss Chysal MacFarlane.

Members:

Miss M. B. Holder
Miss Edith Saunders, M.B., M.D., Eng., B.K.S.
Miss Sarah Parkyn
Miss Mary Cameron
Miss Mary Grey
Miss B. S. H. James, M.B., B.Ch., B.A.R.C.
Miss Gladys Britten, R.N.
Miss Marjorie Box, R.N.
Miss Muriel Lean, F.R.I.P.
Miss Stella Rees.

Telephone: SLOANE 8671

Re: the undersigned, representing constituencies in England, Scotland, Wales and Northern Ireland, have the honour to request that in passing into law before the end of this year the Nationality of Married Women Bill, as introduced by Captain Casement, taking into consideration the position of women of this country should not be inferior to that enjoyed by the women of nearly half the world.

We urge that the principle shall be embodied in legislation that a British woman who marries an alien should no longer automatically lose her nationality, that an alien woman marrying a British subject should not have his nationality conferred upon her unless she so desires and that a married woman should be regarded as an individual, competent in her own right to claim and be admitted to British citizenship;

HILLYING on the declaration made by you in support of this policy, we confidently trust that you will give the measure Government support, so that it may become law with the least possible delay.

The need for reform is urgent. The proposed measure is brief and amicable and has support from members in all parts of the House. We ask that it be included in His Most Gracious Majesty's Speech and passed into law this year.

Yours faithfully,

[Signature]

Chairman.

The Rt. Hon. J. Ramsay Macdonald, M.P.,
10, Downing St., S.W.1.
So far as His Majesty's Government in the United Kingdom are concerned, they attach the greatest importance to the well-established principle, re-affirmed at the recent Imperial Conference, that no modification shall be made of the nationality law in force throughout the Commonwealth except in pursuance of common agreement. Subject to such common agreement they are in principle disposed to accept the following proposals for the amendment of the existing laws:

(a) that a British woman shall not lose her nationality by reason of her marriage to an alien whether or not she automatically acquires her husband's nationality on marriage under the law of her husband's country;
(b) that a foreign woman who marries a British subject shall not automatically become a British subject by reason of her marriage;
(c) that (as the law already in substance provides) the wife of a British subject shall not automatically cease to be a British subject if her husband during the marriage acquires a foreign nationality and so loses British nationality;
(d) that where an alien obtains a certificate of naturalization, his wife shall not automatically become a British subject through her husband's naturalization;
(e) that where the foreign wife of a natural-born British subject or the foreign wife of a British subject by naturalization desires to acquire British nationality she shall be eligible to apply for a certificate of naturalization under the ordinary statutory conditions;
(f) that a married woman being the wife of an alien shall be eligible to apply for a certificate of naturalization under the ordinary statutory conditions;
(g) that where a woman who remains British notwithstanding her marriage with an alien acquires foreign nationality by a voluntary and formal act of her own she shall thereupon cease to be a British subject;
(h) that consequently the status of being a married woman shall no longer be regarded as a disability either for the purpose of acquiring British nationality by naturalization or for the purpose of losing British nationality by voluntary naturalization in a foreign country;*
(i) that where a woman who was a British subject before her marriage had already lost British nationality by reason of her marriage with an alien she shall be eligible within a limited period to make a declaration that she desires to resume British nationality.

A further and new request has now been made by certain women's organisations to the effect that "where the nationality of a child is derived from the parent, the nationality of one parent shall be given no preference over that of the other".

His Majesty's Government in the United Kingdom is not prepared to accept this proposal the consequences of which may not have been fully realised by its authors. Not only would the child of a mixed marriage in every case possess two nationalities under the * jus sanguinis* but there will be not a few cases where the child would possess three nationalities, e.g. if it were born in a country where the * jus soli* applies, of parents of different nationalities, neither being the nationality of the country where the child is born.

* A married woman under the age of 21 should not be regarded as under disability * jus minor*.
To Members of the House of Commons.

Dear Sir or Madam,

On TUESDAY, JUNE 27TH, Sir John Sandeman Allen will ask leave under the ten minutes rule to introduce

THE NATIONALITY OF MARRIED WOMEN BILL

which gives a married woman the right to her own nationality and

WE URGE YOU TO BE PRESENT TO VOTE IN ITS SUPPORT.

This measure has the support of the organised women of all parties. This Committee exists to coordinate that support and recently took 33 representative organisations in deputation to the Home Secretary to ask the Government to introduce a measure on these lines. This Bill or one on similar lines was introduced into the House of Commons in 1922, 1928, 1929, 1930, 1931, and 1932, while in 1925 the House adopted unanimously a resolution that a British woman shall not lose her nationality by the mere act of marriage with an alien, but it shall be open to her to make a declaration of allegiance and a Select Committee considered the question in 1923. The question has therefore already been well ventilated.

Moreover, as the result of these years of work, the Government made the following declaration of policy at the 1931 Assembly of the League of Nations in the face of the 46 States there represented, one of the British Government Delegates stating there on its behalf that "the British Government considers that it is right that all disabilities of married women in matters of nationality should be removed, and that in so far as nationality is concerned, a married woman should be in the same position as a man - married or unmarried - or any single woman". It is on this policy that Sir John Sandeman Allen's Bill gives effect.

The Bill now before the House of Lords, on the other hand, does not deal with this main question, and even if under it some British women keep their nationality on marriage with a foreigner, such keeping is made contingent on what the law of their husband's country happens to be.

Other great countries of a civilisation not so different from our own have had the courage to grant this reform - the United States of America gives full equal nationality rights to the married woman, while France has gone a long way in the same direction. And, besides many South American countries which have always recognised the independent nationality of the married woman, the other countries which have done so include China, Russia, Belgium, Roumania, Jugo-Slavia, Turkey, and the five Scandinavian countries. We ask that this country should no longer lag behind.

Women feel strongly that there should be no more delay in adopting legislation to give to the married woman that most fundamental political right - that of independent nationality in her own person.

We are,

Yours faithfully,

(Signed) CHRYSTAL MACMILLAN, Chairman.

(Signed) ISABEL DONZE, Hon. Secretary.
APPENDIX 14
Information Sheet for M.P.s, October 1933.

NATIONALITY OF MARRIED WOMEN PASS THE BILL COMMITTEE.

THE BRITISH NATIONALITY AND STATUS OF ALIENS BILL HAS PASSED THE HOUSE OF LORDS.

THE COMMITTEE urges Members of Parliament to support the motion to be introduced by Mr. Llewelyn Jones for the rejection of the Bill on second reading in the House of Commons on Thursday, November 9th.

The object of the Bill is to seek to give effect to Articles 8, 9 and 10 of the Hague Nationality Convention with a view to the ratification of that convention. The Committee opposes the Bill for the following reasons.

The Bill, while it prevents a British woman from losing her nationality on marriage with a foreigner when she does not acquire her husband's nationality, does not give a British woman the right to retain her nationality on marriage with a foreigner whose nationality she thereby acquires.

The Bill is unfair between one woman and another. If adopted a British woman who married an American, a Russian or an Argentinian will keep her British nationality. One who married a Swede, a German and Italian or a Japanese will lose it and be treated as an alien.

The Hague Nationality Convention accepts the principle that the nationality of a woman may be dependent on that of her husband. An international Convention should not bolster up dying ideals but should treat as essential the independent nationality of the married woman.

The Convention makes it possible for the states it affects to deprive a married woman who has double nationality because she has both her own and her husband's or certain of the rights to protection by her own country when she is outside that country. Its ratification now would mean that even when legislation is adopted to give the British woman her own nationality on marriage it would not secure for her outside this country the same rights as are enjoyed by other British subjects.

The Bill does nothing to give effect to the policy declared to be that of the British Government at the 1931 Assembly of the League of Nations in the face of 38 States namely

"The British Government considers that it is right that all disabilities of married women in matters of nationality should be removed, and that, in so far as nationality is concerned, a married woman should be in the same position as a man - married or unmarried - or any single woman."

The Bill does not meet the wishes of the women's organisations who support the policy of the independent nationality of the married woman embodied in Sir John Sandeman Allen's Nationality of Married Women Bill now before the House of Commons and oppose the Hague Convention.

This country should not lag behind. The population of almost 44,000,000 lives under laws in which women enjoy the right to their own nationality.

This country should give a lead to the Dominions. Uniformity of the nationality laws within the Empire is undesirable when it sacrifices women.

4, Pump Court, E.C.4. CHRYSTAL MACMILLAN - Chairman.
October 31st, 1933. ISABEL DONZE - Hon. Secretary.
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