

Story: Benjamin, Ethel Rebecca

(Brown, C., 1993)

Page 1: Biography

Benjamin, Ethel Rebecca

1875–1943

Lawyer, businesswoman

This biography, written by Carol Brown, was first published in the Dictionary of New Zealand Biography in 1993.

Ethel Rebecca Benjamin was New Zealand's first woman lawyer. She was born in Dunedin, New Zealand, on 19 January 1875 to Lizzie Mark and her husband, Henry Benjamin, a prominent Dunedin money-broker. The Benjamins had at least seven children, of whom it is believed Ethel was the eldest. The family were Orthodox Jews and members of Dunedin's small Jewish community.

Ethel Benjamin attended Otago Girls' High School from 1883 to 1892. She excelled in her studies: in 1885 she received the Dalrymple Victoria prize; in 1888 she won an Education Board Junior Scholarship; and in 1892 she passed the university junior scholarship examination.

In 1893 Ethel Benjamin enrolled for an LLB degree at the University of Otago. **She was the first woman to be admitted to law school at the university and this was the first university in Australasia to permit women to take a law degree.** Ethel Benjamin was an outstanding student; on several occasions she gained the highest grades in her class and in the second section of her degree she gained the highest grades in New Zealand for Roman law.

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Ethel Benjamin graduated LLB in July 1897. At the graduation ceremony she made the official reply on behalf of the graduands. This was the first time a current graduand rather than a past graduate had made the speech, and it was also the first occasion on which a woman made an official speech at the university. **The Female Law Practitioners Act had been passed in 1896, and on 10 May 1897 Ethel Benjamin gave effect to the new legislation when she was admitted as a barrister and solicitor of the Supreme Court of New Zealand.**

The Otago District Law Society objected to Ethel Benjamin's entry into their previously exclusively male profession. Instances of discrimination by the society include her being granted only restricted access to the society's library, the attempt by society members in 1897 to impose on her an alternative dress code to the customary wig and gown, her exclusion from the society's annual Bar dinners, and the fact that she was offered little of the assistance younger members were traditionally given by established lawyers.

In spite of this lack of acceptance Ethel Benjamin established a successful practice, and from 1897 worked as a barrister and solicitor from her offices in the Albert Buildings, Princes Street, Dunedin. Her clientele included members of the local Jewish community, wealthy married women with independent financial interests, and the management of neighbouring Wain's Hotel.

Although most of Ethel Benjamin's work was as a solicitor she did occasionally appear in court. On 17 September 1897, when she represented a client for the recovery of a debt, it was said to be the first time that a female lawyer appeared as counsel in any case in the British Empire.

In 1899 Ethel Benjamin became honorary solicitor for the Dunedin branch of the New Zealand Society for the Protection of Women and Children. Through her work with this society she became involved in many cases of wife abuse, marriage separation and divorce, and adoption. At a time when divorce laws were being liberalised and conditions for adoption more formally legalised, Ethel Benjamin's work for the society was of particular value and earned her a reputation as a lawyer concerned with the best interests of her female clients.

Although an advocate of women's rights Ethel Benjamin did not support the temperance movement. Through her work with Wain's Hotel she became involved in the affairs of other hotels in Palmerston, Milton, Kaitangata and Wallacetown; in 1903 she acted as solicitor for the Bruce Licensed Victuallers' Association in a significant case which overturned a prohibition victory in Bruce county. Ethel Benjamin was also a capable and astute businesswoman. In December 1906 she moved to Christchurch temporarily to take over a large restaurant, The Cherry Tea Rooms, in the New Zealand International Exhibition.

Ethel Benjamin married Alfred Mark Ralph De Costa, a 36-year-old sharebroker, land and real estate agent and practising Jew, on 23 July 1907 in the synagogue on The Terrace in Wellington. Following her marriage Ethel De Costa moved to Wellington and took offices adjacent to her husband's in the Joseph Nathan and Company building at the corner of Grey and Featherston streets. Ethel De Costa advertised her practice, to the consternation of the Wellington District Law Society, and extended her business interests into property speculation.

In 1908 the De Costas closed their businesses and moved away from Wellington. The Benjamin family had returned to England in the late 1890s and the couple joined them around 1910. In England Ethel De Costa may have worked for a legal firm, and during the First World War she managed a bank in Sheffield. Between the wars the couple lived in the south of France and in Italy. There were no children. Alfred De Costa died in England during the winter of 1940–41. Ethel died of a fractured skull in Mount Vernon Hospital at Northwood, Middlesex, England, on 14 October 1943, after being accidentally knocked down by a motor vehicle.

Through her determined efforts Ethel Benjamin cleared the way for women's entry into the legal profession. But although she anticipated that women would capitalise on her success, few chose to do so. Ellen Melville became the second New Zealand woman to be admitted to the bar in 1906, and three years later the second to establish herself in sole practice. The next women to complete the LLB degree in New Zealand were Annie Lee Rees in 1911 and Harriette Vine in 1913. Even after the Second World War few women were entering the legal profession.

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