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Fourth Woman's Congress.<sup>1</sup> THIRD AFTERNOON SESSION.

WOMAN IN THE LEGAL PROFESSION, BY LAVINIA GOODELL, ATTORNEY AT LAW

The first woman versed in legal science, of whom we have any record, lived more than three thousand years ago. Deborah, the wife of Lapidath—judge, prophet, poet—who held her Court under the palm tree in Mount Ephraim, to whom the people of God came up for judgment, and who seems to have been revered and loved by all. None of the terrible results predicted by learned judges of the present age, as inevitable in case women enter courts of justice appear to have followed the administration of this woman judge. We do not learn from the sacred record that either her knowledge of the Mosaic Law, or her practice as a judicial officer, in hearing and deciding the various cases which came before her “unsexed” her, destroyed her womanly delicacy and refinement, corrupted her integrity, sullied her purity, unfitted her for the duties of wifehood, or even injured her health! Neither does it appear that the standard of professional excellence was lowered, the dignity of the courts impaired, the public sense of decency and propriety relaxed, reverence for womanhood made to suffer, or the rising generation neglected. In an age when brute force ruled, when war was the normal condition of nations, when the physical ranked higher than the intellectual or moral, this woman judge held her place firmly; was consulted, deferred to, and unquestioningly obeyed, not only by the masses of the people, but by the bravest and ablest warriors of her nation.

Thirty centuries later, Woman asks admission to our courts of justice, not as judge, but simply as advocate, to plead the causes of such as shall choose her to represent their interests. May she enter? It is a question not for judges or legislators only, but for “the jury of the people” to decide. Shall we vote yea, or nay?

The question wears a three-fold aspect. How will the admission of Woman to the legal profession affect?—1st. Woman.

2nd. The profession.

3d. Society.

For an enlightened consideration of these points we will consider first, briefly, what are the duties of an attorney and counsellor at law.

In earlier days, and among more primitive forms of government, attorneys were unknown. When a man felt himself aggrieved he went directly to the ruling magistrate and told his story. The opposite party stated his side of the case; witnesses, if practicable, appeared and gave their version of the matter at issue, quite untrammelled by any such rules of evidence as now form no inconsiderable part of legal lore; and then the magistrate decided the case. Thus Moses judged the Israelites in the

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wilderness, till the labor became too burdensome for him, and we read in Exodus 18; 13-27, that, at the advice of Jethro, his father-in-law, he divided the people into companies, and set judges over them; "and they judged the people at all seasons; the hard causes they brought unto Moses, but every small matter they judged themselves." Thus were established what, in modern parlance, we call superior and inferior courts. The histories of David and Solomon show that those monarchs judged the people in the same manner. The beginnings of jurisprudence, in all nations, have been similar to this. First, little children, even as now went to their parents to have their disputes heard and settled. Then older children went to the father, grandfather, or patriarch. Later, the chief, king, emperor, or whatever the magistrate might be termed, became judge and as, his kingdom grew; chief magistrate or justice, with inferior judges under him. Gradually, as civilization advanced, and the science of government became more complicated, these primitive elements resolved themselves into the several departments of the executive, legislative, and judicial. Law became fixed enactment, and not the varying caprice of the monarch. Certain principles of jurisprudence, and methods of procedure were adopted, and systematically followed. Legal study became a science with which it was impossible for all to become familiar; so that many who had causes engaged others more learned and experienced than themselves, to act as their agents or attorneys, and conduct their suits for them. As we cannot all be our own shoemakers, carpenters, or physicians, so we cannot all be our own lawyers; and a suitable division of labor requires that this work be assigned to a class prepared to properly fulfill its duties.

In England, attorneys at law were first authorized by letters patent from the king; later, by legislative enactment. An attorney at law, then, strictly speaking, is a person empowered and employed to act as the agent of another in the conduct of a suit at court. To define more specifically the duties of our attorney and counsellor at law, as they are performed to-day in America, they are to give information and advice, draft deeds, wills, contracts, and other legal papers, make collections, search titles, and prepare, conduct and argue suits in court. Is it desirable that women, as well as men, perform these duties? We will consider the question under the three heads above mentioned.

1st. How will the admission of Woman to the legal profession affect woman herself? This question resolves itself into two; viz: How will it affect the individual woman who studies? and, how will it affect Woman in general?

a. The result to the individual woman who studies: The effect of the study of law is like the effect of any more liberal education. It is a mental discipline, and it results in the acquisition of much valuable information. The study of law cultivates attention, close methodical thought, and careful reasoning. It is a study of history from a new standpoint, and gives a view of human progress, the advance of civilization, and of mental and moral development, not to be obtained elsewhere. The study of law is not only a study of history, but largely a study of ethics. To "execute justice between a man and his neighbor" is the whole of civil law. Simple, and yet complex. The foundation principles of right and wrong need to be thoroughly examined. Questions of human rights, rights of person, property, reputation, free thought, discussion, the reciprocal rights and duties of classes, the duties and limitations of government, are among the elementary principles of law. The nature and doctrines of such vast and important subjects as Contract, Coverture, Infancy, Guardianship, Corporations, Partnerships, Agency, and the whole system of Criminal law, rest upon these elementary principles.

The study of law is invaluable to the practical philanthropist. The strongest thunderbolts ever hurled at the system of slavery were forged on the anvil of law. The most powerful weapons used against the liquor traffic are obtained from the same source. The arguments for the advancement of Woman all have their fountain head in the same elementary principles of justice and equality.

The questions of crime, pauperism, foreign immigration, the social evil, are questions which can be correctly solved only by a thorough understanding and correct application of the principles which lie at the foundation of law.

The study of law involves, to a certain extent, the study of theology. The study of justice is the study of a divine attribute, and the search for correct principles of human law sheds light on the principles of divine government

.The continued and extensive practice of law involves some study of almost every other science, or branch of human industry. Medical science is largely involved. An action in damages for malpractice, or for injuries received; criminal cases involving poisoning, shooting, or stabbing, necessitate a careful study of medicine or surgery, so far as they bear on the case at hand, by the attorneys employed. Questions of theology less frequently occur; yet we occasionally hear, as in the recent case of Tilton and Beecher, that "the attorneys are stuffing in theology." Questions of insanity, or other abnormal mental conditions frequently recur, especially in criminal practice; and these involve not only medical but psychological research. Contested cases of patent rights frequently involve a study of the principles of natural philosophy; and their practical application. Suits to recover money on contract often necessitate a familiar knowledge of commercial customs. The action of a domestic, to recover for her services requires a knowledge of the extent and value of household labor. A similar action by a farm laborer, seamstress, mechanic, or working girl, necessitates some knowledge of the nature and value of such services as they may have rendered.

The life of an attorney with a large court practice, is a constant study, not alone of law, literature, and eloquence, but of almost every other branch of human industry. This study is a constant and healthful intellectual stimulus; a constant discipline; a constant source of enlightenment and growth. It gives breadth of thought, carefulness and accuracy of statement, a logical habit of mind, practical common sense, and a tendency to generalize. The criticisms of Woman have ever been that she could not generalize, was illogical, narrow, impractical, weak, inaccurate, unable to take broad views, or work on a large scale. A criticism aptly put by Mrs. Browning, when she makes Romney Leigh say: "None of all these things can women understand. You generalize on, nothing!—not even grief! Your quick-breathed heart, So sympathetic to the personal pang, close on each separate knife-stroke, yielding up a whole life at each wound; incapable of deepening, widening a large lap of life to hold the world-full woe. The human race to you means, such a child, or such a man, you saw one morning waiting in the cold, beside that gate, perhaps. You gather up a few such cases, and, when strong, sometimes will write of factories and of slaves, as if your father were a negro, and your son a spinner in the mills. All's yours, and you,—all colored with your blood, or otherwise Just nothing to you. Why, I call you hard to general suffering. Here's the world half blind with intellectual light, half brutalized with civilization, having caught the plague In silks from Tarsus, shrieking east and west along a thousand railroads, mad with

pain and sin too!—does one woman of you all, (you who weep easily) grow pale to see this tiger shake his cage?—does one of you stand still from dancing, stop from stringing pearls, and pine and die, because of the great sum of universal anguish? Show me a tear wet as Cordelia's, in eyes bright as yours, because the world is mad? You cannot count, that you should weep for this account, not you! You weep for what you know. A red-haired child sick in a fever, if you touch him once, though but so little as with a finger-tip, will set you weeping! But a million sick—You could as soon weep for the rule of three, or compound fractions. Therefore, this same world uncomprehended by you must remain uninfluenced by you. Women as you are, mere women, personal and passionate, you give us doting mothers, and chaste wives, sublime Madonnas, and enduring saints! We get no Christ from you.”

If these criticisms be, even in a measure, just, no better corrective can be found than such study of law, theoretical and practical, as has been described. Can Woman suffer from such culture any loss proportional to the gain? Can she indeed suffer any loss to her womanliness? Narrow sympathies will become broadened; misdirected activities turned to wiser channels; and zeal, heretofore expended in unintelligent charities, guided by a well-trained judgment, will return a thousand fold in value for the effort expended. Her “woman’s influence,” instead of being the mere power of pretty childish coaxing, will become the power of enlightened judgment and thoughtful reason.

We fail to find in the study of law, anything which can have other than a beneficial effect upon Woman. But how of its practice. Will it not harden and coarsen? Chief Justice Ryan gave this popular objection as cogently as it has been given, when he said: “The peculiar qualities of womanhood, its gentle graces, its quick sensibility, its tender susceptibility, its purity, its delicacy, its emotional impulses, its subordination of hard reason to sympathetic feeling, are surely not qualifications for forensic strife. Nature has tempered Woman as little for the judicial conflicts of the court-room as for the physical conflicts of the battle field. Womanhood is modeled for gentler and better things. And it is not the saints of the world who chiefly give employment to our profession. It has essentially and habitually to do with all that is selfish and extortionate, knavish and criminal, coarse and brutal, repulsive and obscene in human life.”

It is very true that theory is one thing, and practice often quite another. It is, alas! too true, that while the theory of law is beautiful its practice often has to do with much that is revolting and disgusting. The theory that “cleanliness is next to godliness,” is beautiful; nevertheless you hold your nose when you clean out the gutter! But the gutter has to be cleaned; and it needs some one who hates dirt and loves purity to do it effectually. If the only object in life —yea, in a woman’s life—were to get through the world as easily and comfortably, and with as little labor and self-denial as possible, and never to encounter anything disagreeable, I grant you, she should not practice law. But if life is made for earnest work, for discipline of mind and heart, and unselfish labor for the good of others, the practice of law is an admirable field for its attainment.

That office practice, as it is termed, is essentially unrefining, will perhaps not be contended. There is certainly no indelicacy in drafting wills and contracts, filling up the blanks in deeds, mortgages, bonds, and satisfaction prices, and giving troubled old ladies advice about settling up their deceased husband’s estates, and preventing sharpers from cheating them! Even telling abused wives whether

their difficulties are grounds for divorce, or how they can have their husbands bound over to keep the peace, although it may make the woman's heart ache at the revelation of the hidden sin and suffering underlying society, can hardly be pronounced unwomanly. Making collections, and conducting suits in court, are more public labors, and yet need have no unrefining effect upon character. We do not find lawyers generally rougher and harder than men in other callings. Then why should women lawyers become coarser than others of their sex? In making collections, if the debtor will not call at her office after a polite note, it becomes necessary for the lady attorney to call on him. The request for payment may, and should, be a pleasant and courteous one. If not complied with, and suit is brought, there is still no occasion for unpleasantness. If the debtor or his attorney, chances to be a boor, the lady attorney will study him with calm amusement or pity, according to her mood; but in no case condescend to reciprocal rudeness. It may sometimes require a good deal of self-control to remain unruffled in the midst of unexpected discourtesy and unfairness; but it can be done. Women are said to be more nervous and emotional than men. More emotional they frequently are; but the lack of self-control which betrays this is the result of inexperience and lack of mental discipline, which the study and practice of law tends to correct. More nervous they are not; for the nervousness due to their peculiar delicacy of organization, is more than counter-balanced in man by his excessive indulgence in stimulants; so that, practically, the lady attorney frequently finds that she is more than a match for her masculine opponent, in coolness and calmness.

And how about going to court? It is true that the justice court is very innocent of broom, scrub-brush, or duster; and this to the natural woman, is a very trying circumstance. Yet it is not an insuperable obstacle to her admission to practice; since, in case of necessity, those instruments probably could be applied to them without uprooting the foundations of society! It is also a melancholy fact that the justice and constable are not always at home when wanted, but are lounging in a neighboring saloon which the lady attorney shrinks from entering. But if she has not the courage to cross the threshold of that place which seems to be an earthly paradise to so many of her law-givers, she can usually way-lay some friendly gentleman who will do her errand for her. It is true that the expectorations of tobacco juice in the Circuit Court sometimes become alarming; but the philosophic woman lawyer reflects that each one of those men, spitting so profusely, probably has a wife at home who is obliged to clean up after him, and inhale the offensive odor, day after day, year in and year out; and in her gratitude that she is not that woman, she readily overlooks the trifling annoyance of sitting in the same room, or even at the same desk with him, a few, brief hours.

It is true that cases sometimes come up, though less frequently than is generally supposed, which, as a matter of taste, a lady would greatly prefer not to hear. Such cases, unless she is needed to assist on them, she can and will always avoid hearing. But in such cases, almost invariably, one or more women are involved, either as parties or witnesses, and are obliged to be present. These women may be innocent, though of humble origin; or perchance they are guilty and degraded. Without the presence of a lady of higher standing and unquestioned character, they are exposed to remarks and questionings which the merits of the case do not demand; for with many men, even in our courts of justice, there is little reverence for woman as woman, when destitute of social position. These circumstances are as painful for the innocent laboring woman as for her more favored sister; and, if not painful to the guilty

woman, serve to degrade and harden her still further. The lady attorney, if necessity requires, can accompany her woman client through a trial of this character in court; and, while bearing with her the necessary unpleasantness to which she may be subjected, will shield her from much to which she might otherwise have been exposed.

It is very true that a great deal of the ill-doing of the world, its selfishness, extortion, dishonesty, untruth, vileness, brutishness, and coarseness, of which she would otherwise have remained in ignorance, comes to the knowledge of the woman lawyer, till she is oftentimes heartsick, and ready to exclaim with the Hebrew sages of old—"All men are liars!" "There is none that doeth good; no, not one!" "The best of them are as a briar, the most upright is sharper than a thorn hedge." The discovery is disagreeable and painful; and if the principal object of life were the avoidance of everything unpleasant, it would be better attained by remaining in ignorance of such things. But to the earnest Christian woman, labor for the removal of sin and crime is better than a blissful ignorance of their existence; and this she feels should be her aim. To do this effectively she needs to know the truth, painful as it maybe.' She needs to know the nature and extent of the evil, before she can labor intelligently, either publicly or privately, for its overthrow. Nor does this knowledge corrupt or harden her. Rather does she learn more and more to hate the vices which come to mean something more to her than a word, as she witnesses their terrible effect upon character.

We are told that suits are often hotly contested, and strong feeling is engendered on both sides. While this is quite true, it is rarely the case that sharp words and serious altercations between opposing counsel occur. The opposing counsel on one case is, very likely, associate on another, and a warm, personal friend; and, although he may gain an unexpected advantage over her as opponent, the lady attorney will have the good sense to remember that she would have done the same thing in his place, and will address herself rather to regaining her lost ground, than yielding to unavailing emotion.

The tendency of court practice, whether with men or women, is to teach the attorney coolness, self-control, quickness of perception, decision of character, firmness, perseverance, clearness of thought; but it does not necessarily coarsen or harden.. Nor does man lose one whit his respect for any woman attorney who goes into court modestly, quietly, but firmly, and does her duty there.

b. The result to women in general: One result of the study and practice of law by women will doubtless be, as in the case of the study of medicine, to make it a "womanly" subject; one with which all intelligent women will feel bound to be, to a certain extent conversant. General information on physiological subjects has largely increased among women, since the entrance of women into the medical profession; greatly to their benefit, and the well-being of society. A corresponding amount of general information upon legal subjects among women, will be equally beneficial. The effect of this upon Woman in general, will be similar, though in lesser degree, to the effect upon the individual women who enter the profession. It will broaden her mind, strengthen her character, quicken her intellectual activity, and enable her to work in a more enlightened manner, and consequently with much larger results than heretofore, in all benevolent causes. It will prepare her the better to guard her interests, and those of her children; qualify her to exert an intelligent influence upon important public questions; and when the time comes, to handle the ballot wisely and judiciously. It will give her self-

reliance, and an increased self-respect. When women learn never to sign a paper the contents of which they do not know; and of the bearing of which upon their interests and liabilities they have not informed themselves, they will have learned something which in very many cases will be the saving of hundreds and thousands of dollars, and much anxiety of mind to them. The number of women who, ignorantly, or carelessly, sign away their right to their homestead, because their husbands asked them to sign a paper, and they did it "without thinking," and who afterwards suffer for the want of it, is pitiful. A woman's ignorant acquiescence to a man's judgment in business affairs, is a matter of frequent jest among men. "I never knew a woman who would'nt swear to anything I told her to!" said an attorney to me, a few weeks since; and he said it with a half sneer, which if those sweetly clinging women could but have seen, they would never have felt inclined to play ivy again. If women knew upon what broken reeds they often lean, when they rely implicitly upon the judgment of men in business matters, they would conclude to inform themselves, and use their own judgment. But too often the knowledge only comes when it is unavailing to benefit them.

Women attorneys are in a position to see in what manner women may be benefited by a change of laws. They are quicker to discover wherein the law wrongs women, and more earnest in having it righted than gentlemen attorneys are. They see the necessity of women on juries, in cases in which a woman is a party, or the interests of women are involved; the desirability of women judges and justices, the numerous wrongs done to women by remnants of the old common law not yet swept away, and by careless and imperfect legislation. A class of women as practicing attorneys seems absolutely necessary to discover, and make an effort at correcting those minor injustices which, for the lack of such vigilance, are seldom brought to the attention of our legislators. Let me give a specimen :A married woman is deserted by her husband. He leaves property in the State, but not in her possession. She is in feeble health, unable to entirely support herself. Can she obtain that property to relieve her necessities? Not at all, excepting through a suit for divorce and alimony. But she does not want a divorce, or is perhaps unable to obtain one. Then she cannot have the property. Yet, if she is forced to come upon the town for support, the town can take that property which she is not allowed to use; not giving it to her to support herself in honorable independence, but keeping it to reimburse itself, while it supports her as a pauper in the poor house. I will give another illustration, where the interest of the legislators was doubtless to benefit women, but which, in some of its workings, has directly the contrary effect. A law is enacted, providing that the earnings of all married persons for sixty days next preceding the issuing of any process, shall be exempt from seizure, attachment, garnishee process. The theory is that such taking for debt would distress the family. This is its practical working, in a class of cases. A drinking man neglects to furnish provisions for his family, and spends his wages as fast as he earns them, in the liquor saloon. His wife cannot contract bills at the grocer's or butcher's, because he will not pay them, and they cannot be collected by legal process. He is accordingly left free to spend all his earnings for liquor, and his family must provide for their wants as best they can. Practically, the wife and children lose the benefit of the labor of the husband and father, instead of securing it, and the spirit of the law is defeated. (The laws here referred to are Wisconsin laws.) These are but a few examples of cases which are constantly coming to the knowledge of the practicing attorney. When that attorney is a woman there will be a better prospect of redress.

2nd. How will the admission of Woman to legal practice affect the profession? It has been strongly intimated that in a recent judicial decision, that the admission of women to the bar would “lower the standard of professional excellence.”

The same objection has been made against her admission to the colleges. But it does not appear that such is the result, where the experiment has been tried. On the contrary, Woman keeps fully abreast of her brother in the competition for intellectual laurels. So generally is this the case, that Dr. Clarke, in his work, “The Building of a Brain,” recognizes it as a fact, and bases upon it his argument against co-education, as being physically injurious to Woman. In doing this, he quotes from unnamed correspondents, who say:—

“The female scholars are more susceptible to emotional influences; and if there be stimuli in a school, appealing to pride and Vanity, they are so emulous as to injure themselves.

“Delicately sensitive in their organization, as compared with the boys, and quick to respond to appeals to their love of approbation, the studious girls are filled with eager emulation the moment that a prize is offered for their competition, or where the ordinary stimuli, active in every thoroughly earnest school, inspires to severe exertion.

“The desire to excel, when exhibited by boys, has always been extolled and admired as a noble ambition, and a token of superior ability. When shown by girls, it is only “vanity” and “love of approbation.”

“But gold and meal are measured otherwise.” However, this “vanity” and “love of approbation,” which has enabled Woman to hold her own at college, will doubtless prevent her from “lowering the standard of professional excellence” within the bar, and if she retains her health as well as the average of her sex at college, there need be no occasion for anxiety on that score.

But admitting to the bar all classes of mature citizens who suitably qualify themselves, a freer competition of the best existing talent necessarily results than when one-half of them are excluded. Brisk competition in any employment tends to raise the “standard of professional excellence.”

The refining influence of Woman upon the profession is already beginning to show itself in 'towns wherein women practice, by neater offices, cleaner court-rooms, and a modified expectoration of tobacco juice.

The effect of the co-operation of Woman with Man in legal practice, in the science of jurisprudence, is a question the answer to which must be almost wholly speculative, so short a time has elapsed since it has been commenced, and so limited has been its extent. We can only reason from analogy. The same modifications which her advent into a society previously composed of men alone, or an employment previously pursued by men alone, produces, we have a right to infer would follow her advent into the legal profession. If she has introduced into society, into literature, and into the ! medical profession more refinement, tenderness and conscience, we have a right to infer that she will introduce the same elements into the science of jurisprudence. The “tender susceptibility, purity, delicacy,

emotional impulses and sympathetic feeling,” which Chief-Justice Ryan claims are “surely not qualities for forensic strife” certainly are the very qualities most needed ‘to put flesh and blood and warm life upon the dry bones of judicial lore. The heart throb, the quick sympathy, the question of right and wrong, are the very elements, the union of which with cold, abstract reasoning, are essential to a symmetrical, well-developed science. As in the family the mother love is no less essential than the father strength; so in the administration of the government of that larger family, the State, we need the Woman heart-beat behind the logic to secure the truest justice.

### 3rd. How will the admission of Woman to legal practice effect society?

This question has of necessity been in part discussed under the two preceding heads; for the affect upon Woman, and upon the profession, are, to a great extent, the effect upon society. Other points, however, require notice. Various and contradictory results of the entrance of Woman ; into the legal profession are predicted. We 'are told at one moment that man will lose his respect for her, and treat her roughly; and, in the next, that the powerful female influence brought to bear on judges, juries, and opposing counsel will sway verdicts in favor of the causes she pleads, to the overthrow . of justice. Both these results can scarcely follow to a disastrous extent. Let us see whether either will.

It is said that men treat women deferentially in their homes and in society; but let them descend to the arena of business, and become their rivals, having interests which conflict with theirs, and men will treat them roughly, as they do each other. This argument assumes that hitherto the interests of women have never conflicted with those of men, and men have never treated women roughly. So far from this being true, women’s interests, in the lower sense, have always conflicted more or less with men’s, and men have usually treated women, in effect, roughly, whenever these interests did so conflict. Witness the unequal laws relating to men and women which have always prevailed, as proof of this. The common law gave the husband all the property of the wife, at her marriage, and all she might acquire after it, either by gift, inheritance, or labor; gave him a control over her which it does not give her over him, and gave him, in preference to her, the custody and disposal of their children.

It is true, Man doffed his hat to Woman, gave her the best seat, took her to concerts, and told her she was an angel, while he took her property, her children, and her liberty; but he took them nevertheless. In short, their interests conflicted, and he treated her, in effect, roughly—not “as he would treat another man,” but as he would never dare treat another man in a position to defend himself against such treatment.

The multitudes of widows, and innocent, trusting young women, robbed of their property by men, sometimes even by sons, brothers, and uncles, in whose care they had intrusted it; the wives deceived or threatened into signing deeds rendering them homeless; the innumerable multitude of working-girls ground down to starvation wages and then insulted by their employers, all attest only too surely, not that men will, but that they do, and always have treated women roughly, when their interests conflicted with their own.

Forecasting the future from the past, we are forced to the conclusion that Man will treat Woman roughly, as he has done, whether at home or in business, when there is a conflict of interests;

not with outward rudeness, when possible to avoid it, but in such a manner as to sacrifice her interests to his. As time passes, this “roughness” of treatment will become modified, as it has already been, by the influence of Christianity upon character, the improvement of public sentiment, and the increased facilities for self-defense, which Woman is coming to possess. Judging from analogy, Man will treat Woman, in court, as elsewhere, with outward courtesy; he will give her the best seat, pay her compliments, show her kind little attentions, enjoy her society, as in the parlor. But, when an important suit is at stake, or large pecuniary interests are involved, he will gain his point against her if he can; by fair means only, if he is a man of honor; otherwise, by means of such weapons as he is best capable of wielding. He would do the same thing, if instead of an attorney, she were a witness, or a party, an employee, or —possibly—a wife. The natural character of the man will show itself in business relations. Whether he be noble or base, the woman will come to know, sooner perchance than in the intercourse of social life; but not more surely. In time, Man will come to see that, in the higher sense, his interests are identical with Woman’s, and that he best serves himself as he is just to her. Meanwhile, the true remedy for Man’s injustice to Woman is, not in endeavoring to lessen the number of apparently conflicting interests, which we could not do if we would, but in giving her power for self-defense ennobling him, and teaching both that their true interests are identical.

Whether the influence of women as attorneys in court is calculated to defeat justice, is a point which requires an essay of itself. Briefly, what has been already said will apply so far as the influence of a woman attorney over her opposing counsel is concerned. Men are rarely swayed by women to the serious detriment of their business interests. If the woman attorney has too great an influence over a masculine court and jury, the remedy is simple. Put women also on the bench and in the jury box. Absolute justice is an impossibility in human courts. Various and subtle influences sway courts and juries, more, often, than they realize. Political, social, and pecuniary considerations, when no bribery is intended, identical class interests, personal prejudices, passing impressions, varying moods and whims, sometimes the merest trifles, bias jurors and even learned judges. The introduction of still another disturbing element would perhaps be a weight as often turning the scale in favor of justice as against it. Certainly the possibility that judges and jurors may be unduly influenced by women attorneys to the detriment of justice, is not greater than the possibility that judges, jurors, and a bar entirely composed of men, will be biased in favor of masculine privileges against justice to Woman. Those who are now so anxious lest justice suffer by the introduction of “female influence” into our courts, have been singularly oblivious to the injustice of a purely masculine judiciary. Let them, in imagination, reverse the present order, put women only on the bench, in the jury-box, and inside the bar, and consider whether they would not be apprehensive lest men should suffer injustice. Let them, then, look back the long record of judicial decisions, as they stand in the reports on the shelves of every lawyer, and see how again and again it has been decided that a man, however drunken, indolent and worthless, has a right to collect the earnings of an industrious and faithful wife, and spend them as he chooses, only giving her such “necessaries,” food, clothing and medical attendance as will keep her in a suitable condition to perform her duties to her family; how again and again it has been decided that a man may administer “moderate chastisement” to his wife—softened in American decisions to “gentle restraint on her liberty;” how it has been repeatedly decided that the right of the father to the custody and disposal of his legitimate children is paramount to the right of the mother; how all the way through, there is an assumption that

the only right of the wife is the right to be kept in suitable physical condition to minister to the wants of the husband and children. Then let them consider, taking the whole human race into the calculation, whether the ends of justice will not be more nearly attained by the entrance of Woman within the bar, than by her exclusion.

The result of the admission of Woman to the legal profession, upon the family relation, has been variously prognosticated. That it will “tempt Woman from the proper duties of her sex”—meaning the duties of motherhood—has been judicially foreboded. Let us see how largely this it likely to result. According to the census of 1870, there are 40736 lawyers throughout the United States. That is probably quite as large a proportion as the business will sustain. We will suppose that one-half of these were women. There would then be 20,368 women lawyers, in a population of 38,558,371 souls, or one to every 1892 inhabitants. Allowing five persons to every family, there would be one woman lawyer to about 378 families. Even conceding that none of these women lawyers ever become mothers, and that all of them would do so but for their following that profession, the number of births would not be seriously diminished. But all women do not become wives and mothers now; and the single women will be more likely to enter professional life than the married. Among the latter, many would naturally be the wives of men belonging to the same profession, and, working with them, could, without difficulty, make arrangements by means of which the duties of motherhood need not clash with professional labor. It does not seem, therefore, that serious apprehensions of an untimely end of all things human, upon the entrance of Woman into the legal profession, need be entertained.

That the legal profession opens additional fields of lucrative and honorable employment to Woman, rendering her less dependent upon matrimony as a means of support, is an advantage, not only to Woman, but to society.

Unlike Carl Schurtz, “I would not have Woman dependent.” In a sense, it is true, we are all dependent upon each other. But Woman should be no more dependent upon Man than he upon her. Above all things, she should be as free to choose a husband, unswayed by pecuniary considerations, as Man is thus to choose a wife. If this freedom should result, for a time, in fewer marriages, it would also result in fewer divorces, fewer discordant families, and unfortunate, ill-balanced children, and in a higher standard of morality and culture for Man.

To recapitulate briefly: The admission of Woman to legal practice will result in a higher mental culture to Woman; the addition of an element now needed and lacking in the profession; and the security of more perfect justice, and a higher moral tone to society.

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