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Ethel Bright Ashford: more and less than a role model

Abstract

There is a tendency to position the first women lawyers as role models for today's young women. This article argues through an exploration of the life and career of Ethel Bright Ashford that while celebration of their achievements is important, these women are better recognised as pioneers or foremothers than promoted as role models.

Ashford was one of the first cohort of practising women barristers, a long-serving borough councillor and tireless activist for causes including women's civic engagement. Nonetheless, there are aspects of her career and politics which pose problems for such a framing of her life. She also had advantages, including financial resources for extensive postgraduate education, which most contemporary entrants to the profession will not share. Any attempt to promote her as a role model for today's aspiring professionals therefore requires either a heavily edited version of her biography or a judgement of her as unworthy.

Yet there is real value in considering her biography: not only was she a formidable character in her own right but she also offers both an alternative definition of a successful professional life and the reassurance that imperfection is not equivalent to failure. Further, the barriers of class and gender which she faced have not disappeared in the intervening century. Ashford therefore illustrates the vital importance of a more nuanced and historically situated consideration of the first women lawyers. Critically, it is unfair to hold these women up to an impossible and unequal standard which they cannot meet without considerable simplification of their biographies which underplays their ongoing struggles.

A century after the various landmarks of women's entry into the legal profession of England and Wales, the mood is celebratory. Although there are still plenty of challenges for women in the profession, and equality is some distance away, the opportunity to reflect upon what has been achieved to date is welcome. However, while it is valuable to know that other women have gone before us, have faced some of the challenges still awaiting us, and overcome others, can we summarise that process as one of finding role models?

Many people assume so: popular culture has seen the enormous success of children's and adults' books of 'rebel women' posited as 'inspirational' 'role models'.¹ The process is repeated in the legal field: to take one influential example, the First 100 Years history project aims to create a digital museum representing 'the creation for the first time of positive role models for women in law'.² It is not alone in seeking to position women legal pioneers as potential role models, but is this a position for which they are – or indeed ought to be – well-suited? The life and career of one of the very first

¹ The most successful is Elena Favilli and Francesca Cavallo, *Good Night Stories for Rebel Girls* (Particular Books 2017). This collection of fairy-tale style biographies of 'heroic women' had unprecedented crowdfunding success and sold more than a million copies; and was followed by numerous imitators aimed at child and adult audiences. For critiques of these books, see Anna Leszkiewicz, 'Why Is Publishing Suddenly Obsessed with "Rebel" Women?' [2018] *New Statesman*.

² Spark 21, 'History', *First 100 Years*, <https://first100years.org.uk/about-us/history-2/> (accessed 8 December 2017).

women barristers, Ethel Bright Ashford, present important challenges through which to explore that question.

A role model is not simply someone who performed a particular role (in this case, barrister). She must do so in a way that makes her an exemplar for those who might seek to follow the same path. While there is no clear and agreed definition of a role model, Guinier captures the key types of characteristics they should possess when she says '[a] role model may be nurturing mentor, symbol of achievement, or template for how this particular role might be performed.'³ (Indeed, she argues that the definition should go further to include that role models 'reflect the values of the group whose aspirations they symbolize.'⁴ Porter and Serra add that in addition to a relevant job, she should have 'communication skills, and overall charisma'.⁵

We could construct Ashford as a role model. At a time when women were still excluded from the legal profession, she achieved both a degree and substantial postgraduate education. During the First World War, she ran the family business in addition to undertaking voluntary work. As soon as women were admitted to the Inns of Court, Ashford joined Middle Temple. She was a member of the first cohort of women called to the Bar with the intention of practising, and went on to achieve a long career as a barrister specialising in local government work, as well as writing legal texts. In addition, she worked hard to educate and encourage other women to enter politics, and campaigned for public rights of way and the preservation of historical buildings.

All of that is true, and yet it is only a part of the truth. This chapter will argue that the shaping of women such as Ashford into role models amounts to a distortion of their lives. It does them a disservice, in part by ignoring their own subjectivities and placing anachronistic expectations upon them. More seriously, it fails to address the full effect of the substantial challenges and obstacles they faced, and the consequences of systemic sexism for their careers. After painting a much fuller picture of Ashford's life within and outside the law, it will explore the significance of those factors which do not fit in the 'role model' pattern. Crucially, this more nuanced, if less celebratory, approach to Ashford's legal career will allow a deeper understanding of the barriers which faced women entering the Bar, and their continuing effects today.

Ashford's path to the Bar

Ethel Bright Ashford was the fourth of five children, born in Surrey on 18 March 1883 to Henry Bright Ashford and his wife Lydia Elizabeth Bridges. There are few records of her early life, but Franzen offers a summary based upon correspondence with Ashford in the 1960s. According to this account, she grew up near the Crystal Palace, the daughter of a 'well-known merchant in the wholesale district', and was educated at private schools and Croydon High School.⁶ The reality was a little more complex: in the 1891 census, Henry Bright Ashford gave his occupation as an employed 'commercial traveller'; the family included five children but only one general servant.⁷ It was only later in her childhood that Ashford's family joined the more affluent middle class. By 1901, Henry was a 'hosiery warehouseman' and employer whose household included a cook and a housemaid. His company would subsequently manufacture hosiery and have an office in the City of London. That Ashford's coyness about the nature

³ Lani Guinier, 'Of Gentlemen and Role Models' (1990) 6 *Berkeley Women's Law Journal* 93 at p 99, fn 19.

⁴ *Ibid*, p 102.

⁵ Catherine Porter and Danila Serra, 'Gender differences in the choice of major: The importance of female role models' (2017) <https://ideas.repec.org/p/smu/ecowpa/1705.html> (accessed 15 December 2017).

⁶ Nellie Alden Franzen, *English Women Enter the Professions*, Cincinnati: privately published, 1965, p 284.

⁷ *Census Returns of England and Wales*, 1891, Class: RG12; Piece: 626; Folio: 36; Page: 2; GSU roll: 6095736.

of her father's business and background persisted throughout her life (she had retired some years before she wrote to Franzen) suggests she felt a degree of social embarrassment or insecurity about her origins. While that was understandable and not untypical in the context of the period, it does place her at odds with the Bar's contemporary efforts to celebrate non-traditional backgrounds.

One consequence of the family's improved financial circumstances was that Ashford was able to pursue higher education. She studied privately for a BA from the University of London, graduating in 1906 when she was 23 years old. A year in Germany followed,⁸ before she undertook several years of postgraduate education, beginning by studying for Birmingham University's Social Study Diploma at Woodbrooke College in 1908-9.⁹ This costly, extended postgraduate study is hardly a realistic model for most young women following her path to the Bar. Nonetheless, it was clearly a formative influence upon, and of enormous value to, her later professional life.

Woodbrooke was a mixed-sex, Quaker institution, founded by George Cadbury in his former home five years before; Ashford's sister Lydia had studied there the previous term. The Birmingham University qualification was being offered for the first time, and its Woodrooke students took lectures within the college as well as at the university. The one-year course built upon the University's strong links to the Birmingham Settlement, and aimed to train middle-class students for social and philanthropic work. Social work was not yet a defined profession, and students moved on to a range of paid and voluntary roles; Ashford was one of several to work as National Insurance inspectors. Perhaps because of that lack of a single career path, the Diploma included a broad range of visits (encompassing schools and sewage works) as well as lectures ranging from local government, Poor Law, minimum wages, sanitation and hygiene, to industrial history, statistics, and economics. Some of those subjects remained life-long interests in, and beyond, her later legal work. In particular, economics seem to have captured Ashford's interest. In her first term, she appeared in the students' *Woodbrooke Log* in a photograph captioned 'The Heathen (Clothed and in their right minds!)' It shows six students, three women and three men, with their Economics lecturer John St George Heath: their group name was both a play on their lecturer's surname and a joking distinction from the theology students with whom they shared this Quaker institution.

The previous year, prominent American feminist Alice Paul had been a student at the College. She was unimpressed by the student body as a whole, describing most as not 'particularly brilliant' and some as there only for the social life.¹⁰ She did find the lecturers better, particularly two who also taught Ashford: the working-class socialist George Shann and the young Quaker convert Heath. Zahniser and Fry comment that the lecturers 'leaned socialist';¹¹ here, the influence of Woodbrooke is perhaps not apparent in the Conservative Ashford's later life unless as something against which she reacted.

Ashford retained an interest in social work throughout her life, and considered it to have led her to the law: she saw the two as closely connected.¹² Nonetheless, after completing her Diploma, she was diverted from the practicalities of social work into political and economic history and policy. She pursued a further year of postgraduate study in public administration at London School of Economics;¹³ then on 24 September 1910 she sailed second-class from Liverpool to New York on the Cunard ship *Campania* to spend a year as a British Scholar at celebrated Pennsylvania women's college

⁸ Rudolph de Cordova, 'Thumbnails', *The Sphere*, 25 February 1928, p 322.

⁹ Bryn Mawr College, *Bryn Mawr College Calendar*, 1920, Bryn Mawr, PA: Bryn Mawr College, p 206.

¹⁰ Letter from Alice Paul to her mother, 7 October 1907, cited in Jill Diane Zahniser and Amelia R Fry, *Alice Paul: Claiming Power*, p 44.

¹¹ Zahniser and Fry, p 44.

¹² Report of her address to the Sheffield Branch of Women Citizens in 'The Swing of the Pendulum', *Yorkshire Post & Leeds Intelligencer*, 26 October 1923.

¹³ De Cordova, 'Thumbnails'.

Bryn Mawr.¹⁴ The holder of one of five British graduates' scholarships, in the subject of economics,¹⁵ she studied history and industrial conditions.¹⁶

Bryn Mawr was very much a feminist institution; its president was M Carey Thomas, a suffragist and lesbian who described marriage as 'Loss of freedom, poverty, and a personal subjection for which I see absolutely no compensation.'¹⁷ Ashford clearly found the college congenial as, after her year there, she remained part of the alumnae network, for example attending a London tea in 1930 and taking several fellow former students on a tour of legal London including her own chambers.¹⁸ Ashford returned to Liverpool on the American Line's *Friesland*, arriving on 7 June 1911;¹⁹ she returned to LSE for the academic year 1911-12.²⁰ Like Woodbrooke College, it was perhaps not the most obvious intellectual home for her: founded by the socialists Beatrice and Sidney Webb, George Bernard Shaw, and Graham Wallas, it had since become the economics faculty of the University of London but another barrister alumna Enid Rosser Locket would describe it in her memoir as 'very left wing'.²¹

At the conclusion of her postgraduate studies in 1912, Ashford became an Assistant Inspector and Official Lecturer for the National Health Insurance Commission. The National Insurance Act 1911 had provided for inspectors to enter and inspect workplaces, work which Ashford continued to do during the First World War.²² Two events then intervened to affect the course of the next few years. One was personal: her father's retirement and moving of the family home to the Isle of Wight some time before February 1914.²³ The other was the First World War, which took her brothers away from the family business. Ashford stepped in, 'representing her family's business in the City, of which after the War she was made a director.'²⁴ In fact, by 1917 she was Managing Director 'taking place of her brother on war service', a post she held until 1919.²⁵ Although Ashford was typically coy about providing details, the company was Ashford & Ashford Ltd, hosiery manufacturers.²⁶ In practical terms, this was a sensible response to the effects of the War upon Ashford and her family. In terms of positioning her as a role model, it is more complex since Ashford was putting her own interests second to those of her family, in order to maintain for them a level of economic privilege which most do not enjoy; yet she was also demonstrating an impressive ability to adapt to difficult personal and economic circumstances.

In a pattern which would remain constant throughout her life, Ashford did not confine herself to one activity (one would hesitate to suggest her as a model for achieving work-life balance). She also became involved in the Women's Municipal Party (WMP) and, with Edith Place, wrote their *Handbook*

¹⁴ Ancestry.com, *UK Outward Passenger Lists*.

¹⁵ *Bryn Mawr Alumnae Quarterly, 1911-1913*, June 1911, p 78.

¹⁶ De Cordova, 'Thumbnails'.

¹⁷ Letter from M Carey Thomas to her mother, February 1881, cited in Helen Lefkowitz Horowitz, *The Power and Passion of M Carey Thomas*, Chicago: University of Illinois Press, 1999, p 173.

¹⁸ *Bryn Mawr Alumnae Bulletin*, vol X November 1930.

¹⁹ The National Archives of the UK; Kew, Surrey, England; Board of Trade: Commercial and Statistical Department and successors: *Inwards Passenger Lists*.; Class: BT26; Piece: 483; Item: 1

²⁰ Bryn Mawr College Calendar, 1920, p 206.

²¹ Enid Rosser Locket, unpublished memoir (Women's Library at LSE, LOCKET) quoted in Kate Higgins, '#LSEwomen: Enid Rosser Locket - an Early Female Barrister | LSE History' (*London School of Economics and Political Science*, 2018) <<http://blogs.lse.ac.uk/lsehistory/2018/02/28/enid-rosser-locket-an-early-female-barrister/>> accessed 24 June 2018.

²² This detail was included in her speaker's biography for a forthcoming talk: 'Derby Women Citizens', *Derby Daily Telegraph*, 16 October 1923, p2.

²³ England and Wales, *National Probate Calendar*, 1926, p 84.

²⁴ De Cordova, 'Thumbnails'.

²⁵ Bryn Mawr College Calendar, 1920, p 206.

²⁶ 'Wills and Estates', *The Scotsman*, 3 November 1926, p 7.

on *Local Government*, published in 1918. The WMP had been founded by H Fitzstephen O'Sullivan in 1913, at which time women could participate in local but not national elections.²⁷ It had policy in relation to women and children, but on other matters its members were free to vote as they wished and indeed, they came from a range of political perspectives. The Duchess of Marlborough, its first Chairman, was born Consuelo Vanderbilt, daughter of the American railroad millionaire. She described her activities and the purpose of the party thus:

if it was left to the tender mercies of the Conservative and Liberal parties it was evident that women would be given seats to contest where they had very little chance of being elected. The Women's Municipal party therefore decided on more aggressive tactics and we put up independent candidates to disrupt the party in power by drawing off the female vote. We considered such tactics justified by the need for women councillors who would give special attention to public health measures for the care of child life. ...²⁸

While Ashford was politically on the right, the Fabian socialist Maud Pember Reeves and the Liberal Frances Balfour served on the Party's Executive, as did Independent Eleanor Rathbone. The WMP's educational and non-partisan role was stressed in the *Handbook*.

The WMP came to an end in 1919, the year after women became eligible to stand for Parliament. However, while most attention may have turned to women's new role in national politics, Ashford remained committed to their participation in local government. She herself was elected to St Marylebone Borough Council as a councillor for Park Crescent Ward in 1919, and would continue to serve on the council until 1953. She was also a leading light of the St Marylebone branch of the Women Citizens' Association, which was concerned primarily with political education on issues including housing, citizenship, and women & children. She was elected branch chairman in May 1919 (less than three weeks after joining the committee) and one can readily detect her influence in the committee's singular foray into campaigning activity: in July 1919, a resolution was sent to the Prime Minister and Lord Chancellor among others

'That it is desirable that the legal profession be opened to women before the end of this Parliamentary Session in order that those wishing to read for the Bar may begin with the October term'

Parliament would not act with the same dynamism Ashford demonstrated, but her wish for a legal career would become achievable only slightly later than the resolution suggested.

Ashford at the Bar

At the end of 1919, the Sex Disqualification (Removal) Act was passed; on 24 December, within hours of it receiving Royal Assent, Middle Temple opened its office specially to admit Helena Normanton. Ashford had to wait until the Inn reopened after the Christmas holidays, but was admitted on 8 January 1920, describing herself in the register as a 'lecturer in history and civics'.²⁹ She also took up study for the Bar exams.³⁰ In order to be called to the Bar, Ashford needed to pass a number of exams in legal subjects followed by her Bar finals (she did so in the second class) and complete her dining

²⁷ H Fitzstephen O'Sullivan, *The Women's Municipal Party. Formation and Work* (pamphlet dated November 1913), Women's Municipal Party, 1913.

²⁸ Consuelo Vanderbilt Balsan, *The Glitter and the Gold* (1953), London: Hodder & Stoughton, 2011, p 191.

²⁹ *Middle Temple Register of Admissions, July 1501 to December 1944*, p 843.

³⁰ De Cordova, 'Thumbnails'.

terms. She was called to the Bar on the same day as Normanton, 17 November 1922. That event was celebrated, along with the election of herself and six other women as Marylebone councillors, in an 'at home' at 2 Wimpole Street on 29 November, organised by the WCA Marylebone Branch.³¹

Once called to the Bar, Ashford lost little time in getting into court: the newspapers reported on a visit she and Helena Normanton made to the law courts on 20 November 1922, the first working day after their Call. Both were attired in wig and gown. Ashford

first entered the Lord Chief Justice's Court, but the judge was apparently unaware of her visit. She made no bow, as "silks" do when they take their places, but just stood by the door for a few minutes, and surveyed what everyone expects to be the scene of her future triumphs. Several other courts were similarly honoured, but not even in the court where Mr. Justice Darling was sitting with Mr. Justice Salter was judicial notice attracted. ... Down in the Central Hall she met Mrs. Helena Normanton – wearing a very professional-looking pair of horn-rimmed spectacles – and they chatted together for some moments.³²

Such an appearance in the courtroom may have been a focus of media fascination, but it was also routine for a newly-qualified barrister; and often a substitute for an actual practice. Polden quotes Cyril Hare (the pen name of barrister Gordon Clark), describing in a novel of 1942 an unsuccessful woman barrister who 'haunted the Temple, listened to every case of importance – as opposed to cases of mere notoriety – and studied assiduously in the library of her Inn.'³³

The apparently amicable relations between Ashford and Normanton came under severe threat in November 1924. In Normanton's personal papers is an anonymous letter on Middle Temple Common Room paper, received that month. It claims that Ashford had been spreading rumours and emphasises that "[t]here was trouble at Winchester & Clerkenwell. In every case they all have one feature in common – they have been friends of Miss Ashford. It is not a secret that she openly makes statements about you: your mode of life, work, marriage and professional code ... I am informed that a complaint has been made to the Bar Council and I know that Ashford is the culprit. The letter has fallen flat and the Bar Council was bored by it."

Can the letter be believed? We simply don't know. On the one hand, Normanton thought it worth keeping; on the other, it is vague and anonymous and, although claiming to be from a group of barristers, it is written in the first person. The author may therefore have intended to sow discord between the two women, or to damage either or both of them, rather than to convey the truth. Indeed, the letter is only evidence for the very thing it aimed to disrupt: the close connection which continued between these peers, despite their very different politics. It advises Normanton "to stop inviting this lady to your house and not to continue to treat her as a valued friend. This friendliness is misunderstood."

Would Ashford have been so consumed by envy at Normanton's successes? She had achievements of her own, including the start of her own legal practice and the publication of her first book for legal practitioners the previous year. (Admittedly, it was a co-authored work published by the Scapa Society to which she belonged, rather than a legal publishing house, so may have felt like a

³¹ St Marylebone Women Citizens' Association, 'At Home invitation', 1922, City of Westminster Archives D Misc 612/3/10.

³² 'Women Barristers in Court. Historic Event But Little Noticed.', *The Western Morning News and Mercury*, 21 November 1922, p 5.

³³ Cyril Hare, *Tragedy at Law*, 1942, pp 57-58, quoted in Patrick Polden, 'Portia's progress: women at the Bar in England, 1919-1939' (2005) 12(3) *International Journal of the Legal Profession* 293-338 at 293.

sideline to her Bar career.)³⁴ It also seems unlikely that she had expected early and easy success. In 1922, she was already realistic when she spoke about her imminent career: “‘I intend to practice wherever I can get work,” she told a reporter.’³⁵ She had ‘been working in Chambers in preparation.’³⁶ Ashford was already 39 years old when she was called: that must have both tempered her long-term career aspirations and given her the life experience to take a relatively realistic view of the challenges ahead of her.

At this point, we have a picture of a woman whose pragmatism strongly tempered her ambition, and who was not immune from involvement in petty personal dynamics. The hints of envy, spite and discord surrounding her and our uncertainty about how far she was responsible for them or how she addressed them remind us that she was a complex and very human woman entering a profession as susceptible as most to personal jealousies and petty rivalries. Should our historical exemplars accept their professional limitations so readily? Should they get caught up in petty machinations? It seems unfair to demand that they do not, and yet unhelpful if they do: once more, the designation of role model would seem to require that we close our eyes to its subject’s day-to-day realities – even though they may well be shared by those who follow her.

Ashford’s realism was by no means an acceptance of failure. She had a tenancy in a local government set, New Court Chambers.³⁷ Given her political activism to date, that was a natural field of law for her to choose and therefore suggests both that she may have had relevant contacts through her work in Marylebone and with the WMP and WCA, and that she was able to find a congenial chambers. Her own account of her practice in 1928 was that she went ‘on circuit on the South-East Assizes and [did] a certain amount of criminal and common law work, though, during the last few years, she [had] specialised in local government law.’³⁸ There is little further information available about her career at the Bar: although she remained a member of New Court Chambers until at least 1961 (when she was 78 and, in reality, retired), she does not seem to have had any reported cases and was never made King’s Counsel.³⁹ Her ability to travel around the country giving talks, as well as to serve on a number of council committees in Marylebone, may suggest that her caseload was not overwhelmingly busy.

In 1928, Ashford was elected onto the committee of the Hardwicke Society.⁴⁰ This was no small achievement: founded in 1848, the Society met weekly to debate legal and political topics, and was described in 1920 as where ‘most of the eminent counsel and judges of the Victorian and present eras have voiced their youthful rhetoric’.⁴¹ In 1930, Ashford moved (and carried) a motion at a society meeting in the Middle Temple Common Room. It might seem a rather surprising one, ‘That the married woman at present enjoys unfair advantages at Law’, but perhaps that is not so out of character for a woman who appears to have believed in strict formal equality. Indeed, an emphasis

³⁴ Ethel Bright Ashford and Humphrey George Ambrose Baker, *Rural Refuse and its Disposal*, London: The Scapa Society, 1923.

³⁵ ‘Women Barristers in Court. Historic Event But Little Noticed.’, *The Western Morning News and Mercury*, 21 November 1922, p 5.

³⁶ ‘Portia at the Law Courts. Preparations to Commence Practice.’, *Gloucester Citizen*, 21 November 1922, p 3.

³⁷ Electoral Register, 1924, City of London: Middle Temple (AA), p 14; 1925, City of London: Middle Temple (AA) p 13; Electoral Register, 1927, City of London: Middle Temple (AA) p 13; Electoral Register, 1929, City of London: Middle Temple (AA) p 14; Electoral Register, 1930, City of London: Middle Temple (AA) p 14; Electoral Register, 1931, City of London: Middle Temple (AA) p 14; Electoral Register, 1932, City of London: Middle Temple (AA) p 14; Electoral Register, 1933, City of London: Middle Temple (AA) p 14.

³⁸ De Cordova, ‘Thumbnails’.

³⁹ London, *Kelly’s Post Office Directory*, 1961, p 33.

⁴⁰ ‘The Hardwicke Society’, *Solicitors’ Journal*, 72 (4 August 1928) p 534.

⁴¹ Joseph S Meisel, *Public Speech and the Culture of Public Life in the Age of Gladstone*, New York: Columbia University Press, 2001, pp 184-185.

upon individualism and self-reliance was consistent with Ashford's politics, which were always Conservative and sometimes at the right-wing fringes of Conservatism.

Ashford's effort to build a professional network at the Bar is also apparent from her publishing history. In 1929, her book *Local Government: A Simple Treatise* was published by the National Union of Ratepayers' Associations. In its preface, she thanked Randolph Glen and Sir Wilfrid Hart Sugden for 'many helpful suggestions'.⁴² In 1933, she co-authored *Glen's Law Relating to Public Assistance*⁴³ alongside Alexander Glen and lead author Randolph Glen. In this field, *Glen's Law* was a well-recognised brand, with books dating back to 1858. Randolph, who was Recorder of Penzance, and Alexander represented the third and fourth generations of Glens.⁴⁴ Ashford would continue to work within the *Glen's Law* franchise, as lead author on *Glen's Law Relating to Unemployment Assistance* in 1934 and as editor of *Glen's Public Health Act 1936* (described as 'the 15th edition of *Glen's Public Health*').⁴⁵ She also edited *The Food and Drugs Act 1938* with William George Savage.⁴⁶ However, given that the latter three books were able to be produced very quickly following substantial changes in the law, and are 176, 685 and 357 pages long respectively, they do again give rise to questions about the state of Ashford's legal practice.

A flavour of Ashford's professional experiences can be gleaned from two reports of her 1927 talk to the Hull Women's Luncheon Club on 'women in the law'. The difficulties of practice were brutally set out: 'She did not hold out any very glowing prospects that after eating the required number of dinners, passing some examinations, and paying the fees, there were many women who were making a large, or even a subsistence living out of their practices.' Nonetheless, Ashford offered encouragement: 'the work was intensely interesting'.⁴⁷ Something of her approach to practice can be gleaned from her explanation of the difference between barristers and solicitors: through having little direct client contact, 'the barrister was detached. To be a great lawyer one must have experience and knowledge.' One suspects she may have been irritated by her introduction from club president Miss CT Cumberbirch BA, who recognised her as a pioneer but went on: 'Very few people, she thought, would like to change places with the barrister-at-law, as the work seemed so very hard for a woman to do.'⁴⁸ Such coyness would hold little appeal for someone who had argued in a lecture a few years earlier that when it came to public finance, 'it was rather a failure of women that they did not keep a sufficient eye on finance.'⁴⁹

We do not have a retirement date for Ashford, and indeed as a self-employed barrister she may have gradually reduced her practice rather than simply retiring on a particular day. However, some indication of when she ended her legal career may be given by the date of her last publication on law: *The Water Act 1945*, which appeared in 1946.⁵⁰ Certainly she was retired in 1960, when Franz stated that she 'still finds plenty to do, and is active in various types of social work.'⁵¹

⁴² Ethel Bright Ashford, *Local Government: A Simple Treatise*, London: P S King & Son, 1929, p v.

⁴³ Randolph A Glen, Ethel Bright Ashford and Alexander PL Glen, *Glen's Law Relating to Public Assistance*, London: Law and Local Government Publications, Ltd, 1933.

⁴⁴ Review of 'Glen's Law relating to Public Assistance', *Public Health*, 1933, p 283.

⁴⁵ Ethel Bright Ashford and Alexander PL Glen, *Glen's Law Relating to Unemployment Assistance*, London: Law and Local Government Publications, Ltd, 1934; Ethel Bright Ashford (ed), with the assistance of Norman P Greig and WR Hornby Steer, *Glen's Public Health Act 1936*, London: Eyre and Spottiswoode, 1936.

⁴⁶ London: Eyre and Spottiswoode, 1938.

⁴⁷ Portia, 'House and Home', *Hull Daily Mail*, 22 December 1927, p 10.

⁴⁸ 'Hull Women's Luncheon Club: Interesting lecture on "women in the law"', *Hull Daily Mail*, 16 December 1927, p 9.

⁴⁹ In a meeting of Devon Council of Women reported as 'Women must keep an eye on finance', *Western Times*, 8 May 1931, p 11.

⁵⁰ London: Eyre and Spottiswoode, 1946.

⁵¹ Franz, *English Women Enter the Professions*, 284.

Outside the Bar

The Bar was never more than part of Ashford's working life. Civic education was an abiding area of activism for her, and local newspaper reports indicate that she travelled through the country speaking on this issue even as she was establishing her legal career. Thus she addressed both the Derby and Sheffield branches of the Women Citizens' Association in October 1923; in the latter meeting, speaking on 'Education and Citizenship', she gave some insight into why this work remained important:

'The year 1918 was the high-water mark of women getting on to Councils. We have now got to the swing of the pendulum. The tendency is not to displace women who are already there, but to refuse to put forward any other women candidates.' That assessment resonated with some of the audience, who 'were much in request for canvassing and clerical work in connection with elections, but ... could get no further.'⁵²

The following month saw her speaking on a slightly different theme, 'Rates and Taxes, what you get for your money' at the Aylesbury and Walton Women Citizens' Association.⁵³ In March 1924, she 'spoke on the aims and the working of local Councils', commenting that it was 'taken for granted nowadays that it was very necessary to have women on the Councils.' The best women must be put forward: 'people not with soft hearts and soft heads, but with soft hearts and hard heads'.⁵⁴

She also seems to have made a solid contribution as a borough councillor, serving on various committees during her 34-year career including the Finance Committee, Housing Committee, Rating and Valuation Committee, Local Food Control Committee, Library Committee, Local Savings Committee, Highways Committee, a 1921 Special Relief Committee for unemployed workers, and as representative of the Council on the Board of Management of the St. Marylebone Almshouses. However, she was never appointed to higher offices such as Mayor. Once again, she raises questions about what we want from a role model: is low-profile public service an admirable example to follow, or an acceptance of gendered expectations that women do the work but don't receive the glory? If we evaluate her life on her own terms then that does not seem the most important question raised by it, but if we are positioning her as an exemplar or 'hero' then it takes on more significance.

Ashford's work beyond her own council does little to resolve the questions. As early as 1923, she is described on the title page of *Rural Refuse* as a member of the executive committee of the Scapa Society for the Prevention of Disfigurement in Town and Country. 'Scapa' stood for Society for Checking the Abuses of Public Advertising, a constituent body of the Council for the Preservation of Rural England. In that role, she spoke in London of the difficulties of preserving 'the beauty of the countryside' in February 1927. Her conservative politics were evident as she decried the working classes who visited beauty spots in charabancs and left rubbish behind, and 'gypsies' who posed 'a tremendous nuisance' to landowners.⁵⁵ She was committed to securing access to the countryside, but apparently only for the 'right' people.

That commitment took a practical turn at the end of the decade, when she was involved in the saving of the Pilgrim Path to Glastonbury Tor (the path which runs up its spine to the tower at the summit) by securing land on the Tor's lower slopes. Her involvement came as a committee member

⁵² 'Derby Women Citizens', *Derby Daily Telegraph*, 16 October 1923, p 2; 'A Sense of Figures. Lady Barrister Attacks an Old Affectation', *Sheffield Independent*, 25 October 1923, p 10.

⁵³ 'Rates and Taxes. What You Get for Your Money', *The Bucks Herald*, 24 November 1923, p 2.

⁵⁴ 'Tonbridge Women Citizens', *Sevenoaks Chronicle & Kentish Advertiser*, 21 March 1924, p 13.

⁵⁵ 'Country desecrated. Gypsies, motor cars, and advertisements', *Western Morning News*, 3 February 1927, p 5.

of the Commons Preservation Society and a National Trust member. At a pageant to mark the purchasing of the land for the nation, Ashford took the part of a shepherd boy representing the West.⁵⁶ She also gave an address at the Chalice Well in September 1932, on the subject of “Jus Spantiandi” or “The Right to Roam”, to raise money for a preservation fund.⁵⁷

Ashford’s conservatism, implicit in her approach to rural preservation, was explicit in other activities. In 1928 she was selected as a Municipal Reform (i.e. Conservative) candidate for East Woolwich in the London County Council elections. Her defeat was inevitable as she stood against Herbert Morrison, leader of the London Labour Party, in a safe Labour seat.⁵⁸ In 1931, she set out what Conservatism meant to her in an address to the Finchley (Church End) Conservatives: preserving ‘all that was good in our civilisation, and in our country’ and ‘protecting the interests of the British Empire.’ The health of the nation and town planning were singled out as issues, while she decried socialism and trade unions – but also ‘a bureaucratic government’ and MPs who engaged in ‘Hyde Park oratory’. Instead, representatives whom people felt they could be proud of were needed.⁵⁹

Ashford’s attention was not diverted from the issue of citizenship education: she was now a member of the Central Executive of the National Council of Women. She spoke at meetings throughout the country, with local newspaper reports giving some sense of the topics covered. In 1934, she spoke in Dorchester on local government, its work and organisation; she also answered questions on ‘the provision of rural water supplies’.⁶⁰ The topic two years later in Chesterfield was ‘A Day in the Law Courts’, and again her mixture of loosely feminist and decidedly right-wing politics was apparent as she combined a condemnation of sexist assumptions with a racist remark:

Referring to the Divorce Court, Miss Bright-Ashford [*sic*] said there were always discussions as to whether or not women should stay in the Court. It always seemed to her that the real harm was not for middle-aged ladies, but for the large number of students and young men of the solicitor’s clerk type, and especially for the coloured students. There was always a large number of them in the Divorce Court. She certainly would not wish any very young woman to be a student, for she thought that some of those cases were far too unpleasant for the young.

She also criticised the current law as making divorce ‘the reward of adultery’, with reform a question ‘for intelligent women to discuss’.⁶¹

We don’t know who called a ‘mass meeting’ in Sheffield in 1937, or in what capacity Ashford was the speaker, but her topic was ‘the importance of local government elections’.⁶² That same year, she was the main speaker at the Gloucestershire Parish Councils’ Conference in Cirencester, where she was recognised as ‘a national authority’ on her subject, ‘Village Water Supplies’.⁶³ In 1938, Ashford combined her interests by speaking in her role of member of the Council for the Preservation of Rural England to the National Council of Women’s group in Hastings. She criticised ‘petrol-filling stations, advertisement hoardings, ugly houses, litter, and the wholesale picking of wild flowers’: ‘the public

⁵⁶ ‘Glastonbury Tor. The Pilgrim Path Saved. Preserved for the Nation’, *Taunton Courier, and Western Advertiser*, 2 October 1929, p 8.

⁵⁷ ‘Glastonbury Tor. Effort to Preserve Western Slopes as Open Space’, *Bath Chronicle and Weekly Gazette*, 24 September 1932.

⁵⁸ De Cordova, ‘Thumbnails’.

⁵⁹ ‘Miss Bright Ashford’s St George’s Day Address at Church End’, *Hendon & Finchley Times*, 24 April 1931, p 16.

⁶⁰ ‘From Youngest Town to One of the Oldest’, *Western Gazette*, 25 January 1934, p 3.

⁶¹ ‘Divorce Laws Criticised. Interesting Legal Address to Chesterfield Women’, *Derbyshire Times & Chesterfield Herald*, 2 October 1936.

⁶² ‘Public notices: Mass meeting in the city hall’, *Sheffield Independent*, 20 October 1937, p 6.

⁶³ ‘Parish Councils’ Conference’, *Cheltenham Chronicle*, 16 October 1937, p 2.

must be educated'.⁶⁴ Those, along with public footpaths, were persistent themes in her public speaking.

Ashford's public political activities, even where meshing with her pioneering legal career, were either non-partisan or right of centre, largely connected to the Conservative Party. Such conservatism was common in the women's movement of the time. When the suffragette Women's Social and Political Union (WSPU) transformed into the Women's Party towards the end of the First World War, Purvis suggests that it offered 'hybrid Conservative policies and progressive feminist initiatives'.⁶⁵ The first woman MP to take her seat in Parliament, Lady Nancy Astor, was a Conservative. At the time of their admission to the Bar, women did not have the vote on equal terms to men; it would be a Conservative government which introduced equal franchise in 1928. By that time, the Conservative Women's Association was significantly larger than its Labour or Liberal equivalents.⁶⁶ It is perhaps unsurprising that, as Gottlieb points out, many women were both Conservative and feminist in the interwar period.⁶⁷ In that context, Ashford's Conservatism is less surprising than it might first seem to modern readers.⁶⁸

However, her views were not always those of the party mainstream. In 1930 she appeared at Gray's Inn Debating Society on behalf of the Individualist Bookshop to argue 'That the curtailment of individual liberty in this country has proceeded so far as to be a national danger'.⁶⁹ She also spoke at an Individualist Luncheon the following year, noting that in the parable of the Good Samaritan, 'she was much struck by the fact that the Good Samaritan spent his own money to provide for the invalid.'⁷⁰ The Individualists were Conservatives who believed in libertarianism and classic economic liberalism, advocating minimal state interference. Prominent amongst them was Sir Ernest Benn; Ashford cited his concerns about state debt in her account of her own Conservative politics in 1931.⁷¹ (This was a move to the right from her more measured earlier position that in public finance, one should neither spend 'with too free a hand' nor be 'afraid to spend anything at all' but 'keep the mean and spend just enough to see that public services were properly maintained.')⁷² Her participation in the Gray's Inn debate, then, was a facet of her political activism as well as contributing to her professional visibility.

More disturbingly, we have evidence of an engagement with British fascism. This took the form of a trip to Nazi Germany with pro-Nazi organisation The Link, in the company of her nephew (and British Union of Fascists official) Howard Biggs, in the summer of 1939. If a fascist, Ashford was certainly not a prominent one: there is no mention of her in histories of the movement, and she seems never to have held any position within the British Fascist movement. There is nothing to suggest that any fascist sympathies came to public attention in Marylebone, where she was a borough councillor,

⁶⁴ 'Spoiling the Countryside. Advertisements and Petrol Stations. N.C.W. Luncheon', *Hastings & St Leonards Observer*, 9 April 1938.

⁶⁵ *ibid*, p 41.

⁶⁶ David Thackeray, 'At the Heart of the Party? The Women's Conservative Organisation in the Age of Partial Suffrage, 1914-28' in Clarisse Berthezene and Julie V Gottlieb (eds), *Rethinking right-wing women: Gender and the Conservative Party, 1880s to the present2* (Cambridge University Press 2018), p 46.

⁶⁷ Julie V Gottlieb, 'Modes and Models of Conservative Women's Leadership in the 1930s' in Clarisse Berthezene and Julie V Gottlieb (eds), *Rethinking right-wing women: Gender and the Conservative Party, 1880s to the present2* (Manchester University Press 2018), p 91.

⁶⁸ There has been a recent resurgence of academic interest in right-wing women: see Clarisse Berthezene and Julie V Gottlieb, 'Special Issue: Considering Conservative Women in the Gendering of Modern British Politics' (2019) 28 *Women's History Review*; Clarisse Berthezene and Julie V Gottlieb (eds), *Rethinking Right-Wing Women: Gender and the Conservative Party, 1880s to the Present* (Manchester University Press 2018).

⁶⁹ 'Gray's Inn Debating Society', *Law Times*, 169 (1 February 1930), p 107.

⁷⁰ London Correspondent, 'As Good Samaritan. Socialist Would Propose Capital Levy', *Yorkshire Post*, 17 October 1929, p 9.

⁷¹ 'Miss Bright Ashford's St George's Day Address at Church End', *Hendon & Finchley Times*, 24 April 1931, p 16.

⁷² 'Lady Barrister Lectures Derby Women Citizens on Finance', *Derby Daily Telegraph*, 19 October 1923, p 3.

or elsewhere. However, her visit to Nazi Germany and Austria came long after most early British enthusiasts had turned away from fascism, and her nephew's diary of the trip makes it clear that she was at the least sympathetic to the British Union of Fascists (BUF).

As an older relative who had spent time in Germany in her own youth, it is tempting to speculate that Ashford accompanied Biggs on the Link visit in the role of informal chaperone. However, he was 22 at the time of their trip and, by his diary account, Ashford joined him in conversations with other Fascists in their party, congratulated a Fascist author from Scotland, agreed with Biggs that it would be appropriate to wear their British Union badges to a formal dinner, and concurred with him in admiring a 'remarkably fine' picture of Hitler.⁷³ Beyond this, it is difficult to gauge how supportive or involved she was: we have only Biggs's account and interpretation of events, and he does not explicitly discuss her views.

Nonetheless, given that Ashford appears to have been at the very least sympathetic to the British Union of Fascists and to Nazism, how does that affect our understanding of her professional life? The question is not a simple one: consider the fierce debates over anti-Semitic composer Richard Wagner. As Siegel recently summarised, the arguments about whether his beliefs can be separated from his work are very much ongoing.⁷⁴ Our discussion does differ in important respects (leaving aside the much greater prominence of Wagner). The first is that Ashford in her public role does not seem to have expressed overtly fascist views, in stark contrast to Wagner who published virulently anti-Semitic texts.⁷⁵ While there is much discussion of whether and to what extent anti-Semitism is apparent in Wagner's operas,⁷⁶ he had explicitly linked his politics and music. Ashford, by contrast, seems to have maintained a distinction between her public activities and her private attitudes. That distinction may seem surprising: intuitively, a division between one's politics and music may feel more plausible than between one's public political actions and private political beliefs. Ashford's work was itself political: her legal work was centred on local authority law and she was an elected councillor, complicating any neat division between personal views and professional actions. Yet she seems to have carried out her political and professional roles without being perceived as fascist, while Wagner explicitly linked opera and anti-semitism.

Further, it is less than certain just what her views were or how far they are accurately represented within Biggs's diary. It must be remembered that this was the personal account of a young man who was clearly close to his aunt (she would keep in touch with him while he was interned during World War II, and moved close to him at the end of her life). We are reliant upon the accuracy of his perceptions, but he may have exaggerated the extent to which a favourite relative was in agreement with him politically. That is not to attempt to deny that at that particular time, Ashford's views were fairly certainly more favourable to fascism than is comfortable, even if she was not herself fascist. It is important, though, to bear in mind the difficulty of reconstructing her political attitudes in this respect, particularly when relying on second-hand accounts such as Biggs provides. Nonetheless, Ashford's politics pose a significant challenge to any attempt to position her as a role model, since that would imply that the life modelled offers a pattern which is admirable if not exemplary.

⁷³ University of Sheffield: Howard Biggs papers, 435/4/2/2 Salzburg, 1939 Link tour: diary (transcript). It is unclear which badges Ashford had, or how they had been obtained, so this is not necessarily evidence of membership.

⁷⁴ Dina Siegel, 'Wagner in Israel: The Mixture of Politics and Music' in Chrisje Brants and Antoine Hol (eds), *Transitional Justice: Images and Memories*, London: Routledge, 2016, p 205.

⁷⁵ Most notoriously, in *Das Judentum in der Musik* (Richard Wagner, *Judaism in Music and Other Essays*, University of Nebraska Press, 1995).

⁷⁶ This is considered in Siegel's own chapter, particularly 210-212.

Our picture of Ashford's public engagement with political activism is clearer but still incomplete. She spent a great deal of energy in the 1920s on promoting women's citizenship and in the 1930s on the state of the countryside. The focus of her legal publications was also upon such functions of public authorities: water supplies, refuse disposal, planning laws, and advertising controls feature heavily. While one can draw connections between fascist ideologies and the desire to keep the countryside unsullied, it would be something of a stretch to suggest that her work showed explicit far-right influence. Ashford does appear in the press from time to time in more overtly ideological roles, but again there is nothing obviously fascist in her activities: for example, her criticism of socialist responses to those in need as involving committees and public money rather than fast and private responses is certainly right-wing but not necessarily fascist.⁷⁷

Beyond the Bar

Even as her legal career seems to have been winding down after the Second World War, Ashford remained an active worker for the causes she had championed. During the War she had continued to serve as a member of the executive of the National Trust and the Council for the Protection of Rural England; in 1943, she was 'doing much work in connection with the planning of Greater London', a particular concern of the London Society of which she was Honorary Secretary.⁷⁸ She was also Honorary Secretary of the Central Council of Civic Society, founded in 1939 to bring together the civic societies of 'over fifty cities and towns'.⁷⁹ In that role, she acted as a catalyst for the national spread of the amenity society movement.⁸⁰

Inevitably, town planning in London continued to be of great concern to Ashford in the post-war years, given the effects of aerial bombing: many buildings had been destroyed, and intense pressure was placed on what remained given the number of people in urgent need of housing. She was particularly active in opposing proposals to demolish the Nash Terraces in Regent's Park, her own area of Marylebone. She represented the London Society before the Public Enquiry;⁸¹ in arguing for the terraces' preservation, she contradicted her own council who favoured their replacement with multi-storey flats.⁸² The Public Enquiry report would successfully recommend that the terraces be preserved. Ashford went on to be one of the founders of the St Marylebone Society in 1947. Her interest in history persisted, and she shifted from economic to local history, producing two volumes for the society. *St John's Wood: the Harrow School & Eyre estates* was published in 1965, and *Tyburn Village and Stratford Place* in 1969.

Ashford died aged 97 in June 1980, at St Mary's nursing home in Broadstairs, Kent.⁸³ Ironically, although a lawyer, she died intestate; letters of administration were granted to her nephew Howard Biggs. Since he was also living in Broadstairs, at 21 Stone Road, it seems likely she had moved to be near him. The net value of her estate was £6,742.⁸⁴

⁷⁷ London Correspondent, 'As Good Samaritan. Socialist Would Propose Capital Levy', *Yorkshire Post*, 17 October 1929, p 9 (reporting on a speech by Ashford for the Individualist Luncheon at the Hotel Cecil the previous day).

⁷⁸ 'Wells – past, present and future', *Wells Journal*, 8 October 1943, p 3.

⁷⁹ F M Crum, 'Letters to the Editor: Civic Pride', *Stirling Observer*, 9 August 1945, p 4.

⁸⁰ I am indebted for this information to Gaby Higgs, PhD candidate, University of Westminster.

⁸¹ Report of the Committee on the Regent's Park Terraces, London: HMSO, 1947, p 26.

⁸² *Ibid.* p 17, p 19.

⁸³ *England & Wales, Civil Registration Death Index, 1916-2007, Apr-Jun 1980, Thanet, vol 16, p 1822*; Stuart and Janie Rogers, 'A Potted History – continued', (2001-2017), <http://www.stella-maris.org.uk/history1.phtml> (accessed 15 June 2017).

⁸⁴ High Court of Justice, 'Grant of letters of administration', 8 August 1980.

The sparse information on Ashford's personal life raises several questions. We know almost nothing of her relationships and home life beyond that she lived alone but maintained family relationships, particularly with her nephew. Why do we know so little about it? Should we even consider the private life of a professional role model? If so, why and for what purposes? Feminist theory has long problematized the public-private divide, and the line between working and home lives is rarely sharp. It can be particularly blurred for those who, like barristers, are self-employed, as evident in the close conjunction between Ashford's lawyering, political activism and local community.

Yet the very absence of more information in this area is significant. It shows what Ashford herself valued: when a woman takes the trouble to deposit the records of her local organisation in an archive, but does not take similar pains for her private papers, that suggests a positive decision not to preserve the latter. When a lawyer does not make a will, it suggests a lack of close connections whom she wishes to acknowledge through bequests. Ashford seems, then, to have made a deliberate choice not to leave personal information behind. That is consistent with our knowledge of her: both her conformity to male norms, and her desire to keep aspects of her family life (including the nature of the family business) out of public view. The desire for privacy and the finding of fulfilment outside the domestic realm are valid choices worthy of recognition and respect. However, they may prove double-edged when offered as models for others. In particular, the extent to which Ashford's life resonates with our culture's insistence that women cannot 'have it all' should make us wary of putting them forward as a pattern for young women to follow.

Evaluating Ashford

At the start of this article, we saw that Ashford had many qualities and achievements which might seem to make her an appropriate role model for future barristers. However, to cast her into that mould is to ignore a great part of her history and to ignore difficult questions about women's lives and attainments.

Ashford's legal career was limited in its successes. Although she remained in practice until retirement, she seems to have struggled to make a living at the Bar and certainly did not achieve the higher appointments which are normative measures of professional success. That is not to suggest that Ashford 'failed', but that she was faced with near-insurmountable obstacles in her career. Like all the first women at the Bar, she was met with systemic sexism. Additional challenges included her uncertain class background, significant in a profession where social capital was as important as legal ability; and her ongoing reluctance to admit that she was the daughter of a former hosiery salesman suggests that it remained important for her. Those challenges have not disappeared from the Bar. If we tell a misleadingly simple story of somebody who succeeded despite her sex and class, we do a disservice to those prospective barristers who will have to face similar struggles today.

We cannot avoid these issues by simply turning away from Ashford and looking elsewhere for a more straightforward biography. This first cohort of women at the English Bar was diverse in its members' backgrounds, politics, and future careers. Subsequent cohorts brought further diversity: while the first, tiny group was all white, the female Bar would not remain so for long. Indian woman Cornelia Sorabji was also fighting for and achieving professional recognition in India and Britain; other ethnic minority women would soon be called. The intersections of gender with other systemic disadvantages magnified women's difficulties, and many who entered the Inns of Court were not called to the Bar or never practised. Those who did may have addressed their disadvantages in ways we would not expect of 'role models', as when Ashford obscured her own family background and wholeheartedly adopted masculine values of individualism and strict formal equality. Yet it is only by focusing on these less positive elements that we can fully recognise their diversity beyond sex.

More fundamentally, the standards to which a role model is held are higher than those to which privileged men are expected to conform. Such a framing may, then, tempt the historian to paper over issues such as the tensions at work among the first women themselves; we get some taste of these in the anonymous letter about Ashford sent to Normanton. Men do not always agree or get on with each other, and it is unfair and unhelpful to judge women by different measures.

Ashford's political activities raise further questions about how we frame role models. She remained modest in her political ambitions, at least publicly, focusing upon local government. She stood only once for the London County Council (in a contest she was unlikely to win) and never for Parliament. There were good reasons for this. Ashford had a depth of knowledge and experience in local government and its issues, particularly around social work. She understood and was deeply committed to the importance of her council work. She was able to affect the lives of both local residents and the numerous women she encouraged to stand as councillors themselves. Yet there must be some discomfort at the limiting of her ambitions in this regard. Women are encouraged not to aim too high, and often internalise those messages. Given the substantial overlap which existed then and exists now between members of the Bar and Members of Parliament, we should avoid complacency over her apparent choices. If a role model is to inspire young women to greater aspirations, can someone who seems to have restricted her own ambitions be best suited to that role? Or do we need to have a more complex conversation about her political career?

Ashford's politics themselves raise troubling questions. Few feminists are likely to have a great deal of sympathy for views which often placed Ashford in (or beyond) the right wing of the Conservative Party. Should the difficulties of pinning down her politics, particularly her engagement with fascism in the late 1930s, preclude her from the status of role model? By Guinier's definition, they should: she does not reflect the values of aspiring women barristers as a group. And what of our own ethical obligations? With the far right a significant threat today, airbrushing past fascism seems a dangerous option. If we take a different view and simply omit politics from our account, how can we engage meaningfully with Ashford's life when politics were, for her, a central part of it? Yet, given that the evidence for fascist sympathies is largely hearsay, limited in time and nature, and does not clearly suggest active involvement in far-right activism, how do we respond proportionately to it? These are significant questions in any event, but claiming Ashford as a potential role model complicates them in unhelpful ways.

Finally, role models are by their nature presented as individuals. However, wholly individualistic biographies have long been problematised by feminist historians and are inadequate to describe somebody who lived her life within networks. She worked in women's organisations, qualified among a peer group of women whose relationships may have been both supportive and fraught, and practised in a profession which gave women an uneven welcome at best and at worst, actively limited their careers. She was a councillor who worked within a number of committees; she was a leading member of civic and amenities societies. She had a family who supported her education, owned the business she worked in before entering the Bar, and in the case of Biggs, drew her in some problematic political directions. These networks intertwined and overlapped, to varying degrees and at varying times. They shaped her, and to view her away from them is to cut her off from the benefits and problems that they created for her.

The value of her biography, then, is not in presenting her as a lone, heroic figure. Rather, as Purvis suggests, a biographical approach should 'offer us a way to understand the complexities and apparent paradoxes of the human personality, as well as the process of writing history.'⁸⁵ Such

⁸⁵ June Purvis, 'Christabel Pankhurst: A Conservative Suffragette?' in Clarisse Berthezene and Julie V Gottlieb (eds), *Rethinking right-wing women: Gender and the Conservative Party, 1880s to the present* (Cambridge University Press 2018), p 29.

attention to complexity is particularly important in a context where centenary celebrations and the desire for 'inspirational' figures may otherwise encourage a homogenising, simplifying approach to these pioneering women lawyers. In particular, as historians of the legal profession, we should look at these women's multifaceted relationships within it rather than plotting a simple journey through it.

Beyond role models

The first women barristers faced enormous challenges. Above all, they were pioneers who had no foremothers in whose footsteps to follow. They were made to feel their difference at every step of their careers, from the refusal to admit women to the profession at all, to the day-to-day exclusions after their admission: the lack of robing rooms and cloakroom facilities, the persistence of the 'lady barrister' epithet, the endless surprise at women appearing in court. They were placed under enormous scrutiny, the actions of each universalised as representative of all women lawyers – unless they achieved particular success, in which case they were treated as anomalies. Thus a would-be 'humorous' article characterises Ashford as unusual for her sex when she manages to refrain from saying more than a few words in court: the 'woman barrister who kept a still tongue'.⁸⁶

That context raises particular ethical questions for researchers: not least, does our scrutiny also seek to impose a particular shape on these women's experience?⁸⁷ Is that, however well-intentioned, a more benign form of the distortions of contemporary reports which sought to fit these women into a (slightly amorphous, evolving) stereotype of the 'woman barrister'? And if that risk is there, must we eschew any attempt at finding role models in order to avoid it? If we value these women's histories according to their value as role models for their successors, what do we do about the subjects who will not fit that mould? Contemporary news media too often endows subjects with the status of 'role model' only as a justification for castigating their perceived misbehaviour. She must meet undefined, shifting, but demanding moral as well as professional standards. Are we to exclude some of the women legal pioneers from our public histories if they fail to meet them? Or should we present a bowdlerised version of their lives, along the lines set out for Ashford at the start of this chapter? That has certainly been a common approach in recent popular literature. Thus, *Rebel Girls* ignores Coco Chanel's active Nazi sympathies in order to extol her 'little black dress'. More strangely, Julia Pierpoint's 2018 book for adults dubs Hillary Clinton a 'matron saint' while omitting to mention her failed presidential candidacy.⁸⁸ However, this approach has been criticised within popular literature, and would be unacceptable for a historian.⁸⁹

Is the offering of role models in itself a problematic process? It is certainly not without risks. In particular, there are several ways in which it can reinforce rather than challenge discrimination. Trofimenkoff suggests that representations of outstanding women may emphasise their exceptional nature in a way 'more intimidating than inspiring'.⁹⁰ And they may have an even more invidious effect: Guinier argues, in the context of being a black woman professor in an American law school, that 'role model' becomes a synonym for 'mascot', 'a pacifier of the status quo who won't bite the hand that uplifted her'.⁹¹ There can be a fine line between presenting these pioneer women as models for success, and presenting their successes in ways that reaffirm the normative, masculine standards of the profession. Scutts summarises the problem in her critique of *Rebel Girls* and its ilk: the narrative of individual exceptionalism they emphasise is not just 'fundamentally masculine' but 'the root cause

⁸⁶ 'Case won by silence. Woman barrister who kept a still tongue.' *Yorkshire Evening Post*, 27 February 1923, p 8.

⁸⁷ For discussion of how feminist biography risks doing so, see Trofimenkoff, 'Feminist Biography', p 3.

⁸⁸ Julia Pierpoint, *The Little Book of Feminist Saints* (Virago 2018).

⁸⁹ For criticisms, see Leszkiewicz (n 1); Joanna Scutts, 'Well-Behaved Women Make History Too' [2018] *Slate*.

⁹⁰ Susan Mann Trofimenkoff, 'Feminist Biography', (1985) 10(2) *Atlantis* 1-10 at p 2.

⁹¹ Guinier, 'Of Gentlemen and Role Models', p 100.

of women's underrepresentation ... in the first place.⁹² For Guinier, positioning an outsider as a role model according to the in-group's standards 'distorts the "role" being modeled.' Thus role models may actually deflect challenges to the profession by reaffirming and reinforcing its existing standards, as well as by obscuring the extent of past discrimination.⁹³ As Leszkiewicz asks of the *Rebel Girls* approach, 'At what point does glorifying rebellion only serve to reinforce the oppressive structures that prevent most women from reaching the same heights? If a dash of boldness can free you from your cage, is it really a cage at all?'⁹⁴

And yet, there is another ethical responsibility at work. Those of us who followed these pioneering women into the law are well aware of the importance of knowing that other women went before us. If we are multiply disadvantaged, it is even more urgent to know that women who were not white, upper-middle-class, or heterosexual have walked this path before. Uncovering their history remains an urgent task with value both to historians and to women engaging in legal careers. Seeing that people like us have succeeded has important, tangible effects on our own likelihood of trying and succeeding.⁹⁵

Perhaps the way to resolve these conflicting obligations is to recognise the early women lawyers not as role models to emulate, but as foremothers who give us a history and may well inspire us, but who are also imperfect. They did things we deplore; they made mistakes we might have avoided; they responded to their critics in ways we would not, whether by placating them, allowing them to discourage further effort, or (as Ashford arguably did) by taking on their values. Auchmuty suggests that such apparent flaws do not prevent such women from being 'heroines' (a term she uses in a nuanced way which parallels the use here of 'foremothers') since we are in no position to judge them. I would go further: part of the value of these women's experiences to those who follow is precisely their fallibility. We will ourselves make mistakes and bad decisions, if not the same ones for the same reasons; what we need is not a counsel of perfection but rather, the reassurance that we are allowed to be less than perfect. The value of this last point to lawyers from oppressed groups is substantial. External scrutiny and the pressure of representation, along with internalised impostor syndrome, may not seem to allow much margin for error. A more rounded representation of the highs and lows of our foremothers' lives could be a small but important step in counteracting that.

It is difficult not to admire Ashford for her intelligence, persistence, and commitment to voluntary as well as professional work. She had a positive impact upon the world, from encouraging women to engage with local politics to influencing the spread of amenity societies which work to enhance and safeguard our built environment. Yet at the same time she had advantages which many women did not: she was white, (precariously) middle-class, with access to money and support for higher education. To offer her as a straightforward role model for those who do not share those advantages risks discouraging rather than inspiring their efforts at a legal career.

Her life story also poses challenges: it is difficult to admire her politics, to ignore her own frustration at the difficulties of earning a living in legal practice, or to avoid wondering whether she might have used her abilities on a larger stage. When we consider her as a legal foremother, that is no longer an insuperable problem: we need not and should not ignore half of her life in order to hold up the other half for emulation. That is to do a disservice to Ashford and to parts of her work which she

⁹² Scutts (n 89).

⁹³ *Ibid.*

⁹⁴ Leszkiewicz (n 1).

⁹⁵ This effect is demonstrated very clearly by several recent studies: see Porter and Serra, 'Gender differences in the choice of major' (2017); Alex Bell, Raj Chetty, Xavier Jaravel, Neviana Petkova, and John Van Reenen, 'Who Becomes an Inventor in America? The Importance of Exposure to Innovation' The Equality of Opportunity Project, 2017, http://www.equality-of-opportunity.org/assets/documents/inventors_summary.pdf (accessed 17 December 2017).

herself found important. It is also to do a disservice to ourselves as historians, with our obligation not to 'falsify the account to fit a preconceived model of hero status, not just because we are not arbiters of correct feminist behaviour, but because we are not competent to judge what might have been the best course of action in circumstances we can only imagine.'⁹⁶ Finally, it does a disservice to women entering the legal profession today, who need to know that the difficulties and discrimination they will face are not the result of personal failings, but have precedent and a historical as well as political basis. They also need to know that (as privileged men take for granted) they can be imperfect yet still valuable; a nuanced view of their predecessors can demonstrate this. We need our histories to be complex and critical, if we are to properly value both the present and the past.

In conclusion, the importance of the early women lawyers lies in what they tell us about women's expanding professional opportunities, but also in what they reveal about the wider professions these women entered. This history is not purely additive to, but alters our understandings of, the history of the legal profession. By considering the life of Ethel Bright Ashford, we are learning about more than what it meant to be a woman entering a hitherto exclusively male profession. We are also learning about the masculine norms of the Bar; the unspoken requirements and expectations which operated alongside, or underpinned, its explicit criteria for admission and success; and the very ways in which it defined and controlled access to that success. We are helping to rewrite the history of the legal profession through writing the history of women within it.

⁹⁶ Rosemary Auchmuty, 'Recovering Lost Lives: Researching Women in Legal History' (2015) 42(1) *Journal of Law and Society* 34-52 at p 50.