A Gendered Constitution? Women, Federation and Heads of Power

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If we look at the Australian Constitution against what we know about the political interests and activities of women in the 1890s, a "gendered" division of powers may be loosely identified. The common concerns of women — adult suffrage and the welfare of families — were mostly defined as "domestic", and allocated to the States. "National" areas were identified within the public, external, "male" realm and were granted to the Commonwealth. Would women have written a different Constitution from the one we inherited in 1901? This paper suggests that they may well have.

At the end of the nineteenth century a significant degree of optimism was expressed in Australia about the progress of political rights for women. "These days", claimed Louisa Lawson's feminist-republican journal *The Dawn*, "we have statesmen vying with each other in their efforts to place women on terms of political equality with [men]." Compared with "their sisters at the beginning of this century", the women of the day had gained much. They would play an important part in "the great and prosperous nation" to be built in the coming century.[1]

But is this how the process of "nation-building" looks to us now, almost one hundred years on? As we celebrate the centenary of South Australian women's right to vote, and as we explore different ways of increasing the representation of women in Parliament, do the structures of Australian politics as these were laid down in the 1890s appear to justify Lawson's confidence?

By the end of 1900, the Australian Constitution, drafted mostly by delegates elected to Federal Conventions, had gone through the complex series of referenda, negotiations, and colonial and imperial enactment which marked the final years of the Federation movement. It came into force at the inauguration of the Commonwealth on 1 January 1901. However, whilst the Constitution provided the legal framework for the "great and prosperous nation", *The Dawn* had little to say about it. On the eve of Federation, it

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1. *The Dawn* Dec 1900.

singled out the Commonwealth's powers over old age pensions alone of all the new Constitution's provisions, for comment and praise.

Throughout the 1890s, Lawson, like many women activists of the time, had concentrated her attention on another matter. The suffrage question above all had pre-occupied politically active Australian women over at least the ten year period prior to Federation. In Victoria and New South Wales, despite several attempts to pass a suffrage Act, Bills put to Parliament had consistently stalled in the Upper House. Only in South Australia did the suffrage movement gain an early victory — but its success served simply to increase the resolve of women in other colonies and intensified the campaign. In 1899, when Western Australian women gained the vote, confidence among suffragists in other colonies was high.

In contrast to the suffrage, Federation and the constitutional process were regarded by many women as secondary. Achieving female suffrage was the first goal and would serve as the point of departure for any future political activism. In acknowledging this, however, we must not underestimate the actual degree of women's involvement in the Federation movement, nor the extent to which women's concerns influenced the constitutional debates of the period. The movement did attract more attention and involvement from women than historians have hitherto recognised. Among other things, several Women's Federal Leagues (or women's branches of established leagues)were organised around the country, including at least four in Western Australia. One South Australian woman, Catherine Helen Spence, stood as a candidate in the Federal Convention elections of 1897 on an "effective voting" (ie, proportional representation) platform and received almost 7500 votes. Prominent women around Australia like Maybanke Wolstenholme (Anderson) and Rose Scott, fellow members of the Womanhood Suffrage League in New South Wales, campaigned for or against the Constitution Bill.

In significant ways, and in the eyes of many women, the suffrage question and Federation were related. Organisations such as the Australia-wide Woman's Christian Temperance Union (the "WCTU") took a strong pro-federal position, seeing a national government as the opportunity for uniform suffrage and for securing women's influence on national affairs. In Western Australia, the Federation question may indeed have actively contributed to women's gaining the vote in 1899, with the government of John Forrest seeking women's potential support for Western Australia's entry into the Commonwealth.[2]

In April 1897, among its rare early references to Federation, *The Dawn* noted the presentation of a petition from the Womanhood Suffrage League

2. A Oldfield *Woman Suffrage in Australia: a Gift or a Struggle?* (Melbourne: Cambridge UP, 1992).

of New South Wales to the Federal Convention, then in its first sitting in Adelaide. One of three similar petitions — indeed, the very first petition received by the Convention was on this matter — it asked for universal adult suffrage to be written into the Constitution. Given that women were taxpayers, and "patriotic and law-abiding citizens, taking an equal part in the religious and moral development of the people, and doing more than half of the educational, charitable, and philanthropic work of society as at present constituted", the petitioners argued, the right to vote should be "possessed by" women as well as men.[3]

While this petition failed to achieve its aim directly, suffrage became the subject of considerable Convention debate. A well known compromise, forged by the South Australian Convention delegates, saw section 41 included in the Constitution, its wording guaranteeing the right of South Australian women both to retain their state vote and to acquire the federal vote, thereby creating an inevitable pressure towards uniformity of franchise throughout the new nation.

But the victory was still only a partial one. Electoral law would be left to the Parliaments to decide and Victorian women, as it turned out, were forced to wait until 1908 to gain the state suffrage. The overwhelming feeling of the Convention on this matter, as on so many others, favoured leaving the states to determine the issue. As one New South Wales Convention delegate wrote to the prominent suffragist Rose Scott:

> [T]he framing of the constitution must not be made the occasion of settling questions not essentially connected with federation.[4]

But what was and what was not "essentially connected" with Federation? For many Australian women the suffrage *was* essential, both as a right they had in common with the male citizens of the new nation, and as a means to achieve their other goals. The goals shared by the majority of active women in this period centred in particular on a range of matters known under various titles such as "Home Protection" and "Hygiene". These included, for example, protection of illegitimate, abandoned or "farmed" babies, the welfare of deserted wives and widows, provision of women's hospitals, the regulation of prostitution, raising the age of consent, limiting the size of families and amelioration of unsanitary practices (eg, by building public toilets).

In Victoria, prominent suffrage campaigner, Vida Goldstein, was also active in the Charity Organisation Society and the Try Society, which provided education and training for "wayward" children, as well as campaigning for a women's hospital, the regulation of "baby farming" and

3. G Craven (ed) *Convention Debates Adelaide 1897* (Sydney: Legal Books, 1986) vol II, 32.

4. W Cullen, quoted in J Allen *Rose Scott* (Melbourne: Oxford UP, 1994) 146.

the introduction of female officers to deal with female prisoners.[5] Maybanke Wolstenholme in New South Wales used the Women's Literacy Society, among other avenues, both for the suffrage campaign and for the campaigns to raise the age of consent and to regulate prostitution.[6] Catherine Helen Spence in South Australia was a member of the State Children's Council and the Destitute Board.[7]

Anticipating the female suffrage in New South Wales, Louisa Lawson's *The Dawn* wrote that:

> [Women] having thrown down the barriers of suppression [will now] go out and battle, as only wife and mother can, against the immorality of the age and the temptation and dirt which assail the moral and physical well-being of her loved ones.[8]

The social welfare field was very significantly a female domain — a field where women, often with some economic independence but few political rights, could express their political views and achieve some influence over matters close to their personal experience.

Many women found a politically effective role in the very powerful temperance politics of the period. General questions about "hygiene" and the abuse and exploitation of women and children could be answered by targeting alcohol consumption as the chief source of these abuses. The WCTU was an international organisation, federated throughout the Australian colonies, with around 8 000 Australian members. A striking number of the prominent women of the time were either members of this union, or interacted with it through other organisations. As we have noted, the WCTU were advocates of Australian Federation, both in order to achieve universal female suffrage and to allow women to enter Parliament. With such gains, they argued, women would have the opportunity to bring about wide reforms in welfare areas. Through women's entry into politics, the ultimate goal of prohibition might even be achieved nationally in a federated Australia, thus bringing to an end many outrages and abuses. Whilst the politics of temperance were far from exclusively a woman's domain, the notion of temperance appealed forcefully to many women's experience and its organisation seems to have provided the opportunity for launching many public careers for individual women.[9]

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5. J M Bomford *That Dangerous and Persuasive Woman: Vida Goldstein* (Carlton: Melbourne UP, 1993).
6. J Roberts *Maybanke Anderson: Sex, Suffrage and Social Reform* (Sydney: Hale & Iremonger, 1993).
7. S Magarey *Unbridling the Tongues of Women: A Biography of Catherine Helen Spence* (Sydney: Hale & Iremonger, 1985).
8. *The Dawn* Aug 1901.
9. I McCorkindale (ed) *Pioneer Pathways: Sixty Years of Citizenship* (Melbourne: Morris & Walker for the WCTU, 1948).

Whilst women recognised that economic evils, in particular the high unemployment rates resulting from the depression of the 1890s, were central to much family breakdown and individual degradation, most focused on moral rather than economic relations in both their social analysis and their demands for reform. With the increasing entry of women into the paid labour force in this period, economic exploitation would eventually become a more significant political matter for middle class women — but at the time of Federation unionists like Emma Miller in Queensland were still an exception.[10]

The labour movement in the 1890s was overwhelmingly dominated by men and by the goal of wage justice for male workers. Most female reformers could not have found a place in this movement even if they had sought one, although in fact many of their aims were congruent with the men's demands, and in particular with the emerging concept of the family wage. Where women of the period sought decent wages, however, this was primarily as a means to an end: the protection of women and children and the exercise of greater responsibility on the part of men towards their families. Overall, women's and men's politics were separate and distinct spheres in Australia during the years of constitution-writing and nation-building.

If all Australian women, like their South Australian sisters, had achieved the vote in the early 1890s and had gone on to take a direct part in accomplishing Federation and in drafting the Australian Constitution, the idea of what was "essentially connected with Federation"[11] might thus have been a rather different one. Given their political concerns at the time, women might well have written, if not an entirely different Constitution, at least one significantly different in parts. In other words, the question may be asked whether the Constitution we have now is not only the product of the specific colonial debates of the time, but of a male perspective on politics and a "gendered notion" of what was and what was not "essentially federal".

There is no evidence to suggest that women generally held different views from men on broad constitutional questions such as whether Australia should have a unitary or a federal system, or on the integration of a Federation with responsible government. Women's overall assessment of Federation and specifically of the Constitution Bill shared much with men's, with the exception that, in the women's arguments, an emphasis was more frequently found on the anticipated effects of Federation on families, including anticipated increases in household costs. Again, and consistent with this, what distinguished women's and men's politics in the period, apart from the campaign for the suffrage, was the women's concern with social iniquities

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10. P Young *Proud to be a Rebel: The Life and Times of Emma Miller* (St Lucia: Qld UP, 1991).
11. Supra n 4.

and moral reform.

If women had gained the suffrage prior to the Conventions of 1897 and 1898, some sections at least of the Constitution would necessarily have been written differently. Section 41, in its current wording now seen as nothing more than a transitional provision and a dead letter[12] providing no guarantee of anything to living subjects, would have been irrelevant and unnecessary. Beyond abandoning section 41, women delegates to the Convention, had they been elected, might have gone as far as pressing for the inclusion of a general right to vote; their petitions to the Convention suggest they supported such a position.

The continuing uncertainty over whether a constitutionally entrenched right to vote may be found[13] would thus have not arisen. Of less lasting significance, that peculiar and largely unnoticed paragraph in section 128, where "only one-half of the electors voting for and against the proposed law [in a referendum] shall be counted in any State in which adult suffrage prevails" until the suffrage is uniform throughout the Commonwealth, would also have been unnecessary. Whether its absence would have meant anything other than the prevention of a potentially absurd situation is now difficult to say.

The likelihood that women would also have actively sought the insertion of a statement of the right to stand for Parliament is less certain. Some women suffragists, especially in the early years of the campaign, expressed the often politically-expedient view that they only desired the right to vote, and many women in South Australia after 1894 were, it appears, surprised to find themselves holding this right, with the clause containing its exclusion having been removed by amendment only during the course of debate in the South Australian Parliament.[14] Indeed a degree of uncertainty remained for a time over whether women had in fact won the right, and when Catherine Helen Spence stood for election to the Federal Convention in 1897, doubt was expressed over the legality of her candidature.[15]

The question was again raised in 1903, when the first woman federal candidate, Vida Goldstein, stood for the Senate.[16] But this issue seems to have been resolved as much by the fact that women "got away" with standing, as by the cautious view expressed by Quick and Garran, among others, that since the passing of Lord Brougham's Act[17] in 1889 it was "quite possible that 'he' embraced 'she' in the Constitution".[18]

12. P J Hanks *Constitutional Law in Australia* (Sydney: Butterworths, 1991) 54.
13. Eg in s 24 of the Constitution.
14. Supra n 2, 38.
15. Supra n 7, 161.
16. Supra n 5.
17. Interpretation Act 1889 (UK) 52 & 53 Vic c 63.
18. J Quick & R R Garran *Annotated Constitution of the Australian Commonwealth* (Sydney: Angus & Robertson, 1901) 475.

Perhaps those suffragists who did actively seek the right to stand for Parliament might have relied upon a positive outcome, based on the provisions of Lord Brougham's Act, in any challenge to their candidature. Perhaps, however, they might have been more careful and less sanguine about the significance of language, as was one writer (possibly Ethel Turner) who pointed to the frequent reminder women found of their "subordination" in the very words available to them. Words such as "authoress", she wrote, immediately suggest there are two classes of person: "the individual human souls and the feminine!" If women ever got into Parliament, there would be a complete change in both the language and the character of Parliamentary debate. "The presence of women", she added, "always rules and tames the rougher manners of the male creature".[19]

For the most part, where these differed from men's, women's political concerns would have focused on the provisions of section 51. Until 1946, a broad range of social welfare powers were excluded from Commonwealth jurisdiction (other than potentially through the exercise of section 96, which was little used in the pre-war period). Maternity, widows' unemployment and family allowances, among others — the very areas of greatest concern for women — were left in the hands of the states. While the Constitution still lacks the broad social policy powers adequate for the changing family structure and social needs of the 1990s,[20] female drafters of the Constitution would probably at least have extended the range of specific welfare powers even if they, like the men, lacked the vision of a general social policy power or a welfare state. To the supplementary list found in section 51 (xxiiiA), we might add one of women's major concerns, the control of prostitution (usually captured in the 1890s under "contagious diseases" legislation). Powers over sanitation, even generally over health and hospitals, might also have found their way into the constitutional debate and perhaps the heads of power.

It is also likely that women would at least have raised the issue of giving the Commonwealth power over ex-nuptial children and that they might have argued for a uniform national approach to custody and child maintenance generally, including cases of wardship arising from orphanhood and delinquent or destitute children. While ex-nuptial ("illegitimate") children were seen last century as a welfare issue (rarely as analogous to the matter of custody cases following divorce), this would have been all the more reason for their seeking uniform national standards in such an area. For historical reasons quite different from those of the present, we might not have had to wait until after 1975 for the states (other than Western Australia) to refer their powers over such children to the Commonwealth.

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19. *Cosmos* Oct 1894.
20. Supra n 12.

For its time and, given the overriding emphasis on states' rights in the politics of the period, section 51 (xxii) (the divorce and matrimonial causes power of the Constitution) is rather surprising. Existing divorce laws in Victoria and New South Wales were considerably more liberal than in the other colonies or the United Kingdom — indeed, for this reason, the Queen's assent had been withheld on Australian divorce Bills a number of times in the preceding two decades. In Victoria and New South Wales, women were able to seek release from marriage on the ground of their husband's adultery alone, or habitual drunkenness, or a four year period of desertion. Tasmanian and South Australian objections were raised in the Federal Convention against the Commonwealth having divorce powers; it was feared that the larger states would impose their divorce policy on the nation, thus "dragging down" the marital tie "to the level of New South Wales" and further reducing the "morality and respectability" of the nation.[21] Here, however, strong argument against the federally variable divorce laws which had caused such "pain and grief", not to mention scandal, in the United States was mounted.

Summarising the Convention debate on the divorce power, Quick and Garran state that:

> [The] one defect in the [United States] Constitution more conspicuous than [any] other [is] its inability to provide a number of contiguous and autonomous communities with uniformity of legislation on subjects of such vital and national importance as marriage and divorce.[22]

Here we may note the identification of an apparently "domestic" issue among matters "of national importance".

The need for uniform national divorce law was upheld by the Convention, but when it came to debate on what emerged as the second part of section 51 (xxii), the general custody and guardianship of children was relegated to state control. This debate focused on whether to grant powers over children generally or only over children "in relation to" divorce and matrimonial causes. Delegates arguing against the view put (successfully) by Sir John Downer, that the removal of children from one state to another might lead to confusion and irreparable loss of custody if state law were to prevail in cases of divorce, suggested that general guardianship issues should not be separated from questions of custody and that the states best understood the regional and particular issues facing children. As Mr Grant, a Tasmanian delegate, put it:

> It would be better for the state authorities to control the custody and guardianship of infants, because they are immediately on the spot. They have opportunities of

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21. G Craven (ed) *Convention Debates Sydney 1897* (Sydney: Legal Books, 1986) vol V, 1078.
22. Supra n 18.

> inquiring into the relationship of the children and their parents, and into their condition if they are destitute and neglected.[23]

Mr Carruthers, from New South Wales, added that granting the Commonwealth powers over custody might lead to its taking over "the whole of the benevolent institutions of the various colonies which have to deal with children" and turning these into federal institutions, whereas there is "a decided objection" to any "federal interference with what the people conceive to be matters most sacred in the family".[24]

When Commonwealth power over custody was ultimately won, this arose effectively from the imperative of the divorce power alone and from the conviction that it would be "anomalous" for the Commonwealth "to dissolve or suspend a marriage, and for a State law to decide the destiny of the children of the marriage".[25] Although Downer had argued forcefully that no subject was "more fitted for general legislation" than marriage, because it concerned "not merely the individuals who are parties to the contract ... but also those who are to come afterwards",[26] the welfare of children in general was not defined as fitting into the category of universal or general subject. It was the uniform regulation of marriage law, rather than the uniform care of children, that was at issue.

Women seeking social reform in the 1890s, on the other hand, frequently asserted the common needs of children, and the need for national children's welfare. WCTU branches around Australia agitated on a single platform for children's courts, registration and inspection of children's boarding homes, children's playgrounds, and protection from sexual abuse, among many other measures. We can be fairly certain that a significant number of WCTU members in the Convention would have at least debated at length the issue of giving the Commonwealth powers over general "parental rights" rather than readily accepting that, outside the divorce power, these fell "naturally"[27] under state control.

By contrast, the identification of invalid and old age pensions as a national rather than a local matter was, after some considerable debate, successfully argued in the Federal Convention. If pensions were a "charitable" concern, the line of argument went, they would fall within state hands. If not, they could belong to the Commonwealth. Supporters of the motion to include such pensions in section 51 argued that these were not essentially charitable, where opponents sought to demonstrate that they were. Edmund Barton, for example, claimed that proponents of the Commonwealth

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23. Supra n 21, 1084.
24. Id, 1082.
25. Supra n 18.
26. Supra n 21, 1081.
27. Ibid.

power had failed to establish that pensions were "a federal and not a provincial concern".[28] That, he added, "is the whole question we have to decide ... to distribute the powers and functions with which we are dealing, so that things which are properly federal will go to the Commonwealth, and those which are provincial will go to the provinces".[29] If the Commonwealth took over invalid pensions, it might as well take over "the treatment of the sick and poor generally". But the latter was not only a provincial matter, it was "an intensely local matter", a charitable matter where relief is distributed "in the districts concerned". Old age pensions, Barton concluded, fell into the same category: "Until I came to this Convention I never heard it argued ... that it was a federal matter".[30]

Responding to Barton, the mover of this motion, Mr Howe, pointed out that men who had worked and served all their lives were being reduced to destitution in their old age; since the Australian labour force was particularly migratory they could not be protected by state pensions. Mr Kingston, a fellow South Australian delegate, expressed the hope that the term "migratory" would not apply after Federation and "that we may always consider ourselves at home in our own country". Old age pensions should surely be granted to the Commonwealth:

> Considering the many powers we are giving to the Federal Parliament ... [E]veryone surely must see that the Federal Parliament, having control of the whole of the people of the colonies, will be in a far better position to deal with this difficult question than the states.[31]

Although he does so obliquely, Kingston alone in this debate questions the "natural" distinction between state and federal matters and mounts an argument about the common status of the Australian people as a whole. This perspective, had it been adopted by other delegates, might well have been applied more broadly to other social welfare powers.

In the event, the invalid and old age pensions power was adopted, with delegates persuaded, it seems, less along Kingston's lines, than on the grounds that men moving from one state to another seeking work should not be reduced to destitution after a life-time of "service" to their country. Here we see what some wanted to characterise as a welfare concern "rescued" from the charitable, domestic sphere (of the "province" or state) through its association with the public realm of work and the regulation of employment. The old age pension is defined as a measure to prevent "a man who has fulfilled all the obligations of citizen, husband, and father, from becoming a

28. G Craven (ed) *Convention Debates Melbourne 1898* (Sydney: Legal Books, 1986) vol V, 1992.
29. Ibid.
30. Id, 1993.
31. Id, 1994-1995.

pauper in his declining days".[32]

When we look closely at the heads of power written into the 1901 Constitution and the delegates' search for matters which were "properly federal", a pattern emerges where the public and external become identified as national and thereby as appropriate to Commonwealth jurisdiction. For the most part, the domestic and familial — the sphere which constituted the greatest source of interest to women activists — is left to state jurisdiction, often meaning in this period, essentially to the private sphere. The nation, it might seem, is public and male, and the state is the sphere of the female.

This conceptual distinction need not be deliberate or conscious; it was part of the political culture of the period, with many of the women themselves assuming it in their politics. Also, whilst the majority of Commonwealth powers concern the "male" politics of finance, external relations, defence, and so on, some powers, as we have seen, do appear at least to cross into the world of women's politics. Paradoxically, perhaps the greatest constitutional "victory" from the women's perspective lies precisely in the restoration to the states of what might have been given to the Commonwealth as a national matter. That odd little provision of the Constitution, section 113, allows a state to subject "fermented, distilled, or other intoxicating liquids" to its own laws, "as if such liquids had been produced in the State." It is cleverly worded such that the famous guarantee provided by section 92 of "absolutely free" trade, commerce and intercourse between the states is not compromised, and thus it represents all the more clearly a particular and exceptional case.

For many members of the WCTU, control of alcohol was the key to reform in virtually all other "domestic" matters. Petitions from the WCTU and other temperance organisations had been sent to the Federal Convention in significant numbers. As the WCTU's petitions make clear, future total prohibition in a single state was their principal goal.

Leaving aside the case for prohibition as such, Alfred Deakin argued strongly for section 113, urging among other things that "a very large section of the population who are amongst the most active politically" were represented in the temperance movement and that their support for the Constitution should not be jeopardised.[33] He might well have had in mind, among others, the women of South Australia. One WCTU member in Queensland was to make a related point at the time of the failure in New South Wales of the first constitutional referendum in 1898. Suggesting that the WCTU's membership constituted potentially significant voting numbers, the anonymous writer pointed out that there were:

> over 2000 of us in Queensland alone, and I could not help thinking when the New South Wales vote was announced, that had we had votes there would have been a

32. Supra n 21, 1086.
33. Id, 1042.

> considerable difference in the returns, for the [WCTU] in New South Wales numbers many more than ours in this country [sic].[34]

Had such women been involved directly in drafting the Constitution, they might well have argued for national prohibition rather than simply for the retention of state control of liquor. Regretting the failure of the British settlers to seize the opportunity of prohibiting alcohol from entering this "land of promise" at the beginning,[35] they might have seen Federation as a second chance for an alcohol-free new start. But, by the 1890s, the WCTU members were sufficiently politically experienced to recognise that the likelihood of national prohibition was small. They also had before them the example of the adoption of prohibition in several individual American states, and a knowledge of the constitutional confusion that had been caused by the absence of a provision like section 113 from the American Constitution. Given the high degree of support for temperance among women in Australia at the time, we may at least be confident that enfranchised women would have hesitated to support an Australian Constitution from which section 113 was absent.

Further impressions of the likelihood of women's support or opposition to other specific constitutional sections must now largely lie within the realm of speculation. Justice Elizabeth Evatt recently made the observation that women would never have agreed to section 125, placing the federal capital as it does within New South Wales, but at least one hundred miles from Sydney.[36] Women would have recognised, she implied, the impossibility of leading a normal domestic life while participating in a Parliament so peculiarly located that even modern-day air transport has not overcome its inconvenience. At the time of Federation, the likelihood of a man being prepared or able to relocate his work to a place outside the major cities in order to accommodate the political work of his wife was even more remote than it is now.

Justice Evatt's intriguing hypothesis makes essentially a modern point: that Australian politics is not yet designed to meet the needs and interests of women, and that our very constitutional detail presents problems for women's participation. This paper has attempted to speculate further, and to suggest that women's political interests at the time of the Constitution's drafting were largely defined as lying outside the national sphere, and were identified as matters "not essentially connected with Federation".

In the centenary year of South Australian suffrage, it is sobering to read predictions such as Henry Champion's in 1895 that :

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34. *Brisbane Courier* July 1898.
35. Supra n 9, 3.
36. "How to be Australia" (a speech delivered in Sydney, 14 Feb 1994).

> No one can doubt that the postponement of the time when women will wield great political power over all Australasia is only a matter of months.[37]

The value of "re-casting" the Constitution along the lines of women's political interests of the 1890s does not lie in bending history to the demands of the present. Rather it is in the recognition that women's politics of the present need to be understood and accommodated in the processes of the constitutional re-shaping that we are currently undergoing, so that Louisa Lawson's optimism and Champion's "matter of months" do not still appear misplaced one hundred years from now.

37. *Cosmos* May 1895.