

REMEDY FOR THE DIVORCE EVIL

A Proposed Federal Marriage and Divorce Law

The laxity of our divorce laws has done much toward the undermining and disrupting of our homes. Agencies interested in adjusting marital differences have found themselves helpless in adjusting the case of a deserted wife and children, wherein the husband and father produced a decree of separation or divorce obtained by him in another State. At times, the decree would act as a complete estoppel in an action for support instituted in behalf of the deserted family. Scores of deserted women are divorced each day without any knowledge on their part of the proceedings instituted against them in another State. How many of these women and their children, left destitute, fall a burden upon our organized charities, upon the hospitality of relatives or friends? The following tragic story of a deserted woman was told at the National Desertion Bureau: "My husband left me eight years ago at Kishineff, Russia. He wrote me for a few years, then stopped. I gathered enough savings throughs unceasing effort during the past five years to come here, only to discover that my husband secured a divorce at Cleveland, Ohio, remarried and is living happily with his new wife and children at New Britain, Conn. Two of our four children were slaughtered at the massacre in Kiev, Russia, in 1905. We are here helpless—what can you do for me and my poor children?" was the pitiful plea of this unfortunate woman. Her case involved technicalities of the law impossible to surmount. Under the "full faith and credit" clause in the United States Constitution, every State, with the exception of New York and two or three others, recognizes a decree of divorce as valid even though it was obtained by service through publication without the wife knowing of the complaint. New York would disregard such decree. However, Connecticut recognizes the decree as binding upon it, for which reason the complaint of the applicant charging her husband with non-support was not entertained by her courts. The Bureau was determined to have the case reopened, if possible, in the courts of Ohio, but it was found that no

relief was afforded. *Parish vs. Parish*, 9 Ohio Rep. 534, was a case in point. The defendant who sought to reopen her case argued that a party guilty of corruption and fraud should not be entitled to retain the fruits of his rascality, and thus deprive the wife of her good name. The court, however, decided that a decree severing the bond of matrimony, although admittedly obtained by fraud and false testimony, could not be set aside after the expiration of the statutory period of six months, which had already elapsed. The statute expressly provides that "no appeal shall be obtained from the decree, but the same shall be final and conclusive." The court, in its opinion, said: "This statutory provision is nothing more than a legislative recognition of the principle of public policy, which has been repeatedly confirmed by the courts, that a judgment or decree which affects directly the status of married persons by sundering the matrimonial tie and thereby enabling them to contract new matrimonial relations with other innocent persons, should never be reopened. Such a course would endanger the peace and good order of society, and happiness and well-being of those who, innocently relying upon the stability of a decree of a court of competent jurisdiction, have formed a connection with the person who, wrongfully, perhaps, procured its promulgation." The little Russian family, too, have suffered innocently, but society and the law can do nothing for them.

Under the liberal divorce laws of the United States, divorce is almost optional with either of the parties and fraud has become legalized. But now that the power of amending the United States Constitution is being more actively exercised, it is a source of satisfaction that the following proposed joint resolution to amending the United States Constitution has been introduced into the House of Representatives: "Congress shall have the power to establish uniform laws on the subject of marriage and divorce for the United States, and to provide penalties for the violation thereof."

Although the notorious abuses springing from conflicting matrimonial laws of the various States, more than any other consideration, led to the establishment of the Commission on Uniform State Laws, the subject of marriage and divorce has received less satisfactory and effective attention than any to which it has given serious thought and effort. The difficulties are insurmountable, save through a Federal statute after amendment of the Constitution of the United States.

The difference of sentiment between South Carolina, where divorces are not granted, and South Dakota, where they are procured for trivial cause, or between New York and Massachusetts, can scarcely be compromised to enable the adoption of similar laws by the States. For a cooperative statute to be of real service, it would have to be of uniform application and force. The exceptional laws of a few States occasion most of the existing difficulties. It would be comparatively easy to frame a statute embodying the substantial sentiment of three-fourths of the States, and it would appear feasible to procure the ratification of an amendment authorizing Congress to act. The proposed amendment should be zealously advocated, because it offers the only practical method of doing away with the world-wide scandal of American marriage and divorce law.

M. M. G.

NEW BOOKS

SAN FRANCISCO RELIEF SURVEY. New York Survey Associates. \$3.50, postpaid.

Through the Russell Sage Foundation, it has been made possible to publish a compilation of studies of the organization and methods of relief employed after the San Francisco earthquake. April 18, 1906, and the resultant fire. Among the six compilers it is interesting to note the name of Dr. Jessica Peixotto of the University of California.

The volume shows the systematic efforts employed to promote the rehabilitation of the people who were ousted from home and employment, and those who suffered through disease and infirmity. It is a care-

ful, complete piece of work, presented with all the necessary details, and is therefore a valuable reference for information. It is illustrated with maps and diagrams. It is an excellent contribution to the history of relief work in the United States. C. S. B.

THE JEWS OF TODAY. By Dr. Arthur Ruppin. Translated from the German by Margery Bentwich, with introduction by Joseph Jacobs, Litt. D. New York: Holt, \$1.75 net.

Dr. Ruppin is pessimistic as to the future of the Jew, unless a nationalist-Zionist policy is adopted. Dr. Jacobs asks the question: "Does it altogether follow that the advance of modern culture among Jews must necessarily destroy their specific characteristics and ideals?" He believes it possible for Jews to have what he calls a duplex culture, by which both Jews and the world gain.

Dr. Ruppin's book is a review of the economic and social progress and status of Jews in the modern world. It presents facts as to assimilation, birth and death rate, intermarriage and other social phenomena affecting the Jews in their contact with peoples among whom they live. The book is frankly propagandist for Zionism.

The author makes a slip in which he refers to Edison as a Jew. This is an instance of even scholarly writers claiming "everything."

C. S. B.

IMMIGRATION. By Henry Pratt Fairchild. New York: McMillan. \$1.75, net.

Professor Fairchild is less dogmatic in his discussion of immigration to this country than authors of other recent books on the subject. He endeavors to present the subject in a broad way. Nevertheless he is obsessed with the notion that there is an American type, although he is willing to admit that "Just what this is it might be difficult to say," and he adds, "Some writers appear even to question its existence, but the very idea of assimilation presupposes a type."

The author refers to Mayo-Smith's "Emigration and Immigration" as formulating important American characteristics. These include the ability to govern our-

selves; the social morality of the Puritan settlers; the economic well-being of the mass of the community; certain social habits, such as love of law and order, acquiescence in the will of the majority, a general humane spirit, etc. We have seen no reason for assuming that the mass of arriving immigrants cannot conform to those ideals. It is also possible that they may contribute ideals fully as lofty as those which are called American. It will be admitted that Jews have carried through the centuries an idealism which makes for high culture and which assuredly is a contribution to the idealism of nationalities with which they mingle. We may refer the author to Dr. Joseph Jacobs' introduction to Ruppin's "The Jews of Today," in which he calls attention to the fact that Jews may have a duplex culture, maintaining Hebrew ideals and at the same time acquiring modern culture. Analysis will show that so-called American ideals are none other than Jewish ideals, so that the Jew who lives up to Jewish principles of morals and conduct conforms at the same time to the highest American principles.

It is of interest to us to take up a point referring to Jewish immigrants in which the author has permitted himself to fall in error. In one place he makes the statement: "Seven per cent. of the entire Jewish immigration to the United States in one year found it necessary to apply at the office of the United Hebrew Charities in New York within a short time after their arrival." Referring this statement to Mr. Morris D. Waldman, manager of the United Hebrew Charities, we have the following reply: "To which year does he refer? Our report of 1912 shows that 7,140 cases were entertained, representing 31,835 individuals. Of these 7,140 cases, 1,317 were cases concerning whom only inquiry was made. Those who received relief numbered 4,589, representing approximately 20,000 individuals, which is not more than 2 per cent. of the Jewish population of this city."

Likewise, Mr. Waldman calls attention to the fact that because present applicants for relief require more continuous relief, they are not necessarily a pauper class. An analysis by the United Hebrew Char-

ties brings out the fact that the conditions for which applicants were given aid were not brought about by them, but are due to living and working conditions here. Similar situations confront societies which have to deal with other nationalities.

The writer is apparently not willing to go the length of absolute restrictionists, as he admits in his concluding words that "a cessation of the stream of immigration to the United States can only mean that economic conditions in this country have fallen to so low a pitch that it is no longer worth while for the citizens of the meanest and most backward foreign country to make the moderate effort to get here."

C. S. B.

THE FAMILY, by Charles F. Thwing, LL. D., president of Western Reserve University, and Carrie F. Butler Thwing. Revised and enlarged edition. Lothrop, Lee & Shepard Co. \$1.60 net; postpaid, \$1.72.

The original edition of this book came out in 1885, and it has been well known ever since as a book of reference for thoughtful general readers, and a text-book in college classes dealing with the family. As the great and growing importance of its subject came more and more to be recognized, the demand for the work increased; but there also came a natural need of revision, owing to the dependence of certain portions upon figures and statistics. The importance of the subject and the standing of the book seemed to justify a complete rewriting, which has just been done in a very painstaking manner. The work has been completely reset, and is now offered with all the freshness of a new work and the standing of an old and tried one.

C. S. B.

The twenty-first anniversary reception was lately held at the Jewish Seaside Home for Invalids at Ventnor, and was attended by many of those interested in philanthropic work in this and other cities. An interesting program, a part of which was the reading of a report detailing the vast amount of work accomplished by the institution, was carried out. The Home is under the management of the Jewish Maturity Association of Philadelphia.

JEWISH CHARITIES

BULLETIN OF THE NATIONAL CONFERENCE OF JEWISH CHARITIES

Entered at the Postoffice at Baltimore, Md., as Second-class Matter.

Vol. IV.

BALTIMORE, SEPTEMBER 1913.

No. 2

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THE TRANSPORTATION RULES

Quite a number of cases involving the construction of the Transportation Rules have been presented lately to the Transportation Committee for their consideration and decision. This indicates that the difficulties arising out of transportation are still troubling our organizations. In other words, the very cause that led to the formation of the National Conference of Jewish Charities, namely, the ill-considered transportation of families about the country, is still operating actively.

The tendency of newly arrived people to try place after place until a suitable one is found is so well marked that we must expect transportation problems for many a year to bulk large in the work of Jewish charities. On the other hand, the rolling-stone "proposition" is not slow to take advantage of the hunt for adjustment, and he rolls along with the rest to the worry of the relief society and to his own confusion. The problem of the shifting soon becomes the problem of the shiftless, and there is a great danger that one of the necessary expenses of readjustment, the hunt for a suitable home, may degenerate into a permanent difficulty.

To meet this situation the Transportation Rules were drawn up and subscribed to. They are not self-executing. Unless the societies make them a part of their practice and their method they will be only so much waste paper, pious resolutions going for naught. They are often charged with difficulty and expense to the individual society—it would be so much easier and cheaper to pass this particular family on to another

city, especially as the family is struggling to get away. But handling families is no holiday affair; there are difficulties in every branch of the work, and transportation troubles may be as troublesome as other kinds, but they are no worse and ought to be squarely faced.

A decade has attested the wisdom of the Rules. Though they have not been revised since they were first adopted, and though they have been put to a rigorous test, only a few minor changes have been suggested. They have proved wise and effective working rules, and if they were carried out universally in their true spirit they would serve a purpose of the highest importance and value. And they have been on the whole loyally adhered to and the influence they have had in controlling an evil always ready to burst forth whenever vigilance is relaxed is real and substantial, even if it cannot be measured in the usual way.

The smaller cities have shown perhaps a greater disposition to chafe under the rules than the larger communities. This is due to the fact that in them the charities are not as a rule well organized, funds are not readily collected and persistent treatment over a long period of time falls on the average board of directors attempting to do most of its own work. In the end, however, the rules will be no less beneficial to them than to others, and in spite of the number of "transients" they complain of they are better off than if the larger cities would unload on them the families that are willing to experiment "in the country."