turbable, has been wracked by persecution, by cowardice, by distrust. Its great problems are postponed; its great tasks not done; its responsibilities evaded, its house turned to bedlam, the humble oppressed, its ideals flouted, and the light that it held to the oppressed of mankind extinguished.

Special Legislation for Women Workers

IT is not alone in Albany, where Speaker Sweet is preparing again to throttle the Welfare bills, but throughout the country that men and women are asking themselves the question: What logical place remains for special protective legislation for women, now that the political disabilities of women are disappearing? Everyone admits at least the theoretical validity of protective legislation applying to labor as a class, irrespective of sex. It is generally agreed that we can not afford to leave the dangerous trades to the precarious regulation that may form part of the contract between employer and employee. But legislation for women as women in an age of sex equality, legislation limiting hours, prohibiting night work, fixing minimum wages: does not that savor of the old order, which is passing? It does, in the opinion of many persons more disinterested than the employers, more enlightened than the politicians, who are opposing the New York Welfare bills.

We shall not waste space on the purely logical aspect of the question. Special legislation for women was first instituted in England and has since extended to one industrial country after another, on grounds quite unrelated to the political disabilities of women. The British Ten Hours bill, passed in 1847, rested on the broad principle that excessive hours and night work were peculiarly injurious to women workers. Laws regulating the conditions of employment of women workers in this country have been upheld primarily on the ground of public health and social welfare, not on the ground that women have been without the protection of the vote. Legislators and judges have proceeded on the belief that extremely long hours and overstrain are injurious to women workers, and that the reaction upon social relations is pernicious. Possibly the old fashioned legislator or judge was too prone to see in woman "the weaker sex." Possibly he over-estimated the capacity of men for enduring overexertion and under-estimated that of women. These questions admit of scientific inquiry. But the fact remains that special legislation for women workers was introduced for other reasons than that of unenfranchisement, and can not be made by any purely logical process to fall away now that women are enfranchised.

The real problem lies deeper. Political equality without equality of economic opportunity is only the half of women's rights. Women will really be freed from the manifold handicaps of the old regime only when every artificial barrier to women's economic independence has been removed. There ought to be employment, at living wages, and wages equal to those paid to men for similar services, for every woman who desires a job and will meet the prevailing standards of performance. That is elementary. Now, the first question to be answered by those who support or oppose special legislation for the protection of women workers is this: Does it operate in the long run to restrict or to extend the opportunity of women to secure living work at living pay? That is not the only question, as economic independence is not the whole of life. But it is the question practically most relevant.

It may not be amiss to recall that there was no lack of opposition to special legislation on this very ground when the Ten Hours' bill was under discussion in England in 1847. Then as now there were not only manufacturers, but good liberals who argued that if women were not permitted to work as long hours as men they would be placed under a grave handicap in securing employment. On this ground more than any other John Bright pronounced the bill the most vicious piece of legislation that had ever been proposed in any country. The manufacturers and good liberals found themselves refuted by the event. Women were not generally thrown out of employment, though there were individual manufacturers who tried to save their faces by displacing women workers. The upward curve of women's employment in England was not even dented by the restriction upon the hours women could work. On the contrary, reason and experience conspire to prove that the effective field for women's work was broadened by the act. It went far toward creating a condition in which women could enter industry without paying with their health for the privilege. As matters stood before the act went into effect, thousands upon thousands of women entered industry, got worn out and replaced by other victims. That changed when the day was reduced to humanly endurable limits.

Women may be excluded from industry by excessive hours and overstrain and by starvation wages more effectively than they can be excluded by custom and law. And industry, if left to itself, though it needs women's labor, is incompetent to establish the conditions for itself under which women may work in health and contentment. That has been

proved over and over in the history of every industrial country. Protective legislation has been necessary in order to give to the job a character that can appeal to women who are not driven into industry by extreme want. Such legislation is as necessary in the American states today as it ever was. It is as much the obligation of the states as it ever was to require the men who enjoy the privilege of the employer's status to conform to decent requirements as to both wages and hours.

But suppose they refuse to conform, and displace their women workers by men? They can not. They have to have labor, and there are not men enough to fill the jobs. Never in our history, except in the late war, have American employers complained so bitterly of the shortage of labor. We got little immigration during the war and the prospects of a great influx of workers from Europe are, from the employers' point of view, extremely dark. Hundreds of thousands of our alien workers are going back to Europe.

The industrial conditions of today point to an increasing, not a diminishing need for women workers. That means that the present time offers one of those rare opportunities when decent conditions of employment for women workers can be introduced and made permanent without even the temporary displacement of women. It is a thousand pities that at such a time the course of legislation in the most populous industrial state in the union should be subject to sabotage by a politician like Speaker Sweet whose economics is more antiquated and calamitous than even his politics. Yet he is not a Tsar, absolutely to veto every progressive measure he can not understand or understands too well, unless the rest of us, citizens of New York State, are serfs.

The Advocacy of Force and Violence

THE new inquisitors argue that their whole purpose is to prevent the overthrow of the government by force and violence. They are either mistaken or they are not candid. Plenty of law now exists against the overthrow of the government by force and violence. Section 332 of the U. S. Criminal Code punishes any one who "aids" in the commission of a crime; who "abets"; who "counsels"; who "commands"; who "induces"; who "procures". Section 6 punishes "two or more persons . . . who conspire to overthrow, put down, or to destroy by force the government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States." No language could be plainer. Nor could it more effectively expose the hollowness of the argument that the new legislation is to protect the American government from overthrow by force and violence. Legislation to do that is on the statute books. The United States has not waited a hundred and thirty-one years to make force and violence illegal.

The new inquisitors are in pursuit of something far different from power to protect America against force and violence. They are out to secure power to prosecute opinions which some one like Speaker Sweet might regard as "inimical" to the best interests of the state: they are proposing legislation so loosely drawn that an opinion can be prosecuted if an official thinks that it might under any circumstances lead any person to consider force and violence. The traditional doctrine upon which American freedom is based prosecutes hostile *acts;* and words only when they lead directly to such acts. The new legislation is aimed at the prosecution of opinion which *might indirectly be construed* as leading to a hostile act. The rule of law which has inspired American practice was laid down by the Supreme Court in the Schenck decision:

> The question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.

That is the principle which the frightened guardians and the nervous watchmen are attacking. Every aspect of this American rule of freedom annoys them. "The question in every case": they do not want every case to be examined separately; they want wholesale raids, and "drives." "Whether the words are used in such circumstances": they are in no mood to consider circumstances; for them as for primitive man words, names, symbols are magically potent. "A clear and present danger": they are too excited to prove that: a boy, his head full of dreams about the millennium, calls himself an anarchist because he disbelieves in all force, revolutionary or governmental; the law falls on him like a load of bricks not because he is "a clear and present danger" but because he has used the word "anarchist" in one of the less well-known meanings ascribed to it by the dictionary.

The rule enunciated in the Schenck decision is the conclusion of experience as to how under the complex circumstances of society, liberty and order can be reconciled. It is this rule which is at stake. It is *this* rule, and not any absolute rule of freedom, which all lovers of liberty are called upon to defend.

What is the defense? Why has experience led men to the conclusion that it is unwise to suppress