

THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA

INTRODUCTION

This Cumulative Supplement notes legislative action which re-shaped appreciably women's status in relation to government, property, family, and other individuals. Activity centered in the removal of significant legal barriers to women's participation in certain functions of government and to the exercise of individual freedoms by married women in their contracts, grants of power to agents, and enjoyment of other personal rights on which some limitations existed in several States. Favorable changes were made also in the laws of family relations and of property rights, some of which were specifically for women, others for the benefit of both sexes. It is not apparent that any major change within the scope of the report discriminates against women as such.

Obviously, the legislative purpose which inspired the changes aims toward the ultimate emancipation of women in this country from the handicap of obsolete laws. This attitude is not alone a gesture of recognition that women as individuals share in the guaranty of freedoms and privileges accorded all persons under the domain of Federal and State governments; it is also a response to economic necessity. Women, as well as men, help to create, conserve, and distribute the Nation's wealth through channels of industry and commerce. Consequently if certain laws unduly retard these contributions from half the population, those laws will receive the attention of legislators sooner or later, according to the degree of public inconvenience or business uncertainty they produce.

Situations arose in some States from war conditions which showed clear need for revision of family and property laws to permit greater freedom of action by a married woman whose husband was absent in military service, so as to assure validity of certain business transactions. Scarcity of manpower operated in one State to repeal an ancient bar against female employees on the legislative staff. The same factor doubtless speeded action in several States to admit women jurors.

An instance of legislative effort to recognize women's status as an individual in society is the action of one State in amending its constitution so that women are no longer barred from election to the highest public offices; another is the enactment by one State of a law expressly safeguarding a married woman's right as an individual to her personal earnings; another is one State's assurance that the right of any person to declare intention to become a citizen of the State shall not be denied or abridged because of sex or marital status; or the reform by six States of

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their juror qualifications to remove the ancient bar of sex; or the action by two States to bar discrimination against teachers in contracts of employment because of marital status, or by another State to prohibit this form of discrimination against any public officer or employee.

Good examples of legislative action to relieve economic pressures appear in the tightening of State control over legal obligations for support of families or dependent relatives, the removal of legal disabilities arising from woman's marital status, and the adoption of a State-wide system of community for marital property to divide burdens of taxation.

If the aggregate of legislative action in these fields seems small in comparison with the total number of States within the Union, it must be remembered that these achievements are not initial but final steps in a clean-up movement among the States to remove lingering discriminatory laws which have escaped attention in the broad reforms of the past century.