

From a Woman's Point of View

WOMEN AS JUDGES

(By Emily Wright).

The Lord Chancellor (Lord Birkenhead) is appointing the women magistrates for England. It is interesting and somewhat amusing to note that this duty should be his, for a few years ago his attitude towards women did not suggest anything in the way of advancement, or emancipation for them.

When Lloyd George and Winston Churchill were being unmercifully heckled by the suffragettes, one often wondered whether A. J. Balfour, Austen Chamberlain and F. E. Smith (now Lord Chancellor) would have received similar treatment had they occupied the government benches, instead. Being on the opposition and in a hopeless minority, they did not need to declare themselves on the burning question of the Enfranchisement of Women. Therefore it was a tense moment when F. E. Smith was asked the question: "Would you give women the vote?" This happened when the familiarly and affectionately styled "F. E." came before his constituents at Liverpool for his second return to Parliament. He had delivered a masterful political address, had stirred and thrilled his audience with his oratory until even he must have been satisfied. The deafening applause had no sooner subsided than a man stood up and put the momentous question. We sat tight in our seats, men hoping that "he" would prove to be a man, women anxious for their political favourite's reply, almost praying that they would not have cause to be ashamed of him. Had the proverbial pin been dropped—but it wasn't, the pin became a bomb and "F. E." flung it. Deliberately he raised himself from his seat and into the painful silence he thundered just one word, "No!" and then resumed his seat. It was an uncompromising, an unqualified negative. Men received it with cheers, women with creepy chills in the region of the spine. Yet such is the contrariness of women that, admiring a strong man, they now gloried in the fact that he did not evade the question nor bolster up his answer with excuses and half-promises that meant nothing.

However, much water has flowed under the bridge since then. With the advancement of women in political, professional and social circles, men have had unusual duties to perform or favours to bestow.

In our own Province there is a woman judge of the Juvenile Court. Vague whisperings there were in the magisterial circles as to the wisdom of such an appointment—not with regard to the particular personality of the judge herself, but with the outrageous idea of having a woman at all. A preconceived doom seemed to be in store for the Court and all that that involves. In the circumstances, naturally the conduct of the Court has been watched closely and critically and so satisfactory has it proved that so far from anyone suggesting that the service of a woman judge be dispensed with, there is a project on foot for the establishment of a Woman's Court which will be a distinct step forward.

Judge Jean Norris is the first woman judge of the criminal court of the United States. She has a large jurisdiction in New York City, and presides both at the Women's Court and the Domestic Relations Court. Statistics prove the fallacy of those often quoted words: "Never set a woman to judge a woman," for eighty per cent. of the unfortunate women who appear before her rise from their degradation and become good, honest citizens again. "Woman's inhumanity to woman" has no place in the heart of Judge Norris. She administers justice well mixed with mercy, gentleness and patience, strong in her belief that the second chance means so much to them.

A woman juror recently said: "Women should always try women because of their clearer understanding of feminine wiles." This may be true, but it is a very poor reason. "Wiles" are rarely tried by one woman upon another for the simple reason that they are comprehended. They are reserved almost exclusively for the male sex.

Nevertheless, woman has a greater understanding of the mind of woman than a man. Her intellect is of a different kind. It bears the impress of her character, including whatever she possesses of those qualities peculiar to women, and thus her intellectual faculties may be modified by her emotions, sympathies, and moral qualities generally. But it is because of these qualities, together with her natural quickness of perception, that a woman judge will be better able to read the mind and influence the life of her less fortunate sister. Then, too, her point of view is altogether different, and if for no other reason than this, it is imperative that certain cases concerning women should be tried by women.

The responsibility of a woman judge is great, and naturally the selection of such judge should be made with care. Politics should be dismissed from the mind in making the appointment. A woman of intellectual powers—not what is generally termed a clever woman, which breathes too much of artificiality—with an innate charm of dignity and tenderness, whose very personality can inspire hope in the breast of the wayward, is necessary to success. She may be chosen from an environment of elegance and magnificence, as the Lord Chancellor has chosen the Duchess of Devonshire for Magistrate in Derbyshire, she may be untouched by poverty or sorrow; or she may have been disciplined by suffering and temptation to the ennobling of her character, she may be better able to understand the culprit than the culprit understands herself; but from whatever branch of society she is chosen she must have discriminating judgment, penetrating wisdom, a heart full of sympathy and patience for her whose errors are not so much the result of desire to do wrong, as from the possession of a vacillating nature, and a weak will unable to withstand the pressure of evil and adverse circumstances.

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