



David J. Brewer

Justice Brewer is the first great public man in America who has considered this question fairly and squarely, and written what he thinks. I consider it a great privilege to present such a paper to the readers of THE LADIES' WORLD.—EDITOR.

Woman Suffrage

Its Present Position and Its Future

By Justice David J. Brewer, of the United States Supreme Court

THE question of female suffrage, like the ghost of Banquo, will not down. To some, it is only a shade from the nether world; while, to others, it is as one of the white-robed celestial beings who appeared to Peter, James and John on the mountain-top.

Turning from the supernatural to the real, it is now a living, practical question. It has passed beyond the days of ridicule, and we hear no more of its advocates as short-haired women and long-haired men. It is being considered by thoughtful men and women, animated by the desire of doing that which shall be for the best interests of all.

Speaking abstractly, it is difficult to see how the capacity to vote, and to vote wisely, depends on the mere matter of sex, or that that fact alone decides for or against female suffrage. Yet not always does abstract right determine the question of wisdom or availability. A scheme may seem logically correct and perfect, and yet upon trial prove a failure. John Locke drafted a form of government for one of the Southern colonies, which, on the face of it, appeared to be wise and just, yet it failed of success. The consent of the governed, affirmed in the Declaration of Independence, is not always of immediate application. By the late amendments to the national constitution, the emancipated slaves were made citizens and given the right of suffrage, yet it has always been a question whether the latter grant was then the part of wisdom for them or the nation. The inhabitants of the Philippine Islands were brought under our control. Full suffrage was not granted to them, and the matter is still one for fair discussion whether now or, if not now, how soon, it should be granted. Indeed, looking at other nations, we find that in many of them the people are not yet capable of self-government. They have not the respect for legal proceedings, the self-restraint which is necessary to make safe and efficient government of and by the people. So it is a practical question whether the granting to-day of full female suffrage will inure to the benefit of the sex or the nation. It has been granted in four States, and thoughtful men are watching those States to see its effects upon their political life.

Objections are raised, not flippantly but seriously, and are to be seriously considered. One grows out of the fact that, in many States, the franchise has been granted to women in respect only to educational matters. We naturally think that nothing would be of more vital importance to them than that which affects their children, and that they would everywhere take part in educational questions and show their interest by participation in the ballot; yet it is true that they have not responded as fully as was expected. Thus, while there were about 700,000 women authorized to vote in Massachusetts on school questions, the number actually voting fell from 18,483 in 1906 to 13,619 in 1907. In one hundred and eighty-nine towns, where 3,608 women were registered, not a single woman voted. In Cleveland, Ohio, the number of registered voters diminished from 6,681 in 1904 to 3,179 in 1907. They seem to have thought the partial ballot not worthy of their attention, and the argument is that if educational interests do not appeal to them sufficiently to bring out their attendance at the polls, they will also fail if the full franchise is granted.

Many of our English sisters are striving to secure the ballot, but the means which, according to the papers, they take would not be tolerated here, and, to say the least, are offensive. We want no "fighting Amazons"; no gathering of women to break up a political meeting, or to force their way against the efforts of the police into the halls of legislation. They must appeal to the American's sense of justice and belief in the beneficial effects of woman's suffrage. They cannot here force their way to the ballot.

It is said that the sex, as a body, is opposed to the granting of the franchise. Associations of women have been formed in different States, claiming that they believe female suffrage would be an injury to them; that their welfare is promoted by making the home more secure and more fully under their control, rather than by participation in public life. Beyond the open, direct opposition of these associations, is a general indifference of a large majority of the sex. They do not seem to care for it; they look upon the effect to obtain it as mere political clatter, adding that where it has been granted it is treated as only a toy. I lately read in a magazine an article by a woman describing a visit to Cheyenne, Wyoming, and what she saw take place on election day. Carriages were sent in every direction to bring the women to the polls, and they came dressed in their best clothes. The whole thing was treated as quite a social affair and seemed to have been made a sort of picnic.

In this connection may be noticed some of the legislative and popular action outside of the four States named. In Oregon, in 1900, the popular majority against woman's suffrage was only 2,137; in 1906, 10,173 and in 1908, 21,812. The latest born of the States, Oklahoma, refused to put woman's suffrage in its constitution. In 1907 the legislatures of sixteen States defeated bills for woman's suffrage, and again in 1908 similar action was taken in eight States, and by no legislature was affirmative action taken except that of South Dakota.

Further, it is urged that there are some duties incumbent upon citizenship which the women could not discharge, others the discharge of which would often be embarrassing, and still others in which they would likely be more influenced by sympathy than justice. But this is true to no small extent of both sexes. Old age relieves the man from military, fireman and juror services. So do sickness and physical injuries. Sympathy does not always blind the judgment. Is not a masculine juror fully as likely to be influenced by the pretty face and tears of a woman litigant as a feminine juror would be by anything in the appearance or conduct of a male party to an action? My experience tells me that the most dangerous adversary a man has in a lawsuit is an attractive woman. And is sympathy, especially in criminal matters, always an enemy of justice? "The quality of mercy is not strained," and "mercy seasons justice." Are we sure that our rigid criminal laws and their equally rigid administration are perfect? Is not reformation as much an object of the law as punishment? Is not mother love one of the strongest forces in a man's life? And may we not well believe that woman's gentle touch upon our criminal law in all its varied processes of administration will do more for the criminal's reformation than masculine rigor and adherence to the letter of the statutes? What man is doing more, if as much, for human betterment than Miss Jane Addams of Chicago? Her womanly sympathy does not blind her judgment, and multitudes feel that their uplift in life is due to her.

Further in favor of female suffrage is the belief that it will tend to cleanse the polls and purify politics. It is asked who is doing most effective work in elevating the character of our public schools, in cleaning and improving the appearance of cities, in suppressing intemperance and vice? And if all feminine strength can be brought into active effort, will not the result be a wonderful change for the better? It is said, it is true, in response to this, that the actions of the women reformers show a radicalism so intense as to be retroactive and destructive; that instead of using such remedies as are reasonable and moderate, they attack vice in a way that offends and will ultimately do more harm than good. But will not experience tend to correct this evil?

Again, it is said that there is daily growing a strength of character which comes not a little from familiarity with public affairs, and that out of that



MRS. CLARENCE MACKAY OF NEW YORK, WHO IS PRESIDENT OF THE EQUAL SUFFRAGE LEAGUE OF AMERICA

(CONTINUED ON PAGE 29)