

Woman Question

Why Women Should Not Vote.

REMARKS MADE BY

The Hon. MATTHEW HALE,

*At a Mass Meeting called by the Anti-Woman Suffrage Association
of Albany, N. Y., May 11, 1894.*

[The address of Mr. Hale was made without notes, and cannot be reproduced as delivered, but this leaflet contains the principal points of his argument.]

FELLOW CITIZENS, MALE AND FEMALE:—The subject before you is one of great importance. A Convention to revise the Constitution of this State commenced its session in this city last Tuesday. That Convention is asked, by striking out the word "male" from that part of the Constitution which confers the right of voting, to make all women over the age of 21 years, who are residents and citizens of the State, competent voters at all elections.

The number of votes cast at the general election of 1892, was in round numbers one million and a quarter. If this amendment is adopted, the addition of an equal number of women, will make the number of voters about two million and a half.

The question is, is this immense increase in the voting population of the State desirable? Is it necessary for the protection of women? Would it be beneficial to the State? Unless these questions can be answered in the affirmative, I think we will all agree that the experiment which the Convention is asked to make, ought not to be tried.

In discussing this question, it is well to consider, what *have been* the rights of women, and what they *are*.

Women, *as such*, have never been discriminated against in this State as to life, liberty or property. Single women, whether spinsters or widows, have always had precisely the same rights as man. But *married women* were at the common law, which was the law of this State on this subject until 1848, under certain disabilities in regard to controlling and disposing of property and making contracts.

These disabilities all resulted from the doctrine that the husband and wife were one, and that the wife's legal existence was merged during marriage in that of the husband. This principle of the common law was based upon what seemed to be plain declarations of the Bible. But these disabilities have all been removed. The laws have been made more and more favorable to married women, until now their rights are equal in all respects so far as relates to the control of property, and to the custody of children, to those of married men, and in some respects, superior. If I have real estate, I cannot convey it and give a good title to my grantee, unless my wife joins in the deed. I cannot by my will, dispose of my real estate so as to deprive my wife, against her will, of her right of dower. But she can by deed or will, dispose of her entire estate, real and personal, whether I consent or not, and give

good title. A father cannot now apprentice his child, or make a valid appointment of a testamentary guardian, without the consent of the mother, if she be living. The wife can carry on business on her own account, and is entitled to all the profits and earnings in that business, and may contract as if she were unmarried.

But it is said that these changes in the common law have been brought about by women. If this is so, they have been caused by them without the ballot. They have effected these changes by their influence upon men, their husbands, sons, fathers and brothers. The men have done better for them than they would have done for themselves. For, if they, with their well-known modesty and magnanimity, had been members of the Legislature, they would hardly have put themselves on a better footing as to property, than men. If women, by their influence merely, without the ballot, and without political power, have been able to accomplish such great results, why should they be bothered with the ballot? Why should they be obliged to expose themselves to the foul language, disgraceful contests and bloody noses which you have heard Father Walworth describe this evening as frequent accompaniments of elections?

But it is said that the right to vote is a natural right. I do not know exactly what is meant by this claim. It has never been esteemed a natural right. No man could vote in this State prior to 1822 unless he possessed certain property qualifications. No matter how bright and well informed a young man who has not reached the age of twenty-one is, he cannot vote. The Declaration of Independence in its enumeration of the inalienable rights of man, did not mention or in any way include the supposed right to vote. Voting is only a means to an end. The end is a government which shall protect all in their rights to life, liberty and the pursuit of happiness, in which last is included the right to acquire and enjoy property. Women have these rights now just as completely as is possible. No amount of legislation could give them more or greater rights. What possible good will it do them to vote?

But it is said that women pay taxes, and to deprive them of suffrage is "taxation without representation." But taxes are not conditioned upon the right to vote. The property of women is protected by the laws just as much as that of men. Taxes are necessary, in order to defray the expenses of government, in protecting the lives, liberties and property of citizens, whether men or women. But women are represented. The fact that by women's influence, laws have been passed putting them in an equal or superior position to that of men, shows that they have been represented. It is absurd to say that a woman, a member of a family, is not represented by her father, her son, her brother or her husband. Our forefathers complained of "taxation without representation," because taxes were imposed upon them by a parliament sitting three thousand miles away, in which there was no representation whatever of the colonies. There is not the slightest analogy between their case and this. Taxation is not in our State a condition of the right of suffrage. If it were the man paying heavy taxes would have more votes than the man paying none. But as it is, Mr. Astor or Mr. Vanderbilt has no more power at the polls than the man who has not money enough to buy a five cent breakfast, unless he uses his money to buy votes. Then there is in taxation no discrimination against women; nor does anybody apprehend that there ever will be such discrimination. No tax law could ever be passed which undertook to discriminate against women in favor of men. No such law was ever suggested. There are many cases where people are taxed who cannot vote. For instance, if a citizen of New York owns land in another State, he will be taxed in that State, although he cannot vote there. If an Albanian has real estate in Boston, he must pay taxes there, and he cannot resist the payment on the ground that he is not allowed to vote in Massachusetts. Taxation is the price which citizens pay for the protection of their property, their lives and their liberty. It is in no sense a compensation paid by them for the privilege of voting.

There is another point which must be looked in the face. We cannot turn our eyes from facts that bear on the subject, because they are unpleasant. There are in the city of New York, a multitude of women whose number is variously estimated at from 30,000 to 50,000, who get their living by a life of shame. They sell themselves daily, soul and body. Every city in the State adds to the number of this disreputable army. The number of these women is so great that in a close election, they would hold the balance of power. Of course, their votes would be for sale, and they would be controlled not by moral or respectable men, not by the better element in politics, but by the most unscrupulous, immoral and degraded of the male sex. Is the introduction of these disreputable women into the political arena going to elevate or purify practical politics? Do the respectable women of the community wish to be brought in contact with this degraded class? Will not the inevitable effect of making women, good and bad, voters, be to give to this class of women an influence and power which they do not now possess? Will not the conferring of the suffrage upon them tend to demoralize multitudes of young men and young women, who will thus be brought in contact with these degraded women? It has been argued by some that the number of respectable women is so much greater, that this class could easily be outvoted; but the difficulty will be just as it is now, with the male voters, that the good women will not unite. Respectable women will be divided in politics probably in about the same way that their husbands and sons and brothers are now, and this disreputable and purchasable element will control.

The great danger which now threatens republican institutions comes from bribery and corruption. Does anybody believe that a less proportion of women will be found susceptible to bribery than of men? Unless it can be shown that women taken as a whole, are less susceptible than men to bribery and similar influences, then the doubling of the voting population will certainly *not* tend to diminish bribery and corruption.

This demand for female suffrage is not new. There was a convention held in this city beginning in 1867, of which I had the honor to be a member, which had this subject before it. Precisely the same amendment was offered in that convention—to strike the word "male" from the section which confers the right of suffrage. That amendment was advocated by one of the most brilliant men of this generation, for whom all the members of that convention, myself included, entertained the greatest admiration—George William Curtis. He made, perhaps the most powerful and eloquent speech on that side of the question, which has ever been made. The result was that when the vote was taken, 19 votes were recorded in favor of the amendment, while there were 125 against it. It may be said that the 125 who voted against it were unenlightened men, who were behind the age. Possibly this is so; but among the negative votes, were three men who afterwards became judges of the Court of Appeals, including its present Chief Judge and its first Chief Judge. There were among them such men as Senator Kernan of Utica, Judge Comstock of Syracuse, Judge Parker of this city, Horace Greeley and Prof. T. W. Dwight of New York, and many others who are generally supposed to have been among the most intelligent and enlightened men of their day and generation.

But this question is not to be determined by authority. It must be conceded that very many intelligent and public spirited men and women are in favor of the change. I think they are mistaken; and that they do not correctly foresee the results which would follow if the change should be made. But we must give them credit for sincerity, and meet what they suppose to be arguments, by reason and not by denunciation.

I think in many of their speeches, the advocates of woman suffrage show great lack of self-restraint, and an unfortunate tendency to exaggeration. For instance, one of the most distinguished advocates of this change is reported to have said in a

recent speech in this city that there is but one slave in New York, and that is woman. When we consider what are the necessary elements of slavery; that a slave has no rights of property; that a slave can be sold and separated from his or her family; that his or her children can be sold away without any possibility of interference on his or her part; it is difficult to see how any intelligent person can say with sincerity that there are any elements of slavery in the condition of women at this time. If women are slaves, I would like to know who are their masters. Men are bound to support them. They are not bound to support their husbands. Men are bound to protect them. Women have the right of absolute disposal of their own property, the absolute control of their own liberty; equal rights with their husbands to the custody of their children; and still we are informed by women who are advocating the extension of suffrage to women, that women are slaves!

The advocates of woman suffrage often show a singular want of knowledge as to the actual state of the law. In one of the newspapers in this city some days ago, was an article which was moderate and fair in tone. The writer in alluding to the unpleasant fact that I have mentioned, the existence of this large class of women who lead bad lives, said in substance that the men were responsible for licensing places in which these women were kept. The writer was evidently intelligent, and supposed that places of this kind were licensed by law. But she was all wrong. The truth is that such places are forbidden by law. The laws on the subject are strict enough. The difficulty is that they are not enforced. If these women should control legislation, they would perhaps pass laws even stricter than those now on the statute book, prohibiting all forms of sin and immorality; but they would be as ineffective as a law would have been which was once introduced in our legislature under peculiar circumstances. A member of Assembly from somewhere in the "southern tier" of counties, asked unanimous consent to introduce a bill which he desired to have read for the information of the Assembly, as he said there could be no objection to it; it was very short consisting of only two sections, and could be read in a minute. Thereupon the bill was presented and read, as follows: "Section 1. Immorality of every kind is hereby abolished. Section 2. This act shall take effect immediately." Although the bill was not objected to, it did not become a law. If it had, it is hardly to be supposed that the millennium would have begun at once. Legislation to be effective must be practical. Sin cannot be exterminated by act of legislature. The argument that women if elected would pass laws which would abolish all forms of evil, has no foundation in practical common sense.

It may be conceded that there are many women whose intelligence and integrity would qualify them to vote, and who are much better qualified to vote than many men who exercise the franchise; but it by no means follows that the suffrage should therefore be conferred upon women. Universal male suffrage cannot be said to have been entirely a success. Ignorance, bribery and corruption, bigotry and intolerance prevail to a great extent even now, and very greatly impair the usefulness of a republican form of government. Instead of these evils being mitigated by extending the suffrage to women, it is my belief that they would be greatly increased. The success of the woman suffrage movement would not tend, in my judgment, to purify politics or elevate the tone of public life; but the reverse. The question, however, is one upon which the deliberate sentiment of the women themselves, will ultimately be conclusive. As long as a majority of the intelligent and respectable women of the country believe that conferring the suffrage upon them will not benefit them or the State, there is little danger that they will, by constitutional amendment, be made voters, and compelled to assume the responsibility which the right of suffrage necessarily carries with it.

