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How to Cite: Logan, A 2020 MP and/or JP: An Examination of the Public Work of Selected Women during the Early Years of Women’s Enfranchisement (c.1920–1931). *Open Library of Humanities*, 6(2): XX, pp. 1–29. DOI: https://doi.org/10.16995/olh.565

Published: XX Month 201X

Peer Review:

This article has been peer reviewed through the double-blind process of *Open Library of Humanities*, which is a journal published by the Open Library of Humanities.

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'AN UNCONVENTIONAL MP': NANCY ASTOR, PUBLIC WOMEN AND GENDERED POLITICAL CULTURE

MP and/or JP: An Examination of the Public Work of Selected Women during the Early Years of Women's Enfranchisement (c.1920–1931)

Anne Logan
University of Kent, UK
A.F.Logan@kent.ac.uk

The 1919 Sex Disqualification (Removal) Act became law only a year after the first election in which women were able to vote and stand as Members of Parliament (MPs). Among its other provisions, this legislation allowed women to become Justices of the Peace (JPs) for the first time. In December 1919, the Lord Chancellor convened a committee of advisors (the Crewe Committee) drawn from different parts of the United Kingdom and the various political parties, and in 1920 the appointment of the first large group of women to become JPs was announced. Among the early women JPs were several individuals who also feature in the list of the country's first women MPs, and some others who stood unsuccessfully for parliament. This article concentrates on the careers of a few of these women in public and political service, with particular focus on their engagement with criminal justice reform and connections to the women's movement. It considers examples both of women who were successful in becoming MPs, and those who were not. Among the issues considered will be the extent of these individuals' interest in the political and judicial aspects of their work and an assessment of their extra-parliamentary careers. This paper concludes that women could and did lead important and satisfying political lives outside as well as inside the House of Commons.

> Why, oh why wasn't I a man & a lawyer? It sound[s] conceited but it isn't, because I don't pretend that I'd have been a good one; only I know I could have been a better one than anything else, & I know it's the kind of thing, the only kind of thing, that really fascinates me.
>
> – Letter from Margery Fry to Dorothy Scott, 28 September 1897.[1]
> I feel as if politics was the only thing I had any real ambition for, but I daresay that'll pass!
> – Letter from Margery Fry to Dorothy Scott, 1 December 1918.[2]

In 1897, more than twenty years before the passage of the 1919 Sex Disqualification (Removal) Act enabled women to enter the legal profession in the United Kingdom, British social reformer Margery Fry (1874–1958) expressed her – then impossible – ambition for a career in law. Twenty-one years later, after a failed attempt to become adopted as an official Labour candidate she expressed a desire to enter politics. Much later, towards the end of her life, in a BBC broadcast, she admitted that she had always harboured a desire to be in parliament, telling her interviewer, 'I'm rather sorry I never managed it'.[3] While Fry failed to achieve her greatest ambitions, she nevertheless enjoyed a highly successful and active career in pressure group politics (most notably as leader of the Howard League for Penal Reform) and achieved national prominence as a public intellectual on the BBC (Logan, 2018; Logan, 2020). An important milestone in her career was her appointment as a Justice of the Peace (JP, often also termed magistrate) in the year after the 1919 Act. Fry was one of several able, public-spirited, politically active women who became a JP in 1920. Two years earlier she came close to standing for Parliament in the election that followed soon after the November Armistice, the first election in which women were able to vote and run as candidates (Logan, 2018: 86). Within a few years some of the early

[1] Somerville College, Margery Fry Papers (MFP) 34/3, letter from Margery Fry (MF) to Dorothy Scott (DS), 28 September 1897.

[2] Ibid. 35/7, letter from MF to DS, 1 December 1918.

[3] Ibid. 41/4, script of 'London Calling Asia: Personal Call', *BBC*.

women JPs were actually elected to the House of Commons, starting with Margaret Wintringham JP, who was the first English-born woman to take a seat in Parliament.

Using prosopographic methods – examining the collective biographies of a group of women – this article focuses on the public work of some early women Members of Parliament (MPs), some of whom were also JPs. Prosopography has been defined as 'a historical method that identifies and draws relationships between various people within a specific, well-defined historical or social context by collecting and analysing relevant biographical data' (Svorenčík, 2018: 605). Barbara Caine (1994: 252) has pointed out that collective biographies have particular salience in women's and feminist history by serving 'to remove the "exceptional" framework from the study of women's lives'. In the present study, the careers and utterances of selected public women who served as MPs and/or JPs before the 1931 General Election are examined in order to tease out not only the similarities in their backgrounds and careers, but also the extent to which they utilised experiential knowledge gained from their judicial duties in their political work. As Lawrence Stone (1971) points out in his classic essay on prosopography, the approach is prone to limitation by 'deficiencies in data' and 'errors of interpretation'. As mentioned below, the subjects of this article vary considerably in the extent to which they engaged with criminal justice issues, and the sources used in this research are fragmentary and incomplete. For those subjects who were elected to the House of Commons, Hansard parliamentary records can be used to assess their interest in criminal justice, but much of the evidence for this paper comes in the form of inference from biographical data: the organisations that these women belonged to or the conferences that they attended, as well as (where relevant) the memoirs that they wrote.

While only a tiny number of women were elected to parliament between 1919 and 1939 , the pool of politically active women from which they were drawn was naturally very large, and many of the bigger group became magistrates. By 1926 there were nearly 1500 women JPs serving in England and Wales alone, a figure which had doubled by the late 1930s (Logan, 2002: 98). Many – but not all – of these women were members of political parties and some stood for office locally

and nationally. Plenty of these women also had backgrounds in one or more parts of the multi-faceted women's suffrage movement of the early twentieth century. This article focuses on Labour and Liberal women because, although many Conservative-supporting women were made JPs from 1920 onwards, none of them also became MPs until Mavis Tate JP (1893–1947), who was elected at the October 1931 General Election. The only other women magistrate to enter parliament in the selected period was Eleanor Rathbone, who sat as an Independent member.

The following sections of this article proceed with an examination of the background to the appointment of the first women JPs and an explanation of the role played by magistrates in the early part of the twentieth century. This paper then analyses the public work of a sample of women who served as MPs and/or JPs in the period from 1920–31, starting with a group of Labour women who were made JPs in 1920 and subsequently elected to parliament in the period starting in 1923 and ending before the 1931 General Election. The next section examines the career of Margaret Wintringham (Independent Liberal MP from 1921–24) as both MP and JP, while the final section concerns the work of Clara Dorothea Rackham, a prominent woman magistrate who stood unsuccessfully for parliament during the 1920s. Rackham's biography provides points of comparison and contrast to the other case studies.

The Appointment of the First Women JPs

Although the office of JP was often sneered at in the interwar period for being a 'poor man's [sic] honour' or 'knighthood of the underlings' ('A Barrister', 1938: 13) it proved to be an important marker of citizenship for women in the years following the partial parliamentary suffrage of women in 1918 and the 1919 Act. The office of JP originated in the 12th or 13th century and had changed a great deal over the centuries since (Skyrme, 1994). By the twentieth century, holders of the office were still most likely to be prominent, prosperous gentlemen in counties and towns alike, often drawn from the same social classes as MPs. Their duties by this time were mostly concerned with hearing low-level criminal charges in courts of petty

session (known as 'police courts') as well as the preliminary stages of more serious criminal cases, issuing warrants to the police and signing legal papers, coupled with licensing powers and dealing with some matrimonial disputes. JPs – unlike the so-called 'stipendiary magistrates' who had similar duties in some major towns and cities – were entirely unpaid and untrained. It is probable that no woman had ever held the office, although there is a possibility that one or two powerful women may have been JPs in the 15th and 16th centuries (Normanton, 1932: 17; Skyrme, 1994: 233). After 1900 the magistracy began to undergo rapid change. In 1906 the property qualification for eligibility to become a magistrate was abolished, so that for the first time working-class men could be appointed. Two years later, as a result of the Children Act, separate juvenile courts were established in every jurisdiction. Meanwhile, election to the various local governmental bodies which had taken over many of the former functions of JPs, such as highways and the poor law, was opened to women (Hollis, 1989).

It was against this background that suffragists began to campaign for the appointment of women as JPs alongside their demand for the vote. On the one hand, they argued that women were well suited to involvement in the work of the new juvenile courts, while on the other, they raised feminist concerns about the treatment of women and children as victims and witnesses in courts run entirely by men. Concerns over cases of child sexual abuse perpetrated by men had particular salience (Smart, 1999; Logan, 2008: 140). Women's organizations also joined with the labour movement and penal reform groups in pressing the government to appoint women as JPs so they could hear children's cases (Logan, 2009). Ultimately, however, the demand that women should be admitted to the magistracy became associated with concepts of citizenship. Women not only demanded the parliamentary franchise but also inclusion within all the rights *and* duties of citizens. These included the right to sit in parliament, become a JP and undertake jury service. Before 1918, these aspects of citizenship tended to be overshadowed by the campaign for the parliamentary vote, but once that objective was achieved, they received much more attention. All

the main women's organizations, including the National Union of Women's Suffrage Societies (NUWSS), pledged themselves to securing women's entry to the legal profession, the magistracy and their right to sit on juries. In May 1919, a Justices of the Peace (Admission of Women) Bill passed its second reading in the House of Lords. In due course this bill – introduced by Lord Beauchamp – was superseded by the government-sponsored Sex Disqualification (Removal) Bill. Mari Takayanagi (2020) has recently analysed the passage of the legislation and assessed its impact. Its mandating of women magistrates was among the genuine advances of the Sex Disqualification (Removal) Act.

On the day that the Act became law (23 December 1919), the Lord Chancellor announced the appointment of the first seven women magistrates: Lady Crewe, Lady Londonderry, Margaret Lloyd George, Gertrude Tuckwell, Mary (Mrs Humphry) Ward, Elizabeth Haldane, and Beatrice Webb (*Daily Express*, 1919). This group – all of whom had very strong connections to national party politics – formed an advisory committee which would come up with the names of 'a limited number of representative women who had either distinguished themselves in public service or by the possession of exceptional private gifts'[4] suitable for the office of JP. Ward, who died before the committee's work was completed, was replaced by Violet Markham, who had already stood as a parliamentary candidate in the 1918 election (Jones, 2004). The selection of these eight women aimed at geographical as well as political balance. For example, Haldane and Lloyd George represented Scotland and Wales respectively as well as the Liberal Party, while Tuckwell was strongly associated with the trade union and labour movements, as well as representing London.

The list of 212 women chosen by the Lord Chancellor's Women's Advisory Committee (the group's formal title, hereafter Crewe Committee) to be magistrates in England, Wales and Scotland was announced in July 1919. Unfortunately, the official government file relating to the committee and its deliberations has been lost. However, Gertrude Tuckwell discussed its work at some length in an unpublished

[4] London Metropolitan Archives (LMA), LCC/LCTY/36, circular letter from the Lord Chancellor to Lords Lieutenants.

memoir and there are some documents relevant to the committee's work in the archives of the National Council of Women (NCW). Naturally, women's organisations such as the NCW and the successors to suffrage campaign groups were anxious that women be appointed to magistrates' benches as soon as possible, and it is evident that some of them sent in extensive lists of names to the committee. On the other hand, the Lord Chancellor had made it clear that benches were not to be 'flooded' with women since they were 'tolerably full' already,[5] while his civil service advisors reassured him that few women would meet the exacting criteria for appointment (Logan, 2002: 64–5).

It is possible to trace personal contacts between the eight women on the Crewe Committee and many of the names that they picked. An interesting example is the women's trade union leader, Mary MacArthur. Like Markham, MacArthur stood unsuccessfully for parliament (in the 1918 'Coupon' election) even before she was made a JP. She was a close colleague or friend of Tuckwell, Markham and Lady Crewe, and must have been known to Webb too. Her inclusion on the July 1920 list is not remarkable, but what is surprising is that she was sworn in – and even performed magisterial duties – despite her serious illness, which caused her early death, aged forty, on 1 January 1921 (Hunt, 2019). One can only imagine what further public work – as a JP or even an MP – MacArthur would have performed had she lived.

More generally, given the highly politicized selection processes, it would have been surprising if many of the early women JPs had not also stood for parliament. Non-party women's organizations and political parties alike both encouraged women to stand and put forward the names of hopefuls to selection committees. But whereas non-party lobbyists concentrated on candidates' gender, party-affiliated bodies foregrounded party politics, arguably to the disadvantage of female candidates when appointments were made locally, despite the advocacy of women-only party affiliates such as the Women's Co-operative Guild (on behalf of Labour) and Conservative women's branches (Logan, 2002: 84–88). Party politics remained central to the appointment of magistrates even though the Crewe Committee was

[5] House of Lords Report, 20 May 1919, C737.

disbanded after the publication of the July 1920 list. The process of selection became the same for women as for men, the established practice being recommendations to the Lord Chancellor from local advisory committees, led by county Lord Lieutenants. This system only dated back to 1912 when it was introduced in response to criticism of Conservative Party domination of county elites. Before the 1940s there was little public knowledge of the composition of advisory committees, but in that decade a royal commission found that 35.5 percent of members were Conservatives, 30 percent Labour, 23.5 percent Liberal and the rest were 'independent' (Royal Commission on Justices of the Peace, 1948). It was natural that such politically active individuals would in turn recommend the appointment of people that they knew through their party connections. It is little wonder that women considered to be outstanding enough to be made magistrates in these circumstances might also seek and/or hold local or national political office, although the barriers that they faced in achieving selection as a prospective parliamentary candidate were even higher than those for the magistracy.

Four Labour Women

The remainder of this article examines the work of selected women MPs and/or JPs, the first five of whom were successful in achieving election to the House of Commons, while the last one mentioned here was not elected. In each case, the extent of their engagement with criminal justice issues in their political work is analysed. This examination is based on a range of evidence, including, where existent, the individuals' own memoirs and private papers.

Unfortunately many of these personal sources are extremely patchy where work on the magistrates' bench is concerned. Only the most prominent among the early women JPs produced published autobiographies, and those that achieved political success as well tended not to dwell on their work as magistrates. For example, Margaret Bondfield (1873–1953) – who led a full life as a trade union organizer before becoming the first woman member of a Cabinet in 1929 – confined her remarks about being a JP to two brief mentions. The first is the following statement:

'We were nearing the period when women were made Justices of the Peace, and most of us [Labour women] were in the first group to undertake the work of the Bench, including the juvenile courts' (Bondfield, 1948: 59). Implicitly, this statement is an acknowledgement of the political nature of the first appointments (discussed above) and perhaps also a testament to the effectiveness of Gertrude Tuckwell in securing the honour for her closest comrades in the women's labour movement. One can also infer from this remark that Bondfield perceived a political dimension to the role of magistrate. Bondfield's only other reference to being a magistrate in her text actually refers to her second attempt to win the seat of Northampton for the Labour Party: 'this time I could sign the [election] address "Margaret G Bondfield *JP*"' (Bondfield, 1948: 244, emphasis added). This remark, together with her inclusion of the initials 'JP' after her name on the title page of her memoir, indicates that even the first woman to be elected to the Trades Union Congress, first woman government and cabinet minister, and first woman Privy Councillor (Williamson, 2011) regarded her appointment as a JP to be a noteworthy honour. Beyond this, we learn nothing of Bondfield's attitude towards judicial work or criminal justice, apart from the somewhat platitudinous significance that she attached to juvenile court work. Similarly, Leah Manning (1886–1977), who was briefly an MP before the 1931 General Election, made only one reference to being a JP in her memoir (Manning, 1970: 61).

Likewise, recent secondary sources on the early women MPs who were also JPs (Honeyball, 2015; Reeves, 2019) generally contain scant mention of their work as justices. National political success – however brief – seems to have the effect of obliterating a woman's other public work from her life story. Writers such as Mary Honeyball (on Margaret Wintringham) or Sally Keeble (on Bondfield) in Dale and Smith (2018) fail to mention their subject's role as magistrates at all, although in the same volume Cat Smith does draw attention to the fact that Dr Ethel Bentham (1861–1931) was 'one of the first women magistrates in the country to work in the children's courts and to serve on the Metropolitan Asylums Board' (ibid.). Texts on

the more general subject of political women in the 1920s, such as Pamela Graves' *Labour Women* (1994) also do not pay much attention to the considerable number of women in the labour movement who were made magistrates soon after the 1919 Act.

However, sources such as newspapers and parliamentary papers, including Hansard (all now available in digital form), can be used to ascertain to what extent the early women MPs and JPs engaged with criminal justice reform and applied their experience of judicial work to their parliamentary and extra-parliamentary political roles. A total of four of the early women Labour MPs (elected before October 1931) had previous experience on magisterial benches: the afore-mentioned Bondfield, Manning and Bentham, plus Dr Marion Phillips (1881–1932). All four were named on the 1920 Crewe Committee list, Manning for Cambridge, while the other three featured among the sizable group of women who were nominated to be magistrates in London. An analysis of their contributions to parliamentary debates demonstrates that as a group, they made little use of their magisterial role in parliament, but other sources indicate a more nuanced picture of their work as MPs and JPs.

In Bondfield's case, her parliamentary contributions are dominated by employment matters, not only because her previous career was in trade union activity but also because she held government office for the Ministry of Labour in 1924 and between 1929 and 1931. However, in 1927, when she was an opposition Member of Parliament, she asked the Home Secretary to supply statistics on the number of young women being held in prison.[6] Overall, Bondfield does not appear to have engaged significantly with the networks of penal reformers and women magistrates highlighted in research (Logan, 2008). She was not an early subscriber to the Magistrates Association (MA, established in 1920–21) and does not feature in the records of the Howard League for Penal Reform, with the significant exception of contributing an article entitled 'Prisons and the Public' (Bondfield, 1921) to the very first edition of the *Howard Journal*, before she became a MP. This analysis seems to support the impression given by her memoir: that while she appreciated the

[6] House of Commons Report (HC Deb), 23 February 1927, Vol. 202, C1784W.

significance of her role on the bench, she did not engage with criminal justice to the extent of making it an important focus of her political work.

Similarly, Manning's autobiography gives little evidence of engagement with criminal justice issues, although local newspaper reports show that Manning was a regular attender on the Bench immediately after her appointment in 1920. Like Bondfield and Phillips, she does not appear among the early subscribers of the MA even though she had already been made a JP when the Association was formed. She was an MP for only a few months during the time period under consideration in this article (she was elected as an MP in 1931, although she was re-elected to Parliament in 1945). In her first stint as a Member of Parliament she mostly intervened in debates or asked questions on matters related to education, which, as a former teacher and teaching union activist, was her main area of expertise. However, she did ask the Home Secretary for statistics on capital sentences and made a one-word intervention in a debate about women police.[7] Before Manning became an MP she gave evidence to the departmental committee on sexual offences against young persons (1924) and the committee on treatment of young offenders (1927), in both cases as representative of the National Union of Teachers rather than as a JP.

Phillips, who was MP for Sunderland from May 1929 to October 1931, made no contribution to parliamentary debates on any matter relating to criminal justice. As the former Chief Woman Officer of the Labour Party, who was in Parliament for a north-east constituency during the Depression, Phillips perhaps unsurprisingly concentrated on issues of poverty, welfare, slum housing and unemployment in the majority of her interventions. She did raise women's issues, although mostly within a class perspective – together with other Labour women parliamentarians she was concerned about the rising level of maternal mortality – and she supported reform of nationality laws as they applied to women, an issue which was of great concern to the mainstream feminist movement at the time (Kay and Pipes, 2019). Of course, the fact that she did not speak about criminal justice matters does not mean that Phillips

[7] HC Deb, 23 July 1931, Vol. 255, C1664 and 30 July 1931, C2615.

had not been fully involved in her work as a magistrate. Significantly, early on she became a member of the Lord Lieutenant of London's local advisory committee on JP appointments explicitly as a Labour Party representative, which would have given her decisive power in the selection of women for the magistracy in the metropolis. According to Tuckwell (1932), Phillips was 'a great force' in the capital's juvenile courts, whose socialist credentials were evident in her efforts to procure 'the appointment of Justices to whom the busy working population could have ready access'. Prior to her election as MP for Sunderland, Phillips drew upon her experience as a magistrate when she gave evidence to the departmental committee on the treatment of young offenders, and she was also a member of a committee appointed by the government in 1926 to investigate the issue of legal aid for the poor.

In contrast, Bentham, who was a Member from the 1929 election until January 1931 – and who made only eight oral interventions in the Chamber – appears to have been greatly interested in criminal justice policy and would have probably made a deeper impact on it but for her sudden death. For example, she made specific mention of her credentials as a JP in a debate on the Mental Treatment Bill. She claimed, 'I have been thirteen years a general practitioner and have acted as a justice under the [Lunacy] Acts ever since women magistrates were first appointed, so I have considerable knowledge'.[8] This statement was undoubtedly true: she also served on the Metropolitan Asylums Board and had been a local councillor in Kensington for many years. Bentham was a feminist as well as a socialist, having been associated with several women's suffrage organisations, including the NUWSS and the Women's Tax Resistance League (Frances, 1998: 69). In 1930, as a private member she introduced the Nationality of Women Bill, which (as mentioned above) was supported by her house-mate Marion Phillips, as well as by women MPs from all sides of the House and by the women's movement in general. Like Phillips, Bentham gave evidence to the committee, which reported in 1927, on the treatment of young offenders; here, Bentham served as official co-representative of the 'London Lady Magistrates' (Departmental Committee on the Treatment of Young Offenders, 1927).

[8] HC Deb, 17 February 1930, Vol. 235, C9891.

Moreover, Bentham, who was a supporter of the National Council for the Abolition of the Death Penalty (NCADP) and a Howard League member, was chosen as the only woman to sit on the House of Commons Select Committee on Capital Punishment (1930). Her questions to witnesses who gave evidence before the Select Committee reinforce the impression of a woman who had great expertise and was prepared to apply it to political causes: on one occasion, Bentham points out, 'I am the only representative of the medical profession here' (House of Commons Select Committee, 1930: paragraph 3160). Bentham repeatedly questioned witnesses about mental abnormality, the facilities for psychiatric reports to be made on accused people, and legal definitions of insanity. She expressed scepticism regarding the theory of deterrence in cases of murder and enthusiasm for the type of internationally comparative, statistical research that the NCADP and the Howard League presented in their memoranda to the committee. When questioning Roy Calvert, secretary of the NCADP, she clearly stated, 'All I have read on this subject has brought me to this conclusion... that there is in all civilised societies a general tendency to abolish capital punishment' (ibid.: paragraph 2020). Bentham therefore demonstrated that, as an educated medical professional, she was interested in evidence and the application of expertise to policy matters. As Seal (2014: 21) has pointed out, 'principles of civilisation and modernity were central to campaigns against capital punishment'. Bentham's work on the Select Committee displays these attitudes.

Considering these four Labour women as a group, it appears that Bentham was the only one who self-consciously applied her experience as a magistrate (as well as her medical background) to her political and parliamentary work. She also set herself slightly apart from the other Labour women in her willingness to associate with non-party organizations, including feminist and penal reform bodies. Martin Pugh (2000: 135) has argued that Labour Party loyalists such as Phillips and Bondfield found it necessary to disassociate themselves from separate sex organizations, and 'adopted the orthodox [Labour Party] line that everything must be subordinated to the over-riding cause of the working class movement'. Phillips and Bondfield strongly supported the provision of women magistrates for juvenile courts, but this was in any case Labour Party policy, and the issue tended to be viewed through a class lens

(Logan, 2009). It is perhaps significant that Bentham remained a London juvenile court magistrate even after her election as a MP.[9] Although Bondfield and Phillips represented constituencies far outside London while Bentham was MP for Islington, it is hard to escape the – at least tentative – conclusion that the latter had greater 'hands-on' experience of the bench, while her Labour colleagues concentrated rather more on their party political work.

A Liberal Woman

Margaret Wintringham (1879–1955) was the first woman to be both a JP and an MP. Unlike the four Labour women discussed above, Wintringham was not nominated for the magistracy by the Crewe Committee; nevertheless, she was one of the first women magistrates in the country and was already on the bench when she was victorious in a by-election to replace her deceased husband as Independent Liberal Member for Louth in September 1921 (although she is unlikely to have accrued a great deal of court experience by that time). Somewhat ungallantly described in the *Hull Daily Mail* (1922) as a 'typical Yorkshire woman, with a big frame, a ruddy complexion, lively brown eyes in an energetic and kindly countenance and with a strong and independent character', Wintringham had an almost stereotypical curriculum vitae for an early woman JP. A head teacher before her marriage, and a suffragist, she had undertaken a good deal of public, voluntary work in Lincolnshire, including establishing a girls' club, and providing aid to Belgian refugees as well as recruiting women workers for agriculture during the First World War. She was connected with many women's organizations including the NUWSS, Women's Institutes (WI), Women's Citizens Associations and the NCW, but she was also a party woman, with a base of support in the Women's Liberal Federation (E. Harrison, 2011).

Although Wintringham's parliamentary career was relatively short, she was re-elected twice, in 1922 and 1923, and therefore served in parliament for a continuous period of just over three years. She showed a good deal of interest in criminal justice matters while she was a Member, and was particularly tenacious

[9] TUC Library, HV9096, 'Juvenile Courts in London: Reorganization', 17 December 1929.

in raising the subject of the necessity for women police patrols. Between February and June 1922 she made repeated interventions in the House of Commons on this subject, against the background of the cuts recommended by the Geddes committee to public expenditure which, in terms of police revenue, fell disproportionately on women police. The Metropolitan Police's Women's Department, which had only recently been established (Jackson, 2006: 21), was to be cut back extensively, for a saving of £27,000.[10] Wintringham was adept in making use of many of the parliamentary opportunities available to back-bench MPs – written and oral questions, interventions in financial debates and adjournment debates – to bring up the issue, often in tandem with Lady Astor, the only other woman in the House at that time (but not a JP). Wintringham was adamant that the cuts were a false economy and disproportionate in that they singled out the *women* police for decimation: 'if we economise in our clothes, we do not do without hats or overcoats but cut down a little in every direction', she pointed out.[11] Moreover she made it clear that this was a matter on which she and Astor represented not only their respective constituencies, but womanhood in general. In May 1922 she told the House that 'organised women of all classes and all parties... are strongly of the opinion that the women police should be retained'.[12] She made it clear that this was not just an issue for London, but for the entire nation, given that local watch committees would follow the metropolitan lead. She kept up the pressure even after the cuts were implemented, for example, by asking successive Home Secretaries (who were responsible for the Metropolitan Police) whether they would consider reinstating the London's women patrols, and raising specific incidents, such as alleged sexual offences in parks. Wintringham's focus on this issue was entirely in line with not only the women's movement in the early 1920s, but also the penal reform lobby and organised magistrates: both the Howard League and the MA supported the retention – and even expansion – of the women police in this period.

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[10] HC Deb, 28 March 1922, Vol. 152, CC1273–5.

[11] Ibid.

[12] HC Deb, 10 May 1922, Vol. 153, C2339.

Another major concern of Wintringham and the women's movement was the sexual abuse of young girls by older men. In July 1922 Wintringham intervened in the second reading debate of the criminal law amendment bill. The proposed measure's second clause – desired by feminist organizations for many years – sought to abolish the defence against charges of unlawful carnal knowledge and indecent assault that the male perpetrator had reasonable cause to believe that the underage girl victim was over sixteen. Following a barrage of anti-feminism from a handful of MPs who claimed they wished to protect young men, Wintringham spoke up. After congratulating the government for bringing forward the bill, she defended the women's movement which had been ridiculed by some speakers in the debate: 'we prefer "women's organizations" to "ladies' organizations"' she declared. She then refuted the suggestion from another MP that kissing a girl could result in a prison sentence. 'He is a magistrate, and so am I,' she reminded the House, 'but I do not think any of us can remember a case of that kind being brought up for indecency'. Wintringham argued that the clause was 'non-controversial' and sought to protect the weak, 'which is the underlying principle of English law'. 'Girls... need protection', she affirmed.[13] In 1923 she returned to the subject of sexual abuse in a Home Office debate. Interestingly, she raised the issue of the harm young victims suffered, not only from the offences committed against them, but also from the trauma of appearing in court and giving evidence. As Carol Smart (1999: 400) has pointed out, feminists at this time 'sought to redefine the harm which it was clear to them was being inflicted on children'. Moreover, Wintringham used this occasion to call for 'the appointment on the Benches of more women magistrates to deal with this question',[14] a core demand of women's organisations and penal reformers. The following year the minority Labour government agreed to the appointment of a committee of enquiry on sexual offences against young people, following pressure

[13] HC Deb, 5 July 1922, Vol. 156, CC434–6.

[14] HC Deb, 12 July 1923, Vol. 166, CC1656–8.

from Wintringham and the Howard League. No less than three of its eight members were women JPs (Logan, 2018: 108).

Wintringham's parliamentary interventions on the subject of women police and the protection of children from sexual abuse clearly demonstrate her close identification with feminist issues and underline the significance of her connections to the organized women's movement. Until June 1923, Astor and Wintringham were the only women in Parliament, and they both felt an obligation to represent women at large and not merely in their own constituency (E. Harrison, 2011). Therefore, after her election to parliament, Wintringham joined the Consultative Committee of Women's Organizations (CCWO) as its vice president (Astor was president). The CCWO had forty-nine affiliated societies and therefore represented a wide cross-section of women's organizations (Pugh, 2000: 70). Moreover, the CCWO also interacted with the penal reform movement. It is significant that at its first meeting after the 1923 General Election, CCWO members received an address from Margery Fry of the Howard League in which she discussed 'methods for dealing with delinquents, both juvenile and adult' (Manchester Guardian, 1923). But Wintringham also had direct links to penal reform campaigners, as she was co-convenor of the fifty-strong Parliamentary Penal Reform Group established by the Howard League under Margery Fry's direction. In many of Wintringham's parliamentary speeches she quoted facts and statistics which were likely supplied to her by her extra-parliamentary feminist and/or penal reform allies. She was therefore a crucial figure – even figurehead, given her parliamentary profile – in the feminist criminal justice reform network of her age (Logan, 2008).

Margaret Wintringham represented a 'maternal' strand of feminist philosophy in that she exhibited faith in what Susan Pedersen (2001: 165) describes as 'women's superior moral and motherly capacities' grounded in Wintringham's personal experience of 'single sex philanthropic and political work', despite being childless herself. Maternalist ideology was evident when she spoke to the second annual meeting of the Howard League on the subject of capital punishment in June 1923,

making it plain that her disquiet over the death penalty was rooted in her sex (Wintringham, 1924).

> This is a subject which specially appeals to women, because their work is to bring life into the world, to tend life, to nurture it, to protect it… Women understand the sacredness of life, perhaps more than men.

As the death penalty became more of a political issue in 1922–3 in the wake of the controversial executions of the adolescent Henry Jacoby and female Edith Thompson (Seal, 2014: 18–19), and against the background of the first gathering of the NCADP in 1923, Wintringham raised the practice of posting notices of execution outside prisons such as Pentonville in London in two parliamentary questions. Again, her objection to the practice was couched in maternal terms: it caused 'unwholesome excitement in the neighbourhood' and had an 'undesirable' effect on local school children, she argued in 1922.[15] The following year she was even more specific that the young were the focus of her concern, arguing that Pentonville (for example) was adjacent to a London County Council School and that the practice was potentially harmful to young people.[16]

In conclusion, it is worth noting that Wintringham had a strong record of parliamentary activity for the three years that she was a Member. Her support for women's concerns was a thread which runs through many of her speeches and interventions in the House, including raising women's access to professional opportunities in the wake of the 1919 Act. Among the many matters she broached in the Commons were whether women delegates would be sent to international organisations, whether a married woman would be eligible for the governorship of Aylesbury Borstal, and whether women would be permanently appointed to the higher grades in the civil service. She was forceful in her interventions and eschewed ladylike politeness: the *Hull Daily Mail* (1922) claimed she 'heckled' ministers on the subject of women police. After her defeat in 1924 she kept up her interest in criminal

[15] HC Deb, 31 July 1922, Vol. 157, C10245W.

[16] HC Deb, 12 July 1923, Vol. 166, C1567–8.

justice matters, and in 1927 she was elected to the Council of the Magistrates' Association. Wintringham stood for parliament again, but was never to be re-elected. However, she became a county councillor in 1933 and served on many government-appointed committees (E. Harrison, 2011) as well as working on several projects with former parliamentary colleagues including Bondfield and Astor. She showed dedication to politics throughout her career, at both local and national levels. Her career in public life was long and full: it deserves to be defined by more than her brief membership of the House of Commons.

Clara Dorothea Rackham (1875–1966)

> I think the wisest course for a[n] MP who wants to be of use is to acquire as much knowledge as possible on some one subject. The House of Commons will always listen to a Member who is a master of a particular subject... I am much interested in criminology and penal reform, and should try to make a study of that subject (Rackham, 1928).

The final case study in this article concerns a woman JP who never became an MP, although she stood for election to parliament on two occasions. In 1928, Clara Dorothea Rackham wrote in the newspaper of the Women's Freedom League in a series entitled 'When I am MP' (quoted above), and made it clear that, if elected to parliament, she would make penal reform a priority. Yet, like many early women JPs, she does not seem to have had any great interest in the subject before she was made a magistrate.

Rackham, whose maiden name was Tabor, had a career in public service very reminiscent of the early women MPs featured above, especially Wintringham. A member of a long-established Essex farming family, she was educated at leading girls' schools and Newnham College, Cambridge (B. Harrison, 2004). In 1901 she married a Cambridge academic, Harris Rackham. However, like Wintringham, she did not have children, but devoted herself to what was then referred to as 'social work', initially as a poor law guardian, Charity Organisation Society member, and founder of the Cambridge branch of the Women's Co-operative Guild and later, during the First

World War, as a temporary factory inspector. Clara Rackham was strongly interested in politics even as a student, and her willingness to undertake civic duty naturally led her to involvement in the suffrage movement. She rose to become the chairman of the NUWSS national executive committee, where she was a strong supporter of the NUWSS leader, Millicent Fawcett.

Although Rackham failed in her attempts to be elected to the House of Commons, she enjoyed a very long, successful political career. Again in a similar fashion to Wintringham, she combined political activity at local and national levels. After the partial enfranchisement of women in 1918 Rackham joined the Labour Party. The following year she was elected for the first time to Cambridge's city council, and the year after that she was nominated as JP for Cambridge on the Crewe Committee's list. She 'remained almost continuously for thirty-eight years' (B. Harrison, 2004) on the city council, and also sat on the Cambridge county council for over thirty years, including a spell as vice chairman. She clearly possessed political talent and oratorical skills as well as energy, drive and commitment to her causes. Newspaper reports of her work as the prospective Labour candidate in Saffron Walden in the 1930s suggest her devotion to the ground work of political organisation: according to the Chelmsford Chronicle (1935) she gave up forty evenings in the course of twelve months to speak at meetings in the area. Given her council commitments, work as a magistrate, Workers Educational Association duties, national political profile, and engagements elsewhere (see below), this was a remarkable record. As Brian Harrison (2004) points out, Rackham had 'many [political] causes' including education, housing, unemployment and welfare. But newspaper reports indicate her special concern for international relations – in support of the League of Nations and disarmament – as well as penal reform.

Rackham was a key member not only of formal women's and Labour organisations but also of several informal political networks. Among her close friends she counted the Labour MP Susan Lawrence (a Newnham contemporary), the Independent MP Eleanor Rathbone (an old NUWSS colleague) and Margery Fry (a co-worker in the Howard League and Magistrates' Association). Like Bentham, in the 1920s she retained links with former suffrage organisations as well as with the NCW, despite

the suspicion of the Labour Party towards these single-sex, non-party bodies. Her activities were both local and national: Rackham had a close group of associates in Cambridge too, including Leah Manning. Her commitment to politics in her adopted city and nearby ancestral countryside around Braintree (where the Tabor family had farmed for years) may have been the main reason why she never emulated Rathbone, Lawrence and Manning in election to Parliament. As Martin Francis (2000: 197–1872–1959 Oxford 8) points out, only a 'paltry' number of Labour women became MPs before the 1980s, and even when they did succeed, they were prone to represent marginal seats where 'uninterrupted parliamentary careers' were unlikely to develop. By contesting 'unwinnable' seats in her home eastern region (Chelmsford in 1922 and Saffron Walden in 1935) Rackham ensured that she would not even achieve a single term as a Member.

Notwithstanding her myriad other political interests, Rackham did have special concern for penal reform, as the quotation at the beginning of this section indicates. Like other leading women magistrates, Rackham was able to enlist her experience of court work in discussions of law and criminal justice. This was evident in a speech she made to the annual conference of the National Association of Probation Officers in 1936 on courts' handling of matrimonial cases in which she mentioned that a lot of swear words were uttered in such proceedings (Chelmsford Chronicle, 1936). However, she also had an appetite for research and education. In 1923 she began to contribute to a regular column in the NUSEC paper, *Woman's Leader*, entitled 'The Law at Work'. Co-edited and written mainly by Rackham with Margery Fry, the column covered items of interest to early women magistrates, many of whom were regular readers of the paper (Logan, 2010: 213; Logan, 2008: 23). Rackham also lectured at the NUSEC Oxford summer schools in 1922 and 1925, which were special, dedicated conferences for women JPs.

Rackham joined the Magistrates Association (MA) as an individual subscriber as soon as it was established.[17] By 1923 she had been elected to the MA Council and four years later she joined the ruling body of the organisation, the executive

[17] Magistrates Association First Annual Report, 1922.

committee, as one of only four women out of twenty-one members (the others being Fry, Tuckwell, and Haldane). Rackham also served on some of the MA's most important sub-committees, covering topics such as the treatment of offenders and legal aid. At the same time she was involved in the Howard League at the highest level, another role which involved copious amounts of public speaking, networking and research. Like the other women featured in this article, Rackham served her time as what Mary Stocks (1970: 165) referred to as a 'statutory woman', being one of a group of public-spirited ladies who served on and/or gave evidence to government-appointed committees and royal commissions – often as the sole woman. Rackham's assignments included memberships of several Home Office committees, including the inquiry into sexual offences against young people (mentioned above) and a royal commission on unemployment insurance. She gave evidence in front of many inquiries on behalf of the MA or the Howard League and addressed conferences of both organisations.

Rackham's policies were essentially those of the Howard League – admittedly policies she helped to develop as an executive member. In 1933 she participated in a League sub-committee on sexual offences which concluded that 'homosexuals, as such, should not be liable to prosecution'.[18] She was a strong advocate of the nascent probation service and equally trenchant opponent of corporal punishment (Logan, 2010: 213). She espoused these views in countless public meetings, lectures and speeches across the country. Rackham campaigned for legal aid for poor prisoners and hostel accommodation for young offenders on probation, as well as improved arrangements for the matrimonial and licensing work performed by JPs. She often spoke and wrote on youth justice, the topic which arguably most interested her generation of women magistrates, for example contributing a chapter on 'The Juvenile Court: Auxiliary Services and After-Care' to the publication *Lawless Youth* (International Committee of the Howard League, 1947). She played close attention to events in Parliament. In 1938 Rackham told a Labour Party meeting that the

[18] Warwick University Modern Records Centre, Howard League MS16B/1/2, executive minutes, 22 February 1933.

criminal justice bill put forward by the Conservative and Unionist government 'contained many things which she had been pressing for many years', although she had reservations about certain aspects (Chelmsford Chronicle, 1938). The bill failed to pass through parliament before the outbreak of war, and many of its proposals were revived by the post-war Labour administration in the 1948 Act.

As a Howard League activist Rackham played a vital part in maintaining dialogue with women's organisations, particularly the NCW, whose Public Service and Magistrates Committee was central to the feminist criminal justice reform network (Logan, 2008: 25–30). Her role was to help influence the significant number of women JPs who belonged to the NCW towards progressive, welfarist penal strategies by addressing meetings and proposing policy resolutions at the annual conference. Rackham was certainly an ardent, life-long feminist: towards the end of her life she commented, 'I certainly don't think women have gone too far into a man's world... I don't think they have gone far enough.'[19] In keeping with progressive views on the magistracy, Rackham resigned from the bench when she reached the retirement age of seventy-five in 1950, by which time she had also ended her Howard League and MA commitments. She continued as a Labour councillor until she was over eighty, only stepping down when her hearing started to fail.

Rackham was undeniably an exceptional woman, with the drive and energy needed to pursue political and social reform over a period of decades. Yet in many ways she was also typical of so many of the early women JPs with their busy 'careers' in voluntary work and women's organisations. Her friend Margery Fry was a case in point. In 1937 Fry and Rackham travelled together to lobby the League of Nations assembly in Geneva for penal reform and then toured Romania and Bulgaria to inspect prisons and youth justice facilities there. Obviously both women possessed sufficient private wealth to (at least partially) fund such a trip, although at one point Fry travelled first class while her companion did not, suggesting perhaps that Rackham was less affluent than her friend (Logan, 2018: 147). But neither woman achieved her ambition to become a MP. According to Rackham's niece, Clara really

[19] Cambridge City Library cuttings file, 'Early suffragette still wants more for women', 1 April 1964.

wanted to be a MP and would have been good at the role.[20] Rackham utilised her knowledge, experience and observations of conditions in Europe in her political campaigning back home, but her aspiration to influence penal policy from within the UK Parliament would never be fulfilled.

Conclusion

Despite her disappointment at never becoming an MP, Rackham's political career demonstrates not only how full and active a life in politics outside Parliament could be, but also that it could be both impactful and significant. As already mentioned, there are striking parallels between the careers of Wintringham and Rackham, with perhaps the only major difference being that the former spent a brief period as a backbench MP and the latter did not. Both women had backgrounds in the suffrage movement, were energetic in public service locally and nationally, active in the Magistrates Association and for the cause of penal reform, and had strong ties to the women's movement. Both were relatively unencumbered by domestic responsibility (having servants but no children) and possessed at least moderate wealth. Although one was a Liberal and the other Labour, both women had powerful social consciences and reformist ideals grounded in their religiously nonconformist backgrounds.

More broadly, prosopographic research on the early women magistrates demonstrates the depth of political engagement and practical, often philanthropic experience of this cohort of public women. It is remarkable, for example, that 26.2% of the women on the Crewe committee's list served as poor law guardians (Logan, 2002: 162). A background in some form of pro-suffrage activity – which all the women examined in this article shared – was almost routine, as was involvement in the wider networks of the women's movement such as the NCW and the WI (Beaumont, 2013). To an extent, it is merely a matter of chance as to which of the women was able to add the initials 'MP' to those of 'JP' after her name, however briefly. Margery Fry and Clara Rackham undoubtedly harboured unfulfilled parliamentary ambitions, yet through their careful, steady pressure group work they managed to

[20] Women's Library at LSE, 8SUF/B/062, interview by Brian Harrison with Miss Mary Tabor, 25 November 1975.

exert considerable influence on government policy, arguably having greater real impact than backbench MPs, especially those whose careers in the Commons were short-lived. Margaret Bondfield and Margaret Wintringham tried without success to return as MPs after they lost their seats, but that did not mean their political careers failed: both had fulfilling lives of extra-parliamentary service, as did Leah Manning in between her two stints in the Commons. Ethel Bentham and Marion Phillips might have achieved much more in and/or outside parliament if they had not died relatively prematurely.

The centenaries of the Sex Disqualification (Removal) Act and the election of Nancy Astor, the first woman to serve in the House of Commons, have presented an opportunity for reflection on these milestones in the history of women's emancipation. For political women one hundred years ago, who had struggled in some way or other for the parliamentary franchise, these were landmark events. The ability to put the initials 'JP' after one's name, to enter a courtroom, sit on the bench and to reach judgements *as a woman*, in an erstwhile bastion of masculinity, was completely unprecedented. To see a woman take the oath and sit in parliament was remarkable, to do it oneself even more so. Yet while the number of women MPs rose only slowly over the next half-century and parliamentary women remained a curiosity, the woman magistrate quickly became a normal part of the criminal justice system and the epochal significance of the first appointments was soon forgotten. Yet the Crewe committee's formation had been front-page news and the early women JPs appreciated the significance of the recognition they received. Those women JPs who also became MPs were empowered to channel their experience as justices – however brief – into their parliamentary work, while those who remained unelected were free to exploit other channels of political influence.

Acknowledgements

This article is dedicated to two women historians-turned-magistrates, Dr Susan Grace JP and Dr Sue Morgan JP. They are an example to us all.

Competing Interests

The author has no competing interests to declare.

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How to cite this article: Logan, A 2020 MP and/or JP: An Examination of the Public Work of Selected Women during the Early Years of Women's Enfranchisement (c.1920–1931). *Open Library of Humanities,* 6(2): X, pp. 1–29. DOI: https://doi.org/10.16995/olh.565

Published: XX Month 202X

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