

THE LEGAL CONSEQUENCES OF GENDER ORDER FOR FEMALE TEACHERS IN THE WESTERN HISTORY OF EDUCATION

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Abstract

Gender order had put female teachers in peripheral position through various legal decisions from the late 19th to the mid-20th century. They were confined professionally and conditioned in all-wrong marital status. Gender order was so seriously taken by the State so that women teachers were restricted in actualizing their potential and conditioned to be inferior, subordinated and domesticated. Women had been used as a reserve army when no men was found and were seldom heads of any but the smallest country schools where no man could be found to take the position, except a handful of girls departments in large city schools. Moreover, women's marital status was likely conceptualized to be always 'wrong' in relation to the teaching profession. Even advocates of tenure rights held on to stereotypes of women which affect them in deficit ways. While earlier generations praised single women teachers for their purity and commitments to their job, the next generations began to worry about their 'deviance'.

Key Words: Gender Order, Professional Confinement, Stereotypes, All Wrong Marital Status.

Introduction

It is the all-encompassing movement of images of a sex-war between men and women that provides major evidence of the appearance of gender as a cultural flashpoint in western societies. Accordingly, gender plays a crucial role to understand a range of social practice in the history of education.

The 'gender order' could be very simplistically defined as the

way society is organized around the roles, responsibilities, activities and contributions of women and men¹, in other words, what is expected, allowed and encouraged in relation to what women and men do in different contexts. Also, Fitzsimon and Lennon argue that gender differences or gender order constitute socially constructed behavioural and psychological traits associated with femininity and masculinity.²

Some influential gender order that made women inferior, subordinated, marginalised and stuck in peripheral position, probably, are: first, that public domain is men's world and domestic one is women's, because women are ill-equipped to function in public sphere and in civic life generally; second, that the presence of married women in the workforce was inimical to the institution of marriage; third, that it is the woman's lot to marry and share the home with the breadwinner, as described by Hall that the Victorian middle class ideal of womanhood was 'the angel in the house' or 'the relative creature' who maintained the home as haven; last but not least, sentimental ideals of motherhood that females are incomparably better teachers than males and endowed by nature with stronger parental impulses enabling the children world delightful and turning duty into pleasure, which made most women remained teaching primary school students and could not go to teach in higher level of education.³

These can be traced in the history of education, in which woman teachers had been located systematically in a peripheral position, whatever their marital status was. This essay tries to present the female teachers' peripheral position as the effect of legal decisions related to the dominant gender order from the late 19th to the mid-20th century. The position is framed in their confined profession and their conditioned all wrong marital status.

¹Carolyn Hanan, *Challenging the Gender Order*, an opening keynote speech at the fourth world conference on women and sport, Kumamoto, Japan, 11 May 2006, <http://www.un.org/womenwatch/daw/news/speech2006>, 2006.

²Rachel Alsop, Annette Fitzsimons and Kathleen Lennon, *Theorizing Gender*, (Cambridge: Polity Press, 2002), 105.

³Catherine Hall, "The Early Formation of Victorian Domestic Ideology", in Fiona Montgomery and Christine Collette, *The European Women's History Reader*, (New York, Routledge, 2002), 17.

The women teachers' professional confinement

It might be for the reason that woman was 'the relative creature' who maintained the home as haven,⁴ in opposition to man as the 'absolute' one who 'deserves' for others creature's services. and the nineteenth century ideology of separate spheres- women in the private sphere of home and family and men in the public sphere of commerce and politics⁵, women teachers became the last choice in staffing when the school teacher shortage came to a critical condition, even though teaching seemed to be seen as one of the few types of acceptable paid work for women due to its inclusion of working with children and maternal instincts. Indeed, there was a claim in Britain that higher education for women was an unsound investment, since they would stop working on marriage-women supreme profession.⁶ Gender order seriously drove the decision makers and parents to locate women mainly in domestic sphere.

In addition, the very gender order must had blocked the ways for female teachers to actualize their potential whatever their qualification was, so in case when they had higher qualification, I am of the conviction that they were not allowed to have authority over or higher position than men and used as a reserve army when no men was found. Women were seldom heads of any but the smallest country schools where no man could be found to take the position.⁷ Men teachers were central in service ladders and their career paths were protected by system that did not include women from leadership positions in any school except small country ones and a handful of girls departments in large city schools.⁸ By the end of the 19th century, the hundreds of 'lady teachers' who staked a claim to teaching

⁴*Ibid.*, 21.

⁵David M. Donahue, "Rhode Island's Last Holdout: Tenure and Married Women Teachers at He Brink of the Women's Movement", *History of Education Quarterly*, Vol. 42, no. 1, 2002.

⁶Jane McDermid, "Women and Education", in June Purvis (ed.), *Women's History Britain, 1850-1945: An Introduction*, (London: UCL Press, 1995).

⁷MarjorieTheobald, Marjorie, *Knowing Women*, (Hongkong: Cambridge University press, 1996).

⁸Kay Whitehead, "The Spinster Teacher in Australia from the 1870s to the 1960s", *History of Education Review*, vol. 36, no. 1, 2007.

professional had been confined to the new echelons of a hierarchy dominated by men.⁹ Moreover, the discourses which surrounded women teachers in the schools from the beginning had little to say about their natural endowments as teachers and even less about their manifest availability as cheap labour.¹⁰

In 1857, the National School Board cheerfully suggested to married couples graduating from the Training Institution that the husband would at once receive handsome salary, while the similarly qualified wife would receive a stipend as work mistress, only if the school was sufficiently large to warrant the appointment of the wife as a literary teacher would she receive the salary to which her qualifications entitled her.¹¹ It seems to me that MacDermid (1995)'s claim about the condition of women in Britain at least until the first World War also applied in Australia at the same time, that all women were expected to conform to the ideology of domesticity, which disapproved of working women and located feminine virtue in a domestic and familial setting. Thus, when men and women had the same qualification, they could not have the same position and, consequently, reward, because women's job was usually tied to domestic ones, such as sewing mistress. Donahue (2002) asserts that the 19th century ideology of separate spheres left few opportunities for women to work, except teaching, because it involves working with children and drew maternal instincts. Thus, teaching was seen as an extension of women's duties and talents exercised in their private spheres.

Even though women were considered well-matched to teaching profession, especially at the elementary level due to their presumed caring and nurturing qualities, married women with children were assumed to be poor teachers because their attention would be concentrated on their own families instead of their paid job.¹² That was probably the cause why they were treated just as the reserve army, as the last choice, when no one else took the position or there

⁹Theobald, *Knowing Women*, 1996.

¹⁰*Ibid.*

¹¹*Ibid.*

¹²*Ibid.*

was a teacher shortage.

In addition, Whitehead (2007) contends that gender difference was strictly enforced in recruiting and governing practices of the late 19th century educational state. Similar statement also comes from Theobald (2006) that in the late 19th century, legislation ensured that women teachers taught under the male governance of head-teachers, inspectors, and the men at the head office; they were minimally trained as pupil-teachers; confined to separate and unequal career paths; denied access to headships; paid at best four-fifths of the male rate; and subject to informal and formal marriage bars. Gender order was so seriously taken by the State so that women (teachers) were restricted in actualizing their potential and conditioned to be inferior, subordinated and domesticated. Indeed, women teachers taught under the ground rule that they were to teach briefly, on low salaries, with minimal prospects for advancement, before fulfilling their 'natural destinies' as wives and mothers.¹³

The marriage bar

Women teachers, related to their marital status and the dominant stereotypes, prejudices and images on it, experienced unstable recognition from the State. Once single women teachers were favoured due to their purity and undivided attentions to pupils, which at the same time also indicated an informal marriage bar, married women teachers, regardless their qualification, as Whitehead (2007) notes, were employed in temporary basis and paid as temporary teachers whose career paths were temporarily truncated. Married women teachers in Canada, according to Cavanagh (2005), was also constructed to be an occupational transient, assumed as underqualified, uninterested in professional development, and torn between divided loyalties to their family and the school. On the contrary, the image of single women teacher was, Cavanagh (2005) describes, as professional 'par excellence', having overriding commitment to education. Thus, teaching profession was constructed

¹³Marjorie Theobald, "And Gladly Teach?: the Making of a Woman's Profession", in Elizabeth M. Smith and Paula Bourne (eds.), *Women Teaching Women Learning: Historical Perspectives*, (Toronto: Inanna, 2006).

as work for married men and single women, which was deeply implicated in creating the spinsters.¹⁴

Similar condition on the single-mindedness in teaching profession for females was also the case in Victoria. Dwyer (2006) asserts that in Victoria, the Rogers Templeton Commission (1883-84), besides its objection to the women teachers' authority over men and their monopoly of first assistant positions, questioned married women teachers' ability to manage their domestic and public duties and the propriety of pregnant women teaching in public. This consequently strengthened the restricted opportunities of married women teachers to have access to permanent teaching profession, even had been a turning point in the state (Victoria)'s relationship with the married women teacher, which finally resulted in the married bar, which was introduced in 1889 in Victoria as encapsulated in the Public service Amendment Act 1889.¹⁵ Only in condition when no one took the position, married women teachers were employed, as argued by Theobald (2006) that all States used married women as a reserve army of temporary, cheap and malleable labour, peaking of course in wartime.

The NSW parliamentary debate on the married teaching couple drawing two large salaries from the state was not as central issue as the right of married women teachers to work.¹⁶ This showed that women, especially the married ones, were constructed systematically not to have full right as citizen. If this was caused by the assumption that they, as the dependent wife, had been supported economically by their husband as the harvester of the family wage, the widows and the married women with invalid or incapacitated husband, e.g. due to World War I, should not be deemed as married women who were treated as temporary labour, because they are themselves are the breadwinner and not the dependent wife. In fact, as Dwyer (2006) notes, they were. By being temporary teachers, they experienced a

¹⁴Kay Whitehead, "The spinster teacher in Australia from the 1870s to the 1960s", *History of Education Review*, vol. 36, no. 1, 2007.

¹⁵Donna Dwyer, "Justice at last?: the temporary teachers club and the Teaching Service (married women) Act 1956", *Labour History*, No. 91. November, 2006.

¹⁶*Ibid.*

considerable loss of salary and status, consequently, when they were the only one to support their family's economy, they really suffered.

The ubiquitous informal marriage bar had been easily taken into formal regulation when in it came under challenge. Therefore, when during World War I married teachers were needed to replace men going onto the front, marriage bar was instituted by regulation in Western Australia.¹⁷ In Victoria, the marriage bar was introduced by the PSAA 1889, which was to apply only to women who married after the passing to avoid conflict with the married women teachers who were already teaching at that time.¹⁸ Married women teachers in NSW, unlike in other colonies, were luckier and appreciated. Although the Liberal reformers opposed married women teaching and eventually the debate on the Bill of Public Service Amendment Act (PSAA) 1895 on the right of women teachers to work resolved in their favour, introducing the marriage bar into the public service, at the same year a young lawyer member of Tamworth, A.B. Piddington, successfully defended the right of married women teachers to work.¹⁹ However, during the 1930s economic depression, the NSW government passed the Married Women (Lecturers and Teachers) Act, 1932, which removed the currently and those who subsequently married women from the State service²⁰, which means employing married women teachers as provisional labour.

Married women teachers were really marginalised and it was always them who were sacrificed when the government faced a critical situation. Not long after the passing of the marriage bar 1889, a severe economic depression during the 1890s prompted the Victorian Dept to offer compensation rather than pensions to the remaining married women teachers (who were not the subject of the PSAA because they were currently teaching when the Act was passed) who failed to meet its rigorous pension requirements and the needy married women were deemed 'outsiders', employed as temporary

¹⁷Theobald, "And Gladly Teach?: the Making of a Woman's Profession", 37.

¹⁸Dwyer, "Justice at last?", 115.

¹⁹*Ibid.*

²⁰Marjorie Theobald and Donna Dwyer, "An Episode in Feminist Politics: the Married Women" (lecturers and teachers) Act, 1932-1947, *Labour History*, No.76, May, 1999.

labour to cover contingencies (Dwyer, 2006) with a great loss of salary, status, and entitlements. Whereas, in NSW, the Married Women Act provided two categories under which married women could be reemployed as temporary teachers; 'in the public interest', including a handful of women with specialist qualifications such as the lecturers at Sydney Teachers' College, and on the grounds of financial hardship, including the vast majority of women whose combined family income was less than £25 per week.²¹

The status of temporary teacher means lower than any other teachers in salary, status, and entitlements. Married women teachers were also cheap labour which was hired by the government in any critical situation, especially in war time and in economic depression, for example replacing men who went to a war, or giving service in the 1890s depression in Victoria and 1930s depression in NSW as described previously. During the period prior to World War II, school committees and education policy were motivated by a desire to hire cheap labour and women were seen as a source of cheaper and more quiescent labour than men (Donahue, 2002). Not to mention, during the marriage bar times, besides suffering a considerable loss of salary, status, and entitlements, married women teachers suffered uncertainty each year as the time for the renewal of certificates came around, all of which were in the name of a policy that was ideological in intent and unworkable in practice.²²

Both the informal and formal marriage bars must have contributed to the young women's perception that teaching was an interlude between school and marriage. The marriage bar framed women teachers to a choice between marriage and career, consequently, it was probably this discourse that created what Theobald (2006) calls three-caste system of female teachers; young women who taught briefly before marriage and never taught again, married women who for reasons of personal misfortune taught as temporaries in schools where nobody else would take the job, and the spinster teachers who, having by general consent failed to find husbands, were in for the long haul.

²¹Theobald and Dwyer, "An Episode in Feminist Politics".

²²*Ibid.*

A surprising point is that even many women themselves hold strongly the gender order which is demeaning to other women, subsequently when the legal system had tolerated married women teachers' inclusion in the profession, they did not welcome their married women counterpart. Thus, those who rejected married women were actually not always men, many women were also found overlooking their contribution to the teaching profession. When the Provincial Department of Education's and the Canadian federal government's supported to married women teachers and began to drop marriage bans by the 1930s, according to Cavanagh (2005), The Federation of Women Teachers' Associations of Ontario (FWTAO), the Manitoba women teachers' organization, and the Saskatoon Canadian Women Teachers' Association remained insistent upon the preference for the single female teacher and did not accept married women as true professionals but the teachers shortage caused by the baby boomers led them to admit married women to membership. Vavanagh (2005) also mentions that in 1955, after the pressure from the government of Ontario, a large-scale survey was conducted by FWTAO to make sure that married women teachers really gave contribution to the profession.

The post married bar: the devalued single status and the informal sanctions against married women teachers

Women's marital status was likely conceptualized to be always 'wrong' in relation to the teaching profession. Even advocates of tenure rights held on to stereotypes of women, although new stereotypes were replacing the new ones at the mid 20th century.²³ While earlier generations praised single women teachers for their purity and commitments to their job, the next generations began to worry about their 'deviance'. Married women teachers were positioned beyond suspicion but those who stayed outside the institution continued to stand as threats to men, economically, politically and then in terms of their unexpected sexuality.²⁴ Prior to

²³Donahue, "Rhode Island's Last Holdout: Tenure and Married Women Teachers at He Brink of the Women's Movement".

²⁴Whitehead, "The spinster teacher in Australia from the 1870s to the 1960s".

the repeal of the Married Women Teacher Act in NSW, a rehearsal raised the 'problems' in the service of married women; their lack of mobility, their higher rate of absenteeism, their frequency of resignations, and their 'divided attention between family and school'.²⁵ From the late 19th to the early 20th centuries, it is well-known that the spinster teacher had always been supposed to be celibate but then that condition became a controversial matter and the earlier consent to remain single in the deficiency of compassionate marriage was slowly but surely diluted.²⁶

When spinsters were enjoying praise due to their purity and undivided attentions to pupils, the early twentieth century sexologists started to see spinsterhood as a worrying problem, destructive, warped and damaging to the social fabric because it was able to be a form of resistance for women due to social and economic changes that enabled women to survive without marriage.²⁷ In line with this, Whitehead (2007) contends from about the 1920s, spinsters would be conceptualized as a more and more problematic women and then marginalized as teachers. In addition, economically and educationally advantaged women, such as teachers, especially single, were seen as a hazard to conventional notions of masculinity and femininity, making boys effeminate and girls mannish.²⁸

When both informal and formal married bar applied, the spinster teachers were being employed regularly in the late nineteenth and early twentieth centuries that became an important part of the cultural setting in the long run²⁹, however, starting in the 1940s, single women teachers were not praised anymore, because they were suspected to lesbianism, therefore, unable to produce individuals normally heterosexual.³⁰ Here the operation of heterosexuality was

²⁵Theobald and Dwyer, "An Episode in Feminist Politics".

²⁶Whitehead, "The spinster teacher in Australia from the 1870s to the 1960s".

²⁷Sheila Jeffreys, "Women and sexuality", in June Purvis, (ed.), *Women's History Britain, 1850-1945: An Introduction*, (London: UCL Press, 1995).

²⁸Donahue, "Rhode Island's Last Holdout: Tenure and Married Women Teachers at He Brink of the Women's Movement" 2002.

²⁹Sheila L. Cavanagh, "Female-teacher gender and sexuality in twentieth century Ontario, Canada", *History of Education Quarterly*, Vol 45, No.2, 2005.

³⁰Donahue, "Rhode Island's Last Holdout: Tenure and Married Women

one of the key mechanisms by which unequal gender relations were retained.

In terms of the normalization of compulsory heterosexuality, Wilson contends that heterosexuality 'has become mystified and naturalized organizing principle which saturates Western culture, structuring thought and social organization around notions of binarism, complementarity, unidirectionality, and polarity'.³¹ In line with this, psychoanalytic accounts constructed that to become properly gendered was to become heterosexual. The image of single women teachers in the post-war period, then, came to be understood as emotionally maladjusted, sexually inverted, celibate and/or queer.³²

The pressure to conform to normative gender and heterosexual identities passed through post-war discussions about the institution of marriage. Finally, in 1947, the Married Women Act was repealed and the marriage bar was removed in NSW³³, The Teaching Service (Married Women) Act, 1956 was passed, removing the married bar in Victorian Education Dept.³⁴ However, Whitehead (2007) states that it was not the case in South Australia, in which marriage bar was removed late in 1964.

The devaluing spinsterhood was then followed by promoting the idea that mothers who were teachers were 'naturally' better than spinsters. This seems to be clearing the way for the reinstatement of married women who had resigned or served as temporary teachers to gain tenure or permanency, but at the same time marginalizing the spinsters and for married women themselves, to be reemployed permanently was not easy. There were a number of rigorous requirements for married women teachers to take their full right of citizenship.

It was ironic when a medical exam was required for the reinstatement, but if a married woman was injured on the job, she was

Teachers at the Brink of the Women's Movement".

³¹Rachel Alsop, Annette Fitzsimons and Kathleen Lennon, *Theorizing Gender*, (Cambridge: Polity Press, 2002), 115.

³²Sheila L. Cavanagh, "The heterosexualisation of the Ontario woman teacher in the postwar period", *Canadian Women Studies*, vol.18, no. 1, 1998.

³³Theobald and Dwyer, "An Episode in Feminist Politics".

³⁴Dwyer, "Justice at last?".

eligible only for workers compensation, while other teachers would be superannuated out of the service.³⁵ The medical exam required by the Act provided unexpected hurdle for many members of the TTC. Rather than a medical nature, personal questions most likely to do with their plans for balancing families with careers were asked.³⁶ It is clear that the department of education still did not trust married women teachers' ability to manage family and teaching and their commitment to the profession. Probably the department also still hold, to a certain extent, the ideology that married women should not leave home and maintain their position as wife and mother, not to divide it with any other job outside.

Moreover, informal sanctions in opposition to women's paid employment after marriage were still strong. In NSW, the married women were required to accept the same obligation in the direction of service in any part of the state as those imposed on other teachers, as a result only over half decided to become permanent.³⁷ In short, women encountered major resistance on their clamour for reinstatement of married women teachers under the same conditions as those existing for all other permanent teachers.

To provide a clearer image of the struggles to get permanency, one of the cases is presented. It is Mrs. Ivy Corey's case in Victoria, one of the cases which was included in Dwyer (2006)'s paper on the TTC and the Teaching Service Act 1956. Mrs. Ivy Corey had been teaching as a temporary teacher since 1944, had previously trained and worked as a teacher in SA. She was 43 when she began temporary teaching, when her husband died in 1946 she just outside the age limit for permanency for widows which was 45. In 1950, the age limit was raised from 45 to 55, but with 10 years' classified service before marriage. She had 8 years teaching before marriage, 12 years during marriage, and 5 years as a widow. In 1955, the proviso was altered to read 'any approved service', but as she had passed the age limit, 55, by a few weeks. It was really fierce.

³⁵*Ibd.*

³⁶*Ibid..*

³⁷Theobald and Dwyer, "An Episode in Feminist Politics".

Conclusion

Gender order, as a social construction in ubiquitous patriarchal culture, had been taken seriously by the decision makers so that it had affected female teachers in deficit ways whatever their marital status were and systematically served as a professional confinement. When single women teachers were preferred, informal and eventually formal marriage bar avoided married women teachers from permanency and were just employed as provisional teachers which means great loss of salary and status. The very marriage bar also contributed to the emergence of the three caste-system of female teachers. However, when the psychoanalysis conceptualized that to become properly gendered was to become heterosexual, the image of single women teachers in the post-war period, then, came to be understood as emotionally maladjusted and sexually inverted and assumed as unable to produce individuals normally heterosexual, accordingly the marriage bar was removed. The removal of the marriage bar did not mean a smooth way for the married women teachers to be reinstated, a number of rigorous requirements were to be met and informal sanctions not in favour of women's paid service after marriage were still strong. In short, women teachers, regardless of their marital status were generally marginalized, subordinated, and became victims of gender order which was strengthened by the government policies.

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