
Women's Lavatory Accommodation at the Law Society, 1923

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On 28 March 1919, the Law Society Council responded to the certainty of legislation requiring the bar to be lifted on women entering the legal professions¹ with a Special Meeting to consider a motion that ended the Society's previous opposition. For supporters of equality, there was a celebratory atmosphere. Few had spoken against the motion and the vote – 50 in favour and 33 against – was a convincing victory. Council member Samuel Garrett, a London solicitor, former Law Society President, and brother of suffragist leader Millicent Garrett Fawcett, caught the mood of the winning side: 'Minorities,' he said, 'had a way of becoming majorities in these progressive times.'²

However, it took the Society four further years to agree building works to provide women students and solicitors with cloakroom and lavatory facilities. It was not until 16 February 1923 that the Council adopted a recommendation by the House Committee to provide 'cloak-room and lavatory accommodation' for women.³ Nevertheless, decades before women solicitors achieved numerical equality, this measure of equality was built into the permanent physical architecture of the solicitor profession at its own Hall⁴ – the location not just for ceremony, but also for teaching, study, examination and professional encounters.

¹ The Sex Disqualification (Removal) Act 1919.

² *Solicitors Journal* (5 April 1919) 415.

³ 'Lavatory' and 'w.c.' (water closet) are used interchangeably in records from the interwar period, and sometimes tautologically. More modern references given here state 'toilet'. Though identical in meaning, each is used in context here. In similar vein, quoted passages use the original punctuation, grammar, indentation and italics found in the original documents.

⁴ The solicitor profession's building at 113 Chancery Lane was consistently and interchangeably referred to as its 'Hall' until well into the 1960s, before gradually falling out of use. As 'Hall' has a professional as well as a physical significance, and was in use in the interwar period, I have used it here.

I. Context

A change in Law Society policy and Royal Assent for the Sex Disqualification (Removal) Act 1919 were seismic in that they removed two absolute bars to women's entry to the profession. But access rights turned out to be narrowly defined. The Act's bar on sex-based disqualification had limitations as enabling legislation.⁵ It was not read as referring to women's access to the legal profession's messes, clubs and societies, lavatories, canteens or bars. That lack of automatic access presented early women law students and lawyers with barriers to full participation in the profession. Buildings and clubs were made open to women only one space and society at a time. The piecemeal process of securing equal access and facilities continued into the 1970s.⁶

As a result, women's access and the provision of facilities for them were in some instances considered and denied. The *Solicitors Journal* (which like the *Law Society Gazette* also covered professionally noteworthy events and news at the Bar) reported on 30 January 1923 that the Bar Mess at the Old Bailey

held a general meeting to consider the application of a woman for membership. There was no wish to exclude the lady in question, who is personally the most popular with her male colleagues of the new lady barristers; but unforeseen difficulties, arising from the nature of the Mess premises, had shown themselves in the way of admitting women to the Mess. It was therefore decided not at present to admit women.⁷

It was the same in the regional Circuit and Sessions Messes. 'Now that a number of women have been called to the Bar the various Circuit and Sessions Messes are faced with the problem of their admission to these closed Bars,' the *Solicitors Journal* reflected at the end of 1922. 'There are privacies of mess life which render it inconvenient to mix the sexes,' in light of which,

[v]arious circuits and sessions are adopting slightly different plans, but the general scheme seems to be the admission of women with full rights of membership, but without the right to attend mess ... In this way women receive all the usual benefits as regards notice of sittings, postal arrangements, attendance in court, court briefs, admission to the poor persons' defence list, and the like; while the seclusion of the masculine mess is preserved.

After all, the article concluded, 'Women ... can form a mess of their own and adopt a Bar hotel of their own in each circuit town ... On the whole, the proposed compromise ... seems fair and liberal.'⁸

⁵Mari Takayanagi, 'Sex Disqualification (Removal) Act 1919' in Erika Rackley and Rosemary Auchmuty (eds), *Women's Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland* (Hart Publishing, 2018) 136.

⁶Women acquired full equality in the Law Society's dining facilities in 1975 when the 'Ladies' Annex' closed (see section IV).

⁷*Solicitors Journal* (20 February 1923) 290.

⁸*Solicitors Journal* (23 December 1922) 179.

So, the presence of women in spaces that had been traditionally all-male was certainly a talking point, even if the talk vastly overstated their numbers. The *Solicitors Journal* remarked upon the impact of Bar students and married residents on the atmosphere of such spaces: 'There was a time within the memory of men now living when the presence of a woman in the Temple, other than a laundress or the wife of a porter, would have been regarded as little short of sacrilege ... now they overrun it.'⁹ Was the presence of the handful of women now in the Temple too many for some? Far from overrunning the heart of barrister London, women were excluded from some of its key societies.¹⁰

II. The Landmark

But what had been happening at the Law Society? There were at least interim measures in place within the building. The House Committee related, 'As regards the lavatory accommodation, the women students have made use of the room attached to the President's suite of rooms on the third floor, West side.'¹¹ Yet women students, and their male supporters, were becoming impatient for more – they wanted adequate, permanent facilities. Things came to a head in late 1922. On 23 December, members were informed 'A Special General Meeting of the members of the Society will be held in the Hall of the Society, on Friday, the 26 January, at 2 o'clock.'¹² The meeting had just two topics tabled, and was held at the behest not of the Council but of ordinary members of the Society.

The first was a question and motion put by London solicitor Mr Percy Chambers. Chambers asked whether the Council intended to provide women with 'suitable separate cloak-room and lavatory accommodation notwithstanding they have hitherto refused to grant such accommodation to the women students'. And he proposed a motion stating the 'imperative' of providing the accommodation 'without further delay ... and that the Council be required ... to take immediate steps'. To his surprise, the Law Society President Arthur Copson Peake replied in the affirmative. He said the Council 'intend to provide them with suitable cloak-room and lavatory accommodation'. He added 'this matter had been receiving the consideration of a committee of the council for several weeks. Plans had been now passed which would entail a considerable amount of expense'. He meant that the House Committee had already been tasked with considering 'Women members and students. Additional cloak-room and lavatory accommodation', and would report to the Council within weeks.¹³

⁹ *Solicitors Journal* (1 September 1923) 844.

¹⁰ At Bar debating club The Hardwicke Society, even a rule change was insufficient – opponents of women's membership had to be prevailed upon not to black-ball women applicants. *Solicitors Journal* (6 September 1924) 917–18.

¹¹ The Law Society, *Reports 1919–23*, 251–52.

¹² *Solicitors Journal* (23 December 1922) 197.

¹³ The Law Society, n 11, 251–52.

Wrongfooted, Chambers withdrew his motion, but his explanation makes clear his links to students who had been pushing for permanent cloakroom and lavatory facilities for women. Those students included his daughter, Katharine Elizabeth Chambers, a founder member of the 1919 Club (forerunner of the Association of Women Solicitors),¹⁴ and Carrie Morrison, another 1919 Club member.¹⁵

In justification to himself, he must state that the matter had been before the council not only for the last three weeks but for the last three or four years; because the students' committee had during the past three years made recommendations that the question should be attended to.¹⁶

In addition to his direct family link to the students and the 1919 Club, Chambers must have worked with 20 or more fellow solicitors to meet the threshold needed for the Special Meeting to be called (20 was also the quorum required for the meeting to proceed on the day).¹⁷

Chambers, to pick up on common links among many supporters of equality in the profession, was a London solicitor. At the 1919 Special Meeting, the Law Society's London members had dominated the speeches in favour of a change in policy. Lieutenant Wood, who eye-catchingly attended in his khaki uniform, had spoken for the change. Another was Edward Bell, who had appeared as a witness in the High Court in the 1913 case brought by Gwyneth Bebb and others against the Law Society, stating that he would offer Bebb articles if her case succeeded.¹⁸ Bell was part of a London legal network of solicitors and barristers involved in events like the *Bebb* case.¹⁹ Bell had been deeply impressed with Mrs Pankhurst, whom he met at a will signing 'at the home of one of her supporters'. In his memoirs, published in 1939, he recalled her 'beautiful voice, which animated an almost fanatical enthusiasm, controlled by a stateswoman's mind'. He evidently came to know Pankhurst and her daughters through further meetings. Law graduate Christabel, he said, 'possessed a visionary disposition'. And of Sylvia, he wrote 'she is a wonderful leader and a clear voluminous writer – a striking little personality who, with her vivid intensity, can influence a large audience even to political aggression.'²⁰ As well as his involvement in the *Bebb*

¹⁴ *Hutchinson's Woman's Who's Who 1934–35* (Hutchinson & Co, 1935) 109. Katharine Chambers was articulated to her father's firm, qualifying in 1925. She was still at the firm in 1935, as was another woman solicitor, Clara Maudle Aldred, qualified in 1930 (*ibid* 30). See further Elizabeth Cruickshank, 'Foundation of the Association of Women Solicitors, 1921' in Erika Rackley and Rosemary Auchmuty (eds), *Women's Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland* (Hart Publishing, 2019) 167.

¹⁵ *Hutchinson's*, n 14, 353.

¹⁶ *Solicitors Journal* (3 February 1923) 279–80.

¹⁷ *Handbook of the Law Society* (1924) 59. There is no surviving handbook for 1922/23, but the rules for a special meeting are identical in the 1905 edition of the *Handbook*.

¹⁸ *Bebb v The Law Society* [1914] 1 Ch 286.

¹⁹ Judith Bourne, 'Gwyneth Bebb: the past explaining the present' *Law Society Gazette* (20 September 2022).

²⁰ Edward A Bell, *These Meddlesome Attorneys* (Martin Secker, 1939) 50–51.

litigation, he promoted the admission of women in the pre-Great War Law Society's meetings.²¹ He continued to press the Council on the admission and equality of women after 1919.²²

London Council member Sir Walter Trowers seconded the 1919 motion that changed the Society's policy to one of support for the admission of women. Other London supporters were Law Society vice-president Mr WA Sharpe (who succeeded Pinsent as president), Mr Braby and Mr Charles Mackintosh. London had long been a centre for the organisation of suffragist and suffragette campaigning. In addition to Bell's acquaintance with the Pankhursts, the Women's Social and Political Union (WSPU) had links to the London legal community through figures like Emmeline Pethick-Lawrence's husband Frederick, an independently wealthy barrister and a major financial backer of the WSPU until he was sidelined in 1913. So too the office of Law Society president. Trowers, like Garrett, was both a London Council member and a former president (1913). As president in March 1919, Richard Pinsent used his position in the chair to signal his support. Sharpe succeeded Pinsent as president. JJ Dumville Botterall (president from July 1921) was also a supporter.²³

But why was Chambers taken by surprise by the House Committee's work? It is speculation, but if the provision of women's cloakroom and lavatory facilities had not been a priority, the prospect of the passing of a critical motion at a Special Meeting, called not by the Council but at the behest of a well-organised and respected group, may have spurred the Law Society's senior officers, including its president, Peake, to act. The resolution of a Special Meeting was not binding on the Law Society until adopted by the Council, but the Council was bound to adopt or bring the matter to the next General Meeting of the Law Society.²⁴ If the matter became drawn out, it had the potential to embarrass the Law Society through the sort of publicity that had attached to other episodes involving women solicitors.

Certainly the House Committee and the Society's architect were working at speed. We know this because the works described by Peake at the Special Meeting were quite different from those recommended by the House Committee and adopted by the Council a few weeks later, on 16 February. And the House Committee's report noted the admission of 'one woman' solicitor, meaning it was still working on its report after 23 December 1922 – therefore after a date had been scheduled for the Special Meeting.

²¹ Bell's memoirs state (*ibid* 256) 'I remember nearly 30 years ago venturing to idealize the Society's masculinity by suggesting that women should be admitted to the ranks of the profession. I was heartened by the support of a distinguished member of the Council whose memory I hold in reverential regard. Nevertheless, a preponderating majority of the Council and members present shuddered in avoidance and shelved tendentious subversion by resolving forthwith to pass to the next business.'

²² *Solicitors Journal* (15 July 1922) 654.

²³ *ibid*.

²⁴ *Handbook*, n 17, 63.

Of the women's use of the president's third-floor lavatory, the Committee said:

This lavatory accommodation has always been regarded as a temporary measure, and the House Committee, in view of the election of a woman member, considered it essential that the general question of permanent women's lavatory accommodation should be taken into consideration.

The full set of works proposed by the Committee and approved by the Council was for the creation of four lavatories, each with an attached room 'for the exclusive use of women'. The first set, for 'women members', would displace the members' cloak-room, moving it to the right-hand side of the Chancery Lane entrance; a prestigious location, opening onto the same main entrance hall as the Law Society's 'Reading Room'. The second set, for women students, would convert a ground-floor room used by the president. A third set on the second floor, also for women students, would displace 'the existing coal store', with a new coal store being constructed 'on the outside roof of the same floor'. And finally there was a fourth set, 'for the accommodation of women attending the Society's examinations'. The Architect estimated 'an outlay of between £1,000 and £1,200'.²⁵

Why did the House Committee recommend changes on this scale? The decision had the knock-on effect of depriving the president of some accommodation, and in the context of the 'Building and Repairs' budget, the expenditure was significant. Perhaps this was a case of professional status, and a sense of hierarchical propriety, trumping other considerations. Perhaps a solicitor could not be expected to share facilities with students and examination candidates. In any event, this is a somewhat different picture from the traditional account in which a lavatory was created in a coal hole.²⁶

III. What Happened Next

Were all the works carried out? It seems so. At the Law Society's AGM on 25 July 1924, its grandly titled 'Chancellor of the Exchequer' Mr Hickley (who had succeeded Trowers) observed that '[t]he item "buildings and repairs" showed a heavy increase, but this was due to the adaptation of the Society's buildings to the use of lady solicitors'. While he had superintended the increase, he marked the moment by reaching for patronising levity:

Whether or no the fair sex would eventually take possession of the building and leave mere males to find accommodation elsewhere remained to be proved; but at the moment there did not seem any probability of such an event taking place during his term of office.²⁷

²⁵ Around £48,000–£58,000 at today's values, according to the Bank of England 'Inflation Calculator'.

²⁶ Recounted orally as anecdote.

²⁷ *Solicitors Journal* (2 August 1924) 854.

The accounts for 1923, and the comparator of adjacent years, point to the carrying out of substantial building works under 'Buildings and Repairs'.²⁸

The surviving fabric of the building, 113 Chancery Lane, provides further evidence of at least some of the works carried out. The new cloakroom that displaced a consulting room remains the members' cloakroom.²⁹ A small room accessible at its corner of what was the members' cloakroom before 1923 is surely a candidate for the location of the 'lavatory basin and w.c.'. On the second floor there is a store room built on a roof nearby, above the Reading Room – surely the 'new' coal store for the second floor. The modern layout and fabric of the building makes it difficult to provide further physical evidence from the superficial survey possible.³⁰

IV. Significance

'Everybody's got a bathroom story, haven't they,' UK Supreme Court Justice Lady Hale said in conversation with US Supreme Court Justice Ruth Bader Ginsberg in 2008.³¹ Bader Ginsberg recalled the creation, shortly after her arrival at the US Supreme Court in 1993, 'done at speed', of a 'women's bathroom' by the Justices' robing room that was 'in space equal in size to the men's ... the court staff at least had a view of how things will be'. (Such spatial courtesy had not been extended to the Court's first woman, Justice Sandra Day O'Connor.) In the UK, the Privy Council, appeal court for Crown dependencies and several Commonwealth countries, acquired a women's toilet shortly after the arrival of Hale as its first woman judge in 1999.³²

Why does the presence and position of lavatory facilities matter? First, as the history shows, such facilities could be used as the basis for direct discrimination – their absence an open justification for excluding women from appointments in the profession or participation in its associations. Second, where only 'temporary arrangements' were made for women, as at the Law Society from 1919 to 1923, this was both signal and evidence of an unequal status. Conversely, permanent, adequate, convenient arrangements signal equality and professional respect.

Third, the manner in which facilities for women, and membership of clubs and societies, were made available allows us to infer important points about women's entry into the legal profession after 1919. They continued to face both inconvenience and resistance to their presence. Each accommodation, and the membership of each society or professional social space, was a stand-alone victory, and long into

²⁸ *Annual Report of the Council of the Law Society* (1923) 46; (1924) 52.

²⁹ The likely location of the women's 'room' is by coincidence the newly named Carrie Morrison Room, a business lounge directly opposite the current cloakroom.

³⁰ Site visit by the author on 15 December 2022, when all relevant areas were accessible.

³¹ 'The British and United States Legal Systems', Georgetown University Law Centre, 24 January 2008.

³² Hale joined the Court of Appeal at the same time, the Court's second woman judge.

the post-war period these rarely set a precedent that was automatically followed in other spaces. As with the Law Society's change of policy towards the admission of women in 1919, facilities and rule changes might respond to, or coincide with, legislation on equality.

These last two points are further evidenced by a postscript to the Law Society's original provision of lavatory facilities to women members. By the 1960s, a growing number of women solicitors and female guests were running up against arcane etiquette relating to Chancery Lane's dining and social facilities. A woman solicitor could bring a male guest to lunch, but not a non-lawyer woman guest; neither could a male lawyer bring a non-lawyer woman guest. The solution reached by the Council was not to change the rules but to create the Ladies' Annexe, where male or female solicitors could bring their women guests to drink and dine.³³ Equal rights in the Society's facilities were achieved in 1975, likely as a response to the Sex Discrimination Act 1975, just as the Council had anticipated the 1919 Act by changing its policy on admission.

As for inequality in lavatory provision itself, this had also persisted in the wider legal profession. Hilary Heilbron KC, daughter of the first senior woman judge Rose Heilbron KC, was called to the Bar in 1971. She recalls toilet facilities (the lack thereof) being used as a reason to exclude women from chambers on the eve of the 1975 Act.³⁴

Thus, in 1923, by replacing the makeshift arrangement of women's access to the Law Society president's third-floor lavatory and creating spaces for women, the Society had built a degree of equality into the permanent physical architecture of the solicitor profession at its Hall. In this regard, the Law Society was ahead of other legal sector organisations, in some cases by more than half a century. Moreover, though it had taken four years to achieve, once the House Committee was tasked with recommending facilities, its hand apparently forced by Chambers – father of a 1919 Club founding member – its recommendations were of a scale that anticipated future demand.³⁵

³³ Eduardo Reyes, 'A great many she bears' *Law Society Gazette* (9 December 2019).

³⁴ Hilary Heilbron, 'Women at the Bar: an historical perspective', *Counsel Magazine* (31 May 2013).

³⁵ *Hutchinson's*, n 14, 395, has entries for 80 women solicitors. *The Woman's Who's Who* (Shaw Publishing Co Ltd, 1934) 11, records 314 women in its 'Occupational statistics' under 'Legal', though it does not specify what categories of job are counted.