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THE NATIONALITY OF MARRIED WOMEN

A short account of the present British Law governing the Nationality of Married Women, with a summary of various arguments for and against. The pamphlet also includes a statement of world progress in nationality reform, and the text of the Nationality of Married Women Bill promoted in the British Parliament.

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P PAMPHLET

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COMMITTEE.

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THE NATIONALITY OF MARRIED WOMEN.

Present Law governing the Nationality of Married Women.

By the common law, which was not modified until 1844, the nationality of a woman was not affected by her marriage. If a British woman married an alien, she remained British; if an alien woman married a British subject, she remained an alien.

By an Act of 1844, an alien woman marrying a British subject became a British subject.

By the *Naturalisation Act of 1870* (the first measure for providing regular machinery for a man or unmarried woman to acquire or renounce British nationality) a British woman for the first time in history lost her nationality on marrying an alien, and herself became an alien.

Position of the British-born man and the British-born woman: a contrast.

A natural-born British man cannot lose his nationality except by a voluntary and formal act of his own, that is if he applies for and is admitted to, naturalisation in another country. A British woman, until she marries, enjoys the same nationality rights as a man. But a married woman loses all right to independent personal nationality, and is legally unable to apply for, or be admitted to, nationality in her own person. The British-born woman who has lost her nationality on marriage to an alien husband is treated as an alien. She is refused a British passport. She loses her right to vote both at municipal and parliamentary elections, and ceases to be eligible for election to these bodies. When abroad, she is refused the protection of the British Government, and should she return to this country and wish to take up a post, she may come under the ban forbidding aliens to obtain work here. Even if she has never left her own country and can speak no word of her alien husband's language, she is told she is an alien. Many a British-born woman with an enemy alien husband had her own property confiscated by the British Government under the arrangements concluded in the Peace Treaties. In many cases, under the law of her husband's country, a woman may have his nationality imposed upon her whether she wants it or not.

Contrast between the position of the Foreign Man and the Foreign Woman.

Before a foreign man can be admitted to British nationality, he has to take the oath of allegiance, and to fulfil certain conditions as to residence on British soil, personal character and knowledge

of the English language. This applies equally to the unmarried foreign woman.

A foreign woman on marriage to a British subject, however, has British nationality imposed upon her whether she wants it or not. Whatever her character, no matter how strong her loyalty to the country of her origin, even if she does not speak one word of English, she is regarded as a British subject. No oath of allegiance is demanded of her.

The British woman who has been deprived of her nationality on her marriage with an alien, does not automatically regain her nationality of birth if her alien husband dies, or the marriage is dissolved by divorce. She then becomes in the legal sense 'unmarried' and is therefore no longer classed with minors, and lunatics as under a disability, but is recognised as being capable of applying for, and of being re-admitted to, British nationality. She is required to satisfy the same regulations as any ordinary alien applying for admission to British nationality except that she pays a very small fee and is exempted from the conditions governing residence upon British soil. If, however, she is not divorced but separated from her husband or has been deserted by him, it is not possible for her to claim to be re-admitted to British Nationality. She continues to be treated as a foreigner. A woman who has lost her nationality on marriage with an alien has no absolute right to be re-admitted to British nationality on the dissolution of her marriage, since the matter is within the discretion of the Home Secretary. It is, too, his general practice to refuse naturalisation to a woman unless she is going to settle on British soil. Any application for re-admission to British nationality upon widowhood or divorce has to be made within a period of twelve months.

Transmission of Nationality to Children.

By British law, a child born on British soil is British, irrespective of the nationality of its parents. Transmission of nationality to children is through the father alone, therefore it often happens that a British woman who marries a foreigner and has children born in this country is compelled by British law to be an alien while British nationality is conferred upon her children. When a British man or his widow acquires another nationality, the infant children lose their British nationality if, by the law of their parents' new country, they acquire their parents' new nationality. Such children may, however, at the age of 21, make a declaration of allegiance to British nationality. (British Nationality and Status of Aliens 1914 Act).

What opponents to reform of the existing laws say.

(a) There ought to be only one nationality in the family. It is common now for a man, if he settles in her country, to take the nationality of his wife. But in so doing, he takes all the

factors into consideration, comes to his own conclusion and makes the decision at a time which suits himself. He does not have the matter decided for him. Women who do have a choice very often take the husband's nationality when settling in his country. But there is no reason why such a decision should be forced upon a woman from outside. This argument is in essence based on the assumption that the woman should be the subordinate partner in the marriage, the 'chattel' of her husband.

(b) It would be troublesome abroad to give protection to the British wife of an alien husband.

It may not be said in so many words, but this is one of the reasons why States wish to be rid of their responsibilities regarding their women nationals. But why should British women be denied this most important of all privileges of nationality because of their sex? The British man and also his alien wife are given passports and this protection extended to them. Many other countries already accord it to their women, for instance, Argentina, whose women retain their nationality on marriage. Argentine women are entitled at all times to 'succour and aid from the representatives of the Republic.'

The many British refugees recently helped in Spain afford an example of how serious it may be for a British woman to be deprived of British protection abroad.

What we ask, and why.

(a) To enjoy nationality in one's own person is a fundamental political right. Marriage should not be a reason for penalising a woman by refusing her the status of an adult.

(b) Nationality should not be imposed upon or taken away from any adult citizen without that person's consent.

We ask, therefore, that the Government of the United Kingdom shall act on the declaration made by them at Geneva in 1931, when by the mouth of their delegate, Dame Edith Lyttleton, they stated:

'The British Government considers that it is right that all disabilities of married women in matters of nationality should be removed, and that, in so far as nationality is concerned, a married woman should be in the same position as a man, married or unmarried, or any single woman.'

This country is lagging behind other countries in refusing nationality rights in her own person to the married woman.

Progress in other countries.

Within the last twenty years immense progress has been made in extending nationality rights to married women. In 1918 the general rule that a woman should take the nationality of her

husband was almost universal in Europe and North America. It has never been the rule in the majority of the republics of South America. In *Russia* in 1918 married women were given the same nationality rights as men. The *United States of America* followed in 1922, and since 1929 the *Chinese* woman has not lost her nationality on marriage with a foreigner. This means that already in states within whose territories nearly half the population of the world is comprised, the married woman retains her nationality on marriage. *Roumania* (1924), *Belgium* (1922), *Turkey* (1929), *Yugo Slavia* (1929) and *Cuba* (1929) have given a married woman the right to retain her nationality on marriage with a foreigner; while with certain exceptions *Sweden* (1924), *Denmark* (1925), *Finland* (1927), *Iceland* (1926), *France* (1927) and her colonies give this right to a woman national. In the five last-named countries the woman may retain her own nationality at least so long as she has her permanent residence in her own country. Nor do *Belgium* (1922), *France* (1927) and her colonies, *Yugo-Slavia* (1929) automatically impose their nationality on a foreign woman who marries one of their nationals.

The Work of Women's Organisations in the United Kingdom.

In 1914 the first Bill entitled 'The British Nationality and Status of Aliens Bill' was introduced in the House of Commons. It proposed to continue to make the wife's nationality depend in every case on that of her husband. The Bill had been drafted in the Colonial (now the Imperial) Conference, and was designed to become law as it stood both here and in the Dominions. The intention was that henceforth there should be uniformity of nationality in the British Empire. Four women's organisations, the National Council of Women, the National Union of Societies for Equal Citizenship, Women's National Liberal Federation and the Women's Co-operative Guild protested vigorously and urged its amendment. Championed by Lord Dickinson, then Sir Willoughby Dickinson, M.P., their efforts resulted in two important modifications being made: one, making it less difficult for the woman who had lost her nationality on marriage to regain it after the dissolution of that marriage; the other enabling her to retain her own nationality if her husband changed his during the marriage. Between 1917 and 1930 the National Council of Women has approached every Imperial Conference on the subject. In 1918 organised support for a Memorial bearing the signature of representatives of some nationally or state organised women's societies throughout the Empire was presented to the Imperial Conference. The then Home Secretary on behalf of that Conference received a large and representative deputation in support of this Memorial. Later many other organisations added their signatures so that by 1921 77 had given their support.

Action in the British House of Commons.

The Women's societies have raised this question many times in the House of Commons.

1922.—Lord Danesfort (then Sir John Butcher) introduced the Nationality of Married Women Bill (1922) (Bill 68), and it is this measure which the women's organisations have been seeking ever since to get passed. This Bill proposed to place the married woman with respect to her nationality in the same position as a man or unmarried woman. The Bill was sent to a Select Committee, but a dissolution came before any development occurred.

1923. A joint Select Committee of the Lords and Commons was appointed to consider the nationality of the married woman and it is significant that while the Lords members were opposed to giving nationality rights, the Commons members were unanimously in favour of so doing.

1925. A Resolution, promoted by the National Union of Societies for Equal Citizenship was unanimously adopted in the House of Commons. It affirmed that

'In the opinion of this House a British woman shall not lose her nationality by the mere act of marriage with an alien, but it shall be open to her to make a declaration of alienage.'

The Australian Parliament also adopted the same Resolution in February, 1926, by a unanimous vote.

1928. Miss Ellen Wilkinson introduced without a division a Bill on the same lines as the 1922 Bill.

1929. On April 15th the Prime Minister, Mr. Ramsay MacDonald, on the eve of the General Election made a statement to a deputation of women's societies organised by the National Union of Societies for Equal Citizenship and the Equal Rights Committee. He said he agreed with the following proposal, that:

'A British woman who marries an alien shall not automatically lose her nationality; a foreign woman who marries a British subject shall not have British nationality imposed upon her unless she applies to be admitted as a British subject: and a married woman shall no longer be classed in the nationality laws with minors and lunatics as a person under a disability, but shall be deemed competent to apply for and be admitted to British nationality in her own right.'

1929. Captain Cazalet introduced the Nationality of Married Women Bill (1922 Bill), but the dissolution came before further progress could be made.

1930. In connection with the Codification Conference, summoned by the League of Nations to meet at the Hague, and also the Imperial Conference, the National Council of Women, with the support of a large number of women's organisations, took a deputa-

tion to the Home Secretary, Mr. Clynes. The deputation reminded Mr. Clynes of the declaration of April, 1929, of Mr. Ramsay MacDonald, and urged the Government to declare officially its intention to do all in its power to promote the adoption in the United Kingdom of legislation based on these principles, to urge the Imperial Conference to propose similar legislation for the Empire, and to press for the adoption of a similar policy at the forthcoming Codification Conference. The Home Secretary, in the absence of the Prime Minister, was unable to make any statement of policy, but on the eve of the Codification Conference, the Foreign Secretary stated in writing that:

'His Majesty's Government in the United Kingdom are, in principle, in favour of the policy with regard to the nationality of married women with which Mr. Ramsay MacDonald expressed his agreement on the occasion of the deputation of women's societies received by him in April, 1929, and that the delegation of the United Kingdom will be instructed to endeavour to obtain the adoption of this policy by the Conference.' (Letter to the Six Point Group dated March 10th, 1930.)

The representative of the Government at the Codification Conference did publicly state that the British Government was strongly of the opinion that

'A woman ought not upon marriage to lose her nationality or to acquire a new nationality without her consent.'

When the Codification Conference met at the Hague in March and April, 1930, the International Alliance of Women for Suffrage and Equal Citizenship, and the International Council of Women organised a big Demonstration under the Chairmanship of the late Miss Chrystal Macmillan in support of the Resolution that:

'A woman should have the same right as a man to retain or change her nationality.'

This Demonstration was supported by the following organisations:

International Council of Women, International Alliance of Women for Suffrage and Equal Citizenship, International Federation of University Women, International Co-operative Women's Guild, Women's Committee of the Labour and Socialist International, Bureau of the International Social Democratic Party, Women's International League for Peace and Freedom, Federation Internationale des Femmes Avocats et Magistrats, World's Young Women's Christian Association, Secretariat International de l'Enseignement, Open Door International, Confederation Internationale des Travailleurs Intellectuels. Also by prominent persons and organisations in Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czecho-Slovakia, Denmark, Estonia, Finland, France,

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Germany, Great Britain, Greece, Hungary, India, Iceland, Italy, Japan, Latvia, Lithuania, Netherlands, Norway, Palestine, Poland, Portugal, Roumania, Spain, Sweden, Switzerland, Syria, Ukraina, Union of South Africa, and the United States of America.

Representatives of the two organisations which promoted the Demonstration were received in deputation by the Bureau of the Codification Conference, and later by its Nationality Committee, and laid before these bodies the above-quoted Resolution, and also urged that:

'with respect to the derivation of nationality from a parent, the nationality of one parent should be given no preference over that of the other.'

The Women's Organisations were not successful in inducing the Codification Conference to embody their proposals in the Convention on Nationality (see appendix), but the activity of their organisations was not without some small effect since the Codification Conference adopted as a Recommendation the following Resolution:

'This Conference recommends to the States the study of the question whether it would not be possible

1. to introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children, and
2. especially to decide that in principle the nationality of the wife shall not henceforth be effected without her consent by the mere fact of marriage or by any change in the nationality of her husband.'

1930. In April the National Council of Women, which up to that time had co-ordinated the work of the women's organisations, formed the Nationality of Married Women Pass the Bill Committee, to carry on their work and to co-operate with sympathetic Dominion societies. The Committee includes members of both Houses of Parliament and representatives of a number of other women's organisations. (See appendix for full list of supporting societies.)

The new Committee at once asked to be received in deputation, as the impending Imperial Conference was of special importance in view of the fact that the whole question of Dominion legislation, including nationality, was to be dealt with. The Prime Minister as Chairman of the Conference refused to receive the deputation, but suggested that a Memorandum be sent, which was done. The conclusions of the Conference with regard to nationality are given in the Appendix.

1930. Captain Cazalet again introduced the Nationality of Married Women Bill, without a division, and at the close of the Session in that same year 241 Members of Parliament, representing

all parties, presented a Memorial to the Prime Minister, asking him to grant the facilities necessary to enable the Bill to become law before the end of the year.

1930. Autumn Session. The Bill was again introduced, this time by Dr. Ethel Bentham, seconded by Captain Cazalet, and was read a second time without a division on November 28th. No member opposed the principle of the Bill, adverse criticism being concerned with the legal difficulties and the desirability for unanimity of legislation throughout the Commonwealth, and in other countries. The Home Secretary, replying for the Government, stated that:

'If a second reading is given to this Bill I shall regard it as a demonstration of a principle that is acceptable to all'; and that:

'He would like to express in the most emphatic terms the approval of the Government of the principles embodied in this Bill.'

The Government, however, did not adopt the Bill, as they considered that its terms conflicted with the agreements which had been arrived at in the recent Imperial Conference.

1931. In January, the Council of the League of Nations invited a number of international women's organisations to present a report on the nationality of married women. Eight societies accepted the invitation: International Council of Women, International Alliance for Suffrage and Equal Citizenship, International Federation of University Women, Women's International League for Peace and Freedom, Equal Rights International, Inter-American Commission of Women, All-Asian Women's Congress, and the World Union of Women for International Concord.

The Committee so formed met in Geneva in July 1931, and its first Report declared the Committee's opposition to the Hague Nationality Convention inasmuch as it differentiates between men and women, and urged the League Assembly to submit to Governments for ratification a new convention founded on the principle of equality between men and women. In 1932, the Committee presented two separate Reports.

1931. *League of Nations Assembly*. At this Assembly, nationality was again discussed, and during that debate the following statements were made by British representatives.

Dame Edith Lyttelton, on behalf of the British Government said:

'The British Government consider that it is right that all disabilities of married women in matters of nationality should be removed, and that, in so far as nationality is concerned, a married woman should be in the same position as a man,—married or unmarried—,or any single woman.'

Sir Annepu P. Patroon, on behalf of the Government of India, said:

'Women should not obtain the rights of citizenship merely from the men to whom they were married, nationality should be given to women in their own right.'

The Hon. Hugh Guthrie, on behalf of Canada, stated:

'He believed that his own country would go as far as granting equal rights if the other nations of the world decided to do likewise. The sooner the equality of the sexes was realised, not only in nationality, but in regard to all matters of law, the better it would be for the world.'

Dr. Ethel Osborne, on behalf of the Commonwealth of Australia, said:

'The Commonwealth Government favours the principle of equality of the sexes in matters of nationality, provided that such principle finds general acceptance by other countries, and particularly by Great Britain and the other Dominions.'

1932. On January 29th, the Home Secretary, Sir Herbert Samuel, received a large deputation representing more than thirty women's organisations. The deputation asked the Government to adopt legislation to give effect to their policy as declared by the mouth of their delegate, Dame Edith Lyttelton, at Geneva.

The deputation pointed out that for a Government to declare itself in favour of a policy and not be prepared to introduce any measure to make it effective was meaningless politically. In his reply the Home Secretary said that the practical difficulty was that to adopt legislation in this country would be a breach in the uniformity of nationality which now obtained within the Commonwealth under existing laws. He did not undertake that the Government would take action on the lines asked for by the deputation.

In 1932 an International Petition of Catholic men and Catholic women "begging that a woman, whether married or unmarried, should have the same right as a man to retain or change her nationality" was presented to the Assembly and by a decision of the Council of the League was circulated to the Thirteenth Assembly. The signatures to the Petition numbered 8,000, drawn from 23 countries, and included archbishops, bishops, members of religious orders, secular clergy, the Prime Minister of Australia, Members of Parliament, legislatures, municipalities and the professions.

1933. The Pass the Bill Committee, with the support of thirty nationally organised societies again took a deputation to the Home Secretary, Sir John Gilmour.

1933. July. The Committee organised a Petition which was presented to the Ottawa Conference, signed by 118 representatives

of nationally organised societies in Great Britain and the Dominions.

1933. On July 4th, in spite of strong protests from organised women's societies, the Government introduced in the House of Lords the British Nationality and Status of Aliens Bill, 1933, and this Bill was passed in November of that year. The women's organisations demanded that any change in the law should remove the married woman from the category of persons under a disability and give her independent personal nationality. This Act, which continues to govern the nationality of the married woman, gives effect to Articles 8—11 of the Hague Nationality Convention (see Appendix) and has for its main purpose the prevention of certain cases of statelessness, but it leaves the nationality of the married woman dependent upon that of her husband or on the law of her husband's country. While it prevents a British woman from losing her nationality on marriage with a foreigner when she does not acquire her husband's nationality by virtue of the marriage and would otherwise become stateless, it does not give the British woman the right to retain her nationality on marriage with a foreigner whose nationality she thereby acquires. Moreover the Act went outside the scope of its title to cut down the right a married woman previously enjoyed by limiting to twelve months the period within which she was entitled to declare her intention to remain British should her husband change his nationality during the marriage. There is nothing in the Hague Convention which made this stipulation necessary. It is of interest to note that under this legislation a British woman *retains* her nationality after marriage with a national of the following countries: Argentine, Brazil, Chile, Colombia, Panama, Paraguay, Russia, the United States of America, and Uruguay. She *loses* it if she marries a national of: Afghanistan, Albania, Austria, Bolivia, Bulgaria, Costa Rica, Cuba, Czecho Slovakia, Danzig, Denmark, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Haiti, Hungary, Iceland, Iraq, Italy, Japan, Latvia, Lebanon, Lithuania, Mexico, Monaco, Netherlands, Nicaragua, Norway, Palestine, Persia, Poland, Portugal, Roumania, Siam, Sweden, Switzerland, Syria, Tunis, Turkey, and Venezuela.

A British woman may find the authorities in doubt as to whether or not she is British if she marries a national of Belgium, China, Equador, France and its colonies, Guatemala, and Jugoslavia.

Opposition to any reform in the nationality laws is now based on the argument for uniformity of nationality throughout the British Empire. During the debate on the second reading in the House of Lords of the British Nationality and Status of Aliens Bill the Lord Chancellor (Lord Sankey) in introducing the Bill said:

'The reasons which prevent the Government from taking this matter up at the present time are not reasons connected

with the intrinsic advantages or disadvantages of the proposal: they are quite different reasons based on the imperial character of our nationality law and on the impracticability at the present time of securing agreement on other points than those dealt with in this Bill.'

In the debate on the Bill in the Commons, the Government refused to inform the House where the opposition comes from. We also learn from the speech of the New Zealand Prime Minister in the debate on October 18th, 1933, on the second reading of the Bill introduced by Mr. Fraser to give effect to the women's demands, that when he was present at the Imperial Conference of 1930

'no indication was given by the Labour Government (i.e., of Great Britain) that it would agree to legislation such as is now proposed.'

He further stated that he did not know which part of the Empire opposed the proposal. The only first-hand evidence which has been allowed to come to light on the merits of reform is in favour of what the women ask for. The argument that uniformity of nationality is essential can no longer be accepted.

UNIFORMITY NO LONGER EXISTS.

It is impossible to accept the position that this injustice to married women is to continue until the most reactionary Dominion or Dominions are prepared to act. This would mean to give one Dominion power to veto progress in other parts of the Empire. Each Parliament in the Empire should adopt legislation to give effect to this reform, in each case making it as widely effective as the jurisdiction of its particular parliament allows. If the British Parliament and certain Dominion Parliaments were to adopt this legislation, it could become effective for the women of those parts of the Empire within their borders and in foreign countries, even if it were not effective within the Dominions which did not adopt such legislation. There is nothing new in having British nationality recognised in one part of the Empire and not in another. Indeed, it is only between the years 1928 (when the last Dominion enacted the provisions of the British Nationality and Status of Aliens Act, 1914), and 1932, (when Canada gave effect to the Hague Nationality Convention) that there has been uniformity of nationality throughout the Empire. By the recent adoption of new legislation in Canada, Great Britain, New Zealand and Australia British nationality in these countries and abroad has been conferred on a number of women who are still aliens in other parts of the Empire. So that to-day, uniformity has again ceased to be a characteristic of British nationality. If want of uniformity is possible in this case, it is also possible in another. Justice to women should not be made subservient to a uniformity based on injustice.

Objections to Ratification of the Hague Nationality Convention.

(a). An International Convention should not be based, as this Convention is, on the principle of the nationality of a woman being dependent on that of her husband. Articles 8—11 of the Convention apply only in the case of countries in which the law makes the nationality of the wife dependent on that of her husband. The Convention thus tolerates internationally, instead of repudiating, this form of injustice, and has to be interpreted as if the dependence of the wife's nationality on that of her husband were a principle of international law.

(b). The fact that the Convention recognises the principle of the nationality of the wife being dependent on that of her husband, certain of the other Articles, those which deal with double nationality, become a danger to the married woman. The ratification of the Convention prevents the extension of the full privileges of British nationality enjoyed by other British subjects abroad to the married woman who in future may be given the right to keep her British nationality. This is because the double nationality provisions in the Convention limit the rights to protection of a British subject outside his own country, when such a subject has also another nationality. This means that the Convention would affect the married woman much more than those who enjoy independent nationality.

Denunciation of the Convention can take place at any time.

ACTION THE RESPECTIVE GOVERNMENTS ARE ASKED TO TAKE.

(1). To introduce and pass into law in their respective parliament a measure on the lines of the Nationality of Married Women Bill, making it effective wherever and in so far as each has jurisdiction.

(2). To inform each of the other Dominions of its willingness to give to the married woman her independent nationality; and to propose to them at once that legislation on these lines should be adopted throughout the Empire.

(3). To denounce the Hague Nationality Convention, and to support internationally only such an agreement as would provide that a woman, married or unmarried, shall have the same right as a man to her own independent nationality.

APPENDIX I.

ORGANISATIONS SUPPORTING THE BILL:—

Amalgamated Union of Building Trade Workers.
Association of Headmistresses.
Association for Moral and Social Hygiene.
Association of Women Clerks and Secretaries.
British Commonwealth League.
British Federation of University Women.
Conservative Women's Reform Association.
Equal Rights Committee.
Federation of Working Girls' Clubs.
Girls' Friendly Society.
Iron and Steel Trades' Confederation.
London Congregational Union, Women's League.
London and National Society for Women's Service.
National Amalgamated Furnishing Trades' Association.
National Amalgamated Society of Operative House and Ship Painters and Decorators.
National Amalgamated Union of Shop Assistants, Warehousemen and Clerks.
National Asylum Workers' Union.
National Citizens' Union.
National Council of Women.
National Sisterhood Movement.
National Union of Agricultural Workers.
National Union of Boot and Shoe Operatives.
National Union of Blastfurnacemen, Ore Miners, Coke Workers, and Kindred Trades.
National Union of Clerks and Administrative Workers.
National Union of Distributive and Allied Workers.
National Union of Foundry Workers.
National Union of Societies for Equal Citizenship.
National Union of Sorooptimist Clubs for Great Britain.
National Union of Teachers.
National Union of Women Teachers.
National Women Citizens' Association.
Open Door Council.
St. Joan's Social and Political Alliance.
Six Point Group.
Society for Promoting the Training of Women.
Standing Joint Committee of Industrial Women's Organisations.
Theosophical Order of Service.
Transport and General Workers' Union.
Union of Jewish Women.
United Pattern Markers' Association.
Women's International League.
Women's Freedom League.
Women's Liberal Federation.
Young Women's Christian Association.

NATIONALITY OF MARRIED WOMEN BILL.

Explanatory Memorandum and Text of Bill to follow here.

APPENDIX II.

NATIONALITY CONVENTION SIGNED AT THE HAGUE
CONFERENCE, 1930.

- Article 8. "If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of her husband."
- Article 9. "If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage this consequence shall be conditional on her acquiring her husband's new nationality."
- Article 10. "Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent."
- Article 11. "The wife, who under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it she shall lose the nationality which she acquired by reason of the marriage."

APPENDIX III.

IMPERIAL CONFERENCE, 1930.
NATIONALITY.

- (1). This Conference affirms paragraphs 73-8 inclusive of the Report of the Conference on the Operation of Dominion Legislation. (Given below).
- (2). That, if any changes are desired in the existing requirements for the common status, provision should be made for the maintenance of the common status, and the change should only be introduced (in accordance with present practice) after consultation and agreement among the several Members of the Commonwealth.
- (3). That it is for each Member of the Commonwealth to define for itself its own nationals, but that, so far as possible, those nationals should be persons possessing the common status, though it is recognised that local conditions or other special circumstances may from time to time necessitate divergences from this general principle.
- (4). That the possession of common status in virtue of the law for the time being in force in any part of the Commonwealth should carry with it the recognition of that status, by the law of every other part of the Commonwealth.

NATIONALITY OF MARRIED WOMEN.

Careful consideration was given to the subject of the nationality of married women. All members of the Conference represented at the Hague Conference of 1930 signed the Nationality Convention there concluded, and will, it is assumed, introduce such legislation as may be necessary to give effect to Articles 8-11 of that Convention. The Convention was satisfied, however, that any proposals for the further modification of the principle of the existing law would fail to secure unanimous agreement. It followed that the Conference was unable to make any recommendation for the substantive amendment of the law on this subject except to the extent stated above.

*1930 Cmd. 3479 p. 24.

§73. Nationality is a term with varying connotations. In one sense it is used to indicate a common consciousness based upon race, language, traditions, or other analogous ties and interests and is not necessarily limited to the geographic bonds of any particular

State. Nationality in this sense has long existed in the older parent communities of the Commonwealth. In another and more technical sense it implies a definite connection with a definite State and Government. The use of the term in the latter sense has in the case of the the British Commonwealth been attended by some ambiguity, due in part to its use for the purpose of denoting also the concept of allegiance to the Sovereign. With the constitutional development of the communities now forming the British Commonwealth of Nations the terms "national," "nationhood," and "nationality," in connection with each member, have come into common use.

§74. The status of the Dominions in international relations, the fact that the King, on the advice of his several Governments, assumes obligations and acquires rights by treaty on behalf of individual members of the Commonwealth, and the position of the members of the Commonwealth in the League of Nations, and in relation to the Permanent Court of International Justice, do not merely involve the recognition of these communities as distinct juristic entities, but also compel recognition of a particular status of membership of those communities for legal and political purposes. These exigencies have already become apparent: and two of the Dominions have passed Acts defining their "nationals" both for national and for international purposes.

§75. The members of the Commonwealth are united by a common allegiance to the Crown. This allegiance is the basis of the common status possessed by all subjects of His Majesty.

§76. A common status directly recognised throughout the British Commonwealth in recent years has been given a statutory basis through the operation of the British Nationality and Status of Aliens Act, 1914.

§77. Under the new position, if any change is made in the requirements established by the existing legislation, reciprocal action will be necessary to attain this same recognition, the importance of which is manifest in view of the desirability of facilitating freedom of intercourse and the mutual granting of privileges among the different parts of the Commonwealth.

§78. It is of course plain that no member of the Commonwealth either could or would contemplate seeking to confer on any person a status to be operative throughout the Commonwealth save in pursuance of legislation based upon common agreement, and it is fully recognised that this common status is in no way inconsistent with the recognition within and without the Commonwealth of the distinct nationality possessed by the nationals of the individual states of the British Commonwealth.

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