

THE DOWNTRODDEN SEX

By SAMUEL SALOMAN.

THREE-QUARTERS of a century ago a small group of determined women, led by Susan Brownell Anthony, began their campaign to make this a "true republic," granting "men their rights and nothing more; women their rights and nothing less."

The work of these women and their equally determined successors finally was crowned with success. General enfranchisement of women, the first and foremost goal of the crusaders, was had by methods that will not bear too close inspection. In this the newly enfranchised female citizen enjoyed a distinct advantage over the male. The latter must with his citizenship assume military and other burdens, while his sister is called upon to assume no unpleasant and dangerous duties as compensation to the State for the advantages that citizenship undoubtedly confers. To that extent citizenship to women is all gain and no loss.

In the legal field woman had won substantial victories even before she had achieved the ballot. In this she went far beyond her goal in many of the States. Demanding her "rights and nothing less," that man be shorn of those privileges that trespassed on those of his sister, she won her rights, and a great deal more, and so dangerously trespassed on the legitimate rights of the other sex.

Marriage and divorce furnish many examples of the inequalities of the law as it affects the sexes in this day. There, it will be admitted, the law especially favors woman and is decidedly unfavorable to the man.

Under the laws of many of the States the marriage copartnership is a most unequal and inequitable one, with practically all the burdens and obligations on the male and the profits and privileges to the female partner to the arrangement.

When a man marries he automatically, according to the laws of practically all, if not all,

of the States, assumes the financial burdens of his other and supposedly "better half"; he is responsible for all her debts (at least those contracted after marriage) and obligates himself properly and generously to contribute to her support. She, on her part, even if plentifully supplied with the world's goods, is free to give of her means or to withhold needed assistance altogether should

the man meet with misfortune, and the law upholds her in her course.

During a symposium on woman suffrage some years ago before one of the Washington, D. C., organizations, with Mrs. Belva A. Lockwood, sometime Presidential candidate, advocate of "equal rights" for women, as the principal speaker, the point was made by one of the

thus under the conditions indicated. It was suggested that no real man would shirk his duty, but the law nevertheless discriminates between the man and the woman, holds the legal club over the man and leaves the woman to her conscience and the more or less compelling force of public opinion.

Recently a friend, an earnest ad-

the law left her entirely free to honor or dishonor such pledge. I indicated that if the shoe had been on the other foot, if he had left his wife, even if he had good and sufficient reason for such action, the law would regard it as a criminal move on his part, and he could be arrested as a common felon, could be imprisoned if he refused to con-

consent of his other half. This law occasionally results to his disadvantage, as indicated by an interesting letter to THE NEW YORK TIMES a few years ago, signed "Elderly Husband." The letter in part follows:

"At present all a young woman has to do is to inveigle an elderly man with real property into a marriage by protestations of affection and those arts so well understood by women, and later making demands upon him and leaving him, thus tying his hands, so far as his real property is concerned.

"Take my own case, for instance. Two years ago I was the owner of considerable property, heavily mortgaged. One day my wife, to whom I had been married but a year, remarked to me, 'I want you to hurry and sell this property and give me my half.' Somewhat surprised, I said: 'There is no half coming to you until I die, and then you can have it all.' Then my wife remarked: 'You cannot sell this property.' She then, together with her mother, proceeded to pick quarrels over frivolous matters, and eventually left my house after reiterating her demand that I make a division of my property. She has kept away from me, refusing to see me when I called upon her or attempted to do so, refusing to answer any letters from me, keeping absolutely silent, evidently relying upon her stranglehold upon me to compel accedence with her demands. The result is that I cannot borrow or sell to protect myself, the mortgagees are foreclosing, and I will lose everything simply because I fell a victim to the wiles of a woman who I thought had affection for me. The law protects her, and will do nothing for me, and only by a circuitous and expensive course can she be circumvented."

In some few of the States the man has a dower right in the estate of his wife; generally he has no legal claim to any part of her

property, while she inherits on his death, will or, no will, a definite fraction of his estate. A case that recently came to my attention will show the injustice of the law in that respect.

A friend in the District of Columbia by hard work and denial managed to acquire a piece of real estate. He did as so many loving and con-



opposition that generally man was compelled by the law to provide for his wife, even if she were in position generously to provide for herself, but that the woman is under no legal compulsion to care for her sick, infirm, or disabled spouse, could even drive him into the streets if she felt so disposed.

In true feminine fashion, Mrs. Lockwood retorted that no real woman could be so inhuman as to act

vocate of full political "rights" for women, complained to me that his wife had left his bed and board and had taken up quarters in a neighboring city. He wanted to know if there was any way to compel her to return. I said that he might find some comfort in the legal fact that she was full mistress of herself, that although she had taken the solemn oath during the marriage ceremony to love, honor and obey,

tribute toward her support and such children as supposedly were born to them.

In the vital matter of property holding the law generally favors the woman and discriminates against the man. Woman's property, as a rule is entirely within her keeping, to dispose of as she desires; in man's real property the wife has an equity, and the man may not lawfully dispose of same without the written

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siderate husbands do, signed over the property to his wife. She died without will or direct issue, and the property—by the laws of God if not of man his property—automatically went to her sisters, with whom the man had nothing in common, leaving him virtually penniless.

Another howling injustice against the man and in the interest of the woman is the matter of alimony following divorce. It would seem that with divorce—the severance of the marriage copartnership—the obligation of one of the parties to support the other definitely ceases. But generally man still is liable for whole or partial support of one who has no equitable claim on him. In the event that he fails to meet the legal requirement and does not contribute a designated sum to his own "parasite woman" he is branded as a felon and committed to jail, without even the formality of a trial. Some debts are outlawed after a stated period of time. Not so the debt the man is said to owe to a divorced wife in some of the States, which increases month after month and eventually becomes a crushing liability to the man.

A recent decision by one of the Washington (D. C.) Judges makes alimony a preferred claim. Thus:

"The payment of alimony is a preferred claim over everything else. When a husband is ordered to pay alimony he must take his medicine and pay or go to jail for violation of the court's order. Better get behind in every other obligation and take the consequences, whatever they may be, than risk the chance of being sent to jail for contempt of court."

The Washington Post of Sept. 13, 1920, thus editorially comments on this extraordinary decision:

"Heretofore it has been the custom in many States for former husbands to avoid the payment of alimony on a variety of excuses. Some have pleaded the insufficiency of their income; others have fallen back upon the claim that their former wives are able to earn their own living and do not need alimony. And there are still others who have disappeared and paid no attention to the court's decree.

"But if Judge Gould's rule is to be adopted generally, an alimony decree will become as gilt-edged as a Government bond—more so, in fact, than a Liberty bond at present, since it will be subject to no discount. It will constitute a first lien upon the earnings and resources of the former husband. He may be forced to wear patched shoes and eat at dairy lunchrooms, but the alimony must be paid when due.

"General adoption of this rule might discourage divorces, so far as the men are concerned, and it might possibly encourage them among the women. With the prospect of an alimony check coming regularly every month, many women might be disinclined to bear with humility and patience the burdens which otherwise they would endure in silence."

In New York the divorcée, your true "parasite woman," had long tyrannized over the man who conscientiously objected to contribute to her support. Some men had carried their objections to the point where they willingly embraced martyrdom in the cause of justice, joining, as a matter of principle, the "Alimony Club," consisting of those confined to jail for violating the court decree.

For a time the statute of limitations prevailed in alimony cases in the Empire State, and it was possible for the man to free himself eventually of such unjust obligation by absenting himself from the State for a stated term of years. Lately, we are informed, the law was changed, and now the decree hangs over his head like a veritable sword of Damocles for all of his days. He now guilty of such form of "contempt of court" is placed with those committing the major crimes,

and may spend the balance of his days in a noisome cell in one of the jails for his heinous crime, unless the Judge or the woman relents.

Some members of the female sex, not satisfied with the law as it is, would make desertion and alimony neglect extraditable offenses, so making the man liable to arrest wherever he may be found and extradited with the murderer, the thief, and the other major criminals to the scene of his crime.

As briefly stated in an opening paragraph, citizenship means something more to the male than to the female.

The man, in return for the privilege of voting and holding office and for the protection he gets (often-times does not get) from the State, is forced to shoulder grievous burdens and obligates himself to yield up his liberty, his welfare, and his life, if need be, that the State may live. He is liable to jury duty and to all the calls of the State, and is forced at all times to throw aside personal interests for the public business. Every man, when called upon, must assist the police and other of the officials in the discharge of his duty. In the dread hour of war he is called to the colors, whether it suits his convenience of his fancy, and is penalized for refusal.

During the World War 24,234,621 men of military age (between 18 and 45) were forced to register, and 2,810,296 were selected for service to join the 2,000,000 and more who had volunteered or who were in the army and navy on the outbreak of war. And those able ones who were not called to the colors were plainly told that they would have to "work or fight," and to work in what the State had decreed "essential industries."

To the woman citizenship brings with it full protection (with special protection by reason of sex), the privilege of the ballot, of being appointed or elected to positions of honor or preferment. Practically no obligations or duties or burdens are assumed by the female sex in return for the privileges she so gracefully assumes. Generally she is called upon for no public services. And in the nation's hour of danger, all her services are voluntary ones. In the late war many of the sex chose to play at public work, mainly pleasant, paying a larger salary than the woman had before enjoyed and that many of them ever had hoped for. Though some "patriotically" replaced men in industries, so that he could go to the "front," when the hero returned the woman almost literally had to be pried from the position she had assumed for the duration of the war.

From the facts set forth it will be evident to one not really mentally blind that at present we have nothing that resembles even-handed justice between men and women; that the scales of the law ever incline in the direction of the "weaker sex," as women had been termed before "emancipation."

But the time has come for a change. With the incorporation of the Nineteenth (Anthony) Amendment into the fundamental law of the land there must be a new alignment of the sexes, a readjustment of the relations of the one sex toward the other.

Men for ages had been penalizing themselves voluntarily in the interest and for the benefit of the other and alleged weaker sex. So long as women were content to acknowledge in effect inequality, to some degree claim dependence upon the other and stronger sex, men willingly assumed what now are felt to be unjust burdens.

But a decided change brought about in the main by woman had come about in the last few years, and men now are beginning to feel that unequal and unjust laws should be swept from the statute books and woman shorn of what she is com-

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elled to admit (if her protestations against inequality are at all sincere), are unjust advantages over men.

It is evident that women cannot be equal and unequal at one and the same time: that she cannot logically and justly claim full independence and at the same time receive those things justly due only to dependents.

Replying to a communication of mine to *The Woman Citizen*, in which the demand was made that if women insist on political equality they should, to be consistent, be willing to accept legal equality, Rose Young, editor in chief, said in her publication of Dec. 29, 1917:

"There can be no argument between us on the subject of discriminatory legislation in favor of women. Favoritism to one sex at the expense of the other works to no better advantage in economics than in politics, and the goal of the suffrage effort is to do away with these unevennesses all along the line.

"Even though it is true that there are offsetting discriminations against women along the exact line that you cite against men, it remains none the less true that any discriminations against men in favor of women can only react to the hurt of women as well as men. I think that most women have learned this, or are rapidly learning it. Almost all such discriminatory legislation against men is to be attributed either to a sort of makeshift effort to atone to women for the political disability under which she labors or to the fact that society is prone to consider discriminations in favor of women as being added safeguards for itself."

If the latter part of the sentence we have quoted from our very logical and consistent friend is at all true, that disposes of every claim feminists have made. If special consideration must be shown because of sex, it proves that the claim of equality ever advanced by a certain type of women is in no sense a valid one. If, on the other hand, such "discriminatory legislation against men" is to be attributed to a "sort of makeshift effort to atone to woman for the political disability under which she labors," the removal of such disability should carry with it the removal of legislation enacted especially for women.

Our very logical friend in a later paragraph of the same communication goes further toward equality than we dare to when she declares:

"I find myself in thorough accord with your suggestion that women be willing to renounce every privilege gained at the expense of man. Women who are not willing to renounce such privileges have not the welfare of the race at heart, for neither sex can profit at the expense of the other with advantage to the race. Men and women who are truly democratic are trying to move forward today to a plane where both sexes can function fully and freely without either encroaching upon the other."

The marriage relation, because of the changes that lately have taken place in human society, must be reconstituted. It is time that we had a real mutuality of interests in the marriage relationship, a just and equitable co-partnership, instead of the lopsided arrangement that now is too much in evidence.

Man, of course, in the new and expected order, will be expected to be the chief, if not the sole, provider; the woman, on her part, will be expected to shoulder the burden in the event that the man, for any legitimate cause, becomes incapacitated.

Property should be held in common, and the woman, as the man is now, should be compelled to secure the concurrence of her male partner before she is able to dispose of her real property. Man should be given an inheritance right in the property of his wife, as the wife now has in the property of the husband.

The woman, with the man, should be penalized for desertion, or the man in large part freed of the penalties that now attach to him alone.

Alimony award and the penalty that attaches to the man for refusing to heed an unjust court decree has no place in a civilization in which man and woman supposedly are equal. The learned editor of *The Woman Citizen* gracefully falls into this view, for we have her statement:

"Alimony, I consider, permits of the supremest travesty of justice to be found anywhere in our social institutions, and I am convinced that the woman who cannot fall back on political disability and cannot be exploited industrially, will be easily educated into a pride of economic independence which she cannot know under existing social and political limitations."

All in all, it is to be hoped that the women will not be content with a selfish victory; that they will by their deeds justify their pre-emption assertions that political emancipation for women is one of the greatest forward steps in the progress of the race.