E765

RATIONAL SEX SERIES

BI-SEXUAL LOVE, THE HOMOSEXUAL NEUROSIS, *by Dr. William Steckel, Authorized Translation by James S. Van Teslaar*

SEX AND DREAMS, THE LANGUAGE OF DREAMS, *by Dr. William Steckel, Authorized Translation by James S. Van Teslaar*

SEX AND THE SENSES, *by James S. Van Teslaar*

SEX REPRESSION, INHIBITION AND FRIGIDITY, *by James S. Van Teslaar*

THE LAWS OF SEX, *by Edith H. Hooker*

MOTHERHOOD, *by H. W. Long, M.D.*

CHILDREN BY CHANCE OR BY CHOICE, *by William Hawley Smith*

SEX IN PSYCHO-ANALYSIS, *by S. Ferenczi, M.D.*

HISTORY AND PRACTICE OF PSYCHANALYSIS, *by Poul Bjerre, M.D.*

TEMPERAMENT AND SEX, *by Walter Heaton*

SEX AND SOCIETY, *by W. I. Thomas*

RICHARD G. BADGER, PUBLISHER, BOSTON

THE LAWS OF SEX

BY

EDITH HOUGHTON HOOKER

BOSTON
RICHARD G. BADGER
THE GORHAM PRESS

COPYRIGHT, 1921, BY RICHARD G. BADGER

All Rights Reserved

Made in the United States of America

The Gorham Press, Boston, U. S. A.

TO

D. R. H.

PREFACE

Some seventeen years ago when I was a student in the Johns Hopkins University Medical School, I became greatly interested in the problem of the Social Evil. Individual cases in the gynæcological clinic aroused my sympathy and indignation, and I resolved to study the problem later and to do what I could toward ameliorating conditions. By a fortunate circumstance, Dr. Hooker was also vitally interested in the problem. After our marriage we lived abroad for some time, and with the generous help of Dr. A. Blaschko and Dr. Max Marcuse carried on some interesting investigations in Berlin, which later led to our founding in Baltimore a home for unmarried mothers and their children called the Guild of St. George. We learned much from this venture, particularly that the solution of the problem depended intrinsically, not upon the reform of women, but upon the reform of men. So convinced did we become of this fact that we soon turned our efforts toward the emancipation of women, and temporarily gave over the more direct attack upon the problem of the social evil.

Case after case proved beyond a doubt that until women had direct political power within their hands the double standard of morals upon which the whole problem rested would be unassailable. Now that this first step toward progress has been achieved we turn back to our original interest, for we believe that the enfranchisement of women has released the power essential to a successful, constructive campaign against sexual promiscuity and its attendant infections. The material presented in this book represents the accumulated results of about seventeen years' labor on

the part of both Dr. Hooker and myself. We have thought the thing through together, and his name should properly appear upon the title page.

We present the book at this time chiefly for the information of the large group of American women who desire to improve moral conditions, but who do not know how to turn their newly won political power to this end. Our hope is that it may arouse an optimistic interest in the immediate solubility of the problem, and help to bring home to women a realization of their deep responsibility as the natural protectors of the racial life.

Much appreciation is due to Mr. George E. Worthington of the American Social Hygiene Association for assistance in preparing the chapter on the present statutes; to Dr. J. T. Geraghty for his criticism of the chapter on the venereal diseases, and to Dr. Frank E. Lillie for the use of his valuable paper regarding the fertilization problem.

EDITH HOUGHTON HOOKER.

Upland, May, 1921.

CONTENTS

CHAPTER		PAGE
I	The Present Anarchy	13
II	The History of Marriage	28
III	The Origin and Causes of Prostitution	49
IV	The Dual Nature of Sex	73
V	The Ethical Aspects of Birth Control	89
VI	The Present Statutes	114
VII	The Standardization of Sexual Conduct	170
VIII	The Venereal Diseases	187
IX	Fallacies of the Present Methods of Control	215
X	Neo-Napoleonic Regulation	245
XI	Venereal Prophylaxis	259
XII	The Solution of the Problem of Venereal Diseases	292
XIII	Sex as a Factor in Education	312
XIV	Some Case Histories	339
XV	Conclusions	349
	Bibliography	367
	Index	371

THE LAWS OF SEX

THE LAWS OF SEX

CHAPTER I

THE PRESENT ANARCHY

As one glances backward over the history of the human race, the fact appears that the development of the social order has been accomplished, seemingly regardless of the purposeful will of man, by a process very similar to evolution. At various epochs mankind has been brought face to face with certain definite problems upon whose solution further racial progress was essentially dependent. Seen in retrospect the forces leading to these epochal changes are in many instances singularly clear, but seen in prospect they have usually been but dimly comprehended.

This failure to grasp the significance of essential sociological changes has led to the method of progress through chaos, as for example in the French Revolution or the Civil War in America. Action has grappled with reaction with the result that the survival of the fittest has been achieved. In the twentieth century looking backward it is not difficult to discern the trend of events which made Democracy the inevitable culmination of the eighteenth century. Yet at that time men of balanced intellect regarded the revolutionists as mad and dangerous fanatics, and looked upon popular government as an impracticable and visionary scheme. Fettered by prejudice and custom, these men refused to see the obvious lines of racial development which led irresistably to one conclusion. Thus on the continent the

revolution was deprived of the quality of leadership which might have averted much bloodshed and suffering.

The danger of permitting prejudice and custom to take the place of reason in times of fundamental change is well indicated by the contrast between Great Britain's and America's treatment of the problem of negro slavery. In Great Britain in the nineteenth century, men realized that the time had come when the institution of slavery was no longer essential to, nor compatible with, civilization. In the days of Plato, even in the ideal republic, slavery was taken for granted, for at that time human hands were required to do the work which machines now do. The arts and sciences could not be developed by men degraded by abject toil, hence the sacrifice of the slave class to the progress of civilization, was, in the absence of machinery, inevitable.

The clear recognition by the people of England of the forces leading to the liberation of the slaves made it practically possible for this momentous change to be accomplished in the British Empire by methods others than those employed in America during the Civil War. Over and over again, human experience has proven that reason may be an efficient substitute for the sword and that where comprehension takes the place of prejudice, progress may be purchased at a comparativey small price.

In the treatment of the Social Evil which appears to be dawning on the horizon as one of the central problems of the twentieth century, a thorough understanding of the complex factors involved in human sexual life is basic to rational progress. Since in all development the future grows out of the past, a comprehension of the underlying forces which have brought the sexual life of the race thus far forward is of vast importance in outlining a program for further action. Certain instincts and ideals with regard to sex have already been developed in the human race, and these must be given due consideration. Customs such as

marriage, premarital chastity for women and promiscuity for men, have been accepted over such a long period of time that they have become part of the conscience of the race, and conduct is at this epoch directed in accordance with these inherited criteria. The distinction that is made by the mass of mankind between unchastity on the part of a daughter, and unchastity on the part of a son, indicates with a rare degree of vividness the extent to which custom controls the average mind. The unchaste son and the unchaste daughter are obviously guilty of precisely the same act, yet the parent and the public intuitively discriminate with regard to the moral obliquity of their conduct. The man who with no qualms of conscience indulges in extra marital relationships, feels himself morally degraded if he is forced to marry an unchaste girl, yet the average woman, despite her virtue, feels singularly little chagrin at her mate's premarital infidelity. This curiously irrational circumstance is summed up in the law which makes premarital unchastity on the part of a woman ground for annulment of the marriage if the husband was in ignorance of the fact, but which does not operate in the reverse direction. Since the term "Social Evil" is used to define the condition of disordered sexual relationships that exists outside of marriage, and since the epidemiology of venereal disease shows that the breeding ground of the spirochete and the gonococcus lies in sexual promiscuity, it is clear that the solution, both of the problem of the Social Evil, and of Venereal Disease, is intimately associated with the reorganization of the sexual life of the race. This cannot be accomplished independently of the past, for the forces which have been at work for centuries are not to be peremptorily set aside by verbal theories. The ideals which have grown up and which have justified themselves by natural selection are presumably ideals that will continue to contribute toward the development of the sexual life of the race. If

reason is to assist in this process, it must be through the strengthening of the customs and prejudices found to lead to the most complete development of the sex life of man, and through the elimination of base standards which tend to degrade and thwart the sexual instincts of humanity.

At the present time a condition of anarchy obtains in the realm of sex. No comprehensive system of law exists even on the statute books for the maintenance of sexual order. This fact is perhaps best indicated by the "Unwritten Law" which is frequently invoked to cover cases where the public conscience feels that justice cannot be achieved through the enforcement of any existing statute. It is also exemplified by the anomalous condition which permits monogamy and promiscuity to exist side by side in the same state. While the public realizes that human nature has not yet reached a stage of perfection that would insure justice under an anarchistic régime in any other province of life, it still fails even to write down on its statute books a system of sexual law designed to insure right living in this realm. The result is that the ordinary concepts of justice and of mutual responsibility which govern the social order under civilization may be safely abrogated by the individual in his sex life without his even being conscious that he has violated a social or moral law. The average boy who sees his comrades indulging their sex instincts through promiscuity is thus robbed of any social standard whereby he can measure the effects of their conduct on the racial life, and is left wholly without adequate direction for his own sexual existence. The experience of the race is of no practical advantage to him in ordering his own sex life, for it is not written down in terms that he can understand.

It may legitimately be assumed that the same general principles of law and order that operate throughout the various phases of communal life are appropriate as well in the realm of sex. It is not reasonable to suppose that

there is one kind of justice in regard to property or contracts, and another kind of justice in regard to sex.

Law and order, in the broad sense, predicates a condition of mutual responsibility and understanding among the various social units, and acts to insure equal justice to every individual. In the realm of sex, at the present time, law and order is conspicuously absent, for mutual responsibility in sex relationships is not required by the state, and the standard of conduct upheld for various individuals is widely divergent. Before material progress can be anticipated in this difficult field, the human race must as a group decide along what lines the sexual life of the race is to be ordered. It is idle for one faction to present measures for the control of venereal disease based upon the premise that promiscuity is inevitable, while another faction proposes a program designed to limit sexual relationships to monogamy. Such a conflict in objectives results in grave injustice and defeats the very purpose which both groups have in view. If promiscuity is to be accepted as a fundamental fact in human sexual life, as the adherents of medical prophylaxis would seem to believe, certain readjustments in sexual ethics are indispensable in order to minimize venereal disease, and to achieve justice. If the sexual demand of the male is so potent as to necessitate intercourse regardless of marriage, society must learn to respect the woman who participates in the consummation of this supposed law. It is obviously out of line with justice to condemn a woman to the severest censure of which society is capable merely for lending herself to the absolute need of the opposite sex. There is no other human relationship in which both parties are so clearly on a par as in sexual intercourse. Whether the individuals be male or female, it is plain that ethically they cannot be other than equal in the sexual act. It is inconceivable that since sexual intercourse involves two individuals of opposite sexes, the act which is permissible on the part of one should by ra-

tional beings be regarded as gravely anti-social on the part of the other. Such an opinion indicates a complete abrogation of both justice and common sense.

If promiscuity for men is to be accepted, promiscuity for a considerable number of women must be accepted as well, for men cannot have sexual intercourse alone. Moreover, in justice to the offspring, the stigma attaching to illegitimacy must be removed, for it is clearly unethical for the community to penalize a guiltless child for his participation in a sequence of natural law.

With regard to the treatment of venereal disease as well, this revision of human sexual ethics is indispensable, for while promiscuity is regarded as criminal on the part of women, the man who associates intimately with these women feels shame at the contact, and does not approach the medical problem with the matter of fact candor that the situation requires.

In addition, the economic status of women and children under a system of sexual promiscuity must, for the furtherance of racial competence, be adjusted in a manner very different from that which obtains under monogamy. During the child-bearing period women cannot in the main compete successfully with men for their livelihood. Either they must refuse to bear children, in which case the race will suffer, or a system of maternity benefits and pensions must be devised to meet their actual needs. Unless civilization is permanently to discard its ethical ideals in the realm of sex, it is plain that sexual promiscuity must be accepted, or rejected for both sexes alike. To continue to demand one standard of conduct for women and another for men, is merely to perpetuate a system which is unjust and impracticable.

Upon this basis it is seen that the problem of the social evil resolves itself into a very simple question. Is the sexual life of the race to develop in the direction of promiscuity, when both sexes shall be free to exercise their instincts with-

out regard to any form of marriage law, as is the case with men at the present time, or may a definite standardization of sexual conduct be anticipated which will apply equally to both men and women? Since justice demands that individuals, whether they be male or female, shall he beld equally responsible for any given act, and since it is plain that men and women participate equally in sexual intercourse, it follows necessarily that justice can never be achieved while society condones promiscuity on the part of men, and penalizes it by social ostracism, and even jail sentences when practised by women.

The choice between promiscuity and some sort of sexual standardization such as is entailed in polygamy, polyandry, or monogamy, must be made before the primary principle of justice can come into operation in the sexual life of the race. It is in this connection that the experience of the race must be invoked to determine first what manner of sexual conduct promises the best results for the race, and second whether the social forces that focus on sex life but which are independent of it will permit of its ordering in any given direction. Just as it would be idle to devise a theoretical physical world based upon the premise that gravitation was inoperative, or the world flat, or that water ran uphill, so in the province of morals, it is vain to devise a system based upon unreal suppositions. The drama has already been played to the end in the conflict between science and religion. The early fathers of the church resented the inroads of science upon dogma, and attempted by coercion to maintain a physical universe out of accord with reality. But they failed, as all other moralists will continue to do as long as the world they construct is out of harmony with natural laws.

Sex is the axis of the life of man. Around it turn all of the other incidents of his existence. Sex determines the actual germ plasm of which he is made, the color of his skin, his eyes, his hair, his physique, his race, the inherent

quality of his mind and heart. The adult man in any generation is but the consummation of the sexual choice made by an endless chain of male and female progenitors. Environment and apparent chance have their part in his molding, but just as environment cannot change wheat to corn, or iris to roses, so external circumstances cannot make a negro white or a defective mind normal. What sex has bound together in the form of germ plasm, nothing but death can put asunder.

Even after birth the validity of the sexual tie which has brought his parents together is of great moment to the child, for upon it depends the kind of home in which he grows to adult years. The marked divergence between the death rate among legitimate and illegitimate children is in itself evidence of the present importance of the home. As the youth approaches maturity, and his sexual impulses expand, he himself faces the selection of a mate. Upon the wisdom that he exercises in his choice depends much of his happiness and comfort during adult life. An unhappy marriage may crush his development and stultify his ideals, while promiscuous relationships may break his health, and rob him of the children who would otherwise bring interest and security to his declining years. Thus, from birth to death, sex is seen to be of paramount importance in the life of man.

Sex is of all problems the most affirmative, and yet, in the days that happily are gone, it has been approached by the virtuous as something to be negated, to be denied. Chastity and celibacy have been regarded as the highest virtues in sex, and the lack of a constructive ethical system for the right use of sex has led and now leads to the abuse of this supreme function. Fortunately, young people come into this world imbued with the idea that there is joy in sex, and when their elders counsel repression instead of right direction, they sense the counterfeit and follow where their natures lead them. This results in each generation

living over the errors of the past, for since the experience of the race has not been synchronized into law, there are no sign posts to warn the young of pitfalls.

In addition, discussion has been taboo, and education even in the normal physiology of sex has been supposed to be too dangerous to be attempted. Instinct, prejudice and ignorance have been the sole guardians of sex, and it should cause no wonder that under their guidance chaos has been the result. The value of law as an instrument toward education, has been consistently overlooked, and promiscuity and monogamy, unequally yoked together, have made a mockery of sexual ethics. The ancient and untrue dogma that "men cannot be legislated into virtue" has placed sex beyond the pale, and has permitted men and women a range of irresponsibility in matters of sex that would not be tolerated in any other branch of human affairs. The fact that the true function of law under civilization is deterrence, not revenge, has been forgotten, with the result that no rational examination of the natural laws governing sex has even been attempted.

People have been content with instinct in sex as the arbiter of virtue, and, regardless of justice, they have lynched the alleged rapist with the utmost ferocity while they have permitted married men to seduce young girls without exacting any penalty. The state has enacted certain statutes with regard to monogamous marriage, and has then irrationally failed to set up adequate defenses for this institution. Adultery and promiscuity have been connived at, but divorce has been made so difficult as to be in many cases impossible. Venereal persons are, without any restrictions, given licenses to marry even though their names are on record in the archives of the Board of Health. Since it is known that the marriage of an individual infected with venereal disease may entail the death, mutilation or sterilization of his mate, and since the evil effect of venereal disease on rising generations in the form of blindness, de-

generacy and still-birth is recognized, this license to contaminate wedlock is clearly an official crime of untold magnitude. Abortion has been made a penitentiary offense, but on the other hand the state has failed to exact paternal responsibility for the illegitimate child, or to make other adequate provision for his welfare, with the result that thousands upon thousands of these children have died soon after birth, yielding no asset to the state except their own and their mother's suffering. Giving information with regard to birth control has been made a felony, and yet many married people employ contraceptive measures, and most physicians give such information willingly. It is well known that most of the young girls who are sent to reform schools are committed for sexual offenses, and yet the reform and penal institutions of the state show no record of the men and boys who must of necessity have participated in these sames offenses. A single day in any juvenile court will show instances of girls brought in and convicted of some sexual offense with the boy or man held merely as the state's witness. The male co-partner is immediately freed, despite the likelihood that he will involve still other girls. The court and the public, relying on their instincts, feel that the offense of immorality on the part of a girl is very different from the same offense on the part of a man or boy, and justice is rendered accordingly.

The same situation obtains with regard to prostitution. The man pays his dollar or so to a prostitute, indulges in illicit intercourse, and goes on his way without regret. The community feels little if any resentment at his conduct. But the woman whom he utilized has thereby become an offender against the law, and if apprehended may be summarily sent to jail. Reason has been so far abrogated in the realm of sex, that men of good intellect cannot sense the anomaly of their conduct when they recommend the use of the prophylactic packet or the prophylactic station. They cannot see that the state's connivance at vice predi-

cates its continuance, for they have become accustomed to think in terms of the double standard and habit is stronger than reason.

The consequence of this instinctive treatment of the problem of sex is the existence of an unrelated code of sexual laws and customs, designed from the outset to secure injustice to the virtuous, and penalization to the innocent. The guilty are insured comparative immunity under the law, and a process is devised to foster, with the aid of the science of medicine, a system of sexual ethics which is known to be subversive of health and antagonistic to racial progress.

The marriage relation is practically the only use of sex which is heavily penalized in the case of men, for only in legal marriage is the man required to live up to his sexual obligations. He may have a dozen children outside of wedlock and not even know of the existence of any of them, but if he has one child in wedlock he is rigidly required to provide for its support. He may have sexual relations with a score or more of girls ranging upward in age from sixteen years or even younger, but if he does not marry them he is not called upon to insure their maintenance. If he marries one woman and then makes the same legal concession to another, he is pronounced guilty of bigamy, and is sent to the penitentiary, but if he omits the ceremony he is usually not interfered with by the state. If he takes unto himself a wife and later finds that he cannot live happily with her, he is denied the right to break his bonds except under great duress and scathing publicity, but if he can persuade the same woman to live with him independently of marriage vows, he may depart at any moment his disposition dictates. Moreover, he is required to provide alimony only if his previous conduct has been so virtuous as to involve compliance with the marriage law.

This reversal of the usual mode of standardizing conduct is due to the fact that under civilization the laws regarding

sex have heretofore been dictated solely by desire and by the right of the stronger, and have been but fragmentarily related to the natural laws inherent in the sex relationship. Men have desired chaste wives that their paternity might be indubitable and their homes be insured against the advances of other men. They have also for financial or other reasons wished to secure protection for their daughters or other dependent female relatives. At the same time they have desired complete license for themselves in the enjoyment of passion. Since until recently practically all of the political and economic power has lain within their hands, men have been able to enforce their pronouncements upon the opposite sex without question. The advance of women toward political and economic independence has shifted the balance of power in their direction, and now for the first time since the dawn of organized society women find themselves capable of reassuming their natural position in the realm of sex.

As with the slave, the shackles dropped from his wrists when civilization no longer needed a subject class, so with woman emancipation followed the organization of the work of the home to a point where the sacrifice of her personal abilities and ambitions was no longer vitally needed by the race. Throughout the development of the social order, it appears that each group that has achieved liberty has brought a special gift of knowledge to the commonwealth. Ideal Democracy itself is nothing more nor less than the sum of human knowledge embodied in such form as to make articulate the needs and wishes of the people. Cast out one group and all the others lack the intimate knowledge of the special needs this one group represented.

The body politic is like the human organism, an entity composed of myriad units, individuals or cells, all mutually dependent and all united through a common mechanism which in the individual is the central nervous system, and which in the body politic is government. The isolation of any large

group of unit factors from the cooperative mechanism predicates a corresponding reduction of efficiency in the organism itself. Similarly the addition of any new group means a proportionate increase in the power and sensibility of the whole.

The special gift of knowledge which through their emancipation women as a class bring to the commonwealth, is their peculiar experience in matters of sex. Heretofore men have attempted to solve the problem of sex strictly from their own point of view, and since owing to the physiology of reproduction sex is to men and to women a singularly different thing, the treatment of the problem has in the past lacked balance and true direction. To men sex is largely a matter of mating, to women it is preeminently a matter of life. From men sex demands little if any physical sacrifice, from women it may demand the supreme sacrifice—death.

Romantic literature, as it has come from the hands of men, pictures love in conflict with the laws of society; romantic literature, as it will one day be written, will show that love is synonymous with the highest social law. Love in the past, male love, has been a matter of youth, of the springtime; in the future love will include all of the ages of man. Passionate youth, fecund maturity, the ripe harvest of achieved desires, and finally the sweet promise of another spring bringing revivifying hope amid the snows of winter.

The problem of sex is the problem of life, enduring, changing, varying with the years as they pass by. The sun in the firmament of youth illumining the heavens and the earth and the far reaches of the human soul, creator of art, handmaiden of the muses, proof of the divine order prevailing in the universe. Glad comfort of maturity warming the soul to effort and ambition, changing despair to hope, failure to victory, touching the sordid commonplaces of life with golden fingers, making blind eyes see the

splendid vision of a conscious realized humanity. In later years a star to guide by, leading the voyager true over the long and difficult way, drawing the eyes heavenward from life's pain and disillusionment, finally bringing him home to peace, tranquillity and well-earned comfort.

Sex in its affirmative aspects may readily be seen to achieve full fruition only in response to certain natural laws. Negative precepts while of value in warning the young of transitory danger, are insufficient guides towards complete development. Negative virtues in sex are like negative virtues in the rest of life, useful only in proportion as they result in positive benefits for the individual or the race. The ascetic ideal of repression for the sake of repression appears in all its vanity in the realm of sex, for the consistent repression of the sexual instincts would lead inevitably to the destruction of coming generations, and the solution of the problem of living would be lost in racial death.

The lack of any firm consensus of opinion with regard to the right use of sex, compatible with accepted ethics, is fundamentally responsible for the wrong direction that has heretofore prevailed in this sphere of life. Freedom in matters of sex has meant license, not liberty, and license here as elsewhere has led to abuse and irresponsibility, with the result that mankind has taken refuge in the most arbitrary restrictions, elevated celibacy to the pinnacle of sexual virtue, denied legal divorce to persons who were incompatible, regarded children as a sort of expiation for the carnal sin of lust. Synchronously each rising generation, coming clean from the hands of time, has recognized the inherent value of sex and has broken the loose bonds imposed upon it by a dying order only in its turn to become disillusioned by abortive sex experiences. With silent lips and with the dark light of thwarted hope in their own eyes, parents have watched their children embark on the wild waters of adolescence without compass and without helm, and thinking of sex as sin have held their peace, regarding ignorance

alone as innocence. Sensing shame in their own lives, parents have not dared to speak the truth fearing lest knowledge of the underlying facts of nature should lead their children to lose respect for parenthood. Thus the youth of the world has been denied recourse to the sexual experience of the race, and each generation has been forced to pay again the tragic price of knowledge. In the spiritual world, as in the physical world, the explorations of mankind must be properly recorded if ever a map is to be constructed to guide the vessel of the future.

The rocks and shoals beneath the smiling waters where men have lost their lives, must be marked down, and the good rivers and protecting bays must be charted on a permanent record, or much of the peril and the pain of past explorations will be lost to future mariners. As in earlier days men made a theoretical map of the universe showing the world flat and apportioning the space above to heaven and that beneath to hell, so today they plot out the moral universe in total disregard of science and experience. And then they bid the young to sail according to their fictitious chart, and find amazement in the fact that they so seldom come to port in safety.

The great need of the present is to analyze the past experience of the race in sexual matters, and to derive from actual, not theoretical data, the moral boundaries of human sexual conduct. Then to put down in current language, such as law, the information thus secured, so that rising generations may embark upon their quest with a full knowledge of the waters and ways already traversed by humanity.

By this means and by no other the experience of the race can be conserved, and the pain and disillusionment of generations past be adequately utilized to guide the footsteps of the future. Error is a corollary of experience, but the repetition of error, can by the right use of reason, be avoided.

CHAPTER II

THE HISTORY OF MARRIAGE

The first essential toward the constructive analysis of the sexual experience of the race is an unbiased and scientific attitude of mind toward the relation between the sexes. Preconceived ideas of right and wrong prejudice the judgment and lead to hypotheses which may be out of line with the facts determined.

Current custom differentiates sex relations into two general groups, those which take place in wedlock, which it calls moral, and those which take place outside wedlock, which it calls immoral. Since morality is defined as "the quality of an action which renders it good," society must first ascertain whether the present marriage code accords with this definition before it will be justified in making wedlock the sole criterion for sexual virtue. The derivation of the word moral from the Latin noun *mos, moris,* meaning custom, indicates that in some instances habitual conduct may be confused with moral conduct. It is an outstanding fact that morals are always in a state of flux; they change as society changes, for that which was good for the race under a certain social order may become detrimental when the order changes. For example, among the early Hebrews, polygamy was regarded as a wholly moral institution. David and Solomon and the other great Biblical characters had many wives and concubines, yet to-day the Jews uphold monogamy and regard polygamy and concubinage as highly immoral customs. The association of the word moral with any kind of human conduct merely implies

that at a not too distant epoch such conduct was found to bear good fruits in racial happiness.

In order to understand the relation of marriage to the sexual life of the race it is essential to comprehend both its practical significance and its derivation.

Until recently most ethnologists have maintained that man lived originally in a state of promiscuity and that marriage was superimposed upon the race as a result of the development of moral ideas. Chief among the exponents of this hypothesis are Lubbock, Morgan, Bachofen, McLennan, Bastian, Giraud-Toulon, Lippert, Post, Wilken and Kohler.

These men base their opinion upon the assumption that prehistoric man lived in a group or horde in which the sexes mingled freely without respect to marriage. They believe that the horde preceded the family in racial development, and that the children originally belonged to the clan and not to the parents.

They bring forward the custom of tracing lineage through the maternal strain as proof that even definite knowledge of paternity was wanting.

In *Das Mutterrecht*, by Bachofen, which appeared in 1861, an effort is made to adduce two types of evidence in support of the hypothesis of promiscuity. First, notices in ancient and modern writings of savage races supposed to live in a state of promiscuity, and second, survival customs which are alleged to revert to an era when marriage was not observed. The main basis of the argument is the casual observations of voyagers, ancient and modern, as to the habits of peoples with whose language, even, they were unacquainted, and customs such as the "jus primæ noctis," which probably represents merely an abuse of power on the part of a priest or overlord. At most the evidence adduced could but lead to the theory of group marriage, which is itself far removed from actual promiscuity.

Bachofen maintains that marriage was instituted by

women, who came by degrees to resent promiscuity and who set up matriarchates, in which the power of women was supreme. In these communities he asserts the relation between the sexes was elevated to a religious plane and marriage was enforced under stringent regulations.

Bachofen's argument is practically invalidated by the absence of reliable evidence of communities in which women exercised final authority. While such communities may have existed in isolated instances, Bachofen fails to produce convincing proof that they formed any general stage in human development.

Much of the difference of opinion with regard to marriage and promiscuity centers in the lack of any clean-cut understanding of what marriage really signifies.

Lord Avebury says scornfully, "Westermarck tells us the first traces of marriage 'are found among the Chelonia' (reptiles). He might have gone further and included insects (white ants, etc.)."[1]

Lord Avebury's definition of marriage is that of "an exclusive relation of one or more men to one or more women, based on custom, recognized and supported by public opinion, and where law exists, by law."

Westermarck defines marriage as "a more or less durable connection between male and female lasting beyond the mere act of propagation till after the birth of the offspring."[2]

Kant introduces the idea of life-long association between the sexes as being fundamental to the concept of human marriage.[3]

McLennan says: "My hypothesis is in outline as follows: The primitive groups were, or were by their members, when consanguinity was first thought of, assumed to be all of one stock. Marriage was at first unknown."[4]

[1] Lord Avebury, 1911. *Marriage, Totemism and Religion.*
[2] Edward Westermarck. *History of Human Marriage.*
[3] Kant. *Die Metaphysic der Sitten.*
[4] McLennan. *Studies in Ancient History.*

Thus he virtually supports Lord Avebury's hypothesis of "communal marriage," though without granting the name.

The proponents of the hypothesis of promiscuity differ considerably among themselves as to the origin of marriage —some attributing it, as does Lord Avebury, to exogamy, when marriage by capture first introduced the idea of the husband's property rights in the wife, and others believing that marriage developed as a moral idea originally supported by the matriarchate and later superimposed upon the group through the mandate of some great ruler.

Edward von Mayer points to man as the true creator of the family and asserts that rape, marriage by capture and marriage by purchase marked the first limitations of sexual promiscuity.[5]

From this point of view marriage appears to be a purely artificial institution, having no biological base other than the predatory instinct of man which led him to value the woman he captured as his chattel. Regarded at first virtually as a slave, the altruism of man is supposed by this school to have gradually invested the wife with some dignities and prerogatives of her own.

In support of this theory ancient legends are adduced attributing the introduction of marriage to some great king or ruler. In Mahâbhârata, the Indian poem, it says that formerly "women were unconfined, and moved about at their pleasure, independent. Though, in their youthful innocence, they went astray from their husbands, they were guilty of no offense, for such was the rule in early times."[6]

The great ruler Swêtakêtu is supposed to have put an end to this license by the institution of marriage. In China Emperor Fou-hi performed a similar function, as did Kekrops in Greece and Menes among the ancient Egyp-

[5] Edward von Mayer. *Die Liebensgesetze der Kultur.*
[6] Muir. *Original Sanskrit Texts.*

tians.[7] Njavvis and Attjis are hailed in song by the Laplanders and to them are ascribed the institution of the rites of matrimony.[8]

When the Sun God and the God of War and the other mythological deities and kings are recalled, who were supposed to have assumed unto their majesty the powers of nature, it can come as no surprise that in primitive times the institution of marriage was ascribed to some superman. Childish minds always tend to invoke the supernatural in explanation of vital phenomena, as even today man regards marriage as of sacramental nature, owing its origin to a mandate of God; it is not a thing to be reasoned about, to be regarded coldly as fit matter for reform or legislation, for it has been handed down, ready made, by divinity and cannot be questioned without sacrilege. The timidity of politicians and churchmen evinced at the mere suggestion of tampering with the marriage code, and the professional and political ostracism involved even in righteous divorce actions indicate the supernatural trend of public opinion in this realm. A man may remain in his profession or be elected to public office readily enough if he is known by other men to be immoral, but woe unto him if he has been divorced or trapped in bigamy.

Seriously to suppose that the association of marriage with some remote or mythical personage constitutes proof that marriage was invoked by artificial means is to discount all of the teachings of ethnology. As well believe that Prometheus stole the sacred fire as to give credence to the legends of Fou-hi or Menes or Swêtakêtu.

As Westermarck points out, the existence of these fables is good evidence of the natural rather than the artificial origin of matrimony, for, as fire, storm, war and pestilence being natural phenomena are explained by their respective

[7] Goguet. *The Origin of Laws, Arts and Sciences.*
[8] v. Düben. *Om Lappland och Lapporne.*

legends, so marriage, being vital to the race, is surrounded by a wealth of superstition.

The variance in the concept of marriage between the proponents and opponents of primitive promiscuity is engendered in some measure by confusion of the rites of matrimony with the facts of sexual union.

Lord Avebury's scorn of Prof. Westermarck's definition of marriage is but the corollary of his British respect for the formalities associated with the relationship between the sexes. To trace marriage to the reptiles or the birds would in the nature of the case appear grotesque to one imbued with the importance of the essential rites and ceremonies.

Public opinion today follows the same bias, though with less rigidity than formerly, and overlooks the facts of sexual life as a result of fixation upon the ceremony.

Treated at first only as a probable hypothesis, many writers came by degrees to regard primitive promiscuity as a demonstrated fact, although as Westermarck says: "There is not a shred of genuine evidence for the notion that promiscuity ever formed a general stage in the social history of mankind."

As a result of their positive assertions unsubstantiated by adequate evidence, a number of investigators came forward toward the end of the last century with criticisms of the hypothesis of promiscuity. Building upon the researches of Charles Darwin and Herbert Spencer, these men have shown that the great balance of ethnological evidence lends itself to the theory that among primitive peoples marriage and not promiscuity was the established order for sex relationships.

The more modern school of ethnologists represented by Edward Westermarck, Sir Henry Maine, and G. E. Howard of the University of Chicago, claim a definite biological base for the institution of marriage. Howard in the *History of Matrimonial Institutions*, which appeared in 1904, sub-

divides the argument against sexual promiscuity into three parts: (1) The Zoölogical; (2) the Physiological, and (3) the Psychological.

In a very convincing manner he shows that the measure of sex differentiation conforms generally throughout the animal kingdom to the degree of development of any given species. In the lowest orders little differentiation exists, and here promiscuity obtains. Among the higher orders as a result of the struggle for existence, the system of a division of labor appears, and the provinces of the two sexes become more sharply defined. Coincidently pairing occurs as in the birds, the tortoise or the higher apes bringing to light the first vestiges of monogamy. Howard stresses the point that pairing is not exclusively dependent upon the desire for sexual union, for the expression of this impulse is too transitory in character to serve as a basis for long association, especially among the mammals and prehistoric man where a short mating season may be presupposed. Among gorillas, for example, families consisting of the male and female and two offspring are not unusual, which predicates continued association between the adults long past the brief mating time. Howard's concept of marriage is broad but tenable, and conforms more or less to the proverb of the Middle Ages, "Boire, manger, coucher, ensemble est marriage ce me semble."

In connection with the physiological argument, Howard is ably supported by Sir Henry Maine,[9] who has brought forward a vast amount of evidence indicating that promiscuous intercourse between the sexes results in infecundity, and "infecundity amid perpetually belligerent savages implies weakness and ultimate destruction." Doubtless the germ plasm of those individuals who tended toward sexual promiscuity and in whom the pairing instinct was weak, became eliminated from the racial stock through their infer-

[9] Sir Henry Maine. *Dissertations on Early Law and Custom.*

tility, which for example among the negroes in America has been found to result from sexual promiscuity.

In this connection reference may be made to the efforts of Southern planters to bring their slaves to live together in families in order to increase their fertility after the importation of slaves from Africa had been made illegal.

In his third subdivision, Howard presents what is doubtless the strongest argument against promiscuity, namely, the psychical nature of man and the other mammals. Sexual jealousy is an observable fact among all males of the higher orders, many of the birds and the male quadrupeds being equipped by nature to battle against their rivals, thus leading to the inference that sexual promiscuity is wholly unlikely to persist in a state of nature.

As Mr. Darwin says, "Looking far enough back in the stream of time, and judging from the social habits of man as he now exists, the most probable view is that he aboriginally lived in small communities, each with a single wife, or if powerful, with several, whom he jealously guarded against other men."[10]

In his epoch-making treatise on The History of Human Marriage, Edward Westermarck, Professor of Sociology in the University of London, has conclusively shown that "it is most unlikely that promiscuity ever prevailed at any stage of human development." Westermarck traces the relation between the sexes back through the savage and barbarous races of man to the lower orders and finds that marriage arose not as a result of an artificial morality but as the fulfillment of a fundamental racial need, surviving the test of time in accordance with the law of natural selection. "Marriage," he says, "is derived from the family, not the family from marriage."

Among the invertebrata where the preservation of the progeny depends mainly upon chance, both the male and the

[10] Darwin. *The Descent of Man.*

female are exempted from the care of the young. The mother may provide for the protection of the eggs by depositing them in a sunny spot or covering them up or attaching them to some suitable object, but in most cases she never even sees her young. The male fulfills his parental function through the act of propagation.[11]

"In the lowest classes of vertebrata," says Westermarck, "parental care is likewise almost unheard of." Among the fishes, for example, the selection of a suitable place for the deposit of the eggs fulfills the parental duty. Many Teleostei, however, form an exception and in these cases it is generally the male who recognizes the parental obligation. In certain species of Avius he carries the eggs about in his pharynx.[12]

The reptiles sometimes form themselves into a curious cone about the eggs and the female crocodiles and certain aquatic snakes have been observed to carry their young about with them.[13]

No durable relation between the sexes exists among the lower vertebrata, for it rarely happens that both parents jointly take care of their offspring.

The first vestiges of marriage are observed among the Chelonia, which form from a zoological and an embryological point of view a transition to the birds.

It is estimated that 90 per cent of the birds are strictly monogamous and Dr. Brehm says in his *Thierleben*, "real genuine marriage can be found only among the birds." The making of the nest and the subsequent care necessary to the survival of the young devolves upon both parents, and while the principal duty in connection with the incubation of the eggs rests upon the mother, the father fulfills his duty toward the family as protector and provider. The

[11] Brehm. *Thierleben.*
[12] Gunther. *Introduction to the Study of Fishes.*
[13] Espinas. *Des Sociétés animales.*

operation of the law of natural selection is clearly enough apparent in the relation between male and female birds, for a delinquent parent would quickly eradicate his strain through the diminution of the chances of the survival of his offspring.

Even among the lower mammals, where the care of the young is ordinarily left wholly to the female, there are some cases where the male assists in the protection of the young, as among the whales, seals, gazelles and other small antelopes, squirrels, moles and some carniverous animals.[14]

"What among the lower mammals is an exception," says Westermarck, "is among the quadrumana the rule." Especially among the man-like apes the joint care of the offspring is commonly observed. Westermarck quotes a description of the orang-utan, given by Lieutenant C. de Crispigny who was wandering in the northern part of Borneo in 1870: "They live in families—the male, the female and a young one. On one occasion I found a family in which there were two young ones, one of them much larger than the other, and I took this as a proof that the family tie had existed for at least two seasons. They build commodious nests in the trees which form their feeding ground, and so far as I could observe, the nests, which are well lined with dry leaves, are occupied only by the female and the young, the male passing the night at the foot of the same or another tree in the vicinity. The nests are very numerous all over the forests, for they are not occupied above a few nights, the mias (or orang-utan) leading a roving life."[15]

Other observers differ somewhat in their testimony as to the habits of the orang-utan, Dr. Mohnike stating that the old males generally live with the females only during the rutting season,[16] while Wallace has found not only fe-

[14] Brehm. *Thierleben.*
[15] Proceedings of the Royal Geographical Society.
[16] Mohnike. *Die Affen auf den indischen Inseln.*

males but males as well followed about by half-grown young.[17]

The evidence with regard to the gorilla is far more conclusive. Dr. Savage states that they live in bands and that but one adult male is seen in each group. "It is said that when the male is first seen he gives a terrific yell that resounds far and wide through the forest. The females and young quickly disappear; he then approaches the enemy in great fury pouring out his horrid cries in quick succession."[18]

Mr. Du Chaillu found "almost always one male with one female, though sometimes the old male wanders companionless."[19]

Mr. Winwood Reade agrees that the gorilla goes "sometimes alone, sometimes accompanied by his female and young one."

Herr von Koppenfels in *Meine Jagden auf Gorillas*, describes the family very exactly. The male commonly spends the night crouching at the foot of the tree and thus protects the female and the young in the nest above from the nocturnal attacks of leopards. He reports one gorilla family consisting of a male and a female with two young of different ages, the elder being perhaps six years old, the younger about one.

"When all these statements are compared," says Westermarck, "it is impossible to doubt that the gorilla lives in families, the male parent being in the habit of building the nest and protecting the family. And the same is the case with the chimpanzee."

According to Dr. Savage, "it is not unusual to see 'The Old Folks' sitting under a tree regaling themselves with fruit and friendly chat, while 'their children' are leaping around them and swinging from branch to branch in boister-

[17] Wallace. *The Malay Archipelago.*
[18] Savage. *Description of Troglodytes Gorilla.*
[19] Du Chaillu. *Explorations and Adventures in Equatorial Africa.*

ous merriment."[20] Herr von Koppenfels agrees that the chimpanzee, like the gorilla, builds a nest for the female and the young and acts as their protector.

The same phenomena are observed in savage and barbarous races of man.

"With the exception of a few cases in which certain tribes are asserted to live together promiscuously—almost all of which assertions," says Westermarck, "I shall prove further on to be groundless—travellers unanimously agree that in the human race the relations of the sexes are as a rule of a more or less durable character. The family consisting of a father, mother and offspring is a universal institution, whether founded on a monogamous, polygamous or polyandrous marriage. And, as among the lower animals having the same habit, it is to the mother that the immediate care of the children chiefly belongs, while the father is the protector and guardian of the family. Man in the savage state is generally supposed to be rather indifferent to the welfare of his wife and children, and this is really often the case if he be compared with civilized man. But the simplest paternal duties are nevertheless universally recognized. If he does nothing else, the father builds the habitation and employs himself in the chase and in war."

Westermarck presents a mass of ethnological evidence in support of the hypothesis of primitive marriage, but it is impossible here to give more than a few excerpts from his monumental work.

Among the Indians of North and South America, the Patwin, the Iroquois and the Charruas, it was held that a man must support his wife.[21] Among the Fuegians according to Admiral Fitzroy, "as soon as a youth is able to maintain

[20] Savage. *On Troglodytes niger.*
[21] Waitz. *Anthropologie der Naturvölker.*
Powers. *Tribes of California.*
Azara. *Voyages dans l'Amerique méridionale.*

a wife by his exertions in fishing or bird-catching he obtains the consent of her relations." [22]

Mr. Hewitt states with reference to the Kurnai in South Australia, "the man has to provide for the family with the assistance of his wife. His share is to hunt for their support and to fight for their protection."

Certain customs regarding the birth of children indicate the recognition of paternal responsibility. In the Encounter Bay tribe if the father dies before the child is born it is frequently put to death, as there is no longer anyone to care for it. Rev. D. Macdonald states that in some African tribes "a father has to fast after the birth of his child, or to take some method of showing that he as well as the mother should take care of the young stranger." The South American Guaranies do not risk their lives in hunting or fighting while their wives are pregnant and the same is true of certain African tribes.[23]

According to Sir J. Emerson Tennent, the Rock Veddahs in Ceylon "acknowledge the marital obligation and the duty of supporting their families." Among the Nagus, the Nairs and the Maldivians, the man is allowed to marry only on condition that he can support a wife, and the same is true of the tribes of the Barito district in Borneo.

In order to establish his right to marry, the youth is required by many tribes to perform deeds of prowess, to kill an enemy as among the Karmanians, or a rhinoceros as among the tribes of Zambesi. Mr. William Thurn relates that among the wild Indians of British Guiana before a man is permitted to choose a wife he must prove that he can do a man's work and is able to support himself and his family.

Among the Chukchi of Asia,[24] the Basutos in Southern

[22] King and Fitzroy. *Voyages of the Adventure and the Beagle.*
[23] Macdonald. *Africana.*
Letbourneau. *Sociology.*
[24] Hooper. *Ten Months among the Tents of Tuski.*

Africa [25] and the Munda Kols in Chota Nagpore [26] even repudiated wives with their children have claims on the former husband. He is bound to protect them and provide for them after the manner of modern alimony even though he has set up a new family. In certain tribes the widow has claims upon the descendants of her husband which are sometimes fulfilled by marriage with a brother-in-law.

The responsibility of the father is almost universally recognized even among the lowest tribes and his duty to the family as supporter and protector is ordinarily fulfilled with naïve fidelity.

In view of this evidence it is impossible to doubt the validity of Westermarck's hypothesis of primitive marriage. First seen among the lower orders as a response to the need of protection for the young, marriage has survived as an institution for the protection of the race.

Under civilization that which in an earlier era had been merely the natural expression of a fundamental racial need, became gradually crystallized into inelastic law and custom.

Marriage by capture and marriage by purchase were apparently widely current in earlier times. Certain marriage ceremonials which still persist, in which the capture is simulated by the wedding party, indicate the survival of a more remote custom. Among certain peoples, however, as among the Chinese, marriage by capture was probably unknown.[27]

Even to-day marriage by purchase is the established order among certain semi-civilized races and in substance it is not infrequent in the highest social stratum. The wedding ring is said to represent the bridepiece of earlier days.

Among the Kafirs from three to ten cows is a low price and from twenty to thirty cows a high price for a wife. In Mangoni country two skins of a buck are considered a fair

[25] Endeman. *Mittheilungen über die Sotho-Neger.*
[26] Jellinghaus. *Sagen, Sitten und Gebräuche der Munda-Kolhs in Chota Nagpore.*
[27] Jamieson in *The China Review.*

price for a bride and Mr. Wilson relates that in Uganda he was offered a wife for a coat or a pair of shoes.[28] The purchase of wives has from the beginning apparently been considered disgraceful by certain peoples and as civilization has advanced it has become discarded or at least concealed.

The significance of the dot is more or less debatable. It may represent the purchase-price of the husband or be merely a recognition of the duty of the wife to contribute toward the household. In highly organized societies the dot often marks the distinction between the wife and the concubine.

Among primitive man, as among the quadrumena, no ceremony whatsoever was associated with marriage. Even today among uncivilized people, as in certain Eskimo tribes, "there is no ceremony at all, nor are there any rejoicings or festivities. The parties simply come together and live in their own tupee or igloo." [29] Among the Comanches, the Outanatas of New Guinea, the Solomon Islanders and the Tasmanians marriage is consummated with no ceremony, and the same is true of certain Australian and African tribes.

As the importance of marriage came to be recognized rites symbolic of the new union came to be instituted. These sometimes consisted merely in eating together as among the Navajos or Santals or in joining hands as among the Indo-Europeans, and frequently the ceremony represents merely an earlier mode of contracting marriage as by capture or purchase. The permanency of the union is sometimes symbolized, as for example among the Hindus where the bride and bridegroom have their hands bound together by grass, and often the subjection of the wife to the husband is indicated in the ceremonials.

At the beginning of the Christian era there were no religious ceremonies associated with marriage and until the

[28] Wilson and Felkin. *Uganda and the Egyptian Soudan.*

[29] Hall. *Arctic Researches and Life among the Esquimaux.*

Council of Trent, in 1563, religious benediction of marriage was not obligatory among Christian peoples.

The history of modern marriage may be said to begin with the later days of the Roman Empire when the foundation of Roman law was being laid which has exercised so wide an influence in Christendom. In ancient Rome there were three ways of contracting marriage: by the religious form or *confarreation*, by the higher form of civil marriage called *coemption* and by the lower form termed *usus*. Under these ancient forms the woman passed *in manum viri*, all of her property became absolutely her husband's and she was retained in tutelage after his death to the guardian whom he had appointed by will. By degrees these ancient forms of marriage fell into disuse and at the most splendid period of Roman greatness they had given way "to a fashion of wedlock—old apparently but not hitherto considered reputable—which was founded on the lower form of civil marriage." [30]

The right of guardianship was no longer transferred to the husband but was retained by the wife's family and her property also remained in her own hands. "The consequence was," says Sir Henry Maine, "that the situation of the Roman female, whether married or unmarried, became one of great personal and proprietary independence, for the tendency of the later law was to reduce the power of the guardian to a nullity, while the form of marriage in fashion conferred on the husband no compensating superiority." Divorce was a private transaction between husband and wife, though under Augustus a public declaration was necessary.

It is interesting to note the freedom associated with the marriage tie at the height of power of the greatest Empire that has ever dominated the world.

From the first, partly as a result of asceticism, and partly as a relic of the Jewish marriage system, Christianity tended

[30] Sir Henry Maine. *Primitive Society and Ancient Law.*

to restrict the freedom of the marriage tie, especially as it involved women. Under the Christian Emperors freedom of divorce was alternately maintained and abolished.

Following the dissolution of the Empire the German influence, which was still more primitive than that of the Jews and which held the wife to be merely the chattel of her husband, was strongly felt and marriage became degraded to the level of a barbaric institution. The wife was little more than a domestic slave and all rights in her person, her property and her children became vested in her husband.

The Christian Church in the beginning permitted her priests to marry and accepted the existent forms of marriage in those countries in which it found itself, the Roman form in the lands of Latin traditions and the German form in Teutonic countries. It merely ordained that marriage should be blessed by the church, but this benediction was not required for the recognition of legal marriage. Before the sixth century it was the custom for the married couple after completion of the secular ceremonies to attend the ordinary service at the church and take the sacrament.

The development of the marriage ceremony may be traced to the bride-mass which appeared in the tenth century and which was later supplanted by an imposing ritual which began outside the church and ended with the bride-mass inside. It was not until the thirteenth century that the priest superseded the guardians of the young couple and himself officiated throughout the whole ceremony.[31]

The present method of celebrating marriage is based on the rites of the Catholic Church in the twelfth century, formulated in Canon Law. Until the sixteenth century the fundamental truth, that marriage depends in its essence upon the mutual consent of the persons involved, was not lost sight of, and even when the Council of Trent made ecclesiastical rites essential to binding marriage fifty-six prelates voted against this decision.

[31] Howard. *History of Matrimonial Institutions.*

With the Reformation marriage came to be regarded as a secular matter, not as a sacrament, although curiously enough it was still solemnized in the church. The reformers differed widely among themselves as to divorce, some maintaining as did Luther, Calvin and Beza that it should only be granted for adultery or malicious desertion, and others, including Zwingli and Bucer, believing that divorce should be permitted for various causes, including incompatibility. Luther held that the cause for divorce automatically constituted freedom from the matrimonial tie irrespective of legal proceedings.

In the later Puritan movement efforts were made to establish secular marriage and in 1653 an act permitting marriage to be performed by a Justice of the Peace was passed in England but was later abolished by the Restoration.

It was at about this time that Milton published his *Doctrine and Discipline of Divorce* (1643), a work characterized by wholly modern thought and upholding the right of the individual to withdraw from marriage upon volition. Howard, writing in 1904, says this book is "the boldest defense of the liberty of divorce that has yet appeared. If taken in the abstract and applied to both sexes alike, it is perhaps the strongest defense which can be made by an appeal to mere authority." The book made absolutely no impression on the age in which it was published, although many critics now hold that it is the most important of Milton's works.

In the new world legal secular marriage was to some extent instituted, but even today it is not universally recognized in America as, for example, in Maryland, where marriage must still be solemnized by a priest or a clergyman.

With the French Revolution civil marriage obtained recognition in France and now in most countries marriage can be performed without the intervention of the Church.

The forms which marriage has taken follow in the main

the condition of life of any given people and the numerical proportion of males to females. Among warlike nations where the number of young men was reduced through war polygamy has been practiced and even in Christan Europe polygamy has occasionally been allowed or tolerated. Luther allowed Philip of Hesse to marry two wives and St. Augustus did not condemn it. After the treaty of Westphalia bigamy was permitted in Germany because of depopulation.

On the whole, however, even among savage nations monogamy has been the rule and polygamy has been enjoyed only by kings or very wealthy persons.

In the polygamous family there is ordinarily a tendency to give preference to one wife indicating the natural trend of the monogamous instinct. The numerical relation of the sexes has very probably contributed to the institution of monogamy, although this is not in itself sufficient to explain the idealization of this form of the marriage tie.

It is generally supposed that in polygamous countries most men have several wives and that promiscuous relations are less frowned upon than in monogamous lands. This is by no means true: in India 95 per cent of the Islamites are monogamous and in Persia even 98 per cent. Extra marital relations are regarded with great severity and a father is permitted to kill the seducer of his daughter.

There are but few instances of polyandrous races. Before the English conquest the Cingalese were polyandrous, one wife having sometimes as many as seven husbands. In Thibet polyandry is still recognized.

Here again the tendency toward monogamy is evidenced in the preference of one husband over the others.

Concubinage has been recognized in almost all civilized countries as a sort of lesser form of marriage, the concubine occupying a place midway between that of the wife and the domestic servant. In earlier days, even in Europe, the concubine was respected, although she enjoyed few of the pre-

rogatives of the wife. Morganatic marriage, which has only very recently fallen into disrepute, represents a form of concubinage. The rise of Democracy has everywhere witnessed the disappearance of recognized concubinage, it being ordinarily a prerequisite of the aristocratic orders. Concubinage was apparently instituted to meet the emotional needs of man which were denied by the stringent marriage laws and by the adaptation of marriage to political ends.

From this brief survey it will be seen that "marriage is an inheritance from some ape like progenitors," that it was originally consummated with no forms and ceremonies and that it arose in response to a definite racial need. The long infancy of the young and the perils of childbirth made paternal care essential to procreation, and from this need the family took its source. Paternal love and pride in offspring developed from family life and served to bind father, mother and child into the social unit of the home.

Throughout the long development of marriage, monogamy has apparently been constantly the norm about which polygamy, polyandry and concubinage have oscillated. Especially among highly developed people monagamy, of more or less permanent character, is found to be the ideal, and the position of woman in wedlock signifies among modern races the order of civilization that obtains.

The transition from barbarism to civilization is marked by the subjection of women to the position of domestic slaves whence they have only within recent times begun to extricate themselves.[32] During this period marriage has changed from a more or less natural relationship into an institution surrounded by arbitrary religious and legal restrictions. The monogamous ideal has become firmly entrenched, but with the rise of democracy a reaction has set in denying the sacramental nature of marriage and demanding a relaxation of the laws governing divorce. While monogamy is still the recognized ideal, most modern thought

[32] Annie Besant. *Marriage as it Was, as it Is, and as it Should Be.*

tends to give supremacy to the facts rather than the forms of sexual union. The later the civilization the easier is divorce as exemplified in the western parts of the United States; moreover, where divorce is facilitated monogamy still remains the accepted code, a legal relation merely supplanting what would otherwise be concubinage. Havelock Ellis, Iwan Bloch, Edward Carpenter, August Forel, Ellen Key, and the whole group of psychoanalysts led by Freud and Jung, and almost all the other modern writers on the sexual question, hold that the foundation of marriage must be sought in natural emotions and not in arbitrary law. From their studies it is clear that the trend of the times is in the direction of the reform of the marriage code to the end that nature may find fuller expression of her potentialities through the sex life of man.

CHAPTER III

THE ORIGIN AND CAUSES OF PROSTITUTION

Despite current opinion to the contrary, prostitution is not a primitive institution but has arisen coincidently with civilization. It is practically unknown among savage races, and appears to have developed as an economic corollary to artificial marriage customs.[1]

The importance of prostitution to the race lies first in its tendency to degrade and thwart the sexual instincts of humanity, and second in its function as purveyor of venereal disease. By prostitution is understood venal sex relationships outside marriage. To many this definition may appear too narrow, as the sale of wives or even of husbands is so frequently observed, and prostitution in wedlock is alas! so often the lot of married women. It is essential, however, for purposes of analysis to differentiate between venal relationships of transitory character and those in which a more permanent union obtains, for although both are equally repugnant to a well-developed ethical sense, they stand in a different relation to the racial life, especially so far as venereal disease is concerned. The woman who sells herself once for all to a man as his wife is without doubt as morally degraded as her sister on the streets, but as she does not serve many men she is isolated as a medium for the spread of venereal infection.

Again extra-marital relationships based not upon money but upon love do not fall within the definition, for persons who are bound together by love may enjoy a more permanent

[1] Havelock Ellis. *Sex in Relation to Society.*

and faithful union than those over whom the rites of matrimony have been pronounced.

In this sense the Bacchanalian orgy of earlier times, which has in some places been preserved as the Christian festival of Mardi-gras, or the Medieval Feast of Fools, vestiges of which remain in the New Year's Revel, cannot be said to represent an early phase of prostitution, for the relations that were entered upon in those orgies were not tainted with venality, neither were they promiscuous in the ordinary meaning of this term. In Munich and other parts of Southern Europe it is said that nine months after Mardi-gras an extraordinarily large number of illegitimate children are always born, conception apparently being associated with the celebration of the great annual festival. The relations which give rise to these children cannot, however, be said to resemble prostitution, for they are not based upon venality.

The earliest form of prostitution that is known is that associated with the worship of various deities. Herodotus,[2] in the fifth century before Christ, records that every woman once in her life had to come to the temple of Mylitta, the Babylonian Venus, and give herself to the first stranger who threw a coin in her lap. The offering was given to the temple of the goddess, and the woman returned to her home and lived chastely afterwards. Similar customs existed in Western Asia, in North Africa, in Cyprus, and the Mediterranean Islands, and also in Greece.[3] Even today in some parts of Southern India and the Deccan this sort of religious prostitution is still practised.[4] By degrees, especially in sea coast towns, religious prostitution is said to have degenerated into the more secular form, but it is doubtful if the origin of prostitution can be traced to this source. Religious prostitution probably developed as a

[2] Herodotus. Book 1.
[3] Farnell. *Cults of Greek States.*
[4] S. Van Geunep. *Rites de Passage.*

result of the association of fertility with the different gods and goddesses.

The punishment that is meted out by many uncivilized races for the offense of unchastity is sufficient evidence of the absence of prostitution among these tribes. Munzinger reports that among the East African Takue a seducer may have to pay the same penalty as if he had killed a girl.[5] Among the Beni Amer the seducer is punished with death, together with the girl and the child. In Tessaua the father of an illegitimate child may be find 100,000 kurdi.[6] In Uganda, Cunningham reports that after the birth of an illegitimate child "the man and the woman are bound hand and foot and thrown into Lake Victoria."

Among the Australian Maroura tribe before the advent of the white man "it was almost death to a lad or man who had sexual intercourse till marriage."[7]

In telling of the Bakwains, Livingstone says: "No one ever gains much influence in this country without purity and uprightness. The acts of a stranger are keenly scrutinized by both young and old, and seldom is the judgment pronounced, even by the heathen, unfair or uncharitable. I have heard women speaking in admiration of a white man because he was pure and never guilty of any sexual immorality. Had he been they would have known it, and untutored heathen though they be, would have despised him in consequence."[8] The penalty of death is frequently inflicted by savage races, both upon the seducer and the girl, as in Nias; and among some of the Alaskan tribes the man is regarded with even more contempt than his victim.[9]

The reports that are brought back by travellers of semi-civilized races that are supposed to tolerate promiscuity between the sexes, are in the main not reliable, for they

[5] Munzinger. *Ostafrikanische Studien.*
[6] Barth. *Reisen in Nord und Central Afrika.*
[7] Holden, in Taplin, *Folklore of the South Australian Aborigines.*
[8] Livingstone. *Missionary Travels.*
[9] Petroff. *Report on Alaska.*

concern the unnatural conditions that result when civilization and alcohol come in contact with primitive peoples. The comparative freedom of sexual choice that is permitted among uncivilized races is also often confused with promiscuity.

Upon consideration of the conditions that obtain among savage and barbarous races, it is clear that the basic causes of prostitution are lacking in these groups. Early marriage is permitted. The great chasm between wealth and poverty does not exist, and ordinarily the group is so small that secret liaisons would be quickly detected. Prostitution is peculiarly the outgrowth of urban life, and the large city is always associated with at least some degree of civilization.

It is enlightening to note that among savage races the punishment for seduction is meted out by the relatives of the girl or by the clan, and that the offense is regarded in relation to the family or tribe, and not in relation to the girl or her offspring.

An interesting custom among the Basutos which is related by Casalis indicates the supernatural dread in which masculine unchastity is held. Immediately after the birth of a child the fire of the dwelling was freshly kindled. "For this purpose it was necessary that a young man of chaste habits should rub two pieces of wood quickly, one against another, until a flame sprang up, pure as himself. It was firmly believed that a premature death awaited him who should dare to take upon himself this office after having lost his innocence. As soon, therefore, as a birth was proclaimed in the village the fathers took their sons to undergo the ordeal. Those who felt themselves guilty confessed their crime, and submitted to be scourged, rather than expose themselves to a fatal temerity."[10]

[10] Casalis. *Basutos.*

In more advanced races a differentiation is made between the standard of conduct required among unmarried men and unmarried women. Adultery also appears to be a more serious offense in a woman than a man. "Confucianism," says Mr. Griffis, "virtually admits two standards of morality, one for man, another for woman. Chastity is a female virtue. It is part of a womanly duty, it has little or no relation to man personally."[11] Yet chastity is still upheld as an ideal for men and according to a Chinese proverb "of the myriad vices, lust is the worst." The Chinese penal code provides that "criminal intercourse by mutual consent with an unmarried woman shall be punished with seventy blows."

Among the ancient Hebrews the harlot was held in great contempt, but the man who associated with her did not necessarily demean himself thereby. The Mohammedans regard chastity as an essential feminine virtue, but consider it to be almost beyond masculine attainment. The Hindus consider fornication rarely a sin among men, but "in females nothing is held more execrable or abominable. The unhappy inhabitants of houses of ill fame are looked upon as the most degraded of the human species."[12]

Down to the days of St. Boniface the Saxons forced an unmarried girl who had dishonored her family to hang herself, after which her body was burned and her seducer was hanged over the fire. The early Teutons also punished fornication by scourging or mutilation, often inflicting severe penalties upon the seducer.

In ancient Greece prostitution was permitted, but with the exception of the hetairæ, who occupied a comparatively high place on account of their beauty and intellectuality, the individual prostitute was looked upon with contempt.

[11] Griffis. *Religions of Japan.*
[12] Dubois. *Description of the character, etc., of the People of India.*

The Athenian father was permitted by law to kill the seducer of his daughter.

Modern prostitution may be said to begin in Rome, where it must be recalled an order of civilization existed comparable in luxury and extravagance to that of the present day. Brothels were encouraged but were secretly visited by the Roman, who entered them with covered head and face concealed in his cloak. Prostitutes were permitted to ply their trade openly enough, but were divested of many of the privileges of ordinary citizens, and were not allowed to wear the stola or vitta, or to assume the emblems of the Roman matron.

The early Church connived at prostitution and the Christian emperors derived a tax from this source.

The younger Theodosius and Valentinian proscribed brothels and ordained that anyone giving shelter to a prostitute should be severely punished. Under Justinian offenders were condemned to exile on penalty of death, and brothels were outlawed. In various parts of Europe these enactments were repeated with varying degrees of severity. Recared, a Catholic King of the Visigoths, ordained that prostitutes should be flogged and exiled, and Charlemagne and Frederick Barbarossa had them driven out of the cities with scourges, and condemned some of them to death.[13] None of these measures proved efficacious in checking prostitution.

In France, many crusades were launched against this evil. St. Louis in 1254 ordained that prostitutes should be exiled and that their goods should be seized, and before setting out for the Holy Land he ordered that all places of prostitution should be razed to the ground. Even among his own soldiers, however, prostitution flourished.

In an edict of 1560 Charles IX abolished brothels, but to no avail. Similar efforts were made in Venice, and especially in Vienna, when under Maria Theresa fines, imprisonment and torture were resorted to in order to eliminate

[13] Rabutaux. *Historie de la Prostitution en Europe.*

prostitution. A Chastity Commission was instituted in 1751 to investigate and suppress the supposed causes of fornication, such as short dresses and the public employment of women. But the effort was in vain, and Joseph II in the early part of his reign abolished the Commission and repealed the most severe measures against prostitution.

At the same time, much as in recent days, the patronage of prostitution was more or less openly sanctioned. Royal commissions included the cost of visiting prostitutes in their legitimate travelling expenses, and national festivities were often marked by a special influx of prostitutes. It is reported that when Emperor Sigismund visited Ulm in 1434 the streets leading to the brothels were illuminated for the convenience of his suite.

In the papal court of Alexander Borgia many courtesans were in attendance, and Burchard, the careful historian of this court, records in his diary that in October, 1501, the Pope had 50 courtesans brought to his chamber. After supper, in the presence of Cæsar Borgia and his young sister Lucrezia they danced, at first dressed but afterwards naked. Candlesticks with lighted candles were then placed upon the floor and chestnuts were thrown in among them; these the women sought creeping on their hands and knees. Prizes were finally awarded in the judgment of the onlookers to the men "qui pluries dictos meretrices carnaliter agnoscerent."[14]

The naïve record of this episode in the Apostolic palace throws light on the actual attitude toward prostitution during the renaissance.

At the time of the Stuarts in England the Church reaped part of her revenue from houses of prostitution, as has been more recently the case in New York City.

The first advocate of the state regulation of vice was Bernard Mandeville, who in 1724 published his *Modest Defense of Publick Stews*. He advocated the passage of special

[14] Burchard. *Diarium.*

acts by Parliament limiting prostitution to certain parts of the city and providing for its supervision by physicians and special deputies. "The encouraging of public whoring," he wrote, "will not only prevent the most mischievous effects of this vice, but will even lessen the quantity of whoring in general and reduce it to the narrowest bounds which it can possibly be contained in." His plan did not meet with approval, and it remained for the great Napoleon to institute regulation. In 1802 Napoleon I, recognizing the military danger involved in venereal disease, and the importance of an increased birth rate for France, inaugurated his famous Code.

Under these provisions the Police des Mœurs was created with power to inscribe regular prostitutes and to compel their physical examination and treatment. Diseased prostitutes were incarcerated in lock hospitals and health cards were given to those who were permitted to ply their trade. Any woman who was suspected by the police of being a prostitute was subject to examination as under our present Board of Health regulations. In addition the Code provided "la recherbe de la paternité est interdite,"[15] so that the mother of a bastard child had no redress so far as the father of her child was concerned. This provision was made in order to facilitate promiscuous relations for men, with the point in view of increasing the birth rate, and providing future soldiers.

Following the example of France most of the continental countries inaugurated regulation, and under the Contagious Diseases Acts the system was introduced into England. Many American cities also instituted a sort of unofficial regulation and set apart segregated districts for prostitution.

It was believed that by confining prostitution to certain areas the harmful effects of the evil would be diminished and that the periodic examination of public women which could thereby be effected would greatly reduce venereal

[15] Code Napoléon.

infection. It was, however, found to be impossible in practise to restrict prostitution to the segregated district, for the women plied their trade clandestinely and the police could apprehend only a small proportion of their number. In some cities, such as Berlin, the inscription and periodic examination of prostitutes was provided for under reglementation, but the law ordained penalties for housing prostitutes and made no provision for bordelles. Thus the law permitted a prostitute to ply her trade but denied her any domicile in which to do so. The result was that landlords charged exorbitant rentals for rooms used by prostitutes, as is the case at present where prostitution is illegal but is tolerated by public opinion.

After a short experience it was found that the Police des Mœurs abused its powers greatly, drawing a revenue from prostitution and even forcing innocent girls to submit to their demands or to become publicly degraded as inscribed prostitutes. The white slave trade developed as a by-product of segregation, for the necessity of having an adequate number of inmates in the brothels created a lucrative opportunity for the organization of this business. An extensive literature indicates that this commerce reached large proportions. It appears that girls were shipped from rural districts, particularly from Eastern Europe, to various centres where they were sold like cattle.[16] Especially in the Argentine this method of recruiting prostitutes became notorious. It was estimated by Felix Baumann that the number of traders in girls in New York City approached 20,000. To combat this commerce numerous organizations were formed, both on the Continent and in America, and the unanimous opinion developed that the only way to suppress the white slave traffic lay through the abolition of the brothel.

[16] Alfred S. Dyer. *The Trade in English Girls.*
Alexis Splingard. *Clarissa from the Dark Houses of Belgium.*
Otto Henne am Rhyn. *Prostitution and the Traffic in Girls.*
Julius Kemény. *Revelations Regarding the International Traffic in Girls.*

In regard to the control of venereal disease the method of regulation proved most disappointing. In the first place so small a proportion of public women could be brought under inscription that their examination hardly affected the general mass of infection, and in the second place the difficulty of making a negative diagnosis of venereal disease, especially in women, nullified the efficacy of the procedure.

In 1905 Blaschko estimated that not more than 15 per cent of the public prostitutes in Berlin were inscribed, and similar figures have been advanced by students of the problem elsewhere. In addition the fear of inscription drove many women to conceal their disease and refuse treatment, and those with flagrant infection usually disappeared from the police, going to other towns to practise their profession.

In the Scandinavian countries voluntary treatment has been substituted for regulation, because it was found that inscription prevented women from applying at the clinics for treatment.

When regulation was first instituted there was comparatively little scientific knowledge at hand with regard to the nature of the venereal diseases. The infective organisms had not been isolated and no clinical methods had been developed for detecting other than flagrant cases of syphilis and gonorrhœa. The examinations were cursory and superficial and were more apt to disseminate than to expose infection. Even to-day where this procedure is in vogue the technique of the examinations is usually lacking in aseptic precautions. Dr. George Walker reports that at one clinic in France during the recent war he saw twenty women exposed upon the examining tables while the physician in charge passed rapidly from one to another, making the examinations without once disinfecting his hands or his instruments throughout the whole series. In his masterly work, *Prostitution in Europe*, Mr. Abraham Flexner reports many similar instances, and derives the opinion that the

periodic examination of public women is worse than useless so far as the control of venereal disease is concerned. In addition to the medical inefficiency of regulation, which has only been adequately illuminated by the modern scientific knowledge of venereal disease in its more subtle forms, the cruelty and injustice of the method has served to bring it into disrepute.

In England, Mrs. Josephine Butler, leading the Abolitionists, succeeded in 1886, after many years of ardent effort, in bringing about the repeal of the Contagious Diseases Acts. In her *Personal Reminiscences of a Great Crusade*, she tells with graphic forcefulness of the dangers and difficulties which the Abolitionists endured before they achieved victory. Their meetings were assailed by mobs, their leaders were stoned and threatened with death. The forces even of the Church were arrayed against them. After the repeal of the Acts the incidence of venereal disease was found to fall, which has since been a telling argument against regulation.

In America most of the larger cities have had their segregated districts, but regulation has not been systematically written into the law. Statutes prohibiting prostitution have existed coincidentally with segregation. The examination of the inmates of brothels has usually been unofficially carried through. Acting under orders, the police have permitted prostitutes to ply their trade within certain restricted districts, and unless crimes were committed in the brothels they were until recently unmolested. The usual method followed has been to hail the madams to court one day in the year and to impose fines ranging from $50 to $200, which were virtually licenses. The proceeds from these fines have usually been apportioned by law to some department of the city government. In Baltimore, for instance, one-half was paid to the Sheriff's office and one-half to the free public dispensaries.

Upon payment of her fine the madam was permitted to

return to her brothel and unless complaints were subsequently lodged against her establishment, such as theft or gambling, she usually conducted her business without interference for the course of another year. In Baltimore May Day was the occasion for the yearly summonsing of the madams, and it was interesting to hear their comments on the Judge's sentences. Many of the women were well known to the Judge, and he addressed them by their first names. They gave their addresses and the number of inmates, and sometimes were asked the price that they charged. Some of the women were gratified at escaping with light fines, but the majority appeared to resent the procedure, and paid over their money unwillingly, protesting that they could not afford to pay so much. The estimate of the policeman usually fixed the amount of the fine. The number of madams appearing in court on May Day in Baltimore was usually about 200, and the number of inmates they reported in their establishments varied from three to fifteen. In addition some of them had "sitters," girls who worked as nursemaids, domestic servants, salesladies, or what not, and who occasionally spent a night at the brothel to earn a little extra money. The prices charged ranged from 50 cents to $10, the average being about $2. Some of the madams were colored, but they served white as well as colored men in their brothels. The procedure followed in Baltimore was more or less typical of that pursued in other cities.

Many of the red light districts in America have enjoyed a national fame, the most widely known perhaps being in New Orleans, Chicago, San Francisco and New York. They have been places for the sightseer to visit, and the police and cab-drivers have served to inform strangers as to their whereabouts. Most boys have felt it to be part of their necessary experience to look into the red light districts in their own towns if from no other motive than that of curiosity. Alcoholic drinks were dispensed at high prices in

the brothels, often only under a federal license. Under the influence of these intoxicants boys who had come to the brothel merely to see the sights were frequently led to patronize the prostitutes. Most of the brothels in American cities had no especial ear-marks of their trade. They were ordinary dwellings, usually situated in the poorer quarter of the towns, often on the outskirts of the wealthy section for purposes of convenience for their patrons.

Unlike the continental brothels the furniture was usually cheap and simple and the decorations almost prudish. Occasionally a graphophone or a small dancing floor formed part of the equipment. The patron who came alone was admitted by the maid or one of the girls and was ushered into a room where ordinarily no other men were present. Secrecy for the patron was regarded as highly essential. If he asked for no especial girl all of the inmates who were not busy would come in and chat with him, and at his convenience he would select one of the girls and ask her to go upstairs with him. The money was always paid either to the girl or the madam in advance of the sexual act, the patron sometimes paying at the door and receiving a brass check which he subsequently turned over to the prostitute. In addition it was customary for the patron to give the girl a small gratuity if her services had pleased him.

In China, where the business has been still more systematized, a number of tickets can be bought in advance at a slightly reduced rate, and men with good credit are sometimes permitted to run a charge account for "American girls," as prostitutes are called in the sections visited by foreigners.

The costumes worn by prostitutes in brothels were usually decolleté evening gowns and often they had no other outside clothes but kimonos. Many of the prostitutes were drug habitues and as they became obviously diseased or otherwise lost their attractiveness they would descend to

brothels of less eminence, finally being turned out in the street by the madams to carry on their trade among ingenuous boys and men under the influence of alcohol. Prostitutes on the streets are sometimes purchasable for twenty-five cents or a cup of coffee and a sandwich.

In addition to the regular brothels, houses of assignation sometimes not far removed from the good residential district were operated. A regular scale of prices, 50 cents for a half hour, $1 an hour, and so on, was often nailed up in the entry. The linen on the bed was usually changed only at infrequent intervals. These houses were conducted with the connivance of the police, and were listed at police headquarters. Many hotels also permitted the use of their rooms for assignation purposes and sometimes the desk clerks had professional prostitutes on call for the convenience of their patrons.

Until the beginning of the present century, with the exception of some few sporadic crusades, no effort was made to check the open operation of the brothel and the house of assignation. Many, even among the "reformers," believed that to break up the red light districts would merely result in scattering prostitution broadcast, thereby making it more dangerous than ever. At the first International Conference for the Prophylaxis of Venereal Disease held in Brussels in 1899, the argument centered around the question of regulation and segregation. All were agreed that the prostitution of minor girls should be suppressed, and that the forms of regulation then in vogue were inadequate, but the sentiment was so strongly for some kind of regulation that it was impossible for the abolitionists to get through a resolution calling for the suppression of the brothel. At the second conference in 1902 the argument was resumed, but no consensus of opinion with regard to regulation was reached. Dr. Pileur, a supporter of regulation, stated that the diversity of opinion on this point was so great that it amounted to practical anarchy. All sorts of fantastic

forms of regulation were advanced, some holding that the state should own and operate the brothels, while others maintained that forcible examination should be done away with in order to encourage voluntary treatment.

While no agreement was reached with regard to regulation, the conference was unanimous in its educational and treatment program. The conference held that knowledge with regard to the infectious nature and gravity of venereal disease should be widely disseminated, and that facilities for free, voluntary treatment should be instituted at public expense.

Following the repeal of the Contagious Diseases Acts dissatisfaction with the procedures followed in enforcing regulation was increasingly voiced. The development of the white slave trade with its startling tragedies had come more or less to public knowledge, and the sympathies, particularly of the English women, had been aroused. In addition, the scientific knowledge of venereal disease had been greatly enlarged, and the true infectiousness of prostitution was beginning to be recognized. Practical men who were not interested in the problem from the point of view of morals were being gradually forced to regard prostitution as a menace to the public health. Even in France and Germany, the strongholds of regulation, the system was beginning to be deprecated because of its ineffectiveness. Blaschko, Neisser and most of the members of the Deutsche Gesellschaft für Bekämpfung der Geschlechtskrankheiten were of the opinion that regulation had miserably failed, but as they were incapable of imagining a chaste male population they advocated a reform of regulation rather than the repression of prostitution. In 1905 Dr. A. Blaschko, of Berlin, an eminent genito-urinary specialist, stated to the writer that he did not believe that a single normal man in Germany retained his chastity until he reached maturity, and further that most mothers would be unwilling to permit their daughters to marry chaste men as they

would fear impotency. At that time it was reported on a basis of excellent statistics that of all unmarried men of 30 years and upwards in Germany 100 per cent had had gonorrhœa, and 25 per cent had had syphilis. Blaschko's figures showed that the incidence of venereal disease in the male population was highest in the cultivated classes, the university students standing next in rate to the prostitutes.

The two factors that have conspired to bring legalized prostitution into disrepute are, first, the rise of women, and second, the increase of scientific knowledge with regard to venereal disease. Women have approached the problem largely from a moral viewpoint, but their efforts have coincided with those of the more enlightened medical men who have recognized in prostitution the breeding ground of syphilis and gonorrhœa.

With the organization of the American Society of Sanitary and Moral Prophylaxis in 1905, the modern American movement for the repression of prostitution and the control of venereal disease may fairly be said to have begun. Dr. Prince A. Morrow of New York, a prominent genito-urinary specialist, inaugurated the work and stressed especially the importance of a thorough-going campaign of education with regard to the racial significance of the venereal diseases. His book, *Social Diseases and Marriage*, aroused the lay public to a realization of the racial menace of venereal disease and brought a gratifying response from the members of the medical profession.

Before this time the W. C. T. U., the various suffrage societies, and the American Vigilance Association had done much good work for the repression of prostitution and the establishment of a single standard of morals; but their efforts had been directed mainly toward the moral aspects of the problem, and they had failed to secure the cooperation of the public.

In rapid succession various states took up Dr. Morrow's work, forming the American Federation for Sex Hygiene,

and the enlightenment of the public with regard to the incidence and gravity of syphilis and gonorrhœa followed and began to bear fruit. Numerous state and municipal commissions were appointed to study the problem of the social evil, and their reports were almost unanimous in recommending the closure of the red light districts.

In 1914 a merger of the American Vigilance Association and the American Federation for Sex Hygiene was effected in the American Social Hygiene Association,[17] which under the able leadership of its General Secretary, Col. William F. Snow, has since done excellent educational work along these lines.

At the beginning of the recent war the interest of the government in the abatement of venereal disease was enlisted, for science had shown that syphilis and gonorrhœa constituted a very real menace to military efficiency, and that the old methods of control were ineffective. The Commission on Training Camp Activities and the Inter-departmental Social Hygiene Board were created. The Army and Navy Departments called for the closure of red light districts in the vicinity of the encampments and naval stations. A vigorous educational and law enforcement campaign was entered upon, and many of the red light districts were closed in face of open opposition. One of the fundamental results of the Government's campaign was the establishment of prohibition, the importance of which in the repression of prostitution cannot be over-estimated.

Unfortunately the authorities failed to carry through the principle of a single standard of morals in their law enforcement program, and a sort of Neo-Napoleonic regulation developed. The police court examination and lock hospital treatment of diseased prostitutes, which had previously been declared to be unconstitutional in connection with Clause 79 of the Page Bill in New York, reappeared and large numbers of women were imprisoned for having a venereal disease.

[17] The name Social Hygiene was first used by a Chicago Society.

To complete the program prophylaxis was instituted for the soldiers, thereby placing the government in the position of tolerating masculine incontinence.

It is impossible to estimate the effect of the government's social hygiene war program in its relation to the general mass of prostitution. The police and the magistrates in the minor courts, who are perhaps more closely in touch with the situation than any other groups, vary greatly in their opinion, some maintaining that there is more prostitution today than ever before, while others believe that conditions have been ameliorated. The statistics with regard to venereal disease are so hopelessly inadequate that they offer no basis of comparison for past and present promiscuity. The closure of the red light districts, which with the emancipation of women promises a fair degree of permanency, would appear to mark a distinct gain, at least from an educational point of view, but the widespread introduction of prophylaxis with its tolerative features may more than offset this advance. Prohibition is certainly an asset, as intoxicants are known to stimulate desire, while at the same time depressing individual resistance.

The new phases of prostitution associated with the use of the automobile offer complications so far as law enforcement is concerned. The pimp who formerly operated in connection with the brothel, has transferred his activities to the taxi-cab and markets his girls to his fares. The road house just outside of the city limits beyond reach of the municipal police has also assumed a new importance. Since before the closure of the red light districts clandestine prostitution formed the great bulk of the trade, and since no new and effective methods have been devised for combating this phase of the evil, it may reasonably be assumed that clandestine prostitution is unabated. An analysis of the causes of prostitution, however, indicates that the substructure of this institution in the social order is gradually approaching dissolution. The growing demand for economic

justice, the rise of women to spiritual and temporal power, and the relaxation of the prejudice against legitimate divorce and birth control, bespeak the dawn of a new day in the relation between the sexes.

Until the twentieth century the responsibility for prostitution was supposed by the public and the police to rest mainly with dissolute women. They were assumed to act the part of temptress and the brutal repressive measures that were invoked against them were held to be justified on the grounds of their brazen wantonness. The dogma of the sexual necessity exonerated men from public resentment, but served, of course, to perpetuate the social evil by preventing the operation of the law against those who financed prostitution. By a curious lapse of reason men were excused for indulging in illicit sexual relations on the ground of their naturally promiscuous instincts, but the necessary association of women with such congress was overlooked and the individual prostitute came under the ban of public opinion. Within the past decade the unreasonableness of this attitude has been permeating the public conscience, with the result that society is no longer as ready as formerly to grant men an opportunity for the indulgence of their sexual passions at the expense of women. By degrees the prostitute is coming to be regarded more as the victim than as the source of masculine profligacy. Credence in the sexual necessity is gradully being replaced by the demand that men as well as women shall recognize their sexual responsibilities to the race through the institution of marriage.

The barbarous doctrine that prostitution is necessary to protect good women from the promiscuous instincts of men is slowly giving way to the belief that monogamy represents the natural expression of the sexual life of both men and women. The relation of the economic situation to the problem of prostitution is still, however, but dimly understood.

Under a social order where early marriage is a financial impossibility the choice for the young man lies not between

monogamy and promiscuity, but between celibacy and prostitution. He cannot even afford to think of marriage, with the result that his thoughts turn to other relationships which do not involve such serious financial responsibility. Moreover, the young man in urban life occupies a singularly isolated position so far as respectable feminine society is concerned. There are few opportunities for him to meet girls of his own class, except under the most artificial conditions, and he must frequently either abjure feminine companionship altogether or make his acquaintances among girls who defy the conventions. The loneliness of young people who are seeking their fortunes in the large cities is but little understood by those who enjoy the geniality of the family circle. From the hall bedroom in the sordid boarding house they go to work, and after work there is no place to enjoy life except the streets or commercialized places of amusement. The daughters of the poor are similarly placed. Their homes offer no opportunities for the development of their budding interests and ambitions, and they must either wither forlornly between the factory and the tenement, or brave the dangers of the public highway. Youth demands adventure, amusement and companionship, and when legitimate satisfaction is denied it takes the reins into its own hands regardless.

It is in this connection that poverty acts as so great an incentive to prostitution. The utter barrenness of life, the dreary, hopeless outlook, the sharp contrast between poverty and wealth, and all the while the door barred just by virtue. At every street corner pleasure and ease, and at least simulated love, are beckoning, and the lust to live is strong.

The figures gathered with respect to the sources of prostitution are very illuminating. Parent-Duchâtelet reported that among a series of Parisian prostitutes 1441 were brought into the life through poverty, 1425 by the seduction of lovers who abandoned them, and 1255 by the loss

of parents by death or other causes.[18] The enormous proportion of ex-maidservants in the ranks of prostitution indicates the relation of isolation and the lack of a full personal life to the problem. Parent-Duchâtelet found that in Paris domestic servants furnished the largest contingent to prostitution and his findings were confirmed by Gross-Hoffinger and Baumgarten in Vienna. Blaschko reported that in Berlin 51 per cent of the prostitute class was derived from girls in domestic service, and Merrick in his work in Milbank Prison showed that 53 per cent of the prostitutes had formerly been engaged in domestic service.[19] Sawyer found that among 2000 prostitutes 43 per cent had been servants. The age at which seduction occurs also throws light on the problem.

From a series of 582 girls Dr. Pileur derived the following table:

AGES AT WHICH GIRLS WERE SEDUCED.

6	were	seduced	when	from	10-11	years	old
2	"	"	"	"	11-12	"	"
8	"	"	"	"	12-13	"	"
24	"	"	"	"	13-14	"	"
50	"	"	"	"	14-15	"	"
142	"	"	"	"	15-16	"	"
106	"	"	"	"	16-17	"	"
86	"	"	"	"	17-18	"	"
67	"	"	"	"	18-19	"	"
38	"	"	"	"	19-20	"	"
24	"	"	"	"	20-21	"	"
11	"	"	"	"	21-22	"	"
11	"	"	"	"	22-23	"	"
3	"	"	"	"	23-24	"	"
1	was	"	"	"	24-25	"	"
3	were	"	"	"	25-26	"	"

[18] Parent-Duchâtelet. *De la Prostitution.*
[19] G. P. Merrick. *Work among the Fallen.*

Another table compiled by Rev. G. P. Merrick is of interest:

AGES AT WHICH GIRLS WERE SEDUCED.

11	were	seduced	before	11 years of age
36	"	"	between	11-12 years of age
104	"	"	"	12-13 years of age
358	"	"	"	14-15 years of age
1192	"	"	"	15-16 years of age
1425	"	"	"	16-17 years of age
1369	"	"	"	17-18 years of age
1158	"	"	"	18-20 years of age
947	"	"	"	20-21 years of age
703	"	"	"	21-22 years of age

The evidence comprised in these tables indicates that the maximum number of seductions occur between the ages of 15 and 20, at an age period when the perspective on life is immature and the desire for adventure and amusement is most compelling. Statistics compiled by other students agree closely with these findings.

From a study of human nature it is clear that the sexual impulse in the young is not only concerned with the gratification of the sexual appetites, but that it appears as the desire for companionship, beauty and opportunity. As the maturing young of any species tend to wander and seek their mates in response to the growing sexual urge, so among mankind youth tends to break its bonds in adolescence, and at this time especially needs adequate protection.

Social and economic customs which predicate the existence of large numbers of young unmarried persons of both sexes predicate the existence of prostitution as well, for monogamy, not celibacy, appears to be the natural order of human sexual life. A man who cannot afford to support a wife and children can at least contribute a share toward prostitution, and this he will do as long as society deprives him of the natural outlet for his sexual impulses.

Prostitution is but the inevitable counterpart of prejudices and customs which render monogamy impracticable as an enduring institution. After marriage, when the family has reached larger dimensions than the father can support, or when the wife's health had been wrecked as a result of over-abundant fecundity, the tendency is again for the man to resort to prostitution for the satisfaction of his emotional needs. Prostitutes everywhere report that their trade is in large measure financed by married men, who, weary of the indifference or antagonism of their wives, turn to public women for sympathy and gratification.

Thus they break the dull monotony of a life that is lacking in intellectual and emotional stimulus. Having been forced into the position of being merely wage-slaves for the family, they fulfill this duty, but substitute fictitious romance for what under happier conditions might have been a genuine relationship. Here again the demand is not necessarily for variety in sexual partners: it is rather for a sympathetic and stimulating sex partner who is not so overwhelmed with the duties of motherhood that wifehood is rendered impossible. Present economic conditions, particularly in the absence of effective methods of birth control, place monogamy practically beyond the reach of a large proportion of the population. Yet ever increasingly the human race drifts toward monogamy as the ideal, and injustice and prejudice which a generation ago seemed adamant, crumble to make way for the coming order. Everywhere the lines are being more tightly drawn around commercialized vice; regulation and segregation are no longer compatible with public opinion. The male as well as the female factor in the spread of venereal disease is becoming recognized, and women with political power in their hands are beginning to demand the substitution of a single standard of morals for prostitution. The economic revolution which is in process today bids fair to bridge the gap between extreme wealth and poverty, thereby laying the finan-

cial basis for monogamous marriage in place of prostitution.

The protection of minors against seduction is also making constant progress, and measures such as the Mann Act, which a generation ago would have been unthinkable, are being daily put in operation. In literature, in the drama, in legislative halls, and in the police court, a new attitude toward prostitution is becoming apparent. Even public health officials, who at one time were unanimous in supporting regulated prostitution, are coming to realize that the problem of venereal disease is intimately associated with the repression of the social evil.

The rise and fall of prostitution represents but one phase in sexual evolution. It is the intermediate step between marriage as an institution for the preservation of the racial life and marriage as an instrument for sexual selection. As a necessary relief for economic slavery and as an inevitable concomitant to the subjection and isolation of women, prostitution has served its purpose; the unjust vengeance wreaked upon the scarlet women has inscribed chastity among the essential sexual virtues. Before the end of another century it may be predicted that prostitution will appear as grotesque and impossible a relation between the sexes, as the earlier customs of marriage by capture or marriage by purchase now seem to civilized human beings.

CHAPTER IV

THE DUAL NATURE OF SEX

In the realm of sex as well as elsewhere, natural selection has played and is playing a very important rôle. It has been a determining influence in the development of marriage and the future will see its modifying effects upon this institution. Under Civilization the sex impulse has undergone a fundamental transformation.

From an animal instinct toward reproduction based upon physical appetites alone, the mysterious living thing called Love has arisen, characterized by its extreme power of individualization. Passion has changed from the carnal to the spiritual level, and here must be sought the natural power that has forced mankind through the ages ever increasingly to revolt against promiscuity in sex.

In Love, as in Marriage, a true function may be recognized which makes it of fundamental value to the race. Sexual selection at the present day is epitomized in spiritual love; it is of untold moment to the race, for when it is freed from the unnatural shackles of gold and ambition it will be of supreme power in molding the actual germ plasm of the race.

Even in the dark ages of sex, in the close of which we still are living, mankind has mystically realized that the only right basis of sex is love; that sexual relations founded upon crude physical appetites, greed or social aspirations are antagonistic to a spiritual law. It is for this reason that prostitution, while tolerated, has never been respected, for when men buy the body of a woman for their lust, they

darkly realize that she barters something that they have no right to buy, and she no right to sell.

The struggle of the centuries just past represents the evolution of the blind instinct of reproduction toward the conscious creative instinct of an aroused and responsible humanity. During this epoch we have seen the love between man and woman regarded as essentially vile, reacted against by the institution of celibacy, degraded by the practices of prostitution and now at last guarded by a voluntary chastity on the part of more than one-half the race. Chastity is to sex love what reason is to the mind; it predicates balance, power, usefulness, as opposed to aberration, futility and waste. Sex, like words, is a means to expression, it is sane or it is mad; it is beautiful or it is ugly in proportion as it expresses genuine love or shameful bestiality.

Since the whole future of the race and the ultimate development of man is absolutely dependent upon the right use of the sex function, it is of supreme importance that all effort in molding human laws and customs should be directed in accordance with the intrinsic laws of sex. The time is past when the Gordian knot could be cut by vows of celibacy. Sex is affirmative, not negative, so far as the future is concerned. The object of mankind must be not to deny the obligations of sex, but so to direct sex life as to insure to each member of the race the highest benefit and happiness that can be derived from this supreme function.

As the sexes tend to approach numerical equality, monogamy would seem to be the most just relationship between the sexes. Moreover, only under monogamy is it possible for sexual selection to approach perfection. The man who chooses many women as the mothers of his children obviously does not use his best discrimination in selecting the co-parent for his child, for among many there must of necessity be some who are less worthy than the others. The restriction which monogamy entails in the selection

of a single mate, predicates a more discreet and careful choice of the co-parent of a child than would be the case under polygamy, polyandry or promiscuity. Doubtless this is one of the functional values of monogamy that has contributed to its survival in the process of natural selection.

Man is by nature a nest-building creature, the home with its comforts and consolation offers him a background which he vitally needs. Both for parents and children the monogamous home offers the best medium for ethical and cultural development. In maturity children afford an incomparable interest and stimulus toward effort, and the life of the individual is incomplete unless he knows the joy of his own and his children's children.

The duties and obligations of sex in regard to children have in the past frequently come in conflict with the desire of the individual in selecting a mate. Marriage has been entered upon at an early age before either the youth or the maiden was sufficiently developed to make a wise choice of a life partner, and considerations such as social standing and money have taken precedence over natural selection. In addition, parents have unduly influenced the decision of their children, as, for example, in Japan, where at the present time among the upper classes the bride and the bridegroom often meet for the first time on their wedding morning. Caste also has operated to defeat sexual selection, for the upbringing of the upper and the lower classes has been so markedly different as to make marriage between persons of different rank a practical impossibility.

Many a prince has loved a peasant maiden with true integrity, but the difference in their habits inherent in their caste has resulted in a lack of congeniality in their tastes sufficient to render life together intolerable. To a considerable extent, democracy has eliminated the class barriers to sexual selection, permitting the individual a range of choice that was denied under the old aristocratic order,

and many tragedies that form the theme of old romances are now done away with.

The chief impediments to free sexual selection to-day are, first the educational and social systems which decree a separation of the sexes during their adolescent years, and second, the economic dependence of women. Genuine friendship and congenial tastes are at the basis of all happy, human relationships, and an educational and social system which affords no opportunities for the mingling of the sexes while they are at work denies the very framework of friendship. People must be educated in a similar manner if they are to find one another's companionship agreeable, for a sympathetic insight into one's interests is indispensable to compatibility. The argument that is frequently advanced against coeducation, that it furthers the interest of young people in one another as potential life partners, is in reality a strong argument to the contrary. Marriage is so important a step in the life of the individual that it justifies the expenditure of any amount of time and thought that is necessary toward a wise decision. The wide range of choice under natural conditions that is indispensable to true sexual selection, cannot be achieved if the sexes are arbitrarily separated during most of the years preceding matrimony. Boys and girls must be trained to live decently together. It is a fact worthy of observation that marriages between nurses and doctors, and between men and women students at professional schools are conspicuously happy marriages.

The medium of the ball room, the dance hall and the social whirl is wholly undesirable as the field for choice, for it presents young people to one another under unnatural conditions, and obscures rather than discloses their genuine worth. The most popular girl at a dance is usually the one who knows best how to display her sex charms to advantage, and who is not ashamed to cater to the lower impulses in men, and the most popular man is often the

one who, through his unsavory connection with many women, has learned how to play upon the feminine sexual instincts.

Polish and grace and the other accompaniments to light and idle living win out over the more solid and wholesome virtues, and the girl frequently selects her life mate because he is the best dancing partner and wears socks and ties to match, and is oblivious to the qualities that are of permanent worth. A fine complexion, naturally curly hair, or an astute dressmaker, frequently determines the young man's choice, and he is later chagrined to find that none of these things necessarily predicates a devoted wife or a good housekeeper. Marriage based upon the instinct of sex alone, undisciplined and untutored by long acquaintance under disillusioning circumstances, is perilous in the extreme, for the beloved is too often merely a lay model draped with the day dreams of autoerotism. An intimate handclasp, or a flash of bright eyes, awakens the slumbering senses, and of a sudden because the racial life has been pricked, the awakener becomes invested with all the virtues. Deep within the breast of everyone, hidden but constant, is the passion for creation that has brought the race forward out of primeval darkness. When sex first answers sex, it is not the communion of two human beings, it is the cry of the race for life, the cry that echoes down the ages. Mate answers mate, and all the golden memory of love past, and all the hope of love to come whispers that this is reality. Sexual love is strangely distinct from judgment and perspective, for the hand that unlocks the heart touches a divine spring and its owner is forthwith clothed in divinity. The subtle links that bind one generation to another are but too often the chains of matrimony. Imaginary people marry one another, and it is only in the lees of the cup of life that their true lineaments become apparent. The combination of the racial and the personal life which is embodied in every individual, is at the basis of both the happiness and the unhappiness in

sexual relationships. If the individual who gains grace as the racial partner is also endowed with the personal characteristics that are essential to friendship and companionability, happiness results and a human relationship far more significant and binding than Platonism permits, is realized. But if the individual falls too far short of the ideal or differs too radically from it, repulsion ensues and actual hatred and disgust take the place of the initial attraction. This is nature's way of dissolving unions that are based upon unreal premises, and for forcing human beings to continue their search for the best co-parent for their children. The revulsion that takes place in love when it finds itself disillusioned is almost as strong as the power of love that brings human beings together. Friends who develop uncongenialities or who differ widely in their opinions can part peaceably and still retain a comfortable modicum of mutual respect and affection, but those in whose hearts love has died find existence together like living in a sepulchre where the foul breath of corruption and decay sickens the very atmosphere.

The custom, reinforced by law, which demands that men and women shall remain mates when they no longer love one another, is not only cruel, but is contrary to a deep and subtle ordinance of nature. For society to condone and even encourage sexual relations when love has perished, is to reduce marriage to a kind of prostitution for which the price offered is public opinion.

This degradation of marriage through inelastic law, has contributed in no small measure to the toleration of illicit relationships outside marriage, for though custom may be as firm as adamant, human sympathy is not so hard, and Love is his own best vindicator. The man and the woman who cast discretion to the winds and who defy the poisoned darts of smug hypocrisy and prim asceticism, find in many faces an answering look of understanding, and feel in many presences a corroboration of their courage.

For centuries among the very great, even in the case of women, love has been recognized as being a law unto itself, and while humanity has caviled to some extent and wreaked its spiteful vengeance, it has recognized that a supreme passion is not to be brooked by man-made laws, and it has looked askance and wondered and secretly worshipped. None but a Puritan can question the validity of the tie that brought George Eliot and Lewes together, and Romeo and Juliet, brazenly displayed upon the stage in flagrante dilectu, have been the romantic idols of a dozen generations and promise to retain their popularity. Shelley, Goethe, Wagner, and a whole host of other great men including geniuses and kings and princes, have maintained by their own lives that the claims of love exceed the claims of an arbitrary human law, and people have believed them. While harsh judgments are passed upon those who violate the marriage custom, there is still a good modicum of sympathetic insight when it appears that the interlopers are activated by a true spirit of love. All the world loves a lover more or less, in spite of wedlock.

Whence then the tragedies that fill yellow-backed French novels to the bursting, and form the central theme for most romantic literature? Fiction, to secure an audience, must play upon chords that are fairly superficial, for emotions that are not understood are always uninteresting. The root of these tragedies in real life or in literature is twofold, and lies, first, in the conflict between the social and the personal obligations inherent in the sexual relation, and second, in the fact that love is essentially a creative spirit, and grows pale and wan when removed from the medium of action. It has been seen that "marriage was derived from the family, not the family from marriage"; that it has survived the test of time as an institution for the protection of children, and for the insurance of the fulfillment of mutual sex responsibilities. It is preeminently a social, not a personal relationship, and its benefits accrue,

not to the individual, but to the race. He who violates wedlock commits an anti-social act of no small consequence, for he thereby repudiates the claim of generations yet unborn for protection by the social order, and casts the race adrift from paternal responsibility. If love lasted, if it could be relied upon without reinforcement to live up to its social obligations, marriage would doubtless never have evolved, as it would not have been necessary; but love is frail, and is too often merely a counterfeit for sensuality, and the lives and happiness of little children cannot in mercy be entrusted to such a whimsical emotion. Children live on though love has died, and the responsibility for their welfare is vested by nature in their progenitors. Love without bonds is quick to act and slow to reckon, and mating has results which outlive the sexual act by meany æons.

The world is full of women old before their time, foul with the stain of sin upon them, broken with disease, childless, or with a little child dead in its grave, poor, miserable, friendless, without a home. These are the women who have believed men when they promised them love without marriage, and their lives give ground for the just resentment of society at the violation of wedlock. He who defies the marriage custom defies as well the welfare of the race and earns his ostracism.

While marriage is not designed to set the limits of sexual love between human beings, it is admirably adapted to fixing the boundaries of male responsibility in sexual relations. Nature herself at the outset, in her striving for immortality, has indicated the proper persons to care for the child by instituting parenthood. By giving the child a father as well as a mother, she has endeavored to secure its safety, but she has omitted one vital point in her scheme of creation, and this the community has endeavored to fill in by the institution of marriage. Nature has ordained no practical means for detecting the putative father,

and men do not desire either to support the results of other men's sexual adventures or to see young children die pitifully for lack of care and nutriment. Motherhood is obvious enough, but fatherhood is another matter, and all experience goes to prove that fatherhood, unsupplemented by marriage laws, is almost wholly irresponsible. The man who voluntarily cares for his illegitimate children is in this day almost unknown, though in the time of morganatic marriages he often willingly fulfilled his obligations. When marriage was ruled out between persons of different classes, society recognized the claims of love and accepted mutual responsibility as a sufficient substitute for formal marriage. Democracy has invalidated this excuse for pseudo-relationships, and morganatic marriage has been thrown into the discard along with polygamy. Kings and their mistresses have to some extent gone out of fashion, but their influence is still felt as justifying illicit relationships. The example of the King of Spain and the little kings who disport themselves in Greenwich Village and elsewhere, is taken by the young as giving precedent to light and sensuous sexual conduct. In their inexperience they do not understand the meaning of love, with the result that lust and irresponsibility parade as freedom in love, transforming liberty overnight into unhallowed license. The man, and more especially the woman, who, at the dictates of true love, lives in disregard of marriage, contributes in some measure to break down the preposterous prejudice against freedom in sexual affairs, which is responsible for much disorder; but, and here lies the danger, they also lend the light of their genuine passion to abortive and sickly flames which scorch not only the race but their undisciplined possessors. Freedom in love, to fulfill its racial function, must operate to insure a minimum of error in sexual choice and the improvement of the racial stock through sexual selection, but neither of these objectives is achieved when shallow sensuality, counterfeiting love, takes

the law into its own hands and despoils sex of its usefulness. He who lives above the law must prove his right to independence by the good fruits of his conduct. The philanderer who sows venereal disease, and drinks his pleasure out of another's cup, would have trouble in establishing his assumed prerogative on such a basis.

The touchstone of love, the proof of its actuality, is in the test of its creative power. In the Symposium, Plato says that the lover because he wishes to appear well in the eyes of the beloved surpasses himself in his exertions and brings all his abilities to light for admiration. In the earlier days, before ever the arts and sciences were even dreamed of, the only acts of creation in which men and women could participate were those which involved offspring and the arts of war and domesticity. To-day men and women have spiritual as well as physical children, and love can give birth to both. The artist who with colors and a brush transforms a barren canvas into a treasure for the ages finds much of his inspiration in sex. The great sculptor, the great musician, the great actor or actress, have almost always been the great lovers as well. Discreet biographers have not always told the full story, but even so the fact is clear that sex has played a conspicuous part in the lives of those who have given the world its most precious possessions.

It is in this respect that the ostracism usually attendant upon violation of the marriage laws has contributed to the sexual tragedies so often rehearsed in real life and in fiction. Men and women, in the first bloom of love, have supposed that they could live together regardless of their work-a-day medium for self-expression, and love, the creator, has transformed their paradise into a desert. "Nec sine te nec teum vivere possum." This is the ultimate dictum of love when it becomes an end unto itself and not a means to creative effort.

It is an interesting commentary that a large proportion

of the applications for divorce are made by childless couples, for it leads to the inference that where there is no ground for mutual interest and effort, disharmony is apt to develop. The tragedy of the yellow-backed French novel and its prototype in real life is inevitable as long as human beings assume that sex can give satisfaction in itself alone, and not through its stimulus to self-expression, for love is the cup of life and life is action.

The twofold significance of sex, first in the life of the individual and second in the life of the race, makes it incumbent upon society to differentiate in its moral rulings between the purely individual obligations in sex, involved in the relationship between two human beings, and the social obligations which result from their union. Despite assumptions to the contrary, love and marriage as they at present exist are two very different realities. To classify all sexual relationships in wedlock as moral, and all those outside wedlock as immoral, is to regard sex purely from the racial point of view and necessitates a repudiation of love as the essential basis for the relation between the sexes. On the other hand, to accept "free love," which is but another name for sexual license, is to disregard the social obligations in sex, and to imperil the continued development of the species. The very existence of the social evil indicates conclusively that mankind has not yet reached a stage in evolution where anarchy in sex is productive of good results, for most people live below not above the law when they are freed from the restraints which it imposes. Men and women are neither wise enough nor strong enough to live their lives successfully in the absence of human law. Their instincts lead them into ways that are fraught with danger and disaster for themselves and others. This being so, it is but fair to give to rising generations the benefit of the past experience of the race, and to mark the roads that have been found to lead to death and disillusionment in such fashion that they will not tempt the youth to follow

them. Law is neither cruel nor coercive when it states a known and constant fact regarding conduct, and even penalization is fruitful in happiness if it serves as a deterrent to unjust and subversive action. It would be no inconvenience to humanity to have a law defining gravitation placed upon the statute books. It would cause no trouble if death itself were set as the penalty for gross infringement of this law, for nature herself exacts this punishment independently of human decisions.

Under a just system only the ignorant and the vicious come in conflict with the pronouncements of the state, for the virtuous desire to live in harmony with true principles of ethics. The law against larceny or murder, for example, is no inconvenience to the virtuous man, for his desire conforms to the law. It is only against the thief or the murderer that the law becomes operative. Similarly in the realm of sex under a system based upon practical ethics the man who desired to live his sex life honorably, would find the law an aid rather than a hindrance toward the achievement of his purpose. Only those who wished to accomplish their own satisfaction at the expense of others would come in conflict with the laws of society.

As Nora, in *The Doll's House*, innocently forged a note with the best of intentions, ignorant of the social results which such conduct entailed, so many men today in the absence of the statutized experience of the race in the realm of sex indulge their sexual impulses without the least idea that they are committing anti-social acts involving grave consequences. The function of law is to define the limits of personal liberty in the relations of human beings to one another. All must be insured equally the right to the pursuit of happiness, and those who would infringe the rights of others must be restrained from their unworthy conduct by the operation of the law.

In the campaign of sex education which is now being conducted by the government and by privately organized

societies, it is repeatedly stated that the maximum happiness in sex can be achieved by both men and women through pre-marital chastity and monogamous marriage. This is undoubtedly true in the case of women, for society heavily penalizes the woman who trangresses and demands proportionate payment for her offense against the family, but it is not by any means equally true in the case of the individual man in the present state of law and public opinion. Between the ages of 17 and 25, when marriage is ordinarily out of the question, the sexual impulse is very strong and is undoubtedly a potential source of intense gratification. Sexual adventures involving light loves are of great interest and stimulus and may even give the individual boy a vast amount of real experience and information. If he escapes venereal disease, and if his victim is too young or too helpless to invoke outside aid when his fancy wearies of her, it is highly probable that, barring the intervention of the Almighty, he may secure for himself far more sexual pleasure than does the chaste lad who respects the rights of women and children. In the war, when death waited for young men just a step ahead, many of them took their fun where they found it, and it is extremely doubtful if those who did not become infected with venereal disease or entangled with legal difficulties, such as forced marriage, ever sincerely regretted their conduct. If in the face of death men feel so little moral chagrin at indulging their promiscuous sexual impulses, it is scarcely to be supposed that on the broad level of life, when retribution would appear to be even less imminent, conscience alone should be able to inflict pain in any degree consonant with the abandoned joy of moonlit love adventures.

Society has given men license to steal their sexual pleasures out of the lives of women, and at the expense of racial welfare. If men were permitted to steal money as freely as they are love without regard for the rights of

others, if they could sign false checks with as little fear as they sign false love letters, if they could secure loans without interest and without giving any security whatever, it is questionable whether the thief would not get more pleasure than the honest man in practical living. It is certain that he would get more of this world's goods at a less expense of effort, for he would take what he pleased and let his honest brother pay the price of production. The community which permits the violation of the rights of one to the unjust advantage of another puts a premium on base conduct and vindicates the individual in immoral or anti-social relationships. The only real impediment that stands between men and their enjoyment of licentiousness at the expense of women and children is venereal disease, and it is noteworthy that in the realm of sex much of the legal machinery that has been employed in the past in the realm of sex has been directed toward removing this obstacle and not toward insuring the equal right of sexual happiness for men and women.

In the passage of legislation regarding sex or any other kind of human conduct, it must always be remembered that under a democracy, the law cannot differ too greatly from established standards of living if it is to be respected. When the law varies widely from accepted principles of conduct, it becomes an administrative impossibility to enforce its pronouncements. The blue laws in many states which at one time voiced popular sentiment, and which at that time were enforceable, are a case in point. Their presence on the statute books today is immaterial except that they tend to bring the law into disrepute as being ridiculous.

While it is clear that the general principles of conduct such as liberty, equality, justice and mutual responsibility apply to sex as well as to commerce, or to any other branch of human affairs, still until the present time it would have been idle to write these principles down as statutes in the

realm of sex, for it would have been impossible to secure their enforcement.

It is obviously the business of the state to define the limits of personal liberty in the realm of sex as well as elsewhere, but while one sex alone had complete control over the courts, the police and the legislative assemblies, it was inconceivable that regulations designed to limit the unjust prerogatives of this sex should be written into law or enforced even if hypothetically statutized. The subjection of women has made rational legislation in this field unthinkable, and has facilitated discriminatory procedures such as regulation, segregation, and the present venereal disease quarantine regulations.

The citizens of any free country have the right to demand from their government liberty, justice, equality before the law, and the protection of their constitutional rights from violation by other citizens. When these principles are embodied in law defining the right limits of sexual conduct, it will be seen that the present marriage custom in no wise conforms to true sexual morality. In the first place it does not recognize the dual nature of sex, and unnecessarily sacrifices the personal to the racial obligations inherent in the sex function, and in the second place it acts as an impediment to the natural law of sexual selection, for it denies to the individual adequate opportunity to rectify an error in choice when he has once come under the yoke of matrimony.

Marriage as it at present exists, supplemented by prostitution, is solely the result of an effete morality associated with the licentiousness of men and the subjection of women. Since monogamous religious marriage was formalized by the Council of Trent in the year 1563, great changes have come over the world, especially in the relations of men and women. The quality of an action which rendered it good in those distant times, cannot be safely predicated to mark the boundaries of morality in any range of life in the

twentieth century. The absolute duty of the state to define the right limits of sexual conduct and to enforce its regulations is too obvious to admit of serious question, but the law must apply to the epoch in which it is written and not to an order of civilization representing the culture of the dead age of Feudalism.

CHAPTER V

THE ETHICAL ASPECTS OF BIRTH CONTROL

The statistics which have been compiled by the proponents of birth control in the various countries where the education of the masses in the matter of contraceptive methods is not interfered with by the state indicate beyond question that the apprehensions of those who are opposed to birth control have no basis in practical fact. The population has not automatically dwindled to the danger point, neither has immorality increased so far as can be ascertained and monogamous marriage still continues to be the recognized relationship between the sexes. All that appears to have happened is that somewhat fewer children have been born, but this occurrence has been more than compensated by the greater proportionate diminution in infantile mortality. In Holland, for example, where education in birth control methods has been carried on openly since 1881 and where it is fully sanctioned by the government, there has been a diminution of approximately 25 per cent in the birth rate with a coincident increase of 66 per cent in the number of persons living until adult years. In other words the number of persons who attain their majority in Holland to-day is actually greater than it was before instruction in contraceptive methods was commenced. In America, where the transmission of knowledge of birth control methods has been made a felony, of all the children born only one child out of fifteen lives to reach his twenty-first year. All of the agony of parturition, all of the prenatal inconvenience and distress of the mother, all of the endless time and money and care that has been poured

out to make these little lives possible is utterly wasted so far as the adult and productive population is concerned. Only one child out of five lives even until his first birthday, so it is clear that in this country the problem of population is more acutely dependent upon diminishing the rate of infantile mortality than upon increasing the number of children born. When it is considered that a child is actually a burden to the state in point of production until he reaches at least his fifteenth year, it may be seen that the method at present pursued for keeping up the population is neither economical nor humane. The vital statistics offered by the Neo-Malthusianists are very convincing on two important points: first, public knowledge of birth control methods does not result in an alarming diminution of population; and second, a decrease in the mortality rate appears to coincide with the adoption of contraceptive methods.

An intimate knowledge of family life in the lower classes predisposes to credence in these figures, for it is everywhere evident that where there are more children in a family than the father can afford to support, some of the children die from lack of care or from actual malnutrition. Many women are also physically unable to bear as many living children as their fertility would presuppose, with the result that miscarriages and still births are often the only fruit of conception. Here again unnecessary and useless wastage of the human resources of the nation is involved, for it avails nothing so far as the race is concerned for a woman to produce non-viable children, and her own energies are exhausted and her strength depleted in the course of the process. Reproduction is a positive asset to the state only in so far as it eventuates in adult human beings of normal race stock who are equipped by nature and training to contribute toward the welfare of the commonwealth. Degenerates, defectives and children who perish before they reach a productive age are a hindrance to racial development and a handicap to normal members

of the community in their pursuit of happiness. At the present time the defective, insane and criminal classes form an alarming proportion of the population.

Of all children in America of school-going age it is estimated that over 15 per cent are sub-normal, mentally, and that about 3½ per cent are markedly feeble-minded.[1] These children can never, no matter how elaborate or how expensive their education may be, develop to full normal productivity.[2] The state would be richer and better equipped to sustain its normal members if these children had never come into existence. The latest statistics of the U. S. Census Bureau show that the United States is at present supporting in institutions an insane population of about 239,820 at an annual cost of approximately $45,000,000, and that the inmates of the penal and reform institutions number approximately 150,000. It is estimated that about 250,000 abortions are performed annually in America, and that probably 50,000 women lose their lives as a result of the operation, while the number of miscarriages and still births is only matter for hazard.[3] Clinical experience would indicate that of the products of conception not more than three-fourths develop into viable children. In addition a large number of married people who desire to have children have become sterile or have had their reproductive power seriously impaired as a result of gonorrhœal or syphilitic infection. F. Kehrer has shown that a considerable proportion of marital sterility is due to venereal infection in the husband contracted before marriage, and the large number of one child marriages due to gonorrhœal contamination of the wife also contributes largely to a diminution of the birth rate.[4]

The importance of venereal disease as a substantial factor in race suicide has been consistently overlooked for

[1] Reports published by The National Committee for Mental Hygiene, 50 Union Square, New York City.
[2] U. U. Anderson. *Mental Defect in a Southern State.*
[3] Fielding. *Sanity in Sex.*
[4] Ernest Finger. *Blenorrhœa of the Sexual Organs.*

the absence of reliable vital statistics with regard to the incidence of syphilis and gonorrhœa has obscured the relation of these infections to the diminishing birth rate.

In considering the problem of population it is clear that a reduction in the infantile mortality rate is quite as efficient a method of sustaining the population as an increase in the birth rate unaccompanied by a proportionate decrease in the number of deaths.

If the objective is merely to increase the number of adult citizens of the United States it would be far more expeditious and humane for the government to bend its efforts toward improving the economic and hygienic condition of its people rather than to demand that its women should continue to bear a larger number of children than either the family or the state can successfully bring up to normal adulthood.

In point of fact, the problem of population is rapidly becoming not so much a matter of underpopulation as of overpopulation. Some interesting statistical researches which have recently been published by Dr. Raymond Pearl of the School of Hygiene of the Johns Hopkins University show that within the brief space of another hundred years at the present rate of reproduction the world will contain as many individuals as the surface of the earth is capable of providing with the actual necessities of subsistence.[5] If after that reproduction were to continue at the present rate famine would intervene and the population would either be seriously undernourished, as it is now in China and India, or death itself would be called upon to settle the problem. Dr. Pearl has constructed a curve based upon data secured from the U. S. Census Bureau showing that population tends to proceed in accordance with definite mathematical law. This curve is the same as that followed by the body weight and also occurs in auto-catalytic chemical reactions. It is characterized by a relatively slow initial rise followed

[5] Raymond Pearl. *On the Rate of Growth of the Population of the U. S. Since 1790 and Its Mathematical Representation.*

by an abrupt increase which subsides again at the crest into a straight line reaching to infinity. The asymtote represents the maximum population which the resources of the earth are capable of maintaining under bare living conditions. By placing two flies of different sex in a circumscribed area, as in a glass jar or bottle, and permitting them to reproduce indefinitely, the same characteristic curve of reproduction automatically appears. There is at first a slow increase, then an abrupt rise and finally the crest of the curve beyond which an increase in number is impossible. The year 1914 represents the point in the ascending curve when inclination toward the asymtote is first apparent. In other words, the population of the earth has now nearly reached its maximum practical proportions and war, pestilence, famine, or birth control will soon be called upon to reduce the number of the world's citizens. Either fewer people must in the next century be born or death must use his scythe more freely in clearing the field for future generations.

Among the lower orders nature herself acts to restrict the overproduction of any given species. By cold and heat, by drought and flood, by pitting one species against another in the bitter struggle for existence, nature arranges her plan so that no one group shall find it a practical possibility to overrun the surface of the earth at the expense of others. But man in his abundant wisdom has subdued the forces of nature, making the wind and the waterfall his slaves, transforming the destroying power of the torrent into his docile servant and driving his former enemies of the jungle far into hiding or domesticating them into meek, helpless cattle doing his bidding or yielding provender for his table. The natural checks to his preponderant breeding have more and more under civilization been set aside until in the twentieth century only his own will and the invisible enemies of mankind, social injustice and disease, act to restrain his excessive fertility. In addition, the altruistic impulses

dictate that even the weak, the degenerate and the diseased shall enjoy tenure of life, with the result that the efficient members of the race drag constantly after them a dead weight of human wreckage which breeds and breeds again, polluting the racial life and stemming the onward march of human progress.

In face of these facts the antagonists of birth control can scarcely maintain successfully that indiscriminate reproduction can be continued at the present rate without plunging the human race into inevitable destruction. Certainly war, pestilence, famine and fratricide are less desirable measures than birth control among civilized people.

It is a strange and remarkable thing to observe in the history of humanity how fully germ plasm appears to contain the elements essential to progress and racial development. Its psychical manifestation in the mind of man presents invariably the solution to vital problems when they have become so acute that further progress is dependent upon their solution. Until the present era the racial demand was quite obviously in behalf of a greater population. Birth control would have diminished not increased the chances for racial prosperity until the twentieth century. Now the tide appears to have set in the opposite direction and the need is for more efficient, better bred individuals and not merely for a more numerous population. The time has come when the eugenic principle of exercising care and judgment in the selection of the race stock can to advantage be put into operation and synchronously the demand for birth control is coming more and more to be heard for all manner and classes of people. As always the forces of religion and prejudice are ranged on the conservative side and the Catholic Church particularly, which decrees celibacy for its priests, preaches that contraceptive methods are anathema. Women must bear children and continue to bear them, especially in the true

faith; whether they die in the process or whether the world reaps any good from it is a secondary consideration.

The main difficulty in the way of birth control, momentarily omitting the artificial legal impediments in America from the argument, is the absence of reliable and æsthetic contraceptive methods which do not impede the spiritual enjoyment of the sex emotion. The ordinary methods of the condom, the tampon, the douche or withdrawal, are all more or less offensive to persons of refined disposition and are by no means certain to achieve their objective. Many persons who have consistently practiced birth control by one or another of these methods have produced large families without the slightest desire or intention. Moreover, after the children have been born, their parents have in an astonishing number of instances rejoiced at the new members of their household and have found that they could support additional offspring contrary to their expectation. Which indicates that consonantly with propaganda for birth control, and especially with the methods perfected, adequate teaching in the natural desirability of parenthood should be instituted, supplemented by maternity benefits.

It is of absolute importance that the method of birth control to be devised, whether it be through the use of the X-ray, the local application of a specific chemical, or what not, should render the individual sterile only for a comparatively short space of time—a few months or a year, and that it should not be permanent, for with a change in economic status children might become greatly desired and the happiness of the individual be dependent upon his power of reproduction.

It appears probable that the use of the X-ray may prove to be a reliable and æsthetic method of preventing conception, for the casual experiments that have been unintentionally performed by physicians and others on them-

selves have shown the remarkable efficiency of the X-ray in producing temporary sterility. Experiments on white rats indicate that the mature sex cells in the female are more easily affected than the immature and that in the male the reverse is the case. It is possible therefore that this method may offer excellent results in women especially, if the proper dosage is determined. Since the X-ray has been found to produce malformations in the developing eggs of the lower orders it is important that it be tried out experimentally with great thoroughness before being used on human beings.

In the sterilization of defectives, criminals and the insane the X-ray would, if justified experimentally, be a more humane and less troublesome method than the operative procedure at present in vogue.

The use of chemicals in birth control would, even if a reliable drug were discovered, be less desirable than the X-ray because of æsthetic considerations.

In the practical teaching of birth control the present methods offer unpleasant subject matter, for the intimate description of the sex act, and the detailed directions for local application affect the non-medical mind as pornographic. Modesty and fine feeling are always offended at the cold application of the facts of physiology to the intimate relationship of sex, especially when the individual is sufficiently developed to regard the relation largely in its spiritual aspects. The same natural and commendatory reticence that brings self-respecting people to restrain their embraces to the privacy of their own homes and to conceal the manifestations of their mutual affection from the public view leads them to resent even medical directions associated with their own sexual acts.

It is probable that a considerable proportion of the present objection to birth control arises from a native repugnance to the methods that are of necessity prescribed. So great a number of people feel that any mention of sex,

whether it be in accord or discord with facts, is in itself essentially wrong and disgusting, that they naturally condemn the plain speaking involved in teaching birth control. It is probable that the instinctive antagonism of this group would be considerably softened if a more æsthetic method could be devised.

The great bulk of the objection to birth control, however, arises from two antithetical groups—first, the men who by the viciousness of their own lives have come to associate enjoyment of sex with prostitution and perversions, and who have themselves in many instances been rendered sterile by venereal diseases—and second, the women who have in their virtue so repressed their sexual instincts that passion has become to a large degree inhibited or diverted into other than sexual channels. Both these groups agree, as do almost all rational beings, that defectives, criminals and the insane should not be encouraged to reproduce, and that the number of children in any family should not be greatly disproportionate to the family income. They recommend, however, self-control instead of birth control, and claim that the sexual function is abused and degraded when it is divorced from reproduction.

The psychology of these people is not difficult to analyze. The man who has indulged himself in prostitution looks upon marriage as an institution for the procreation of children and does not associate it with the enjoyment of sexual passions. The use of sex for pleasure in his case has been so intimately connected with its abuse in illicit and shameful intercourse that to associate the enjoyment of sex, not directed toward reproduction, with a virtuous woman such as his wife, would be to degrade her to the level of his former sexual partners. The woman, on the contrary, has received her inhibition as a result of her horror at the thought of sexual intercourse. From her earliest youth she has been trained to the belief that sex is essentially shameful and vile and she regards reproduc-

tion as a necessary evil which from time to time vindicates the indignity and prurience of sex relations. In behalf of the race she feels that reproduction must go on despite its dependence upon conduct unbecoming adult and self-respecting human beings, but she would prefer that children should grow on trees or rosebushes, for the thought of sexual union revolts and embarrasses her. It is not uncommon to come across virtuous married women who fully believe that the pains of child birth were instituted by an all-knowing Providence as a penance for sex relations. Indeed, the teachings of the church have not always varied greatly from this extraordinary supposition.

There are two mental complexes that frequently differentiate the antagonists from the protagonists of birth control. One combines the ideas that medical prophylaxis is indispensable and that diseased prostitutes should be quarantined; that immorality is unavoidable; that men "cannot be legislated into virtue," and that sex is thoroughly honorable only when it is used for reproduction. The other holds that prophylaxis constitutes the open toleration of vice and should be made illegal; that prostitution should be repressed and not regulated; that the double standard of morals will not always prevail and that sex is of a dual nature and should not be directed exclusively toward procreation.

In addition to these two principal groups there are, of course, many other combinations of opinions, represented, for example, by Dr. William G. Robinson and his followers, who believe as he himself has publicly stated that sexual promiscuity is not only justifiable but desirable; that it is destined to increase and that medical prophylaxis can be relied upon to check its venereal consequences.

A very significant number of the opponents to birth control are themselves childless, and it is doubtless the fact that they are denied the joy of parenthood that makes the reproductive side of the sex function seem so exclusively im-

portant to them. What a person desires poignantly for himself always seems a natural desire in other people.

Moreover, there is a certain very reasonable basis for the insistence that procreation should not be too widely removed from the sex function. When an act is divorced from any of its natural consequences misinterpretation of the act is apt to ensue with the result that unhappiness often follows and the individual finds himself incapable of achieving his desires when it is too late for him to readjust his conduct. For instance, a certain number of married people who have practiced birth control for a long period of time and who later find themselves unable to have children often repent of their conduct most bitterly and inveigh against their earlier practices with exaggerated intensity. They would force all people to use sex for the exclusive purpose of procreation, for in their own case they have found the opposite procedure to lead to such disappointing consequences. Alcohol furnishes another example of the perversion of a natural instinct from its functional usefulness. When a person drinks not because he is thirsty but for an ulterior purpose, health is jeopardized and happiness is placed more and more beyond the range of accessibility.

One of the lessons that has obviously been set by the Almighty for human beings to learn is the right use of the sex function and the miracle of the birth of a child is an essential factor toward comprehension. It is precisely because parenthood is so clearly worth while, because the child is the physical embodiment of the spiritual love of two human beings that apprehension with regard to the repudiation of the power of procreation under birth control need not be entertained among civilized people. Contrary to the opinion of the antagonists of birth control children are commonly recognized as being desirable by the great majority of normal men and women and there are few married couples who do not desire to have at least one or two offspring if their economic condition is not too op-

pressive. The natural egotism of human beings and their native desire not to be outdone by their fellows supplements the sexual instinct, and brings thousands of married women to the consulting room when they have been rendered sterile by venereal infection.

The confusion of the terms reproductive instinct and sexual instinct has done much to place the whole question of birth control in a prejudiced light before the public. The instinct to mate, that is the sexual instinct, is a fact observable throughout the animal world. It has nothing to do, however, with the conscious desire for reproduction, for it is inconceivable that the lower orders such as the lion or the birds should realize that mating even results in procreation. It is only a short space of time since man discovered the true relation of the sex act to inheritance.[5] Aristotle says: "The male is the efficient agent and by the motion of his generative virtue (geniture) creates what is intended from the matter contained in the female; for the female always supplies the matter, the male the power of creation and this is what constitutes one male and the other female. The body then proceeds from the female, the vital principle (anima) from the male; for the essence of every body is its vital principle." [6]

Harvey imagined that conception in the uterus was analogous to conception in the brain and wrote: "And just as desire arises from a conception of the brain, and this conception springs from some external object of desire, so also from the male, as being the more perfect animal, and, as it were the natural object of desire, does the natural (organic) conception arise in the uterus, even as the animal conception does in the brain." [7]

The discovery at the hands of Leeuwenhoek of the spermatozoa in 1677, following the improvement and use of the microscope in the study of reproductive substances

[5] Frank E. Lillie. *The Fertilization Problem.*
[6] Aristotle. *De Generatione Animalium.*
[7] Wm. Harvey. *Exercitationes de Gen. Anim., 1651.*

gave rise to great interest and the most extravagant theories in connection with the male and female power of procreation. "I put this down as a certain truth," wrote Leeuwenhoek in 1699, "that the shape of the human body is included in an animal of the masculine seed." [8]

Nicholas Hartsolker, in 1694, who claimed priority in the discovery of the spermatozoa, although his work did not appear until a year later than Leeuwenhoek's, put forward the theory that the ovum merely furnished a source of nourishment for the sperm and that a complete male or female animal was contained in each spermatozoon. This theory of course excluded the possibility of maternal inheritance.

In the eighteenth century two theories of reproduction were brought forward phrased as follows by Spallanzani: "The one explains the development of organisms mechanically, the other supposes them to preexist, and waiting only for fertilization to develop them. The second system has given birth to two different parties, one believing that the organism is preformed in the ovum, the other that it is preformed in the spermatozoon." [9]

In the early part of the nineteenth century following a long series of experiments on the fertilization of frogs Prévost and Dumas concluded that a spermatozoon penetrates each egg and becomes the rudiment of the nervous system, and that "the membrane (germ disc) in which it is implanted, furnishes, by the diverse modification which it undergoes all the other organs of the embryo." [10]

It was not until 1841 when Lallemand expressed the opinion of those who believed in the union of the ovum and the spermatozoon that the importance of the maternal factor in inheritance came to be recognized.

"Each of the sexes furnishes material already organized

[8] Phil. Trans., Vol. 21.

[9] Abbé Spallanzani. *Expériences pour servir à l'histoire de la génération des Animaux, 1785.*

[10] Prévost and Dumas. *New Theory of Reproduction, 1824.*

and living," he wrote. "Fertilization is the union of two living parts which mutually complete each other and develop in common."

Before this time the mother had been regarded merely as a passive factor in reproduction, as a sort of natural incubator for the male germ cell which alone was supposed to transmit the life of the species.

Modern investigation initiated by Hertwig and Fol, and carried on by Fleming, Mark, Van Beneden, Loeb, Morgan and others, resulted in the nuclear theory, recognizing the duality of all life in which nucleus and cytoplasm play specific rôles, and later developing into the doctrine of chromosome individuality, which establishes on scientific grounds common inheritance from both the male and female parent.

It has now been discovered that one additional chromosome receptor comes from the female parent which may presuppose an accentuated maternal inheritance. Meanwhile mankind has been regarding the mother more as a vehicle for the perpetuation of man's life in this sphere than as an active participant in generation. To presuppose an instinct in woman to reproduce when it was imagined that the very avenue of reproduction was closed to her is typical of the reasoning that has been applied to sex throughout the ages.

The existence of the maternal and to some extent the paternal instinct cannot be questioned, for after the birth of the young it automatically appears, at least among the birds and the mammals, but this is as far removed from the so-called reproductive instinct as mating is from the birth of a child.

The reason why nature has made the passion to mate so strong, the reason why sexual desire has been made the instrument toward the physical union of the two sexes may very possibly be because the pain and sacrifice incident to the bearing and rearing of children would not in the opinion

of savage and undeveloped people be worth while, if passion could be satisfied independently. Instincts to be deserving of the name must be universal like hunger or thirst and not appear merely sporadically, and even then subject to the conscious will of the individual.

If the reproductive instinct really exists does it entail the generation of one or twenty children? The man who desires sexual union with a woman does not necessarily by that same token wish through that specific act to have a child by her. Indeed the contrary is often the case as both the antagonists and proponents of birth control agree. When, then, does the sexual instinct, the instinct to mate, become the alleged instinct toward reproduction? Certainly only when the conscious will of the individual specifically recommends procreation which effectively differentiates the sexual instinct from its supposed counterpart in reproduction.

Those who most vehemently contend that the sexual instinct is the instinct toward reproduction and who inveigh against contraceptive methods as being counter to a law of nature belie their own assertions absolutely when they are unwilling to rely upon it for the continuance of the species. The instincts of hunger and thirst or of self-preservation cause no such nervousness as to their continued existence that legal methods for their support have to be instituted in order to insure their constant operation. If there is an instinct toward reproduction why should they think it necessary to make birth control a felony? Normal people eat and drink, although they have to work for their provender, and there is no law that they shall be sent to the penitentiary if they fast even unreasonably. The truth is that the sexual instinct is nothing more nor less than an instinct to mate, and that it acts independently of the desire for reproduction. The desire for a child is not an instinct, for it is not by any means present in all normal human beings even under conditions favorable to

reproduction; moreover, it has no intrinsic connection with the sexual act for some people desire no children at all and others desire many children. The wish for a child is analogous to the wish for a home, it is a possession which is recognized by normal human beings as desirable and when once it has come maternal and paternal love give it an extraordinary but very real value.

There is no doubt but that children are an immense asset to the efficiency and happiness of adult men and women; they provide an incomparable stimulus to interest and effort and they unite husband and wife in a common bond of hope and responsibility. For the antagonists of birth control to suppose that men and women would no longer have children if the sex relation were artificially separated from its power of generation is to imagine a degree of selfishness and stupidity inherent in humanity that is fortunately non-existent. It would doubtless be dangerous to put birth control measures into the power of cattle or swine, but it is another matter in the case of humanity. Children are the crown of life, the greatest of all joys, barring none, that fall to the lot of a man and woman who love one another, and for a purient and narrow-minded group of individuals to presume to dictate that the human race shall breed as do the lower animals without respect to judgment, economics, or free will is to take into their unworthy hands the prerogative of the Almighty. Man has been given judgment that he may use it, not that he may act contrary to its dictates, and it is obviously the part of unreason for a woman to continue to waste her energies on producing miscarriages or on bearing more children than she can rear in decency when measures are at hand which can save such useless suffering. Disease itself involves a series of natural consequences but that does not eliminate the value or righteousness of preventive medicine.

In the past the need for manual laborers was so great that abundant procreation on the part of the working

classes was more or less essential to the evolution of civilization. The development of machinery has to some extent eliminated this necessity but the exploiting classes still recognize the relation of a large group of workers to their material interests. Strikes, high wages, better working conditions, are more apt to ensue if the number of workers is proportionately small, hence it is to the advantage of those who profit from the exploitation of labor to encourage reproduction on as large a scale as possible. A diminution in the size of working men's families automatically reduces the pressure which the capitalist can bring to bear on this stratum of society; moreover, with fewer offspring the workingman can afford to provide better educational opportunities for the children he has with the result that they are more able to throw off the yoke of an oppressive economic system. The organized church representing a past age and responding to the dictates of its financial supporters tends to encourage procreation and lends religious influence to the preservation of the status quo. No consciously invidious purpose directs the action of the church or the capitalist in this respect; classes, like individuals, often sense their fundamental interests without the direct intervention of the rational mind. Acts which result in the furtherance of their interests appear to them good and such behavior is in consequence defined by them as moral.

The economic system which condemns a great part of the intelligent female population to eternal celibacy and which penalizes procreation unnecessarily, represents a transitory arrangement of human affairs which can eventually be readjusted in consonance with the higher welfare of humanity. Yet even under a more equable economic system it is not to be supposed that men and women can reproduce without restriction for the earth's surface is neither sufficiently vast nor sufficiently equipped with natural resources to permit of the complete utilization of human fertility.

But, the opponents of contraceptive measures will inter-

vene, self-control is a more effective method than birth control in regulating reproduction. This is the crux of the whole matter; whether humanity is to turn to sexual abstinence or contraceptive measures for bringing procreation within the bounds of economic possibility. So far as the child is concerned it matters not whether its potential parents remain unmarried, whether they practice birth control or abortion, whether they marry and then restrain themselves from intercourse, or whether they use the method of male continence recommended by the Oneida Colony for the avoidance of conception.

In all of these events living issue is effectively prevented, so the question resolves itself into the ethical values of birth control in relation to sexual conduct. In connection with abortion the violation of the life of another human being is involved, for when conception has taken place the fertilized ovum comes into possession of its own intrinsic life and humanity has learned through long experience that murder is an unwarrantable procedure. To destroy the fertilized ovum is parallel to destroying the child immediately after birth for the two are but one and the same thing in different stages of development. Any act which tends to defame the sacredness of human life is clearly unethical and abortion falls into this category. Only when the life of the mother is at stake so that the state has to choose between preserving the child or the mother is it ethical for medicine to intervene and destroy the product of conception. Moreover, the production of abortion impairs to a greater or less degree the procreative power of the mother which renders it as a method of birth control comparatively disadvantageous.

In the prevention of conception, however, the violation of human life is not involved for self-control and birth control act equally to eliminate the possibility of fertilization.

The ethical values involved in birth control can only be

comprehended by those who understand clearly the function of sex in human life. Among the lower orders the primary purpose of sex is obviously reproduction. The gratification of the sexual instinct is a means to an end, and when the sexual act is divorced from procreation neither the individual nor the species gains in proportionate benefits. Among human beings, on the contrary, the individualization of the sexual impulse has become so profound, that the use of the sex act apart from love inevitably appears as unethical conduct. The idea of breeding human beings together purely for the purpose of reproduction, as is done in the case of cattle, is obnoxious to the highly evolutionized man or woman even though eugenic principles be strictly regarded in the mating. When it was reported that this procedure was being followed in Germany for the purpose of increasing the population, civilization revolted at the idea and recognized beyond question the intrinsic moral degradation involved in this attitude toward the relation between the sexes.

Reproduction alone cannot therefore be regarded among human beings as offering a sufficient justification for sexual relations. Sensuous pleasure, on the other hand, the mere gratification of the sexual instinct, without regard to the personality of the sex partner, is equally under the ban of civilized idealism. Love as the human expression of the principle of sexual selection is recognized as the essential basis for sex relations between men and women. It is this fact which determines the moral value of monogamous unions and which proscribes polygamy or polyandry among highly evolutionized human beings.

The importance of birth control in monogamous marriage can hardly be overestimated. Sexual desire always awakens at least in the male before full economic productivity has been accomplished. The young man cannot afford to marry if by so doing he straightway becomes responsible for the financial support of a wife and children. The pop-

ular dictum that the man who desires to succeed in the arts and sciences must abjure marriage has a very practical basis in experience. The man who is driven too hard by the actual needs of his family is forced to forgo his higher aspirations and to turn his attention instead to commercial considerations. Thus love, which should be an incentive to the creative impulses of the individual, becomes a sort of millstone which drags him down to a debasing materialism. It is this disillusioning experience of his fellows which leads many young men to choose, and which tends to give public sanction to, illicit relationships in place of early marriage. A man can secure sexual gratification at a comparatively small price through the patronage of prostitutes or by temporarily keeping some woman, and while the expense of maintaining a family in comfort is financially out of the question, it is to be anticipated that he will follow the example of other men and reduce his morals to the proportion of his financial resources.

If on the other hand it were possible for him to marry an economically independent woman and for them both to look forward to having children when they could afford to do so, the impulse to indulge in purely sensuous sex affairs would be greatly diminished. Men ordinarily accept loveless mating merely as the lesser of two evils and where they are not forced to choose between sexual abstinence and prostitution their better instincts can normally be depended upon to prevent their degradation of the sexual instinct.

It is doubtless this economic factor that has furthered the development of prostitution under civilization for among more primitive peoples the demand for illicit relationships is to a great extent eliminated by early marriage. Past experience has clearly proven that where birth control methods are not understood the violation of wedlock frequently follows. Married women whose health has been ruined through the overproduction of children revolt against

sexual intercourse with the result that their husbands, sometimes even with the wife's sanction, seek satisfaction from outside sources.

As a factor in amalgamating the family unit voluntary parenthood is of great significance. When the function of sex is considered simply in its racial aspects and the personal element is disregarded, estrangements between husband and wife are apt to ensue. The expression of affectional impulses conduces to a continuance of the emotion and inhibition often leads to perversion. In case of the denial of marital relations either the husband or wife is liable to seek a more sympathetic sex partner elsewhere. Adulterous thoughts result from the stimulation of sexual desire unless it is satisfied and adulterous action frequently follows. The intimacy of family life predisposes to sexual hunger and even though a man truly loves his wife he may be led to marital infidelity if she consistently refuses to meet his advances.

The complete satisfaction of sexual desire, the mutual enjoyment of passion, is an indispensable element in successful monogamous marriage. The mate is really not a mate at all in the deepest sense if he or she fails to comprehend the natural yearning for physical union. The emotion of love is embodied in physical passion and love itself is repudiated when it is denied full expression.

Moreover, love itself is dependent upon the continual development of its possessors, and when marriage acts to stultify and inhibit the creative impulses of husband and wife it defeats its primary objective.

There is absolutely no doubt but that birth control is essential to the economic independence of women and upon this factor equality in the sex relationship is ultimately dependent. The woman who is self-supporting can with no inconvenience continue at her occupation after marriage unless she has children. Wedlock itself takes no more time for a woman than for a man, but with reproduction she

finds herself temporarily set aside from her chosen occupation. In the professions, such as teaching, voluntary parenthood would greatly facilitate the woman's retaining her position for she could select a convenient time for procreation when the birth of her child would not unnecessarily prejudice her usefulness. Surely it would be better for the race for the great group of teachers to marry and produce even a few children of good inheritance, than for them to remain as they are, condemned by economic considerations to endure continual celibacy. Heretofore women have been forced to choose between marriage and a career proportionate to their natural endowments, but under a régime of voluntary parenthood no such hard choice would be their portion. Many of the most splendid women the world has ever known have left no children to carry their inheritance forward for marriage precluded their activity in the world's work, and they felt that they were not justified in making the sacrifice. Florence Nightingale herself relates that she refused the happiness of marriage because the call of her profession was so strong that she dared not repudiate it.

For a woman to remain as an inspiring and congenial companion to a man throughout life she needs other means to development than are afforded today in the trivialities associated with the ordering of the individual household. Congenial work is essential to the development of intelligence whether it be compassed in male or female form. Moreover, motherhood itself as a determinant in the environment of the children should especially be endowed with a maximum of intellectual understanding.

While voluntary parenthood would increase the chances for improvement in the race stock through the release of desirable maternal inheritance, this is not the only way in which it would operate beneficially upon the germ plasm of future generations. With birth control measures freely placed in possession of all classes of society it may fairly

be assumed that selfish and vicious people would avail themselves more proportionately of this method of avoiding responsibility than would altruistic and intelligent men and women. The defective and degenerate seeking sexual gratification without regard to the racial welfare or making sex a means of barter would beyond doubt, especially in the case of women, practice birth control consistently, if the method were adapted to their mentality. Only the more intelligent who desired to express themselves through altruistic effort would take the burden of voluntary parental responsibility upon their shoulders. At the present time with knowledge of birth control restricted to the upper classes, the reverse is the case, for those of low intelligence procreate proportionately more than those of higher native endowment. The criminal, the feeble minded, and the victims of constitutional disease or recurrent mental derangement would doubtless almost without exception prefer to divorce sexual gratification from procreation if with no discomfort to themselves they were permitted to do so. If the X-ray, for example, were found to be a practical method for inducing permanent sterility these classes could within a reasonably short space of time be relied upon to reduce their number greatly in every community. As a means of solving the colored problem also, birth control would operate very effectively. Since it appears that in the near future a reduction of the birth rate will be an economic necessity, the opportunity which the institution of voluntary parenthood affords for improving and purifying the race stock should clearly without delay be utilized. Before birth control can, however, be turned to this practical end fundamental improvements in contraceptive methods must be devised, for the measures at present available demand intelligence and a certain amount of restraint in their use and are therefore ineffective among the lowest classes.

To advocate sexual abstinence as a means of reducing

the birth rate to the range of economic feasibility, and to retard teaching in contraceptive measures, is to presuppose a degeneration of the race stock, for it would leave procreation in the power of those who were merely the slaves of their animal passions, and would diminish the number of children chiefly among such people as were of uncommon mental and moral fibre.

Those who oppose the substitution of contraceptive measures for sexual abstinence in marriage clearly do not consider love to be a sufficient basis for sex relationships. Even though a man and a woman truly love one another and are united in monogamous marriage the antagonists of birth control would deny them sexual union, except for the direct purpose of reproduction. In other words, the child and not love is regarded by them as the essential justification of the sexual act.

An examination of the institution of prostitution indicates that they cannot support their position on moral grounds.

The intrinsic degradation of prostitution is associated with two definite ethical concepts in the mind of man; first, the purpose of sex is to enrich the racial life, and second, sex is not a commodity that can rightfully be used for any kind of barter.

The man who uses a prostitute is condemned because he uses his power of sex for a purely selfish and unproductive purpose. Sex represents the racial life and is abused when it is turned solely to the transitory enjoyment of the individual. It is a means to expression, to creation and is transformed to a debasing and anti-social factor when it fails to express love and to stimulate creative effort.

The prostitute who sells her body, or indeed the woman who marries for economic considerations, is judged, not on the ground that she has denied the purpose of sex in reproduction, but because humanity recognizes that love is

a free gift between human beings and that sex relations are only justifiable where love exists.

Money, social station, ambition of any sort, as an ulterior basis for sex relations is recognized from the outset as an unworthy motive, for love cannot be bought and sold even though its counterfeit is on sale at any street corner.

The antagonists of birth control who demand reproduction as the sole justification for sex relationships would place sex permanently on a basis of prostitution, making the child the price for which men and women might purchase for themselves the pleasures of sexual companionship. The unreality of their position is clearly seen in the case of the man and the woman who are by nature sterile but whose lives are enriched and made socially more productive for the race through the happiness and stimulus resulting from their congenial marriage.

Sex among human beings is a creative power but the children of love appear not in the flesh alone, but in art, music, science and altruistic effort.

Beautiful as they are, mortal children fail to embody the immortality of the spirit, and true sexual union is only achieved when the spiritual as well as the physical natures unite in the expression of God's will in the universe.

The opponents of birth control would rob Love of his wings and reduce him to a carnal level; but Eros, though a blind deity, will escape their hands and lead humanity on to its complete creative accomplishment.

Sex is the language of love and when used to express man's supreme emotion it speaks a fundamental truth and needs no ulterior justification.

CHAPTER VI

THE PRESENT STATUTES

During the past three years, as a direct result of the Government's venereal disease campaign, a considerable amount of legislation designed to restrict the commercialized aspects of prostitution has been placed upon the statute books.[1] Previously to 1917, forty-two states had enacted laws against setting up or maintaining houses of prostitution. Forty-four states had made compulsory prostitution a crime, forty-five states had forbidden pandering, and 36 pimping and living off the earnings of a prostitute. The Red Light Injunction and Abatement law had been passed by twenty-seven states prior to 1917, and twelve additional states have since that time included this law among their statutes. In one state, New Jersey, the Injunction and Abatement law has been declared unconstitutional. The legislation that has been enacted since 1917 is especially interesting in that it tends to hold both parties to prostitution equally guilty before the law. Prior to 1919 there was no statutory definition of prostitution except in the Indiana Code. Prostitution was not an offense at common law, but was regarded merely as a spiritual transgression not punishable in the secular courts. In twenty-eight states, before 1917, prostitutes had been classed as vagrants or disorderly persons, and were held either under this or under the discriminatory solicitation laws. The patronage of prostitutes was nowhere regarded as an offense against the law, except in Indiana, where the law

[1] George E. Worthington. *Developments in Social Hygiene Legislation from 1917 to Sept. 1, 1920.*

provided that "a male who frequents or visits a house or houses of ill fame or assignation, except as a physician, or associates with women known or reputed as prostitutes, shall be fined $10 to $100, and imprisoned in the county jail from ten to sixty days."

In New York, South Dakota and Wisconsin, somewhat similar legislation had been passed, but in 1917 the Supreme Court of South Dakota held the law to be unconstitutional as a denial of life, liberty and the pursuit of happiness. Such an ordinance, the Court declared, "would prevent personal effort on the part of male citizens to uplift and ameliorate the condition of fallen women."

With the inception of the Government's campaign for the protection of the soldiers during the war, and doubtless as a by-product of the increasing emancipation of women, the responsibility of the male in the commerce of prostitution came to be recognized.

Form Law No. 1, which was prepared by the law enforcement division of the Commission on Training Camp Activities, and which has in large part been enacted into law in Connecticut, Delaware, Maine, Maryland, New Hampshire, North Dakota, North Carolina, Ohio, Rhode Island and Wisconsin, provides: "Sec. 2. That the term 'prostitution' shall be construed to include the giving or receiving of the body for sexual intercourse for hire, and shall also be construed to include the giving or receiving of the body for indiscriminate sexual intercourse without hire."

While this law would appear to mark a distinct gain by placing the two parties to prostitution upon an equal basis, in reality it is frequently either a dead letter or is directed only against the woman, the man being ordinarily held merely as the state's witness.[2]

[2] In Maryland the courts have repeatedly held that when a man and a woman are both held on a charge of immorality neither can be forced to testify against the other, as such testimony would be self-incriminatory. Under the Constitution no person can be forced to testify against himself.

In Iowa and Illinois, before Form Law No. 1 was drawn up, the Court had already ruled that a man could not be guilty of prostitution, only females coming within the definition.

Form Law No. 1 also provides penalization for the intermediaries in prostitution, the taxi driver, the pimp, the madam, etc.

In twenty-six states solicitation for prostitution on the part of women is an offense against the law, and in thirteen states both men and women are equally liable.

In most of the states the laws for the repression of prostitution are still more or less haphazard and incomplete, and need rational revision in order to be adapted in practice to their objective.

On the constructive side the situation is even more difficult and discouraging. In 1873, at the instigation of Anthony Comstock, the Federal Obscenity Act was passed, providing a penalty of not more than five years in prison or $5,000 fine, or both, for using the United States mails to distribute information or "articles" for preventing conception. All but five states now have similar obscenity statutes. In eighteen states the law makes it a crime to give information in any way whatever, written or verbally, with regard to birth control. In New York and in many of the other states the penalty is imprisonment from ten days to one year or a fine of from $50 to $1,000, or both, for each offense. While public opinion in no wise supports these statutes, it is difficult to secure their repeal, for politicians hesitate to involve themselves in this sort of legislation.

A review of the laws in the various states governing the sex relation discloses with startling clarity the fact that in America no firm consensus of opinion exists on the statute books with regard to the standardization of sexual conduct. Acts which in one state are classified as felonies, in another state may not be penalized at all, and offenses which in some states involve hanging as a penalty, in

other states are not even recognized as a violation of the law. The divergence in the degree of punishment meted out for sexual crime is so great as to constitute practical anarchy, for punishment depends not upon the character of the act committed, but upon the place in which the offender happens to reside.

For example, in Arkansas, Delaware, Louisiana, Nevada and Tennessee, there is no adequate law against adultery, whereas in California the same offense may be penalised by imprisonment for five years in the penitentiary. In Arizona the adulterer may upon conviction be imprisoned for three years, but in the state next door no penalty whatsoever attaches to the violation of wedlock.

The unreasonableness of this lack of conformity in the statutes is well evidenced in the town of Cardiff, which lies partly in Maryland and partly in Pennsylvania. If a person commits adultery on one side of the street he may be punished only by a maximum fine of $10, whereas if he commits the same act with the same person on the other side of the same highway he may be fined $500 or be imprisoned for one year in jail.

An interesting commentary on the public attitude toward adultery is found in the Arizona code, which specifically provides that no prosecution can be commenced except on the complaint of the husband or wife. In this and in several other states the Government has apparently no concern in the protection of the basic institution of matrimony.

The situation is even more palpably irrational with regard to the offense of fornication. In twelve states of the Union no law whatsoever against fornication appears upon the statute books. In the other thirty-six the penalty varies from a fine of $500 and imprisonment for one year in jail to the trifling fine of not more than $10.

In Pennsylvania the law provides that "a single woman having a child born of her body, the same shall be sufficient to convict such single woman of fornication." Thus mother-

hood itself is brought under the ban of the law and may be penalized by a fine of $100.

With regard to the age of consent the statutes are still more anomalous, for heavy penalties are involved in the offense of rape, and yet the character of this crime shows a marked regional difference. In Georgia, for example, the age of consent is fourteen years, whereas in Tennessee "unlawful intercourse with a female child between the ages of twelve and twenty-one constitutes a felony, if the female is not a bawd, lewd or kept female." In South Carolina the age of consent is fourteen years, in Rhode Island fifteen years, in the District of Columbia sixteen years, and in most of the Western states eighteen years. In Alaska and Hawaii girls are protected only until they are twelve years old, whereas in Colorado and Washington both boys and girls are protected until their eighteenth year.

It is not to be supposed that these divergent statutes are based upon any real consensus of opinion existent in the various states; they represent rather the archaic remains of a forgotten era, when mankind had not yet learned the importance of sexual conduct to the racial life. The scattered instances where the statutes have been revised indicate the first awakenings of the racial conscience, and show in what direction modern thought tends.

The laws regarding marriage and divorce, and ultimately fixing the boundaries of recognized sex relationships are somewhat more uniform, but still differ so widely from state to state that it is impossible to believe that they are the result of rational foresight.

Marriage licenses are required in all of the states and territories except Alaska. In California and New York both of the applicants are required to appear in person and to be examined under oath or to submit affidavits. Marriages between whites and persons of negro descent are prohibited and punishable in Alabama, Arizona, Arkansas,

California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and West Virginia. Marriages between whites and Indians are void in Arizona, North Carolina, Oregon and South Carolina, and between whites and Chinese in Arizona, California, Mississippi, Oregon and Utah. The marriage of first cousins is forbidden in most of the states, as is also the marriage of an epileptic or imbecile. The marriage of step-relatives is outlawed in all but nineteen states of the Union.

In thirteen states, Alabama, Michigan, New York, Pennsylvania, Vermont, Virginia, Indiana, Wisconsin, North Dakota, New Jersey, Oregon, Oklahoma and Washington, the venereal diseases are specifically mentioned as a bar to marriage. In North Dakota, Oregon and Washington the restriction applies only to males, and in Alabama and Wisconsin females are exempted from examination; in the others both sexes are included. In Maine it is a misdemeanor for persons suffering with syphilis to marry. A physician's certificate is required only in Alabama, North Dakota, Oregon and Wisconsin.[1] In Indiana the marriage of a person suffering from any transmissible disease is forbidden, but a physician's certificate is not requisite. Utah provides that marriages between persons afflicted with venereal diseases shall be void.[2]

The effect of these "eugenic" or "sanitary" marriage laws is conceded to be largely moral and educational.[3]

The age at which marriage is valid varies greatly in the different states, especially as it affects females. The age at which males may marry without their parents' con-

[1] Social Hygiene Legislation Manual, 1921, A. S. H. A.
[2] Fred S. Hall and Elizabeth W. Brooke. *American Marriage Laws in Their Social Aspects.*

sent is twenty-one in every state except Idaho, Illinois, Michigan, Mississippi, Nevada, New Hampshire, North Carolina, South Carolina and West Virginia, where it is eighteen years.

With the parents' consent males may marry at fourteen years in Kentucky, Louisiana, New Hampshire and Virginia; at sixteen years in Iowa, Texas and Utah; at seventeen years in Alabama, Arkansas, Georgia and Kansas; at eighteen years in Arizona, California, Hawaii, Idaho, Illinois, Indiana, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Porto Rico, South Carolina, South Dakota, Tennessee, Wisconsin and Wyoming. There is no definite provision in Connecticut, Delaware, the District of Columbia, Florida, Maine, Massachusetts, New Jersey, New York, Rhode Island, South Carolina, Texas and Vermont.

The age at which females may marry without the parents' consent is sixteen years in Maryland and New Hampshire; twenty-one years in Florida, Kentucky, Louisiana, Pennsylvania, Porto Rico, Rhode Island, Virginia, West Virginia and Wyoming; and eighteen years in all of the other states.

With the parents' consent females may marry at twelve years in Kentucky, Louisiana, Maryland, Mississippi and Virginia; at thirteen years in New Hampshire; at fourteen years in Alabama, Arizona, Arkansas, Georgia, Iowa, North Carolina, Rhode Island, South Carolina, Texas and Utah; at fifteen years in California, Hawaii, Kansas, Minnesota, Missouri, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota and Wisconsin; at sixteen years in Illinois, Indiana, Michigan, Montana, Nebraska, Nevada, Ohio, Oregon, Porto Rico and West Virginia; at eighteen years in Alaska, Colorado, Idaho, New York, Tennessee and Vermont.

The lowest age at which an unmarried female can make a valid contract except marriage is eighteen years in Arkan-

sas, California, Colorado, Hawaii, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, Ohio, Oklahoma, Oregon, South Dakota, Vermont and Washington; and twenty-one years in all of the other states. Thus it is seen that marriage, which is without doubt the most important relationship into which a girl can enter, becomes valid from the age of twelve years and upward, whereas all other contractual rights are invalid until she reaches at least the age of eighteen years.

In all of the states of the Union, with one exception, adultery is a primary cause for the dissolution of marriage. No person can obtain a divorce on any grounds in South Carolina. The term of residence required by the various states for applicants for divorce varies from six months in Nevada to three to five years in Massachusetts. The causes for absolute divorce differ greatly, ranging from desertion for one year to extreme cruelty, adultery or insanity.

In most states marriage may be annuled for want of age, former existing marriage, insanity, physical incapacity, force or fraud inducing marriage, or premarital unchastity on the part of the woman. Collusion on the part of the applicants usually renders the action for divorce null and void.

In general, divorce is so difficult and expensive to secure, unless adultery can be readily established, that it is practically beyond the reach of the average man and woman of the poorer classes. The usual grounds on which divorce is granted are desertion, cruelty or non-support.

In order to enable the reader to see for himself the chaotic condition of the statutes governing the sex relationship the laws in the various states regarding divorce, adultery, fornication and the age of consent, are herewith presented in tabular form. The laws include those passed by the regular sessions of 1920 unless otherwise stated.

CAUSES FOR ABSOLUTE DIVORCE

In All of the States Except South Carolina Adultery Is a Primary Cause for Divorce

Alabama—residence required, one to three years

Adultery, abandonment two years, crime against nature, habitual drunkenness, violence, pregnancy of wife by other than husband at marriage, physical incapacity, imprisonment for two years for felony, confinement in insane asylum for twenty years, if husband becomes addicted to cocaine, morphine or similar drugs. New ground for divorce: To the wife, when the wife without support from the husband has lived separate and apart from the bed and board of the husband for five years next preceding the filing of the bill, and she has actually resided in this state during all of said period. Acts 1915, held to authorize granting of divorce to wife only upon lapse of five years from and after date of its enactment.

Alaska—residence required, two years

Adultery, felony, physical incapacity, desertion two years, cruelty, habitual drunkenness.

Arizona—residence required, one year

Adultery, felony, physical incapacity, desertion one year, excesses, cruelty, neglect to provide one year, pregnancy of wife by other than husband at marriage, conviction of felony prior to marriage unknown to other party, habitual drunkenness.

Arkansas—residence required, one year

Adultery, desertion one year, felony, habitual drunkenness one year, cruelty, former marriage existing, physical incapacity.

California—residence required, one year

Adultery, cruelty, desertion one year, neglect one year, habitual drunkenness one year, felony.

Colorado—residence required, one year

Adultery, desertion one year, physical incapacity, cruelty, failure to provide one year, habitual drunkenness or drug fiend one year, felony, former marriage existing.

Connecticut—residence required, three years

Adultery, fraudulent contract, wilful desertion three years, with total neglect of duty, habitual drunkenness, cruelty, imprisonment for life, infamous crime involving violation of conjugal duty and punishable by imprisonment in state prison, seven years' absence without being heard from.

Delaware—residence required, one year

Adultery, desertion two years, habitual drunkenness for two years, cruelty, bigamy, felony followed by a continuous imprisonment for at least two years—and at the discretion of the Court, fraud, want of age, neglect to provide three years. "When at the time the cause of action arose, either party was a bona fide resident of the state, and has continued so to be down to the time of the commencement of the action; except that no action for absolute divorce shall be commenced for any cause other than adultery, or bigamy, unless one of the parties has been for the two years next preceding the commencement of the action, a bona fide resident of the state."

District of Columbia—residence required, three years

Adultery, marriages may be annulled for former existing marriages, lunacy, fraud, coercion, physical incapacity and want of age at time of marriage.

Florida—residence required, two years

Adultery, cruelty, violent temper, habitual drunkenness, physical incapacity, desertion one year, former marriage existing, relationship within prohibited degrees.

Georgia—residence required, one year

Adultery, mental and physical incapacity, desertion three years, felony, cruelty, force, duress or fraud in obtaining marriage, pregnancy of wife by other than husband at marriage, relationship within prohibited degrees.

Hawaii—residence required, two years

Adultery, desertion one year, felony, leper, cruelty, habitual drunkenness.

Idaho—residence required, six months

Adultery, cruelty, desertion one year, neglect one year, habitual drunkenness one year, felony, insanity.

Illinois—residence required, one year

Adultery, desertion two years, habitual drunkenness two years, former existing marriage, cruelty, felony, physical incapacity, attempt on life of other party; divorced party cannot marry for one year.

Indiana—residence required, two years

Adultery, abandonment two years, cruelty, habitual drunkenness, failure to provide two years, felony, physical incapacity.

Iowa—residence required, one year

Adultery, desertion two years, felony, habitual drunkenness, cruelty, pregnancy of wife by other than husband at marriage, unless husband has illegitimate child or children living, of which wife did not know at time of marriage. The marriage may be annulled for the following causes existing at the time of the marriage: insanity, physical incapacity, former existing marriage.

Kansas—residence required, one year

Adultery, abandonment one year, cruelty, fraud, habitual drunkenness, gross neglect of duty, felony, physical incapacity, pregnancy of wife by other than husband at marriage, former existing marriage.

Kentucky—residence required, one year

Adultery, separation five years, desertion one year, felony, physical incapacity, loathsome disease, habitual drunkenness one year, cruelty, force, fraud or duress in obtaining marriage, joining religious sect believing marriage unlawful, pregnancy of wife by other than husband at marriage or subsequent unchaste behavior, ungovernable temper.

Louisiana—residence required, one year

Adultery, felony, habitual drunkenness, excesses, cruelty, public defamation of other party, abandonment, attempt on life of other party, fugitive from justice.

Maine—residence required, one year

Adultery, cruelty, desertion three years, physical incapacity, habits of intoxication by liquors, opium or other drugs, neglect to provide, insanity under certain limitations.

Maryland—residence required, two years

Adultery, abandonment three years, unchastity of wife before marriage, physical incapacity, any cause which renders the marriage null and void ab initio, exceedingly vicious conduct.

Massachusetts—residence required, three to five years

Adultery, cruelty, desertion three years, habits of intoxication by liquors, opium or other drugs, neglect to provide, physical incapacity, imprisonment for felony, uniting for three years with religious sect believing marriage unlawful.

Michigan—residence required, one year

Adultery, felony, desertion two years, habitual drunkenness, physical incapacity, and in the discretion of the Court for cruelty or neglect to provide.

Minnesota—residence required, one year

Adultery, desertion one year, habitual drunkenness one year, cruelty, physical incapacity, imprisonment for felony.

Mississippi—residence required, one year

Adultery, felony, desertion two years, consanguinity, physical incapacity, habitual drunkenness by liquor, opium or other drugs, cruelty, insanity at time of marriage, former existing marriage, pregnancy of wife by other than husband at marriage.

Missouri—residence required, one year

Adultery, felony, absence one year, habitual drunkenness one year, cruelty, indignities, vagrancy, former existing marriage, physical incapacity, conviction of felony prior to marriage unknown to other party, wife pregnant by other than husband at marriage.

Montana—residence required, one year

Adultery, cruelty, desertion, neglect one year, habitual drunkenness one year, felony, innocent party may not remarry within two years and guilty party within three years of the divorce.

Nebraska—residence required, one year

Adultery, abandonment two years, habitual drunkenness, physical incapacity, felony, failure to support two years, cruelty, imprisonment for more than three years.

Nevada—residence required, six months

Adultery, desertion one year, felony, habitual drunkenness, physical incapacity, cruelty, neglect to provide one year.

New Hampshire—residence required, one year

Adultery, cruelty, felony, physical incapacity, absence three years, habitual drunkenness three years, failure to provide three years, treatment endangering health or reason, union with sect regarding marriage unlawful, wife separate without the state ten years, not claiming marital rights, husband absent from United States three years, intending to become citizen of another country without making any provision for wife's support.

New Jersey—residence required, two years

Adultery, desertion two years, cruelty. No divorce may be obtained on grounds arising in another state unless they constituted ground for divorce in the state where they arose. The marriage may be annulled for the following causes existing at the time of the marriage: Want of legal age, former existing marriage, consanguinity, physical incapacity, idiocy. In other cases, an action may be begun if the overt act was committed here.

New Mexico—residence required, one year

Adultery, abandonment, cruelty, neglect to provide, habitual drunkenness, felony, physical incapacity, pregnancy of wife by other than husband at marriage.

New York—residence required, two years

Adultery only. The marriage may be annulled for such causes as rendered the relationship void at its inception.

North Carolina—residence required, two years

Adultery, pregnancy of wife by other than husband at marriage, physical incapacity, husband and wife living apart for ten years and having no issue.

North Dakota—residence required, one year

Adultery, cruelty, desertion one year, neglect one year, habitual drunkenness one year, felony. The marriage may be annulled for the following causes existing at the time of the marriage: Former existing marriage, insanity, physical incapacity, force or fraud inducing the marriage, or want of age.

Ohio—residence required, one year

That either party had a husband or wife living at the time of the marriage from which the divorce is sought, wilful absence of either party from the other for three years, adultery, impotency, extreme cruelty, fraudulent contract, any gross neglect of duty, habitual drunkenness for three

years, the imprisonment of either party in a penitentiary under sentence thereto. The petition for divorce under this clause must be filed during the imprisonment of the adverse party. The procurement of a divorce without this state, by a husband or wife, by virtue of which the party who procured it is released from the obligations of the marriage, while they remain binding upon the other party. Adultery.

Oklahoma—residence required, one year

Adultery, abandonment one year, cruelty, fraud, habitual drunkenness, felony, gross neglect of duty, physical incapacity, former existing marriage, pregnancy of wife by other than husband at marriage.

Oregon—residence required, one year

Adultery, felony, habitual drunkenness one year, physical incapacity, desertion one year, cruelty or personal indignities rendering life burdensome.

Pennsylvania—residence required, one year

Adultery, former existing marriage, desertion two years, personal abuse or conduct rendering life burdensome, felony, fraud, relationship within prohibited degrees, physical incapacity.

Porto Rico—residence required, one year

Adultery, felony, habitual drunkenness, abandonment one year.

Rhode Island—residence required, two years

Adultery, cruelty, desertion five years, habitual drunkenness, excessive use of morphine, opium or chloral, neglect to provide one year, gross misbehavior, living separate ten years, physical incapacity, cruel treatment of husband by wife, making it unsafe for him to live with her. Either party civilly dead for crime or prolonged absence. The marriage may be annulled for causes rendering the relationship originally void or voidable.

South Carolina

No divorces granted.

South Dakota—residence required, one year

Adultery, cruelty, desertion one year, neglect one year, habitual drunkenness one year, felony. The marriage may be annulled for the following causes existing at the time of the marriage: Want of age, former existing marriage, insanity, physical incapacity, force or fraud inducing marriage.

Tennessee—residence required, two years

Adultery, former existing marriage, desertion two years, felony, physical incapacity, attempt on life of other party, refusal of wife to live with husband in the state and absenting herself two years, pregnancy of wife by other than husband at marriage; at the discretion of the Court for cruelty, indignities, abandonment or neglect to provide, habitual drunkenness.

Texas—residence required, one year

Adultery, abandonment three years, physical incapacity, cruelty, excess or outrages rendering life together insupportable, felony.

Utah—residence required, one year

Adultery, desertion one year, physical incapacity, habitual drunkenness, felony, cruelty, permanent insanity, venereal disease.

Vermont—residence required, two years

Adultery, imprisonment three years, intolerable severity, desertion three years, neglect to provide, absence seven years without being heard from.

Virginia—residence required, one year

Adultery, insanity at marriage, felony, desertion three years, fugitive from justice two years, pregnancy of wife by other than husband at marriage, wife a prostitute, or

either party convicted of felony before marriage unknown to other, physical incapacity.

Washington—residence required, one year

Adultery, abandonment one year, fraud, habitual drunkenness, refusal to provide, felony, physical incapacity, incurable insanity, cruelty or indignities rendering life burdensome, other cause deemed sufficient by the Court.

West Virginia—residence required, one year

Adultery, desertion three years, felony, physical incapacity, pregnancy of wife by other than husband at marriage, husband a licentious character or wife a prostitute unknown to other party, either party convicted of felony before marriage unknown to other. The marriage may be annulled for the following causes existing at the time of the marriage: Former existing marriage, consanguinity, insanity, physical incapacity, miscegenation, want of age.

Wisconsin—residence required, two years

Adultery, felony (imprisonment three years), desertion one year, cruelty, physical incapacity, habitual drunkenness one year, separation five years. In the discretion of the Court for cruelty or neglect to provide. The marriage may be annulled for the following causes existing at the time of the marriage: Want of age or understanding, consanguinity, force or fraud inducing marriage.

Wyoming—residence required, one year

Adultery, felony, desertion one year, habitual drunkenness, cruelty, neglect to provide one year, husband a vagrant, physical incapacity, indignities rendering condition intolerable, pregnancy of wife by other than husband at marriage, either party convicted of felony before marriage unknown to other. The marriage may be annulled for the following causes existing at the time of the marriage: Want of age, force or fraud.

ADULTERY

Alabama

Sec. 6221, Crim Code 1907:

If any man and woman live together in adultery or fornication, *each* of them must on first conviction be fined not less than $100, and may also be imprisoned in county jail, or sentenced to hard labor for not more than six months; on second conviction with the same person, fine not less than $300, and may also be imprisoned in county jail or sentenced to hard labor for not more than twelve months; and on third conviction or any subsequent convictions with same person, *must* be imprisoned in penitentiary for two years.

Adultery is illicit connection where either is married, and includes fornication. Hinton's Case; 6 Alabama, 864.

If neither married, it is fornication; if one married it is fornication for one and adultery for other. Buchanan's Case; 55 Alabama, 154.

One act of illicit intercourse, and an agreement or consent that it will be repeated if opportunity offers, is sufficient. Bodiford's Case; 86 Alabama, 67.

Arizona

Sec. 240, Penal Code 1913 (R. S.):

Every person who commits adultery shall be imprisoned in the state prison not more than three years, and when the crime is committed between parties only one of whom is married, both shall be punished. No prosecution can be commenced except on complaint of husband or wife.

Sec. 241:

Every person who lives in a state of open and notorious cohabitation or adultery is guilty of a misdemeanor.

Arkansas

Sec. 1933:

"Illegal cohabitation." K. & C. Stats., 1916.

California

Sec. 269-a, Penal Code 1915:

Every person who lives in a state of cohabitation and adultery is guilty of a misdemeanor and punishable by a fine not exceeding $1,000, or by imprisonment in county jail not exceeding one year, or both. "Voluntary sexual intercourse of married person with person other than offender's husband or wife—in re Cooper; 162 Calif., 81—unmarried person not guilty." S. C.

Sec. 269-b:

If two persons, each being married to another, live together in a state of cohabitation and adultery, each is guilty of a felony and punishable by imprisonment in state prison not exceeding five years.

Colorado

Sec. 1896 R. S.—1912 (Mills):

Any man and woman who shall live together in an open state of adultery or fornication or adultery and fornication shall on conviction be fined any sum not exceeding $200 each, or imprisoned in county jail not exceeding six months —for second offense double punishment; third offense, treble, and thus increasing punishment for each succeeding offense.

Connecticut

Every man and every married woman who shall commit adultery with each other shall be imprisoned in penitentiary not more than five years.

Chap. 264, Laws 1917.

Delaware

Sec. 874, Code 1919:

District of Columbia

Whoever commits adultery in Dist. shall, on conviction, be punished by fine not exceeding $500, or by impris-

onment not exceeding one year, or both; when act between married woman and unmarried man, both parties guilty; when between married man and unmarried woman, man only, guilty.

If an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months or by a fine not exceeding $100.

Florida

Sec. 3518, R. S. 1914:

Whoever lives in open state of adultery shall be punished by imprisonment in penitentiary not exceeding two years, or county jail not exceeding one year, or by fine not exceeding $500. Where either party is married, both are guilty of the offense.

Georgia

Sec. 372, Park's Code 1914:

Any man and woman who shall live together in a state of adultery or fornication, or of adultery and fornication, or who shall otherwise commit adultery or fornication, shall be severely indicted, and shall be severely punished as for a misdemeanor. Suspension if they marry.

"If man and woman were in bed together, that would be circumstance that would authorize jury to convict." 7 App. 600.

"If both parties who participated in illicit intercourse were married, each is guilty of adultery; if both parties are single, each is guilty of fornication; if one is married, and the other single, each is guilty of adultery and fornication." 100 Ga. 360.

Hawaii

Sec. 4144, R. S. 1915:

Sexual intercourse between a man married or unmarried, and a married woman not his wife, is adultery by each; and between a married man and an unmarried woman, is adultery by each. Penalty:

Man—fine not exceeing $100 nor less than $30, or by imprisonment at hard labor not less than three months nor more than twelve months, or both.

Woman—fine not exceeding $30 nor less than $10, or imprisonment at hard labor not less than two months nor more than four months.

Idaho

Sec. 6807, Code 1908:

A married man who has sexual intercourse with a woman not his wife, an unmarried man who has sexual intercourse with a married woman, a married woman who has sexual intercourse with a man not her husband, and an unmarried woman who has sexual intercourse with a married man, guilty of adultery, penalty:—Fine not less than $100 or by imprisonment in county jail not less than three months, or by imprisonment in penitentiary not exceeding three years or in county jail not exceeding one year, or by fine not exceeding $1,000.

Illinois

Sec. 3493, R. S. 1913:

If any man and woman shall live together in an open state of adultery or fornication, or adultery and fornication, they shall be fined not exceeding $500, or imprisoned in county jail not exceeding one year. Second offense, double former; third offense, treble, and thus increasing punishment for each succeeding offense; suspended on marriage. "Adultery the voluntary sexual intercourse of a married person with a person other than offender's husband or wife, whether such persons be married or single." Miner v. People; 58 Ill. 59. Offense complete if parties live together but single day, if there is intention to continue. Lyman v. People, 198 Ill. 544.

Indiana

Sec. 2353, Burns R. S., 1914:

Whoever cohabits with another in a state of adultery

or fornication shall be fined not exceeding $500 or imprisoned in county jail not exceeding six months, or both. "Adultery consists in man having unlawful carnal intercourse with a married woman." Hood v. State, 56 Indiana 263. Cohabitation by man with unmarried woman is fornication. S. C.

"To cohabit in state of adultery or fornication means a living together of the parties." Jackson v. State, 116 Ind. 464.

Iowa

Sec. 4932, Code 1897:

Every person who commits adultery shall be imprisoned in the penitentiary not more than three years or fined not exceeding $300 and imprisoned in county jail not exceeding one year, and when crime is committed between parties only one of whom is married, both shall be punished. "Sexual connection between man and woman, one of whom is married to third person." State vs. Hasty, 121 Iowa, 507.

Kansas

Sec. 3615, R.S. Adultery:

Every person who shall be guilty of adultery, and every man and woman (one or both of whom are married and not to each other) who shall lewdly and lasciviously abide and cohabit with each other, and every person unmarried or married, who shall be guilty of open gross lewdness, or lascivious behavior or of any open and notorious act of public indecency, grossly scandalous, shall on conviction be adjudged guilty of a misdemeanor and punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding $500 or both.

"Sexual intercourse by married man with any woman is adultery." Bachford v. Wells, 78 K. 295; "Adultery cannot be committed by an unmarried person." State v. Chafin, 80 K. 653.

Kentucky (To January 1919.)

Sec. 1320, Carrol S. 1915:

Every person who shall commit fornication or adultery shall for every offense be fined not less than $20 and not more than $50.

Louisiana (To and including 1918.)

No Law.

Maine

Sec. 1481—1 R.S. 1916:

Whoever commits adultery shall be punished by imprisonment for not more than five years, or by fine not exceeding $1,000; when only one of the parties is married, or when they have been legally divorced from the bonds of matrimony, and afterwards cohabit, each shall be deemed guilty of adultery.

Maryland

Bagby Code 1914; Vol. 3, p. 310, Sec. 5:

Any person who shall commit adultery shall upon conviction thereof be fined $10.

Massachusetts

Sec. 10, p. 1786, R.S. 1902:

A married man who has sexual intercourse with a woman not his wife, an unmarried man who has sexual intercourse with a married woman, and a married woman who has sexual intercourse with a man not her husband shall be guilty of adultery and shall be punished by imprisonment in the state prison for not more than three years or in the jail for not more than two years, or by a fine of not more than $500.

Michigan

Comp. Laws 1915—Par. 15462, Sec. 1:

Every person who shall commit adultery shall be punished by imprisonment in the state prison not more than three years or by fine not exceeding $500, or imprisonment

in county jail not more than one year, and when crime is committed between a married woman and a man who is unmarried, the man shall be deemed guilty of adultery and liable to same punishment.

Sec. 3:

No prosecution commenced except on complaint of husband or wife, or after one year.

Minnesota

Sec. 8702, G.S. 1913:

Whenever any married woman shall have sexual intercourse with a man, other than her husband, whether married or not, both shall be guilty of adultery, and punished by imprisonment in penitentiary for not more than two years, or by fine of not more than $300, but no prosecution shall be commenced except on complaint of husband or wife, except when either shall be insane, or after one year.

Mississippi (To 1919)

Sec. 754, Hemingway Code 1917:

If any man and woman shall unlawfully cohabit, whether in adultery or fornication, they shall be fined not to exceed $500 each, and imprisonment in county jail not more than six months. May be proved by circumstances showing habitual sexual intercourse.

Sec. 755:

Sexual intercourse between male teacher and female pupil, or male guardian and female ward, not being married to each other, an offense punished same as 754.

Missouri

Sec. 4729, R.S. 909:

Every person who shall live in a state of open and notorious adultery, shall on conviction be guilty of a misdemeanor. "Occasional intercourse indulged in private, no offense." State v. Chandler, 132 Mo. 155.

Montana

Sec. 8343, R.C. 1907:

Every person who lives in open and notorious cohabitation in a state of adultery or fornication is punishable by a fine not exceeding $500 or by imprisonment in county jail not exceeding six months or both. Subsequent marriage bar to prosecution.

Nebraska

Sec. 8767, R.S. 1913:

If any married woman shall hereafter commit adultery or if any married man shall hereafter commit adultery, or if any unmarried man shall live and cohabit or have sexual intercourse with a married woman, every person so offending shall upon conviction thereof be imprisoned in the county jail not exceeding one year. "Single act constitutes crime." State v. Byrum, 60 Neb. 384.

Nevada

Sec. 6460, Rev. Laws 1912:

Lewdly and viciously cohabiting.

New Hampshire

Chap. 272, Sec. 1, P.S. 1901:

If any person shall commit adultery, such person shall be imprisoned not exceeding one year and be fined not exceeding $500, or be imprisoned not exceeding three years.

Sec. 2:

If any married person shall commit an act, or have a connection with an unmarried person, which would constitute adultery if both were married, such person shall be guilty of adultery and shall be punished accordingly.

New Jersey

P. 1760, Sec. 47, C.L. 1910:

Any person who shall commit adultery shall be guilty of a misdemeanor. "A married man is not guilty of adultery

in having carnal connection with an unmarried woman." State v. Lost, 16 N.J.L. 380.

New Mexico

Concubinage unlawful, Sec. 1776, Stats. 1915.

Model law passed 1921.

New York

Art. 8—Parker's Penal Code 1919.

Sec. 100:

Adultery is the sexual intercourse of two persons, either of whom is married to a third person.

Sec. 101:

A person who commits adultery is guilty of a misdemeanor.

Sec. 102:

A person convicted of a violation of this article is punishable by imprisonment in a penitentiary or county jail, for not more than six months or by a fine of not more than $250, or both.

Sec. 103:

A conviction under this article cannot be had on the uncorroborated testimony of the person with whom the offense is charged to have been committed.

North Carolina

Sec. 401, Jerome's Crim. Code, 4th Ed., 1916:

If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of misdemeanor; provided, that the admission or confession of one shall not be received in evidence against the other.

Sec. 3350 (a), Par. 2, Gregory's revisal, 1917:

Any man and woman found occupying the same bedroom in any hotel, public inn, or boarding house for any immoral purpose, or any man and woman registering or other-

wise representing themselves to be husband and wife in any hotel, public inn, or boarding house, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

North Dakota

Sec. 9579, Comp. L 1913:

Adultery is the voluntary sexual intercourse of a married person with a person other than offender's husband or wife; and when the intercourse is between a married woman and a man that is unmarried the man is also guilty of adultery. No prosecution except on complaint of husband or wife. Penalty—imprisonment in penitentiary not less than one nor more than three years, or imprisonment in county jail not exceeding one year, or by fine not exceeding $500 or both.

Ohio (To 1918 only)

Sec. 13024, Page & Adams Gen. C.:

Whoever cohabits in a state of adultery or fornication shall be fined not more than $200 and imprisoned not more than three months.

"A single act of sexual intercourse is not a violation of this section." State v. Brown, 47 O. S. 102.

Oklahoma

Sec. 2431, R.L. 1910:

The unlawful voluntary sexual intercourse of a married person with one of the opposite sex; when crime is between persons, only one of whom is married, both guilty of adultery.

Sec. 2432:

Adultery is punishable by not more than five years in the penitentiary or by fine not exceeding $500 or both.

Oregon

Sec. 2071, Lord's Oregon Laws, 1910:

If any person shall commit the crime of adultery, such

person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than two years, or by imprisonment in the county jail not less than three months nor more than one year or by fine not less than $200 nor more than $1000. "Positive evidence of the commission of adultery is rarely possible, and a resort must be had to circumstantial evidence from which the overt act may be inferred." State v. La More, 53 Ore. 261.

Sec. 2072:

Prosecution not to be commenced except upon complaint of husband or wife or guardian of unmarried female under twenty years. When adultery is committed between a married woman and an unmarried man, both guilty of adultery.

Pennsylvania

Sec. 18, Par. 903, Stewart's Pardon's Digest, 1905:

If any married man shall have carnal connection with any woman not his lawful wife, or any married woman have carnal connection with any man not her lawful husband, he or she so offending shall be deemed guilty of adultery and on conviction be sentenced to pay a fine, not exceeding $500, and undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court. "The fact of adultery may be inferred from circumstances; when a married man is found in a room at a hotel at night with a woman not his wife, both undressed, and there are indications that the bed had been occupied by two people." Com. v. Mosier, 135 Pa. 221.

Porto Rico

Sec. 5711, R.S. & C. 1911:

Whoever, being married, shall voluntarily have sexual intercourse with a person other than the offender's husband or wife, is guilty of adultery and shall be fined not more

than $2,000, or be imprisoned in jail not less than one year nor more than five years.

Sec. 5712:

When adultery is committed between a married woman and an unmarried man, or a married man and an unmarried woman, the unmarried man or the unmarried woman shall be deemed guilty of adultery.

Rhode Island

Sec. 2, Par. 1276, G.L. 1909:

Every person who shall commit adultery shall be imprisoned not exceeding one year or be fined not exceeding $500; and illicit sexual intercourse between two persons, when either of them is married, shall be deemed adultery in each.

South Carolina

Sec. 382, Code 1912, Vol. 2:

Any man and woman who shall be guilty of the crime of adultery or fornication shall be liable to indictment, and, on conviction, shall be severely punished by a fine of not less than $100 nor more than $500, or imprisonment for not less than six months, nor more than one year or both.

Sec. 383:

Adultery is the living together and carnal intercourse with each other; or habitual carnal intercourse with each other without living together, of a man and woman, both being unmarried.

South Dakota

Sec. 4105, R.C. 1919:

Adultery is the unlawful voluntary sexual intercourse of a married person, with one of the opposite sex, other than husband or wife of offender, and when crime is committed between persons only one of whom is married, both are guilty of adultery.

Sec. 4106:

Penalty—imprisonment in penitentiary not exceeding five years or fine not exceeding $500 or both.

Tennessee

No Law.

Texas

Vernon's Crim. S. 1918—Art. 490, Penal Code:

Adultery is the living together and carnal intercourse with each other, or habitual carnal intercourse with each other without living together, of a man and woman when either is lawfully married to some other person.

Article 491:

Proof of marriage may be certified copy of certificate or marriage license and return thereon, by person present at ceremony, or who has known the husband and wife to live together as married persons.

Art. 492:

When the offense of adultery has been committed, both parties guilty, though only one of them may be married.

Art. 493:

Every person guilty of adultery shall be punished by fine not less than $100 nor more than $1,000.

Utah

Sec. 8088, C.L. 1917:

Whoever commits adultery shall be punished by imprisonment in state prison not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both are guilty, and when act is committed between a married man and unmarried woman, the man shall be deemed guilty of adultery.

Vermont

Sec. 7005, G.L. 1917:

A person who commits adultery shall be imprisoned in the state prison not more than five years or fined not more than $1,000 or both.

Sec. 7006:

A married man and unmarried woman who commit the act are each guilty.

Sec. 7007:

A man with another man's wife, or a woman with another woman's husband, found in bed together, under circumstances affording presumption of an illicit intention, shall be imprisoned in the state prison not more than three years or fined not more than $1,000.

Virginia

Sec. 3785, Code 1904:

If any person commits adultery or fornication, he shall be fined not less than $20. And if he commits adultery or fornication with any person whom he is forbidden to marry by Secs. 2224 or 2225, he shall be confined in jail not exceeding six months, or fined not exceeding $500 in discretion of jury. "Illicit intercourse between an unmarried man and a married woman is fornication in the man." Lafferty's Case, 6 Grat. 672.

Washington

Chap. 98, Par. 341, Laws 1917:

Whenever any married person shall have sexual intercourse with any person other than his or her lawful spouse, both persons shall be guilty of adultery and upon conviction thereof shall be punished by imprisonment in penitentiary not more than two years or by a fine of not more than $1,000. Complaint must be made by husband or wife.

West Virginia

Sec. 5309, Code 1913:

If any person commits adultery or fornication, he shall be guilty of a misdemeanor, and fined not less than $20. "Illicit intercourse between an unmarried man and a married woman is fornication in the man." Commonwealth v. Lafferty, 6 Grat. 672.

Wisconsin

Sec. 4576, S. 1917:

Any person who shall commit the crime of adultery shall be punished by imprisonment in the state prison not more than three years, nor less than one year, or by fine not exceeding $1,000, nor less than $200, and when crime committed between married woman and unmarried man, both guilty of adultery.

Wyoming

Sec. 5056, R.S. 1899:

Whoever cohabits with another in a state of adultery or fornication or adultery and fornication, shall be fined in any sum not exceeding $100, and be imprisoned in the county jail not more than three months.

FORNICATION

Alabama (1919 Sess. laws not yet available)

Sec. 6221, Criminal Code, 1907:

If any man and woman live together in adultery or fornication, *each* of them must on first conviction be fined not less than $100, and may also be imprisoned in county jail, or sentenced to hard labor for not more than six months; on second conviction with same person, fine not less than $300 and may also be imprisoned in county jail or sentenced to hard labor for not more than twelve months; and on third conviction or any subsequent convictions with same person, *must* be imprisoned in penitentiary for two years.

Adultery is illicit connection where either is married and includes fornication. Hinton's Case, 6 Alabama 864.

If neither married, it is fornication; if one married it is fornication for one and adultery for other. Buchanan's Case, 55 Alabama 154.

One act of illicit intercourse, and an agreement or consent that it will be repeated if opportunity offers, is sufficient. Bodiford's Case, 86 Alabama 67.

Arizona

No Law.

Arkansas

Illegal cohabitation. Must be habitual. K. & C. Stats., 1916.

California

No Law.

Colorado

Sec. 1896, R.S. 1912 (Mills):

Any man and woman who shall live together in an open state of adultery or fornication, or adultery and fornication shall on conviction be fined any sum not exceeding $200 each, or imprisoned in county jail not exceeding six months; for second offense double punishment; third offense treble and thus increasing punishment for each succeding offense.

Connecticut

Sec. 6383, R.S. 1918:

Every person who shall be guilty of fornication or lascivious carriage or behavior, shall be fined not more than $100 or imprisonment not more than six months, or both.

Delaware (To 1917.)

No Law.

District of Columbia

If an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months or by a fine not exceeding $100.

Florida

Sec. 3520, R.S. 1914:

If any man commits fornication with a woman, each shall be punished by imprisonment not exceeding three months, or fine not exceeding $30.

Georgia

Sec. 372, Park's Code, 1914:

Any man and woman who shall live together in a state of adultery or fornication, or of adultery and fornication, or who shall otherwise commit adultery or fornication, shall be severely indicted, and shall be severely punished as for a misdemeanor. Suspension if they marry.

"If man and woman were in bed together, that would be circumstance that would authorize jury to convict." 7 App. 600.

"If both parties who participated in illicit intercourse were married, each is guilty of adultery; if both are single, each is guilty of fornication; if one is married, and the other single, each is guilty of adultery and fornication." 100 Ga. 360.

Hawaii

Sec. 4148, R.S. 1915:

Fornication is sexual intercourse between an unmarried man and an unmarried woman. Punishable by fine not less than $15 nor more than $50, or by imprisonment at hard labor not less than one month nor more than three months. Suspended if they marry.

Idaho

Must be habitual. Sec. 8289, Comp. Laws, 1919.

Illinois

Sec. 3493, Ann. Stats. 1913.

Indiana

Sec. 2353, Burns R. S. 1914:

Whoever cohabits with another in a state of adultery or

fornication shall be fined not exceeding $500 or imprisonment in county jail not exceeding six months, or both.

"Adultery consists in man having unlawful carnal intercourse with a married woman." Hood v. State, 56 Indiana, 263.

Cohabitation by man with unmarried woman is fornication S. O.

"To cohabit in state of adultery or fornication means a living together of the parties." Jackson v. State, 116 Ind. 464.

Iowa

Sec. 4938, Code 1897:

Lewdly cohabiting. Must be habitual.

Kansas

No Law.

Kentucky (To Jan. 1919.)

Sec. 1520, Carrol S. 1915:

Every person who shall commit fornication or adultery shall, for every offense, be fined not less than $20 and not more than $50.

Louisiana (To and Including 1918)

No Law.

Maine

Sec. 7, P. 1482, R.S. 1916:

If an unmarried man commits fornication with an unmarried woman, they shall be punished by imprisonment for not more than sixty days, and by a fine not exceeding $100.

Maryland

No Law.

Massachusetts

Sec. 14, P. 1767, R.S. 1902:

Whoever commits fornication shall be punished by imprisonment for not more than three months or by a fine of not more than $30.

Michigan

Comp. Law 1915—Sec. 15467, Sub. 6:

If any man and woman not being married to each other shall lewdly and lasciviously associate and cohabit together every such person shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding $500.

No straight fornication law.

Minnesota

Chap. 193, Sec. 1, Laws 1919:

Whenever any man and single woman have sexual intercourse with each other, each is guilty of fornication and shall be punished by imprisonment in county jail for not more than ninety days, or by a fine of not more than $100.

Sec. 8703-a, Laws 1917:

If issue is conceived of fornication and within the period of gestation or within sixty days after birth of living child the father absconds from state with intent to evade proceedings to establish paternity, he is guilty of felony and shall be punished by imprisonment in penitentiary for not more than two years.

Mississippi (To 1919)

Sec. 754, Hemingway Code, 1917:

If any man and woman shall unlawfully cohabit, whether in adultery or fornication, they shall be fined not to exceed $500 each, and imprisonment in county jail not more than six months—may be proved by circumstances showing habitual sexual intercourse.

Sec. 755:

Sexual intercourse between male teacher and female pupil, or male guard and female ward, not being married to each other, an offense punished same as Sec. 754.

Missouri

No Law.

Montana

Sec. 8343, R.C. 1907:

Every person who lives in open and notorious cohabitation in a state of adultery or fornication is punishable by a fine not exceeding $500, or by imprisonment in county jail not exceeding six months or both. Subsequent marriage bar to prosecution.

Nebraska

Sec. 8794, R.S. 1913:

If any unmarried persons shall live and cohabit together in a state of fornication, such persons so offending shall each be fined in any sum not exceeding $100 and be imprisoned in county jail not exceeding six months. "Not required that cohabitation be open and notorious." Morfeet vs. State, 64 Neb. 445.

Nevada

Sec. 6460, Rev. Laws 1912:

Lewdly and viciously cohabiting. Must be habitual.

New Hampshire

Chap. 272, Sec. 4, P.S. 1901:

If any person shall be guilty of fornication such person shall be fined not exceeding $50, or be imprisoned not exceeding six months, but no person shall be convicted solely upon the testimony of a partner in guilt.

New Jersey

P. 1761, Sec. 48, C.L. 1910, as amended by Chap. 140, Laws 1919:

Any person who shall commit fornication shall be guilty of a misdemeanor, and punished by fine not exceeding $50, or imprisonment not exceeding six months, or both; provided in case of conviction for crime of any person between

ages of 16 and 25 years, who has not previously been sentenced to imprisonment in a penitentiary or reformatory, in this or other state, such person may be sentenced to New Jersey State Reformatory for Men or New Jersey State Reformatory for Women for an indeterminate period the maximum not to exceed three years, and such person may be dealt with, released or paroled from said institution at any time before expiration of three years in accordance with rules and regulations of such institutions.

New Mexico

Sec. 1776, Stats. 1915:

Concubinage unlawful if habitual.

New York

No Law.

North Carolina

Sec. 401, Jerome's Crim. Code, 4th Ed., 1916:

If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a misdemeanor; provided, that the admission or confession of one shall not be received in evidence against the other.

Sec. 3350 (a), Par. 2, Gregory's revisal, 1917:

Any man and woman found occupying the same bedroom in any hotel, public inn, or boarding house for any immoral purpose, or any man and woman registering or otherwise representing themselves to be husband and wife in any hotel, public inn, or boarding house, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

North Dakota

Chap. 159, Laws 1915—Sec. 1:

Every male and female person who are not married to each other who shall have voluntary sexual intercourse are

separately guilty of the crime of fornication. A female under eighteen years of age and under age of consent fixed in Sec. 9563, which defines the crime of rape, is nevertheless by her voluntary intercourse guilty of fornication as herein defined. Any person over eighteen years of age violating any of the provisions of this act shall be punished by a fine of not more than $100 or by imprisonment in the county jail not to exceed thirty days or by both. Juveniles to be proceeded against under juvenile code.

Prosecution to be dismissed upon marriage of guilty parties.

Ohio (To 1918 only)

Sec. 13024, Page and Adams Gen. C.:

Whoever cohabits in a state of adultery or fornication shall be fined not more than $200 and imprisoned not more than three months. "A single act of sexual intercourse is not a violation of this section." State vs. Brown, 47 O.S. 102.

Oklahoma

No Law.

Oregon

Sec. 2075, Lord's Laws, 1910:

Lewd cohabitation. Habitual.

Pennsylvania

Sec. 247, P. 955, Stewart's Pardon's Digest, 1905:

If any person shall commit fornication and be thereof convicted, he or she shall be sentenced to pay a fine, not exceeding $100, to the guardians, directors, or overseers of the poor of the city, county or township where the offense was committed, for the use of the poor, and any single woman having a child born of her body, the same shall be sufficient to convict such single woman of fornication. Laws 1685.

Porto Rico

No Law.

Rhode Island

Sec. 8, P. 1277, G.L. 1909:

Every person who shall commit fornication shall be fined not exceeding $10.

South Carolina

Sec. 382, Code 1912, Vol. 2:

Any man and woman who shall be guilty of the crime of adultery or fornication shall be liable to indictment, and on conviction, shall be severely punished by a fine of not less than $100 or more than $500, or imprisonment for not less than six months, nor more than one year or both.

Sec. 384:

Fornication is the living together and carnal intercourse with each other, or habitual carnal intercourse with each other without living together, of a man and woman, both being unmarried.

South Dakota

No Law.

Tennessee

No Law.

Texas

Art. 494, Penal Code, Vernon's Crim. S., 1918:

Fornication is the living together and carnal intercourse with each other, or habitual carnal intercourse with each other without living together, of a man and woman, both being unmarried.

Art. 495:

Every person guilty of fornication shall be punished by fine of not less than $50 nor more than $500.

Utah

Sec. 8090, C. L. 1917:

If an unmarried man or woman commits fornication, each

of them shall be punished by imprisonment in the county jail not exceeding six months or by fine not exceeding $100.

Vermont

No Law.

Virginia

Sec. 3786, Code 1904:

If any person commits adultery or fornication, he shall be fined not less than $20. And if he commits adultery or fornication with any person whom he is forbidden to marry by Sections 2224 or 2225, he shall be confined in jail not exceeding six months, or fined not exceeding $500 in discretion of jury. "Illicit intercourse between an unmarried man and a married woman is fornication in the man." Lafferty's Case, 6 Grat. 672.

Washington

Sec. 2458, Rev. Code, 1915:

Lewdly and viciously cohabiting—habitual.

West Virginia

Sec. 5309, Code 1913:

If any person commits adultery or fornication he shall be guilty of a misdemeanor, and fined not less than $20. "Illicit intercourse between an unmarried man and a married woman is fornication in the man." Commonwealth vs. Lafferty, 6 Grat. 672.

Wisconsin

Sec. 4580, S. 1917:

Any man who commits fornication with a sane single female over the age of sixteen years, each of them shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding $100, or both. Any man who commits fornication with a sane female of previous chaste character under 21 shall be punished by imprisonment in the state prison not more than four years, or by fine not exceeding $200, or both.

Wyoming

Sec. 5056, R. S. 1899:

Whoever cohabits with another in a state of adultery or fornication, or adultery and fornication, shall be fined in any sum not exceeding $100, and be imprisoned in the county jail not more than three months.

"AGE OF CONSENT" PROVISIONS OF THE VARIOUS STATES

(Includes regular sessions of 1919, unless otherwise stated)

Alabama

Carnal knowledge of girl *under 12* is punishable by death or imprisonment for not less than 10 years.

Carnal knowledge of a girl between 12 and 16 is punishable by imprisonment for from 2 to 10 years (not applicable to boys under 16).

(Code 1907 s 7699 and 7700, latter amended by 1915, No. 97, p. 137.)

Alaska

Carnal knowledge of female *under 16* (with her consent) is deemed rape. Rape of female *under 12* is punishable by imprisonment for life; other female, imprisonment for from 3 to 20 years.

(Compiled Laws, 1913 s 1894-1895.)

Arizona

Carnal knowledge of female *under 18* (not the wife of perpetrator) constitutes rape; punishable by imprisonment for life or for a term of years not less than 5. No conviction may be had against male who was under 14 at time of act unless physical ability is proven.

(Revised Statutes 1913 s 231 and 234.)

Arkansas

Carnal knowledge of female under 16 is punishable by imprisonment in the penitentiary from 1 to 21 years.

(Kirby's Digest, 1904 s 2008.)

California

Sexual intercourse with female *under 18* (not the wife of perpetrator) constitutes rape, which is punishable by imprisonment for not more than 50 years, except that in case the female is from 16 to 18, the punishment shall be imprisonment in the county jail for not more than 1 year or in the state prison for not more than 50 years, as determined by the jury. No conviction shall be had against male who was under 14 at time of act unless physical ability is proven.

(Penal Code 1906 s 261 amended 1913 S 122: s 264 amended 1913 C 123.)

Colorado

For any male *over 14* to have carnal knowledge of female *under 18* (either with or without her consent) constitutes the crime of rape, punishable by imprisonment in penitentiary for from 1 to 20 years.

If the *male is over 18* the crime constitutes rape in the 1st degree; if *both* are *under 18* and it is not rape in the 1st degree (i.e., without consent), it constitutes rape in the 3rd degree.

Subd. 10. By the female person of whatever age, not being an accessory, where the male person is under the age of 18, where such sexual intercourse is had at the solicitation, inducement, importuning or connivance of such female person, or where such female was at time of commission of offense, a free, common, public or clandestine prostitute and the male was, prior and up to time of commission of offense, of good moral character; this is rape in 3rd degree.

First degree rape is punishable by imprisonment for life or for a period not less than 3 years; 3rd degree rape is punishable by fine of from $200 to $1000 or imprisonment from 1 to 5 years, or both fine and imprisonment,

or by commitment to the State Industrial School for boys or girls, accessories to be punished the same as principals.

(Mills Revised Statutes, 1912 s 1777-1780.)

Connecticut

Carnal knowledge or abuse of female *under 16* is subject to imprisonment for not more than 30 years. (G. S. 1918 S. 6392.)

Delaware

Carnal knowledge of female *under 7* is punishable by death; may be reduced to life imprisonment.

Assault with intent to commit rape is subject to fine of from $200 to $500, 30 lashes, and imprisonment not exceeding 10 years.

Lewdly playing with female child under 16 constitutes a misdemeanor punishable by fine of $500 or imprisonment for not more than 3 years. Harboring male or female under 18 for purpose of sexual intercourse is subject to fine of not more than $1000 or imprisonment for not more than 7 years (Code 1915 s 4706-4709).

District of Columbia

Carnal knowledge of a female child *under 16* is punishable by imprisonment of from 5 to 30 years; may in discretion of jury be death by hanging.

(S. 808 Code 1919.)

Florida

Carnal knowledge of female *under 10* is punishable by death or imprisonment for life.

Carnal intercourse with unmarried female, of previous chaste character, *under 18 years* of age is punishable by imprisonment in state penitentiary for not more than 10 years, or fine not exceeding $2000.

Capacity of person to commit crime is to be determined by jury.

(Gen. Statutes 1906 s 3221; 3521 amended by 1918 Ch. 7732.)

Georgia

Age of consent 14 years. Penalty for violation same as for rape which is death, unless jury recommends defendant be punished as for misdemeanor.

(1918 No. 291, p. 259; Code 1910 s 93 and 94.)

Hawaii

Carnal knowledge of a female child *under 12* shall be punished by death or imprisonment for life.

(Revised Laws 1915 s 3895.)

Idaho

Sexual intercourse with female (not wife of perpetrator) *under 18* years of age constitutes rape, punishable by imprisonment for 5 years or may be imprisonment for life.

Conviction may not be had against person who was under 14 at time of act unless physical ability is established.

(Comp. S. 1919. Secs. 8262-65.)

Illinois

Any male person 17 years of age or more, having carnal knowledge of any female person *under 16* (not his wife), either with or without her consent, is guilty of rape, punishable by imprisonment in the penitentiary for not less than 1 year; may be extended to life imprisonment.

(Hurd's Revised Statutes 1917 C 38 s 237.)

Indiana

Carnal knowledge of female child *under 16* constitutes rape and is punishable by fine of $1000 or imprisonment for from 2 to 21 years. If the female child is *under 12* at the time of the act imprisonment shall be for life.

(Burn's Ann. Statutes 1914 s 2250.)

Iowa

Carnal knowledge of female under 15 is subject to imprisonment for life or for any term of years.

(Code 1897, section 4756.)

Kansas

Carnal knowledge of female *under 18* constitutes rape, punishable by imprisonment of from 5 to 21 years.

(Gen. Statutes 1915 s 3392.)

"Evidence of character of witness confined to truth and veracity," State v. Eberline, 47 K. 155.

Kentucky

Rape of child *under 12* is punishable by death or life imprisonment; carnal knowledge of female *of and above 12* against her consent constitutes rape, punishable by imprisonment of from 10 to 20 years, or by death. Carnal knowledge of female under 16 is subject to imprisonment of from 10 to 20 years.

(Statutes 1915 s 1152-1155.)

Louisiana

Persons over 17 having carnal knowledge of unmarried female between 12 and 18 (with her consent) is subject to imprisonment not exceeding 5 years.

The penalty for rape is death; attempt to commit rape is punishable by imprisonment of from 5 to 20 years.

(Marr's R. S. 1915, Secs. 1610, 1633.)

Maine

Whoever, being more than 18 years of age, has carnal knowledge of female child between 14 and 16 years of age, is punishable by fine not exceeding $500, or by imprisonment for not more than 2 years. P. 82, Chap. 106, Laws 1917.

Maryland

Carnal knowledge of female child under 14 or imbecile, non compos mentis, or insane, constitutes a felony punish-

able by death or imprisonment for life or for a definite time not less than 18 months nor more than 21 years.

Carnal knowledge of female between ages of 14 and 16, a misdemeanor, punishable by imprisonment not more than 2 years, or fine not exceeding $500, or both; not applicable to males under 18 years. Bagby Code 1914, Vol. 3, Art. 27, Secs. 421-22.

Massachusetts

Carnal knowledge of female child *under 16* is punishable by imprisonment for life or for a term of years.

(Revised Statutes 1902, vol. 2, p. 1745 C 207 s 23, as amended by Chap. 469, Acts 1913.)

Michigan

Any person who shall ravish and carnally know a female *under the age of 16* is punishable by imprisonment for life, or for such period as court shall direct.

(Compiled Laws 1915 s 15211.)

Minnesota

Sexual intercourse with a female *10 years of age* or more, not the wife of the perpetrator and without her consent, constitutes rape, punishable by imprisonment for from 7 to 30 years. Carnal knowledge of a female child *under 18 years of age* is punishable as follows:

1. If the child is under 10 years of age, imprisonment for life;

2. Child 10 to 14, imprisonment for from 7 to 30 years;

3. Child 14 to 18, imprisonment in state prison or in county jail for not more than one year.

No conviction may be had against male who was under 14 at time of act unless physical ability is established.

(Gen. Statutes 1913 s 8656.)

Mississippi

Carnal knowledge of female child *under 12* is subject to death or imprisonment for life.

For any male person to have carnal knowledge of unmarried female of previously chaste character, younger than himself, and over 12 and under 18, he is punishable by fine not exceeding $500 or imprisonment in jail not longer than 6 months, or both, or by imprisonment in penitentiary not exceeding 5 years, punishment to be fixed by jury. Assault to commit rape punishable by same penalty.

(Hemingway's Code 1917, Secs. 1092-1096.)

Missouri

Carnal knowledge of a female child *under 15* is punishable by death or imprisonment for not less than 5 years.

A person *over 17* having carnal knowledge of any unmarried female of previous chaste character *between 15 and 18 years* of age is guilty of a felony punishable by imprisonment in the penitentiary for 5 years, or fine of from $100 to $500, or imprisonment in jail from 1 to 6 months, or both fine and imprisonment.

(Revised Statutes 1909 s 4471 and 4472 amended by 1913, p. 218.)

Montana

Person having sexual intercourse with female (not the wife of perpetrator) *under 18* years of age is deemed guilty of rape, the penalty for which is imprisonment for not less than 5 years.

No conviction can be had against person under 16 at time of act, unless physical ability is established.

(Revised Statutes 1907, Penal Code, s 8336 amended by 1913, p. 15 C 16; s 8337 and 8339.)

Nebraska

Carnal knowledge of female child *under 18* (with her consent), unless such female child is over 15 and previously unchaste, constitutes rape punishable by imprisonment in penitentiary for from 3 to 20 years.

(Revised Statutes 1913 s 8588.)

Nevada

Any person 16 years of age and upward having carnal knowledge of female *under 16* (with or without her consent) is guilty of rape, punishable by imprisonment for not less than 5 years; may be extended to imprisonment for life, or death penalty if extreme violence used.

(Chap. 234, p. 439, Laws 1919.)

New Hampshire

Carnal knowledge of female child under 16 is subject to penalty of imprisonment not exceeding 30 years.

(Public Statutes 1901 C 278, p. 832 s 15.)

New Jersey

Any person 16 or over carnally abusing a female child under 12, with or without her consent, is guilty of a high misdemeanor, punishable by fine of not more than $5000 or imprisonment not exceeding 30 years, or both fine and imprisonment. If the female child is *between 12 and 16*, and the act is either with or without her consent, the offense is also deemed a high misdemeanor and punishable by fine not exceeding $2000 or imprisonment at hard labor not exceeding 15 years, or both.

Compiled Statutes 1910, vol. 2, p. 1783 (Crimes s 115.)

New Mexico

Sexual intercourse with female *under 16* is punishable by imprisonment for from 5 to 20 years.

Conviction may not be had against one under 14 at time of act unless physical capacity is established.

Carnal knowledge of female *under 10* is punishable by imprisonment for life.

(Statutes 1915 s 1493-1495 amended by 1915 C 51.)

New York

Sexual intercourse with female (not the wife of the perpetrator) under 18 years of age, without consent of victim, constitutes rape in the 1st degree and is punishable by

imprisonment for not more than 20 years; if with her consent, it constitutes rape in the 2nd degree and is punishable by imprisonment for not more than 10 years.

No conviction can be had against one under 14 at time of act, unless physical ability is proven.

(Compiled Laws 1909, vol. 4 (penal), s 2010 and 2012.)

North Carolina

Person convicted of carnally knowing female under the *age of 12* shall suffer death.

(Pell's Revisal of 1905 C 81 s 3637 amended by 1917 C 29.)

In 1921 age of consent raised to 16.

North Dakota

Sexual intercourse with female *under 18* (not the wife of the perpetrator) is deemed rape; if the person committing the offense is *24 years of age or more*, rape in the 1st degree is committed; if he is between 20 and 24, rape in the 3rd degree; the offense is also deemed rape in the 3rd degree when the male is *under 20* and the female is *under 18* and apparently gives her consent.

Rape in the 1st degree is punishable by imprisonment in penitentiary for not less than 1 year; 2nd degree rape is punishable as follows: If the defendant is a minor, by imprisonment in the state penitentiary for not less than 1 year; 3rd degree rape is punishable by commitment to Reform School for not less than 1 nor more than 3 years.

(Comp. L. 1913 s 9563-9569 amended by 1915 C 201 and 1917 Ch. 193.)

Ohio (To July 10, 1919

Whoever has carnal knowledge of female *under 12, forcibly and against her will*, shall be punished by imprisonment in the penitentiary during life.

A person being *18 years* of age to carnally know a female *under 16* (with her consent), shall be imprisoned in the

penitentiary for from 1 to 20 years, or in the county jail for 6 months.

Whoever being *18 years* of age attempts to carnally know a female *under 16* (with her consent), shall be imprisoned in the penitentiary for not less than 1, nor more than 15 years, or for 6 months in the county jail.

The Court is authorized to hear testimony in mitigation or aggravation of such sentence.

(General Code 1910 s 12413, 12414, 12415, amended by 1915, p. 243.)

Oklahoma

1. Sexual intercourse with a female (not the wife of the perpetrator) under 16 years of age, or lunatic or person of unsound mind, is deemed rape in the 1st degree.

2. Where female is over 16 and under 18, and of previous chaste and virtuous character is deemed rape in the 2nd degree. Conviction may not be had against one who was *under 14* at the time of act, unless physical ability is proven.

Penalty. If the male was over 18 and the female under 14 (or if over 14 and the act was accomplished by means of force, etc.), the offense constitutes rape in the 1st degree, and is punishable by death or imprisonment in the penitentiary for not less than 15 years. Rape in the 2nd degree (which is all other offenses), is punishable by imprisonment in the penitentiary from 1 to 15 years.

(Revised Laws 1910, vol. 1, s 2414-2419.)

Oregon

Any person *over 16* who shall carnally know a female child *under 16* is guilty of rape, punishable by imprisonment in the penitentiary from 3 to 20 years.

(Lord's Oregon Laws 1910, s 1912.)

Pennsylvania

For any person to carnally know a female child under 16 (with or without her consent), he is guilty of felonious rape and subject to fine not exceeding $1000 and imprisonment

not exceeding 15 years. If jury finds such child was *not of good repute and that the act was with her consent* defendant may be convicted of fornication only (which is punishable by fine of not more than $100).

(Stewart's Pardon's Digest 1905, vol. 1, p. 1005, Art. 85.)

Any person who takes a female child under 16 for the purpose of prostitution or sexual intercourse, or inveigles or entices any such minor female child into a house of ill-fame or elsewhere for the purpose of prostitution or sexual intercourse, shall be deemed guilty of a misdemeanor and subject to imprisonment for not more than 5 years or fine not exceeding $1000, or both.

(May 28, 1885, P. L. 27.)

Porto Rico

Sexual intercourse with a female *under 14* (not the wife of the perpetrator) is deemed rape and punishable by imprisonment in the penitentiary for not less than 5 years.

No conviction can be had against a person who was under 14 at the time the act was committed unless physical ability is proven.

(Revised Statutes and Codes 1911 s 5697 and 5698.)

Rhode Island

A person unlawfully and carnally knowing and abusing a girl *under 15* shall be imprisoned not exceeding 16 years.

The penalty for rape is imprisonment for life or for any term not less than 10 years.

(General Laws 1909, C 347, p. 1276, s 3; C 343, p. 1251, s 5.)

South Carolina

Any person who shall unlawfully and carnally know and abuse a female child under 14 shall be punished for rape (the penalty for which is death by hanging or imprisonment for not more than 40 years nor less than 5 years).

Provided, however, that if the child is *over 10* years of age the penalty may be reduced to imprisonment in the penitentiary for not more than 14 years.

(Code 1912, vol. 2 [Criminal] s 143; s 141-142.)

South Dakota

Sexual intercourse with a female child *under 18* (not the wife of the perpetrator) constitutes rape. If the child was *under 10* the offense is rape in the 1st degree and punishable by imprisonment in the state prison for not less than 10 years; otherwise the offense constitutes rape in the 2nd degree and is punishable by imprisonment for not more than 20 years.

Conviction may not be had against one *under 14* at time of act, unless physical ability is established.

(R. C. 1919, Secs. 4092-4098.)

Tennessee

Any person carnally knowing and abusing a female *under* 12 shall on conviction be punished as for rape (death by hanging, which may be commuted to imprisonment for life or for a term of years not less than 10 years).

Unlawful sexual intercourse with a female child *between 12* and 21 constitutes a felony, and if not under circumstances constituting rape is punishable by imprisonment for from 3 to 10 years; *not applicable when the female is over 12 and a bawd, lewd or kept female.*

(Shannon's Code 1918, s 6451, 6455, 6456.)

Assault on female under age of 12 years, with intent to unlawfully know her shall be punished as rape. (Chap. 36, p. 85, Laws 1919.)

Texas

Sec. 1. Carnal knowledge of female under age of eighteen other than wife of person, provided if woman is between 15 and 18, defendant may show she was not of previous chaste character as a defense. Punishable by imprison-

ment in penitentiary for life or not less than 5 years. Person under 14 may not be convicted.

(P. 123, Laws 1918.)

Utah

Sexual intercourse with a female *under 13* (not the wife of the perpetrator) constitutes rape punishable by imprisonment for not less than 5 years. Conviction may not be had if the defendant was under 14 at time of act, unless physical ability is established.

Carnal knowledge of a female *between 13 and 18* constitutes a felony. The penalty for a felony when not specifically provided is imprisonment not exceeding 5 years.

(Compiled Laws 1917, Secs. 8105-8109.)

Vermont

Any person *over 16* who shall ravish or carnally know a female *under 16* (with or without her consent) is deemed guilty of rape, punishable by imprisonment for not more than 20 years or fine of not more than $2000, or both.

If a person *under 16* has unlawful carnal knowledge of a female *under 16*, with her consent, both are guilty of a misdemeanor and may be committed to the State Industrial School; if without her consent and by force, the punishment is as in case of rape.

(Gen. Laws 1917, Secs. 6822, 6823.)

Virginia

Carnal knowledge of a female child *under 15* is punishable by death or imprisonment for from 5 to 20 years; if child is between ages of 14 and 15 subsequent marriage of parties is bar.

(Code 1904, vol. 2, s 3680; amended by 1916, C 478 and Chap. 82, Laws 1918.)

Washington

Every *male* person who shall carnally know and abuse any female child under the age of 18 years, not his wife, and

every *female* person who shall have sexual intercourse with any male child under the age of 18 years, not her husband, shall be punished as follows:

(1) When such child is under the age of 10 years, by imprisonment in the state penitentiary for life.

(2) When such child is 10 and under 15 years of age, by imprisonment in the state penitentiary for not less than 5 years.

(3) When such child is 15 and under 18 years of age by imprisonment in the state penitentiary for not more than 10 years, or by imprisonment in the county jail for not more than 1 year.

(Sec. 2436, Rem. Code 1916.)

(As amended by Laws 1919.)

West Virginia

Carnal knowledge of a female *under 14* is punishable by death or imprisonment in the penitentiary for from 7 to 20 years. Not applicable to one who was *under 14* if the female was *over 12* and *gave her consent.*

(Hogg's Code 1913, vol. 3, s 5166.)

Wisconsin

Any person *over 18* who ravishes or carnally knows a female *under 16* is punishable by imprisonment for not more than 35 nor less than 1 year, or by fine not exceeding $200.

And person *18 or under* who shall unlawfully and carnally know and abuse a female *under 18* shall be punished by imprisonment in the state prison for not more than 10 nor less than 1 years, or fined not exceeding $200.

(Statutes 1917, s 4382.)

Any man who commits fornication with a sane female of previous chaste character under age of 21, shall be punished by imprisonment in state prison not more than 4 years or by fine not exceeding $200, or both.

(Statutes 1917, s 4580.)

Wyoming

Unlawful carnal knowledge of a female child *under 18* (with or without her consent) constitutes rape, which is punishable by imprisonment in the penitentiary for not less than 1 year; may be for life.

(Compiled Statutes 1910, s 5803.)

CHAPTER VII

THE STANDARDIZATION OF SEXUAL CONDUCT

In attempting to determine the province of the state in regard to the relation between the sexes, two fundamental facts relating to human conduct should be borne clearly in mind. First, the individual is a complex of instincts and emotions, many of which act in independence of the will, and second, behavior is regulated by public opinion superimposed upon conscience and desire. The primitive sensations, such as hunger, thirst, sleep, love and pain cannot beyond narrow limits be affected by the normal mind, although their translation into directive action can to a large extent be controlled by the will. For example, a prisoner on hunger strike may refuse food until he perishes from inanition, but the physiological sensations incident to starvation operate in his case as well as in another. Or again, a man marooned in an open boat at sea with insufficient water aboard may of his own volition permit a comrade to drink while he himself goes thirsty, yet he suffers the physical torment of thirst with all the intensity of his sentient being. The power of the mind in the normal individual does not extend very far into the province of the basic physiological sensations, and statutes which adjudicate hunger, thirst, pain or love are therefore anachronisms in legislation. While it is entirely reasonable for any community to enact laws designed to direct these impulses along lines which are not detrimental to the commonwealth, still it is overstepping the mark to an illogical degree when it pretends to dictate as to the intimate sensations of the individual. To demand that two human beings shall at any period of their lives

promise to love one another until death do them part, and to offer legal concessions to exact this agreement, is as anomalous as it would be to require them to assert their control over taste or smell or any other bodily sensation. Genuine love is no more a matter of the voluntary control of the individual than are the olfactory or gustatory nerves, although its outward expression may to a very considerable extent be regulated by the private or public conscience.

Much of the difficulty associated with the regulation of the relation between the sexes is due to the lack of a clean-cut differentiation between the voluntary and the involuntary spheres of sexual action. While a man can obviously restrain himself from having sexual relations with his beloved, still, all experience goes to prove that he cannot even by a supreme act of the will control his affectional emotions in her direction. Even if she is the wife of another man or beyond his reach for any other reason, his passion is none the less strong and none the less imperative. While it is true that love and all the other physiological emotions can to some extent be inhibited or magnified by the will and by environment, yet in their essence they are beyond human might under normal conditions of mentality. The deranged intellect or local disorders of the central nervous system may free the individual from his ordinary physiological reactions, but the normal mind registers emotions even though they be precisely at variance with desire or intention.

It is not to be supposed that Lancelot or Guinevere desired to love one another, for they both felt it to be a mortal stain on their honor that the emotion awakened in their hearts, yet they were utterly incapable of subduing their passion. It is a matter of everyday experience chronicled time without end, both in real life and in fiction, that love is an entirely independent arbiter of the emotions. To arouse love when it does not exist is as impossible as to deny love once it is aflame, for it is like the spirit which

animates the human body, an ethereal, inexplicable thing rooted in the flesh, but seemingly independent of it.

For men to attempt to legislate about Love, to hammer him out shackles in the form of law or custom, is to embark upon an enterprise bound from the outset to meet misfortune. Men know too little about Love in their own lives to venture to prescribe his limitations. Strange, mystical, all-consuming power, it envelops the life of man in its glow and brings to him some premonition of his divine office as creator. Born again at the crest of his mental and physical vigor, man senses in love the wellspring of the fountain of life and he drinks with the same instinctive abandon that he first suckled the breast of his mother. Refreshed, reinvigorated, inspired anew, his spiritual rebirth is a valid token of the strength and purity of his emotion. Love is not amenable to human law, for it is not a force comprehended by human beings. Even true lovers do not know what the indomitable force is that brings them together. Like the attraction of the North to the magnetized needle, it is an observable but as yet inexplicable phenomenon. As a reality in human life it is clearly recognizable, but whence it comes and whither it goes man is as yet incompetent to tell.

Precisely why two adult human beings, self-sufficient, self-contained, with various personal and social interests, should of a sudden be delivered to this incomprehensible and all-consuming passion for one another, which makes or mars their lives, for which they will undergo any amount of inconvenience and suffering, is matter for deep thought, but certainly not for legislation. It would be as idle for men to make laws that lightning should strike constantly in the same places as for them to enact legislation designed to limit the sphere of man's supreme emotion.

If it were possible to analyze the attraction that binds men and women together through life in a perfect spiritual and physical union, it would be of untold benefit to the race

to write this knowledge down in the form of statutes. Since, however, this information is not at hand, the present object of the state should be to direct its attention to the more practical aspects of the relation between the sexes and not to interfere in matters of which it is palpably ignorant.

Love is but another name for sexual selection, and nature is replete with evidence that the operation of this law is beneficial to the development of any species. Inbreeding, as among members of the same family, the crossing of distant races, as between the Negro and the Caucasian, the choice of inferior or deficient members of the same group, all are antagonized by sexual selection. The emancipation of women, their economic and political independence, as well as the development of a greater degree of industrial democracy throughout the whole social order is essential to the proper adjustment of the relation between the sexes. Both men and women must be spiritually and economically free before they will be in a position to exercise a wise choice in the selection of their mates. Any social or political reform which tends to facilitate the wholesome and natural development of the human race furthers by that same increment the solution of the problem of the social evil.

In the past, the subjection of women has been especially an obstacle to racial progress, for it is well known that under a natural order the ultimate power of sexual selection is vested in the female. An old Maori proverb says: "Let a man be ever so good looking, he will not be much sought after; but let a woman be ever so plain, men will still eagerly seek after her." In the crossing between unequal races the man almost always belongs to the superior race.

While the association of the problem of sex with the whole economic problem is clearly apparent, still the two are by no means one and the same thing. Even under an ideal economic system, some standardization of the sexual life of the race would still be necessary if the rights of the individuals

involved were to be properly safeguarded. Doubtless in an Utopian group, composed of perfect human beings, statutes of all kinds could be done away with and instinct substituted for law, but humanity has not yet achieved a state of evolution consonant with such procedure.

The conduct of the individual is deeply influenced by the estimation of his fellows, and the conscience of the race phrased in public opinion is a valuable directive force in human affairs. People will often behave secretly in a manner very different from that which they would follow in the public view, and the individual conscience is frequently a feeble agency when unsupported by the knowledge that detection and penalization may result from the indulgence of conduct which is known to be wrong. Moreover, the racial standards exercise a subtle and extremely powerful influence on the individual point of view, for the average person is too intellectually slothful and too timid to carve out an ethical code of his own. That which is accepted as right or wrong by the community under ordinary circumstances is accepted as right or wrong by the individual as well. However, before personal conduct can come under the judgment of the group as a whole, some practical mechanism for bringing it out into the open has to be devised. If there were no laws regulating contracts, and no facilities for enforcing such laws, the conduct of the individual in relation to making contracts could scarcely be brought before the public view. A man could make a contract and then at will break it, and except for the clamor of his victim, which could usually be explained away, the community would know nothing of the whole procedure.

In the absence of definite standards concretely framed in the form of law, both the individual and the public are at a disadvantage in passing judgment upon any given act. The disrepute in which personal loans without security are held, and the painful situations which often develop in connection with such informal transactions indicate the utili-

tarian value of legal procedures. Personal relations are clarified and placed upon a concrete and mutually comprehensible basis when due attention is paid to legal requirements. The convenience and efficiency of the whole social order is to a great degree dependent upon the complex system of law which has grown up under civilization. The difference in individual points of view is so extreme that even thoroughly honorable people could scarcely live happily together in community life were it not for the definition with which the law has marked out property rights and has otherwise fixed the limits of personal liberty.

Heretofore in the realm of sex, there has been no rational effort to define the rights of the individuals involved in terms consonant with modern civilization. Custom has decreed that monogamous marriage should constitute the recognized relation between the sexes, but alongside of this institution illicit relationships have been permitted over which the state has had no adequate power of supervision. While the state has called marriage the legal relation between the sexes, it has failed to make sexual intercourse outside marriage in a practical sense illegal, for even in those states where there is a statute against fornication, no adequate effort has been made to put this law into operation. Public opinion has consistently overlooked sexual relationships outside marriage, provided the girl was over the age of consent, and provided further that she was supposed to give her consent to the relationship.

The study of existing statutes as actually enforced brings to light the fact that the modern state has built up no definite standard for sex relations between adult men and women. They may marry if they like, in which case a superabundance of laws become operative, or they may live together in disregard of marriage, in which event the state washes its hands of the whole transaction. If either of the partners to fornication happens to be married, he or she may be held for adultery, but action must in practice be

brought by the injured wife or husband, for the state does not feel any degree of responsibility in such matters.

Moreover, the consensus of opinion with regard to the gravity of the offense of adultery is in a very fluid condition, for, as has been seen in some states, it is technically punishable by imprisonment in the penitentiary, while in others, such as Maryland, the maximum penalty is a fine of ten dollars.

As was shown in a previous chapter, a similar condition exists with regard to the age at which a minor is considered to be capable of giving consent to the sexual act. The manual of the United States Army provides that any man who seduces a girl under the age of ten years is guilty of rape, and may be court-martialed. In Colorado and in many of the other Western states, 18 is the age fixed upon, and in Maryland and some other states the statute provides that seduction of a girl under the age of 14 constitutes rape, while carnal knowledge of a girl between 14 and 16 merely amounts to a misdemeanor.

In actual practice, the responsibility for the prosecution of these cases is almost invariably left to the girl or her family, for the state takes little interest in these affairs, and is not sufficiently equipped with detective service and the like to handle them efficiently. It is only when the man is a Negro or when rape has been conspicuously accomplished by physical force that the community awakens to a sense of its responsibility. Then there is a great hue and cry and even a hanging may be in order. If a girl of 16 in Maryland is persuaded by a man to have intercourse with him he is guiltless under the law, but if he uses physical force to bring her to submit to him, he may pay the penalty of his act by being hanged.

In the enforcement of the statutes, willingness on the part of the woman to accede to sex relations outside marriage, appears to be the sole criterion of the state in regard to the virtue or vice of sex relations. This one point being

settled, and the woman having agreed, the state then fails to make adequate provision for the offspring and leaves the woman without redress in the event that the man sees fit to desert her and her child.

The general public does not realize what an enormous number of cases of the seduction of young children actually occurs, for most of these cases never come before the courts, and of the few that are brought to trial the majority are dismissed for lack of evidence. One Baltimore physician who was called upon to examine the children connected with these cases, reports that in the course of one year in Baltimore City more than one thousand little girls under the age of 12 years were found to be the victims of unscrupulous men. It is of interest to note that of the insignificant number of men convicted of assaults upon children, the average punishment inflicted was less than three months in jail.

Since it is well known that the ranks of prostitution are recruited from girls who have been seduced at a tender age, it would appear that willingness on the part of a girl to accede to her seduction was perhaps hardly a sufficient criterion for interference on the part of the state. In the matter of property the state does not hesitate to decree 21 years as the age at which a girl may handle her property independently, yet in a matter which concerns both the girl and the state far more significantly than mere pecuniary values, the state permits a girl to accede to her physical and moral ruin from the age of 12 years upward.

The question of illegitimacy also enters in, for even if a girl is willing to participate in illicit relations, the child has certain rights which ought to be respected. There is no act which is so terrible in its consequences upon children as irresponsible sex relations, irrespective of whether the parents agreed to the relationship or not. Precisely why this fact has not permeated the public conscience it is difficult to tell, for the half-breed, the degenerate and the fee-

ble-minded are present in every community to tell the story. There is no more unspeakable offense that a father can perpetrate against his child than to give it a mother who is too low in scale for him to recognize openly as his mate; yet throughout America the mulatto bears silent testimony to the fact that thousands upon thousands of children have been cursed by their fathers in this way.

The white man who anathematizes the colored woman and who refuses her the legal right of marriage with his own race, is not too proud to have sex relations with her and to give his son the dark skin which he so scorns. Moreover, having given him a Negro inheritance the father promptly deserts him altogether, denies him his rightful name and leaves him to be reared as an outcast even in the inferior group. No child could have more righteous or more dreadful cause for just complaint against his parent than the illegitimate half-breed colored child, and it is doubtful if one human being could be more grievously outraged by another than in this case. Yet well thinking, high bred white men feel no chagrin at having intercourse with colored girls, and the state stands aloof, refusing to assume responsibility.

Similarly men feel no especial prick of conscience if feeble-minded girls submit to their embraces even though they know that through the sexual act they may be giving a half-witted inheritance to their children. In cases such as these the responsibility of the state to its future citizens is clearly apparent, and is not vindicated merely by determining whether or not the woman willingly accedes to the relationship.

Every year in America thousands upon thousands of illegitimate children are born, many of them are of inferior inheritance, many of them are not; all of them come into the world under a disadvantage. They have no legal name or status; they do not enjoy the property rights of other

children; their right of maintenance and education is insufficiently assured. Myriads of them die within their first year, suffering from neglect and malnutrition. Their mothers are incompetent to care for them alone, and if they grow up the knowledge of their origin is a constant reproach to them. The state passes them by in its virtuous hypocrisy, providing perhaps a foundling asylum or a miserable pittance extorted with difficulty from an unwilling father. That their mothers were willing to have sexual intercourse with their fathers has satisfied the state; the protection of the race stock and the assurance of the rights of the most helpless of all citizens are matters of indifference.

The attitude of the state toward the problem of sex is an exact mirror picture of the attitude of the average man on the same problem, which is but natural, since in these affairs men have had supreme power in framing and enforcing the statutes. Men have regarded rape as a serious offense for it might affect the women in their own families, their wives or their daughters; they have also regarded the seduction of young children as a more or less objectional practice, although the little girl under the paternal roof was in a comparatively safe position. At the same time, they have desired a free rein for themselves in the pursuit of sexual enjoyment, which has predicated the availability of a considerable number of women. The thought of illigitimacy has scarcely entered their minds, for by the time a girl becomes pregnant they have usually lost their interest in her, or are prepared to do so. Moreover, men have a happy way of thinking that if a girl submits to one man she is doubtless available to many others, so that paternity is more or less dubitable. Being held in no wise responsible by the state in their relations with compliant women, they have assumed that it was only necessary for them to persuade the women to yield to them in order to make their

act acceptable. A little specious love making or a small financial gift being successful, they have proceeded to the indulgence of desire with few compunctions.

When to their chagrin it was discovered that venereal disease resulted from their promiscuous habits, they immediately called upon the state to detect and eliminate the infectious woman. Restraint on their part from exposure to the sources of infection being contrary to their wishes, they discounted justice and hygiene in regard to illicit relations and wrote down statutes relating to promiscuity directed exclusively toward their partners in prostitution. They also set up lock hospitals for women only, retaining to themselves the sole right to disseminate venereal infection. Relying upon their own instinctive virtue, they failed to protect wedlock against venereal contamination, with the result that countless innocent women and children have paid with their lives for men's sexual license.

From a consideration of the existing statutes, it is clear that the first step toward bringing order out of chaos is for the state to define what it considers the proper relation between the sexes, and then with all its power and prestige to outlaw all relationships which do not fall within this definition. Men and women must be brought to acknowledge their sex relations publicly as they do in marriage, for where secrecy is permitted degradation of the sex life of the individual has been found to ensue. If a man were forced openly to recognize the colored woman or the deficient girl with whom he now consorts as his mate, which in practical fact she temporarily is, he would soon learn of the public's disapproval of such relationships. It is only the fact that he is able to conceal his conduct with these women from the respectable members of his acquaintance that makes it possible for him to indulge his base desires with no qualms of conscience. The racial conscience would quickly intervene and inhibit his desires if the facts of his conduct were presented to the public view. In the

absence of any legal standard for the relation between the sexes, public opinion is impotent to judge the conduct of the individual, for it has no adequate means of ascertaining in what kind of sexual conduct the members of the community are indulging. With the standard defined, and with all other relationships placed under the ban of the law men would be made answerable for their sexual acts, and they would promptly order their lives in a manner more or less consonant with public approval.

The points of importance to be considered in framing a standard for the relations between the sexes are, first, that all men and women shall be required by the law to acknowledge their sexual mates publicly and openly. Clandestine or unregistered relationships cannot be connived at by the law, for it is impossible for the state to regulate relationships of which it is ignorant. Second, the standard adopted by the state should insure liberty in sexual selection. It should not operate to deny freedom in love, for if it does it will neither command nor deserve obedience. Third, it should act to insure a father as well as a mother to all offspring and should recognize the equal rights of all children under the law. It will be seen that these three essential factors would be included in the present custom of monogamous marriage if sex relationships outside of wedlock were made illegal, if divorce were freely permitted on grounds of incompatibility and if the common parentage of a child constituted marriage.

There appears to be no doubt but that the mating of one man with one woman insures a better opportunity for the complete development of the sex life of all the members of the community than is afforded either by polygamy or polyandry. Moreover, modern experiments in polygamy and group marriage as among the Mormons or in the Oneida colony have been admittedly signal failures. The trend of civilization has set so strongly in the direction of the one man and the one woman union that it would be impossible

in practice to secure public recognition for polygamy, polyandry or promiscuity in sex relationships. Easy divorce on the other hand has been constantly gaining in favor, as is indicated by the U. S. Census figures which show that one marriage out of every nine in America ends in the divorce courts. While the amount of marital unhappiness which these statistics predicate is on humanitarian grounds highly deplorable, still it cannot reasonably be argued that it would be more wholesome for the men and women involved or for their offspring if these people were forced to continue to live together under conditions favorable to reproduction, than if they were permitted to separate and to try their fortunes again in the lists of matrimony. When people are under duress to live together they are far less apt to endeavor to make themselves agreeable to one another than when they are permitted free choice in their companionship. Monogamy with its common interests in the home and in the children appears to be so inherent a desire among civilized peoples that it is scarcely conceivable that it should be necessary to chain men and women to one another to insure permanence in the union. Moreover, if it were essential to link them together against their will, if it were to be supposed that monogamy would cease to exist if it were not forced upon people as unwilling slaves, it would be open to question if it would not be wiser to give over the institution altogether and set up some other standard in its stead. The basis for the relation between the sexes must be sought in nature, as it is among the birds, and not be merely an idle form superimposed through arbitrary law upon the conscience and will of adult human beings. It is the fact that highly developed men and women prefer to live together in the monogamous state that unquestionably makes this standard of the relation between the sexes more desirable than any other.

Instead of the present inelastic form of marriage which may be so easily entered upon and from which people have

such great difficulty in extricating themselves, the state should institute a definite form of marriage contract, not binding the individuals to eternal love, for of that contingency they can at no time speak positively, but merely requiring that they recognize one another publicly as mates in advance of the sexual act, and that they subscribe to the various parental and property obligations that may become involved in the relationship. It should also be included in the contract that either of the parties to the agreement could withdraw at will, provided that he or she made adequate provision for dependent children and adjusted property considerations in accordance with defined law. Where the wife and mother fulfills her duty to the household, she has a moral lien on the earnings of her husband, which is already in some degree recognized by the state, and in the preparation of the marriage contract this right to some material fruits of her labors should be recognized in concrete and unmistakable form. Mutual consent in withdrawing from the contract should not be required, for this would hamper the individual unduly and to no good purpose, in his freedom in sexual selection, and would tend to give moral and biological grounds for illicit relationships, as has been the case in the past.

It would undoubtedly be well to require that either party who desired to cancel the contract should give due notice to the state of his or her intention so to do, and that a certain number of months should elapse between notification and cancellation. This would tend to preclude hasty action resulting from transitory disagreements, and would enable the state to assure proper provisions being made in behalf of the children.

There may be those who would anticipate a complete dissolution of the home and the state if marriage were placed upon this practical and dissoluble basis, but those who believe in the moral and biological foundation of the monogamous tie will entertain no such apprehension. The

very reason why the state would be justified in defining the relation between the sexes as a monogamous union, is that men and women tend to pair together monogamously when their conduct is not so contrary to their own best interests as to demand concealment. Doubtless with the development of a more humane economic system, and the furtherance of opportunities for natural association between the sexes before marriage, a wiser choice in mating will eventuate, and the facilities for cancelling the marriage contract be less and less made use of.

Those who fear that men would change their mates with undue frequency if divorce were permitted on the simple request of either partner, do not consider the fact that the majority of men now live in clandestine promiscuity, nor do they realize that the financial obligations involved in matrimonial ventures would prohibit many marriages for the average man.

Under this standard the ideal of the life-long monogamous union would be realized by those capable of comprehending its benefits. Love would be granted the utmost freedom compatible with the welfare of the children and the state, sexual selection would be given rightful recognition, and marriage would be changed from a coercive bondage into an institution based upon genuine affection The dual nature of sex would be recognized in its entirety, mutual responsibility in the sex relationship could to a maximum degree be assured by the state, and justice would at last find its way at least into the relations of men and women as the progenitors of the race.

Since the child is the natural fruit of mating, the coparentage of offspring should constitute legal marriage. The man who then consorted with a deficient girl or with a woman of inferior race would come to understand the significance of his conduct, and would automaticlly be restrained by public opinion and his own self-respect from per-

petrating the most heinous of all crimes against posterity. In case the father of a child born out of wedlock were already married the man should be held guilty of bigamy and be prosecuted accordingly by the state, and the same law should operate in the case of the woman. Under such a law illegitimacy would be reduced to a minimum and the state would be held responsible, as it should be, for securing the registration of both male and female progenitors.

Procedure of this sort would be less of an innovation than might at first appear, for in many countries customs similar to this are already in operation, and during the recent war large numbers of men were forced by the government to marry girls whom they had rendered pregnant. Moreover, it would not operate unjustly toward the man, for he would merely be held responsible by the state for the results of his own conduct, and he would be free to extricate himself through divorce from an uncongenial relationship by making adequate provision for his child.

The chief purpose of thus standardizing sexual conduct is to provide the state with some practical means for differentiating between the use and the abuse of the sexual function, so far as the race is concerned. So long as the state presumes to adjudicate love its behests cannot by rational human beings be respected or obeyed. The power of sexual choice must be left to the individual and to him alone. It is not, however, officious for the state to require that the relationship should be registered, that the responsibilities which it entails should be assumed, nor would any man who truly loved a woman resent publicly admitting that she was his mate. With this standard formally enacted into law, the state could logically proceed against all those who indulged in prostitution or who otherwise sought to gratify their base sexual impulses at the cost of racial progress. Fornication would be recognized in its true proportions as an offense against the racial life, and

the heretofore valid excuse that marriage denied freedom for true love could no longer be offered by those guilty of adultery.

In order to make manifest the magnitude of the offense of fornication, penalization proportionate to the racial results of such conduct must be instituted. The individual must understand in terms of his own comfort and convenience the significance of clandestine sex adventures. The fact that illegitimacy, prostitution and venereal disease flow from promiscuous sexual relationships must be epitomized in the form of law before the inexperienced and young will learn in time that the true road to sexual happiness lies through love and chastity, and not through sensuous and transitory relations between the sexes.

CHAPTER VIII

THE VENEREAL DISEASES

While no reliable statistics with regard to the incidence of venereal disease in America are available, it is estimated by genito-urinary specialists of wide experience that of young unmarried men fully 60 per cent have or have had gonorrhœa, and that from 10 to 15 per cent contract syphilis. Morrow estimates that 60 per cent and Forscheimer that 51 per cent of the adult male population of the United States have gonorrhœa.[1]

Statistics compiled by Dr. George Walker, Colonel in the United States Army, show that in the American Expeditionary Forces the percentage of venereal disease among the troops was about 12 to 13 per cent syphilis, 37 per cent chancroid and 51 per cent gonorrhœa. A table prepared by Col. P. M. Ashburn and published in the Journal of the American Medical Association, May 8, 1920, shows that among the United States troops from 1903 to 1915 the percentages of the three diseases in the totals of venereal disease reported were approximately gonorrhœa 60 per cent, chancroid 18 per cent, and syphilis 20 per cent.

Among 2000 case histories in the public and private wards of the Johns Hopkins Hospital, Dr. Hooker found that 49.9 per cent of the male patients gave a past history of gonorrhœa and that 10.9 per cent gave a past history of syphilis. The patients were not connected with the genito-urinary department, but were admitted to the general medical and surgical service. The incidence of venereal disease as shown by the past histories was higher in the private

[1] Cabot's *Modern Urology*.

than in the public wards, confirming Dr. Blaschko's findings that venereal disease is more frequent among the higher than among the lower classes of men.

When it is realized that a large majority of these men subsequently marry, many of them with an uncured disease, that they contaminate their wives and even transmit their malady to their offspring, the enormity of the results becomes apparent.

It is the association of these diseases with marriage that gives them their paramount social significance, for they attack life at its root, and contribute largely to sterility and racial deterioration. In women, gonorrhœa is the common cause of sterility, while syphilis leads to miscarriage, still-born and defective children. Gonorrhœa is responsible for at least 80 per cent of the cases of sterility, and many fruitless marriages which were formerly supposed to be attributable to sterility in the wife, are now explained by induced sterility in the husband.[2]

According to Noeggerath and Neisser, about 50 per cent of sterility in women is caused by gonorrhœa, while Williams states that 73 per cent of all abortions are caused by endometritis and cervicitis. Pregnancy offers a signal opportunity for the growth of the gonococcus, with the result that after parturition or abortion, the disease which had formerly maintained a benign course then acquires a new virulence, leading in some cases to the death of the patient and more frequently to her permanent sterility. The "one child sterility" which is so often encountered is in most instances due to gonorrhœa. In addition to its fatal effect upon the offspring the social significance of the gonococcus is still further enhanced by its capacity for conferring blindness upon the newly born. During the act of parturition, the gonococci which are present in the maternal discharges, invade the eyes of the infant and by setting up a purulent conjunctivitis lead to permanent blindness in one or both

[2] Ernest Finger. *Blennorrhœa of the Sexual Organs.*

eyes. It is estimated that approximately 30 per cent of all blindness is gonorrhœic in origin.

The figures of Dr. Keyes, cited in his treatise on syphilis, indicate the importance of this disease in the problem of race culture. "Among 43 women innocently infected with syphilis in matrimony, and who bore children after said infection, only 2, think of it! only 2 escaped bearing at least one syphilitic child, and this exception is fully compensated for by 3 who, before realizing that they had this disease themselves, infected a child whom they had previously brought into the world healthy.[3] Of the infecting 41

23 bore 1 syphilitic child (or fetus) of whom 5 bore healthy children
8 " 2 " children " " 6 " " "
4 " 3 " " " " 2 " " "
2 " 4 " " " " 2 " " "
3 " 5 " " and no others
1 " 8 " " and 6 healthy ones
Total 41 bore 86."

The heartbreaking tragedies that are mutely attested by these statistics indicate to how large a degree the innocent pay the price for venereal infection. This point should be clearly borne in mind by any student of venereal prophylaxis, for the venereal diseases themselves are not necessarily in any given case evidence of licentious conduct. Dr. Morrow has said that there is more venereal disease among virtuous married women than among the women of the streets, and it is beyond question true that unborn infants pay the highest death toll of all as a result of venereal infection. Before the true nature of the venereal diseases was understood it was popularly supposed that immorality in itself sufficed to produce these maladies. Science, however, has proven that syphilis can arise only from syphilis,

[3] Edward L. Keyes. *Syphilis.*

gonorrhœa from gonorrhœa, and chancroid from contact with the Ducrey bacillus. The guilt or innocence of the individual concerned bears no relation to the infecting organism.

The history of the venereal diseases is still more or less debatable ground. It is generally admitted that gonorrhœa and chancroid existed in Europe in the earliest days of antiquity, but while some authors maintain that syphilis originated in prehistoric times in the Eastern Hemisphere, the weight of testimony seems to be with those who look upon syphilis as a disease of comparatively modern times.

Bloch insists that the first syphilitic bones date from after the time of the discovery of America, and he believes that syphilis was first introduced into Spain in the years 1493-94 by the crew of Columbus, who brought it from Central America, especially from the Island of Hayti.[4] Almost all authorities agree that modern syphilis was first recognized in the last decade of the fifteenth century, beginning among the soldiers of Charles VIII, King of France, in his campaign against Naples. At this time it assumed the form of a veritable epidemic, and after the army was disbanded it was carried by the soldiers to the other countries of Europe, and was soon transported, presumably by the Portuguese, to the Far East.

Until the time of Philipp Ricord (1800-1899) the three venereal diseases, syphilis, gonorrhœa and chancroid, were regarded as essentially one disease. During the years 1830-1850, Ricord established the diversity of syphilis and gonorrhœa, and later proved that chancroid was not of syphilitic origin. With Albert Neisser's discovery of the gonococcus in 1879, the truly scientific study of venereal disease was begun, and in 1889 to 1892 this was followed by the discovery of the bacillus of chancroid by Ducrey and Unna. In 1903, Elie Metschnikoff succeeded in transmitting syphilis from man to the higher apes, and in 1905, Fritz

[4] Iwan Bloch. *The Sexual Life of Our Time.*

Schaudinn demonstrated the Spirochœta pallida in the secretions from syphilitic sores. Following his memorable findings, confirmatory evidence was supplied from all parts of the world, and today it may safely be said that the spirochete of Schaudinn bears a directly causal relation to the disease known as syphilis. The great names associated with the scientific study of venereal disease are Ricord, Neisser, Metschnikoff and Schaudinn.

The recognition of the diversity of the three venereal diseases stimulated investigation as to the specific nature, consequences and treatment of each infection.

SYPHILIS

Syphilis, the most dreaded of the triad, has long been known as a disease capable of the most insidious and enduring results. In the early half of the nineteenth century, Ricord established the doctrine of the three stages of syphilis, primary, secondary and tertiary. This doctrine is still roughly adhered to, though it is now known that the secondary and tertiary stages of the disease are often not clearly delimited. In describing the progress of the infection, it is convenient to follow this classification.

The Mode of Infection

It is generally admitted that in American and European countries from 90 to 93 per cent of syphilitic infections, exclusive of hereditary syphilis, are of genital origin. The disease may also be transmitted by contacts of other sorts, as, for example, by kissing, using a glass, pipe, handkerchief or other article used by a syphilitic person, or through suckling when the disease is present, either in the infant or the nurse. In some parts of Russia and Turkey on the contrary, it is stated that as many as 50 to 60 per cent of all infections occur independently of sexual intercourse. Syphilis is not contagious except through surface lesions, and during the later stages of the disease is usually not contagious

at all. The mucous membranes of the mouth and genitalia are the most ardent sources of infection, and these lesions in early untreated cases are always found to be swarming with spirochetes. The mucous patches which appear upon the lining of the mouth and tongue are particularly virulent and occasion the great majority of extra genital infections. It is commonly conceded that syphilitic secretions cease to be infectious after 12 to 24 hours and much sooner, probably within six hours, when dry.

One of the great merits of prompt treatment by Salvarsan is that it renders the superficial lesions sterile and thereby checks the spread of the disease.

Primary Symptoms

The onset of syphilis in men and in women is in most instances markedly different. In the man from two to five weeks after exposure, the disease usually first evidences itself as a small pimple upon the glans penis or the foreskin. This grows rapidly, is usually ulcerated on the surface, and becomes continually harder at the base. The pus which it secretes is extremely infectious. This sore is called the "hard chancre" or "primary lesion," and since it causes very little discomfort the patient may neglect consulting a physician. Within one or two weeks the virus spreads to the inguinal lymph glands and these appear as painless indurated nodes. After three or four weeks the ulceration gradually heals over, leaving a hard, characteristic lump, but the glands do not disappear. Two or three months from the time of infection the first systemic symptoms appear. Lymph glands in other parts of the body become swollen, the patient complains of fever and a general feeling of malaise, his bones ache and he begins to lose in weight. He may suffer from pains in the joints and muscles and from severe headaches.

In women the initial stage of the disease may be practically absent. The primary sore is frequently so slight

as to escape notice, and until two or three months after infection, the patient considers herself entirely well. Then she may suffer from excrutiating pains in her bones or in her head and exhibit a low fever. Following this, general toxemia, characteristic skin lesions and mucous patches may appear, but in many cases these are absent. Repeated miscarriages or the birth of syphilitic children may be the only evidence of the disease. It was doubtless these atypical cases, that gave rise to the erroneous belief embodied in Colles' law that a non-syphilitic mother could give birth to a syphilitic child to whose infection she alone was immune.

Secondary Lesions

If treatment has been instituted early in the course of the disease, secondary symptoms may never appear, although in many cases both the primary and secondary symptoms are wholly overlooked. Acute toxemia and certain local lesions which are not destructive in character and which tend to spontaneous healing mark this stage of the disease. The skin eruptions are peculiarly characteristic, especially the "roseola syphilitica" which appears first on the trunk in the form of rose-colored spots and which spreads thence over the whole body. Nodules may appear in the skin and thickened patches in the mucous membranes. The hair may fall out in a characteristic patchy way, and the palms of the hand and the soles of the feet may exhibit peculiar thickenings, "syphilitic psoriasis." The mouth and throat are filled with mucous papules and erosions which are extremely infectious.

In addition to the superficial lesions, the deeper organs of the body are affected, and a wide variety of symptoms may appear. Jaundice marks involvement of the liver, and excruciating headaches may result from the toxemia. The nails may become the seat of inflammatory processes, and in a large proportion of the cases a superficial inflammation of the bones, causing severe pain, sets in. Deafness

may occur and laryngitis, and in rare cases epididymitis. Iritis, which frequently causes permanent impairment of vision, is sometimes seen. It is said that 60 per cent of all cases of inflammation of the iris are syphilitic in origin. Nephritis occasionally occurs.

In well treated cases, relapses are often avoided, especially after the first year. As time passes from the date of the infection, the danger of recrudescence becomes continually less.

The duration of the secondary symptoms is more a matter of text books than of facts, for they are sometimes met with as long as five or even ten years after the chancre. In the great majority of cases, however, secondary symptoms cease to recur after the third year. The infectiousness of the secondary lesions is indubitable, though the danger is chiefly restricted to lesions of the mucous membranes. In late infections the disease is often transmitted through a kiss. A case cited by Dr. Keyes illustrates this circumstance.

Case XVIII. "Chancre in 1871 followed by secondary symptoms of skin and mouth. Treatment for four years. He marries in 1876. The first child is born and remains clean to his twenty-sixth year. Shortly after the birth of their child the father becomes an inveterate smoker, and soon his tongue shows syphilitic erosions. Warned on several occasions of the danger to which these lesions exposed his wife, he nevertheless continues to smoke and the erosions multiply. At last in 1880 the expected happens: the wife develops chancre of the lower lip, followed by secondary lesions. Being pregnant she aborts and later bears two syphilitic children."

The comparatively slight infectiousness of these later lesions is here well indicated, for it is not until the ninth

year of the disease, after innumerable exposures, that the wife contracts the disease.

Tertiary Lesions

From the third to the tenth year of the disease in untreated cases, new morbid symptoms begin to appear. These are differentiated from the secondary lesions by their tendency to spread and become diffused and by their disinclination to spontaneous healing. They often form large masses of scar tissue with a central tendency to caseation which are known as "gummata" and which are absolutely characteristic of the disease. These may appear in the brain, the liver, the lungs or, indeed, in any organ. They frequently cause extreme disfigurement for example, perforation of the hard palate or sinking of the bridge of the nose (syphilitic "saddle nose") and they may cause death.

Cirrhosis of the liver may occur, as well as involvement of the intestines, lungs, testicles and blood vessels. Arteriosclerosis is often associated with syphilis. Apoplectic strokes in the young, paralysis, deafness and blindness are often referable to syphilitic disease.

Sir William Osler has said that syphilis may counterfeit almost any known disease, and this is more peculiarly true in the tertiary stage of the malady.

Late Manifestations

Long after the cessation of active symptoms, evidences of disease of the central nervous system may appear. These constitute the so-called "quaternary stage of syphilis," locomotor ataxia and general paresis being the conditions most frequently encountered.

The chronic syphilitic infection gives rise to degenerative changes in the essential nervous tissues, and permanent unalterable changes set it. Treatment in these cases is at best palliative, as the symptoms depend upon the actual destruc-

tion of the tissues. The parasyphilids are peculiarly characterized by their incurability.

The case of a young man who contracted syphilis some five years ago, illustrates the nature of these lesions. The patient had an uncommon horror of the disease, and insisted upon being treated long after all symptoms had disappeared. He was thoroughly treated according to the most approved methods, and conscientiously obeyed the restrictions which his physician put upon him. After almost four years of constant treatment, he was finally persuaded to consider himself cured, and he unwillingly left the hands of his adviser. He had showed a negative Wassermann a very long time before he was discharged. Some six months later he noticed difficulty in vision and upon examination atrophy of the optic nerve was discovered. He is now rapidly going blind, still shows a systemic Wassermann, but a positive Wassermann with the spinal fluid.

The parasyphilids are legion. They may affect the nails, the skin, the hair or the general health of the patient. Fournier would also include certain cases of glycosuria and epilepsy, as well as arterio-sclerosis with its matchless power of causing changes in any organ. The chief parasyphilids, however, are tabes dorsalis or locomotor ataxia, paresis, or general paralysis of the insane; and Erb's spastic spinal paralysis. These affections are characterized by their frequency, their fatality, their incurability, and their almost constant association with syphilis.

They are among the most terrible and overwhelming diseases that afflict mankind, and through their incurable character have doubtless contributed much to the deep horror in which syphilis is popularly held. Occurring long years after the patient had supposed himself cured, occasioning almost unthinkable pain, as in the gastric or laryngeal crises of tabes, culminating in paralysis or in a revolting form of dementia and finally leading to death, they epitomize with cruel distinctness the truth that Nature never forgets.

In the statistics presented by Dr. Keyes, tabes occurred in about four per cent of the cases of syphilis; paresis about one-third as often.

Hereditary Syphilis

Syphilis is the only disease known to humanity as being definitely hereditary. The transmission of syphilis to the child by inheritance may be effected either by the father or the mother. According to Fournier, paternal heredity gives rise to 67 per cent syphilitic children, of whom 28 per cent die; maternal heredity causes 84 per cent syphilitic children, of whom 68 per cent die; while mixed heredity (both parents syphilitic) produces 92 per cent syphilitic children, of whom 68.5 per cent die. Later researches indicate that a syphilitic child has probably never been born of a non-syphilitic mother, for through the placenta the spirochetes have ready access to the maternal circulation, and it is impossible to believe that under such circumstances the mother should not become contaminated. The danger of transmitting syphilis to the offspring is at its maximum during the first year of the disease, and subsequently diminishes until after the third year, when the danger is comparatively slight. Cases are on record, however, where the disease has appeared in the offspring ten, fifteen and even twenty years after the original infection in the parents. Hochsinger classifies hereditary syphilis as follows:

1. *Fœtal Syphilis*, which is fatal in about one-half the cases.

2. *Infantile Syphilis* (from three to six months), which destroys about one-third of the infected children.

3. *Relapses in Infancy* (until the fifth year), which are less frequent and less severe than in the early months.

4. *Late Hereditary Syphilis*, which occurs after the fifth year and differs in no respect from tertiary syphilis in the adult. This probably never occurs after the twenty-fifth year.

5. *Stigmata of Hereditary Syphilis.* Fœtal syphilis differs from syphilis in the adult chiefly in the extreme acuteness of the disease, and in the comparatively wide diffusion of the morbid processes in the various organs; the lungs, liver, kidney, spleen and bones are the organs most frequently involved, the skin remaining immune until shortly before or after birth. The syphilitic or "anæmic" placenta is extremely characteristic, and shows wide infiltration with connective tissue. It is heavier than normal and more voluminous. Abortion usually takes place during the later months of pregnancy, from the fourth to the seventh month, and the death of the fœtus is usually due to impaired nutrition resultant from degenerative changes in the viscera.

When the child is born alive, it may at first present no superficial evidences of the disease, but in a certain proportion of cases the picture is unmistakable. The typical syphilitic infant sums up within its wizened, prematurely aged body all the horrors of the disease. Its eyes are sunken and inflamed, its skin is loose and wrinkled and may show repulsive sores, its hands and feet are claw-like. It is pitifully thin and feeble, and constantly utters a peculiarly hoarse cry. It is restless and shows great difficulty in breathing and can hardly nurse at all. These children usually die soon after birth, and, strange as it may seem, the mother mourns them with normal grief. In the great majority of cases, no such striking picture is seen. The child may be of average weight with no skin lesions and no evidence of visceral disease. After a few days snuffles develops, followed by characteristic skin eruptions, of which pemphigus is the most ominous. Great purulent vesicles appear, which break down forming green scabs, and though usually located upon the palms of the hands and soles of the feet, they may spread to other regions of the body. The diffuse muculo-papular syphilid may involve very extensive areas. In the genital creases and on the

flexor surfaces of the joints, the skin may become almost completely eroded.

Lesions of the mucous membranes occur about the lips and in the anal and genital regions. Small mucous papules appear, especially at the angles of the mouth; they become eroded and fissured, forming deep, red, oozing cracks, which are extremely painful and interfere with suckling. The radiating scars which result are among the most reliable stigmata.

The nails are claw-like and are often undermined by an inflammatory process, so that they can be readily detached.

The bone lesions are characteristic, resulting in late years in the "sabre blade" tibia, which is most frequently associated with rickets. In early syphilis, lesions of the skull, sometimes resulting in hydrocephalus, are most frequent.

Enlargement of the liver and spleen are seen in about 40 per cent of the cases, and in still-born children sclerosis of the testicle is extremely common.

After infancy, relapses are most liable to occur in the first and second year, the sixth to the eighth year, and from the time of puberty until the early twenties. Epilepsy, hemiplegia and optic neuritis are common at this time. Among the later cases the lesions are practically identical with those of tertiary syphilis. Interstitial keratitis, resulting in a corneal scar which frequently destroys or impairs vision, is especially characteristic.

Among the stigmata of congenital syphilis, Hutchinson's triad is important. This consists of (1) notched or pegged upper permanent incisors; (2) corneal scars, iritic adhesions or ocular palsies, and (3) "nerve" deafness, which occurs in young persons with great suddenness, rendering them totally deaf within a few hours in one or very rarely in both ears.

Permanent debility, arrest of development, various malformations of the nose, ear and palate, deaf mutism, "in-

fantilism" or idiocy, and epilepsy are some of the other disastrous results of congenital syphilis.

Treatment of Syphilis

In the very great majority of cases, syphilis, if treated early, is an absolutely curable disease. The gravest danger to the patient lies in his neglect of treatment after the subsidence of the early symptoms. Treatment to be effective should be continued systematically for two, and in some cases, for three or more years, and any relapse should be very promptly reported to the physician. Owing to the extreme danger of hereditary syphilis, procreation should be strictly prohibited for both men and women for at least two years from the onset of the disease.

The routine treatment of syphilis consists of repeated doses of Salvarsan or iodids, alternating with the administration of mercury by mouth, by inunction or intra-muscularly. This intensive treatment is continued for one year, after which it is somewhat relaxed, and by the end of the second year the patient is usually free of the disease. One great advantage of the prompt treatment by Salvarsan is that it destroys the spirochetes in the superficial lesions and obviates the danger of infection.

The treatment in congenital syphilis is precisely similar to that in the acquired form. Keyes and Morrow both advise against the marriage of syphilitic persons within five years of the onset of the disease, during which period all symptoms shall have been absent for at least two years.

The Wassermann blood serum test is of considerable value in assuring the absence of the disease, although it is not by any means always reliable.

Upon the general hygiene of the patient depends much of the success of treatment. Addiction to alcohol predisposes to relapses of varying intensity. By insistence upon these factors, the nurse can do much to fortify the efforts of the physician, and she can do even more by urging the

patient to continue treatment until he is dismissed by the physician. The disappearance of early symptoms too often leads the patient to suppose himself cured, and by insisting upon the necessity of thorough treatment the nurse may in a certain number of cases save the man and his family the overwhelming tragedy of locomotor ataxia, paresis or of relapses in later years.

CHANCROID

Despite the similarity of name, chancroid is in no way related to the chancre of syphilis. The misleading terminology dates back to the time when the diversity of the venereal diseases was not understood. Chancroid, or "soft chancre," is a purely local lesion and never gives rise to a general infection. It is extremely contagious and is especially characterized by its tendency to autoinoculation. The specific character of chancroid was established in 1889 when Ducrey demonstrated the causative micro-organism. The strepto-bacillus of Ducrey is dumb-bell shaped, constricted in the centre and with square or rounded ends. It is invariably present in every case of chancroid.

This disease is especially a disease of filth, and is met with much more frequently in dispensary than in private practice. It is preeminently a disease of men, and may be conveyed from one man to another by a woman who temporarily harbors the strepto-bacillus in her vagina, but who is not herself infected. It is in almost every case transmitted through the sexual act, but it may be conveyed by the hands or by any other means of contact. It is probable that inoculation does not take place unless the skin is eroded. Chancroid confers no immunity upon the patient and lends itself readily to auto-inoculation.

Symptoms

From one to five days after exposure a small pustule forms at the site of inoculation. This soon bursts and

breaks down, forming a deeply hollowed ulcer with undermined or inverted edges. The limits of the ulcer are very sharp, giving the appearance of its having been cut out by a sharp punch. It is surrounded by an inflammatory area which is non-indurated in contradistinction to the hard indurated border of the syphilitic chancre.

In the male it commonly appears in the coronary sulcus, especially in the little pocket on each side of the frenum. In women the sores generally occur on the external genetalia. The base of the ulcer is greenish yellow, and from it exudes an abundant purulent secretion which is extremely infectious and which soon gives rise to multiple sores. These may heal spontaneously within from four to six weeks, but in most cases the patient is forced to report for treatment.

The complications in chancroid are usually due to a mixed infection with pyogenic bacteria. Destruction of the frenum with consequent preputial scar is the most frequent and perhaps the most characteristic of these.

Inflammatory phimosis occasionally results and may set up a virulent inflammation leading to abscess or gangrene. Phagedenic or gangrenous chancroid is now much less frequent than in the days preceding the era of antisepsis, but even now occasional infections are so severe that parts of the penis may slough within from 36 to 48 hours, and chancroidal bubo may form a very obstinate ulcer involving extensive areas. The serpiginous ulcer which creeps obdurately forward sometimes taxes the skill of the physician.

"Bubo" occurs in about one-third of the cases. This constitutes an invasion of the inguinal lymph glands, commonly on the side upon which the sore lies, but sometimes bilaterally. The glands become inflamed and markedly swollen, and may be extremely painful. Within a week or so the glands may gradually be resolved, or they may become matted together and go on to suppuration. The so-called

"virulent bubo" is marked by the formation of a chancroidal ulcer at the point of incision, the pus from which is autoinoculable.

Treatment

The chief point to be borne in mind in treating chancroid is its possible association with an additional syphilitic infection. The same exposure that caused chancroid may have sufficed to inoculate the patient with syphilis as well, and it is to the highest degree important not to overlook the graver disease in treating the comparatively benign malady. Chancroid may conceal the original chancre and so mislead the physician.

If chancroid is seen within three days of its inception, the ulcer or ulcers should be thoroughly cauterized. Argyrol crystals are an effective measure. Extreme cleanliness is of absolute importance, and the ulcers should be covered with bichloride dressings, or dusted with calomel. For the prevention of bubo, rest in bed with cold compresses is often effective.

In the case of the complications of chancroid, surgical interference is frequently necessary. The use of the actual cautery, under a general anæsthetic, is the best method of checking the course of gangrenous chancroid. The danger of infection to the physician or the nurse is practically nil, as soap and water afford a sufficient prophylaxis.

GONORRHŒA

With the discovery of the gonococcus by Albert Neisser in 1879, a veritable revolution took place in the opinion in which gonorrhœa was held. Previous to that time gonorrhœa had been considered a relatively unimportant disease, often causing no more concern than a cold in the head, but the demonstration of the gonococcus quickly led to a reversal of this idea, and it is now known that gonorrhœa is one of the most serious diseases that afflict mankind. Prior

to the discovery of the specific organism, gonorrhœa had been regarded as a disease of significance chiefly in the male, for its more obscure manifestations in the female were unrecognized as being associated with the disease. Today, however, it is common knowledge that gonorrhœa entails far graver consequences to women than to men, that it is, indeed, as Sir William Osler has said, the most serious of all diseases so far as women are concerned. Its extreme prevalence among young unmarried men, and its long period of infectivity, render it of paramount importance as a menace to marriage, and its matchless power of causing sterility places it far above all other human maladies in racial significance. It is estimated that of every 1000 young unmarried men, fully 600 have contracted gonorrhœa, and since a large proportion of these men marry before their disease is cured, the contamination of the wife in wedlock is of extremely common occurrence. The pessimistic Noegerath states that 80 per cent of married women are affected with latent gonorrhœa, while Sänger found that of all women, married and single, coming to his clinic, 12 per cent had this disease. In the absence of reliable statistics, it is impossible to tell the percentage of marital infection, but gynecologists are almost unanimous in declaring that fully 75 per cent of the major operations performed upon the generative organs of married women are occasioned by gonorrhœa, contracted from their husbands. When it is realized that a large proportion of these operations result in the complete sterility of the woman, the racial significance of gonorrhœa becomes apparent. The effect of gonorrhœa upon domestic happiness is also of untold moment, for it insidiously undermines the general health of the wife, and transforms her from a natively happy, healthy human being into a querulous invalid. Many of the feminine ailments that were formerly supposed to be intrinsic in sex, are now known to be due to gonorrhœa. Without doubt the lives of these women

present the most bitter tragedies of modern days, broken in health and spirit, bereft of children, finally, in many instances, robbed even of the love of their husbands, they drag out their days in misery of mind and body, and find solace only in death. Gonorrhœa is perhaps of all the venereal diseases the one most truly deserving of the name, for it is transmitted in the great preponderance of cases through sexual intercourse. The eye infections and the vulvo-vaginitis of infants and young girls contribute practically the only cases of non-venereal transmission.

Extra Genital Infections

Ophthalmia neonatorum, or blindness of the newly born, is in practically all cases of gonorrhœal origin. It is estimated that about 30 per cent of the cases of total blindness result from gonorrhœal infection of the eyes at the time of birth. Gonorrhœal conjunctivitis is extremely rare among adults, in contrast to the widespread prevalance of acute urethritis, and since the average patient has little respect for asepsis, it must be inferred that the adult conjunctiva is in the main amply resistant to the gonococcus, as otherwise the patient would succeed far more frequently than he does in transferring the infection by his hands to his eyes. Too many cases are on record, however, where nurses or physicians have lost their vision in the course of treating a gonorrhœal case. The patient and his family should always be warned of the danger, and the hands should be scrupulously cleansed after attending a patient suffering with the disease. When only one eye is involved, the greatest care should be used in preventing the contamination of the other.

Gonorrhœal conjunctivitis or purulent conjunctivitis, either in the infant or the adult, begins as a violent inflammation of the conjunctiva, characterized by great swelling of the lids, serous infiltration of the bulbar conjunctiva and the free secretion of contagious pus. The symptoms

appear within from twelve to forty-eight hours after inoculation, progress with startling rapidity and soon threaten the vitality of the cornea. Unless the disease can be checked, ulcers form, and these may perforate, forming an adherent scar. In some cases the entire cornea is involved and the scar bulges forward, forming a protruding cicatrix. In virulent cases, all the tissues of the eyeball may be involved, resulting in atrophy of the bulb.

After about ten days the process reaches its height, and then gradually subsides during the following six or eight weeks. It may, however, pass on to chronic inflammation. Partial or total blindness and a ghastly disfiguration mark the path of the disease.

Since Credé's discovery of the effect of silver nitrate solution introduced into the eyes of the newly born, gonorrhœal conjunctivitis has diminished greatly in frequency. Nitrate of silver is also used in treating the disease in the adult. Cold is a most useful agent, and the conjunctival sac may be irrigated with weak solutions of bichloride or protargol.

Even with the most assiduous care, blindness or serious impairment of vision frequently results.

Vulvo-vaginitis

Within recent years an epidemic form of gonorrhœal vaginitis among infant girls has been observed in hospitals and foundling asylums. The method of contagion is unknown; it spreads with great celerity from one little patient to another, and it is sometimes necessary to close the institution before the epidemic can be checked. Infant girls may also acquire the disease from the mother at birth or shortly afterwards, and among older children it can often be traced to criminal practices. Unsanitary toilet facilities in schools or elsewhere occasionally serve to transmit the disease to young girls. The symptoms are pronounced and severe. A free purulent discharge, which is often blood stained, comes

from the urethra, the vagina and vulva. The mucous surfaces are greatly swollen and bleed readily, and there is often great pain in passing water and a marked and persistent fever. Severe abdominal pain is frequently present. Gonorrhœal joints and meningitis occasionally form complications, and cases of general septicæmia with a fatal termination have been reported. The local conditions do not respond readily to treatment, and sterility and chronic invalidism in later life sometimes result. The prognosis is, however, relatively good. The danger to the eyes in these cases is very significant and every precaution should be used to prevent the child from transferring the infection by her hands. The little patient should be put to bed and the vagina irrigated, first by a hot solution of bichloride or protargol. Ultimate recovery may, to a great extent, depend upon the general health of the child.

Gonorrhœa in Adults

Gonorrhœa is a specific contagious disease caused by the gonococcus of Neisser and characterized by inflammation of the mucous membranes of the genito-urinary tract. The normal shape of the gonococcus is that of the double coffee bean. The gonococci are arranged in pairs or groups of four, and in the acute stage are seen enclosed in leucocytes. In the chronic cases they are frequently extra-cellular.

The symptoms of gonorrhœa may be divided into three groups, accordingly as they owe their origin: (1) To the local infection; (2) to the extension of the disease from the local lesion to the adjacent parts, and (3) to the development of a systemic intoxication; of the symptoms those belonging to the third group are most rare.

The difference in the manifestations of the disease in men and in women is due to the dissimilarity of anatomical structure in the male and female generative organs. This is further enhanced by the fact that inoculation in the male usually takes place in the arterior urethra, while in

the female the virus is commonly deposited in the region of the cervix uteri.

Gonorrhœa in the Male

In the male gonorrhœa usually begins from two to five days after exposure, as an acute inflammation of the anterior urethra. In exceptional cases there may be an immediate involvement of the posterior urethra or even of the epididymis. Pain is experienced on micturition, redness of the urethral orifice is observed, and this is soon followed by the discharge of a thick fluid which is at first mucous, but which later becomes purulent. In addition to the local symptoms, some cases show a slight fever, lassitude and mental depression.

Violent, painful erections, especially at night, may torment the patient. Within three weeks the symptoms usually become less severe, and from the fourth to the sixth week the discharge may cease, and all gross evidence of the disease disappear. In the great majority of cases, however, the subsidence of the symptoms does not indicate recovery; instead, it merely marks the commencement of the chronic stage of the disease. The gonococci begin to proliferate in the deeper tissues, and to ascend toward the posterior urethra, and inflammation of the bladder, the prostate or the epididymis may follow. In about 50 per cent of the cases of bilateral epididymitis, complete sterility results. Relative impotence and severe sexual neuræsthenia sometimes result from chronic gonorrhœa. One of the most distressing sequelæ of gonorrhœal urethritis is stricture of the urethra. In pronounced cases, retention of the urine may result, leading to severe cystitis and later to a purulent infection of the kidneys. Occasionally rupture of the urethra occurs with entravasation of urine, which may terminate fatally if radical surgical measures are not carried out.

A marked characteristic of this chronic gonorrhœa is

the length of duration of infectivity. Cases are on record where the infection was transmitted from ten to twelve years after the patient had supposed himself cured. The disease may become walled off in small submucous abscesses and in typical "gonococcus carriers," even upon urethroscopy, no pathological picture is presented. It is these cases that constitute the gravest menace to marriage, for the absence of all symptoms convinces the patient and frequently the physician that all danger is past. The important class of latent gonorrhœa due to prostatic lesions is also of great importance in marital contamination.

Treatment

It is of the greatest importance that patients suffering with gonorrhœa should come under proper treatment as early as possible in the course of the disease. While many of the cases yield readily to treatment, some show an extraordinary obstinacy and proceed to complications, notwithstanding the most painstaking efforts on the part of the physician. This is more especially the case with virulent gonorrhœa, which is often observed in alcoholics or in young men who have used irritating injections in the hope of avoiding the disease. In acute urethritis the treatment consists first of the injection of weak solutions of the silver salts in the urethra at frequent intervals. Salol and balsams may be given to render the urine bland. Under proper instruction the patient may conduct part of the treatment for himself, but he should report to the physician at least twice a week or oftener if he is so advised. Later, irrigation with a weak solution of permanganate is usually recommended.

Localized lesions may be treated by the direct application of silver nitrate. Posterior urethritis is also treated by irrigation, and in long standing cases massage of the prostate is frequently beneficial. Acute epididymitis calls for rest in bed and the administration of cold compresses. If

abscesses form, recourse must be had to the knife. Prostatic lesions also frequently demand surgical aid. The majority of strictures may be corrected by gradual dilatation, though in occasional cases prompt surgical intervention is necessary.

As in syphilis, the general hygiene of the patient is of great moment in effecting a cure, and sexual relations and the use of alcohol are absolutely contraindicated. Relapses frequently result from infringement of a strict regimen. Protection of the affected part from undue irritation is essential, and for this purpose a suspensory bandage is usually worn. The patient should be cautioned to cleanse his hands thoroughly after exposure to the virus, partly for the protection of his own eyes, and partly for the protection of his associates. He should, of course, sleep alone, use his own towel, etc., and in the family little girls especially should be guarded against contamination. If the ordinary rules of cleanliness are carefully regarded, there is comparatively little danger that the infection will spread. The clothes of the patient, particularly those bearing any evidence of the discharge, should be disinfected and washed apart from the household laundry.

In the Army and Navy prophylactic measures are required. The men in the service are ordered to report for treatment at the prophylactic station within a few hours of exposure and a urethral injection of 5 per cent argyrol is administered. The proportion of cases in which this measure affords protection is not accurately known, and it is open to the same objection that obtains in the case of prophylaxis for syphilis, in that it places the government in the anomalous position of sanctioning illicit sex relationships.

Gonorrhœa in Women

In the preliminary stages of the disease, gonorrhœa in women often excites such slight symptoms that the patient

fails to consult a physician until some of the more serious complications set in. Owing to the physiology of coitus, the point of inoculation is usually different in the two sexes. As has been seen the anterior urethra in the male is commonly first involved, whereas in the female the disease is generally first localized in the mucosa of the cervix uteri.

From this point the infection may spread, either in a descending or, what is more generally the case, in an ascending direction. Except in young children, vaginitis is comparatively rare, but auto-infection of the urethra from the vaginal discharge is not infrequent. When the mucosa of the urethra is involved the patient notices pain on urination and the presence of a thick, purulent discharge. Cystitis and an ascending infection of the kidneys may also intervene. Since endometritis is usually coexistant with the urethritis, the patient often explains her symptoms for a time as being merely associated with some irregularity in the menses. Meanwhile, the infection ascends through the uterus to the tubes, and marked constitutional symptoms, such as mental depression and fever appear. There are, in addition, severe pains in the uterine region, which are aggravated at the menstrual periods, and a bloody, purulent, vaginal discharge may be almost constantly present. The pus may accumulate in the tubes, causing pyosalpinx, and a local or general peritonitis may result. Perimetritis and ovaritis are frequent complications.

In the great majority of cases in married women, when the disease has been contracted from a chronic gonorrhœa in the husband, the course of the disease is typically torpid and slow. The mucosa of the cervix does not afford so ready a cultural field for the gonococcus as does that of the urethra, and until pregnancy takes place the infection may remain more or less localized. At the menstrual periods, however, the infection is usually accelerated, and it has been observed that the contagiousness of the dis-

ease in women bears a direct relation to the menses. Patients who fail to show gonococci at ordinary times, may do so shortly before or immediately after the monthly periods.

The effect of conception in these subacute cases is very profound, especially if the patient goes to term. In the course of the pregnancy the disease, hitherto passive, takes on a more virulent character, the gonococci proliferate abundantly in the more profuse secretions, and after delivery the maternal organs afford an incomparable cultural field. The result is that after the birth of the first child the disease assumes such proportions that the life of the patient may be endangered or her health permanently undermined. Extension of the disease to the tubes and ovaries is exceedingly frequent, and usually calls for operative interference which may lead to complete sterility. Abortion, which, in contradistinction to syphilis, usually takes place during the first two or three months of pregnancy, also exerts a disastrous effect upon the health of the patient. Frequently the first clinical signs of gonorrhœa make their appearance shortly after conception. Recent work indicates that abortion in these cases is usually due to malimplantation of the ovum, resultant from the inflammatory condition of the mucosa, the uterus and the tubes. Human monsters, which embryological investigation has shown to be associated with malnutrition, probably owe their origin to the same cause. Tubal pregnancy is also very commonly associated with gonorrhœa.

The effect of this chronic infection upon the general health and character of the patient is exceedingly profound. She becomes unfit for work of any kind, nervous hysterical and subject to periods of great mental depression. She acquires a horror of sexual relations, although she may frequently yearn for the children she can never have. Often after operation these symptoms clear up to a considerable extent.

Treatment

Gonorrhœa in women, even more than in men, is characterized by its extreme obstinacy to cure. It has been well said that when a patient contracts gonorrhœa, human knowledge is insufficient to tell whether she ever will be cured.

Acute urethritis in the female is treated in much the same manner as in the male, by the administration of salol and balsams, and by local irrigations. The prognosis is much more favorable in women than in men. The treatment of ascending infections is unsatisfactory and the prognosis must be guarded, as after the subsidence of the acute symptoms the disease tends to linger indefinitely. In cervical endometritis, the vagina should first be cleansed by irrigation with a hot 1 to 2,000 bichloride solution. The cervix is then exposed and the mucous secretions removed by means of cotton tampons; after this the diseased surface is touched with silver nitrate or iodine. Finally, curetting and packing with iodoform gauze may be resorted to if the inflammation does not subside.

In acute endometritis, the patient should be put to bed and should receive no direct treatment until the acute symptoms have disappeared. When the chronic stage is reached, the uterine cavity should be thoroughly irrigated with a hot bichloride solution every two days. If the disease still persists, the uterus may be thoroughly curetted, swabbed with a 10 per cent solution of zinc chloride and packed with iodoform gauze. If the disease has extended to the tubes, ovaries, peritoneum or parametrium, hot vaginal douches or sitz baths may afford relief. When the purulent secretions have become sufficiently localized, operative interference is indicated.

Systemic Gonorrhœal Infections

In a small proportion of the cases of gonorrhœa in both men and women, the gonococci gain access to the blood

stream and become lodged in the joints, tendons, bursæ, endocardium, pericardium or meninges. Cases of general septicæmia with fatal termination have been reported in adults. Gonorrhœal rheumatism is the most common of these complications, and usually appears a considerable time after the initial infection. Its onset is usually sudden and is characterized by swelling, pain, tenderness and redness of the affected joint. The knee, elbow, ankle, wrist and sternoclavicular joints are those most commonly involved. The pain in these cases is severe, and there is moderate fever. After a few days the acute symptoms sometimes subside and complete resolution may follow; ordinarily, however, the swelling, tenderness and pain continue for weeks or even months, and partial or complete stiffness of the joint results. Suppuration is rare, but if it occurs the joint almost invariably becomes ankylosed. A diagnosis in these cases is sometimes exceedingly difficult, owing to the close resemblance to ordinary rheumatism.

Success in the treatment of these cases depends in large measure upon the cure of the local lesion. In the acute stage, rest in bed with the application of cold packs to the affected joint is the best therapeutic measure. As the symptoms subside, a pressure bandage may be applied and massage is beneficial. Persistent large effusions must be drained and irrigated, and in suppurative cases, surgical intervention is imperative.

CHAPTER IX

FALLACIES OF THE PRESENT METHODS OF CONTROL

Of all the present problems of preventive medicine that involving the venereal diseases would to the unprejudiced mind appear to be the simplest of solution. In the first place, their etiology is definitely known, and in the second place they are commonly spread by direct contact through voluntary acts. The objectives of the preventive medicinist in all other classes of communicable disease are already fulfilled in venereal disease; their causative organisms and their mode of transmission are known, and the means of preventing contacts between infected and non-infected persons is obvious, and is especially adapted to a good system of quarantine. If like circumstances obtained in regard to scarlet fever, influenza or any other communicable disease, the hygienist would consider the problem practically solved, yet the medical profession today stands impotent to check the spread of syphilis and gonorrhœa.

Why is this so? The reason is not far to seek. In influenza, scarlet fever or any other communicable disease, the hygienist avails himself of the information at hand, and adapts his program of prevention to simple hygienic principles, but in venereal disease he is confused by the relation of morals to the problem, and he adapts his program to men's convenience rather than to rational principles of hygiene. If the causative organism of scarlet fever had been isolated, and if it were known to be transmitted through the medium of an intimate voluntary contact, as by a kiss, the medical profession could reasonably anticipate

eradicating this disease from the race within a very brief period of time. The procedure followed would be simple in the extreme. Patients sick of scarlet fever would be isolated and non-infected persons would be ordered not under any circumstances to kiss them; meanwhile the patient would be placed under curative treatment. In a few years scarlet fever would obviously disappear.

The situation in regard to venereal disease is precisely parallel. Its causative organisms have been isolated, it is known to be transmitted through the medium of an intimate voluntary contact, sexual intercourse, yet the medical profession holds up its hands and shakes its head. It can do nothing. Why? For three reasons. First, because its mind is fettered by dead tradition, which accepts exposure to venereal disease carriers as inevitable; second, because it is a commercialized profession, and the self-interest of the practitioner is opposed to a sane system of venereal disease quarantine; and third, because doctors are in the main mere men after all, and their own personal experience leads them to favor or at least tolerate male sexual promiscuity. The medical student, whose morals are notorious, is not far removed from his more adult sire.

The program which is now advanced by the medical profession for the control of venereal disease appears in all its true absurdity when translated to the suppositious case of scarlet fever. Suppose instead of quarantining all cases of the disease and denying non-infected persons the right to kiss infectious patients, only such persons as were arrested for or convicted of illicit kissing were to be examined and isolated if found to be diseased. Suppose, further, that of the two partners, the males were the ones more addicted to osculation, so much so that ordinarily they paid in money or goods for the privilege of embracing an infected female. To follow the plan now put forward by the medical profession for the control of venereal disease, these males would ordinarily merely be held as the state's

witnesses against the female, and would be released with full permission to continue their campaign of bribery as soon as the case had been tried in the police court. To complete the present program facilities for curative treatment would have to be offered, but the patients reporting for treatment would not be quarantined, nor would their intimate associates, their wives or children, be in any way warned, unless the patient refused to report regularly to his physician.

What in the supposititious case would be the result? If kissing were a sufficiently popular pastime, the knowledge of the causative organism of scarlet fever and its mode of transmission would be thrown away, and scarlet fever would continue to spread, in spite of the "control" measures of the "hygienists," just as syphilis and gonorrhœa are now doing.

The truth is that quarantine means nothing when it is applied in this fatuous way, and the false "control" measures which are now advanced by the United States Public Health Service, the State Boards of Health and the American Social Hygiene Association serve only to conceal from public resentment the unthinkable neglect of the medical profession in refusing to protect the public health from this most devastating of all plagues. There is absolutely no excuse, in face of the knowledge that is now available, for the medical profession's delaying longer in instituting a rational program of quarantine against venereal disease. The difficulty is that medical men refuse to regard the problem from an hygienic viewpoint. They will not, without great external compulsion, place the campaign on the basis of the control of communicable disease where it belongs. They think in terms of morals, instead of preventive medicine, and while they disregard secrecy when necessary in connection with all other communicable diseases, in venereal disease, habit and their own base self-interest leads them to utilize every subterfuge in protecting the "good name" of their

well-paying, high-class male patients, in total disregard of the public health.

But the price of their silence is too terrible for the public to endure. Little children born blind, doomed from their birth never to see the blessed light of day, innocent brides in the full flower of their young womanhood maimed for life or committed to their graves, young minds tainted with the hideous blight of syphilis, the idiot, the epileptic; these all stand as a tragic monument to the knowledge that was never used. Desolate homes, where little children have only been born but to die, broken-hearted mothers who have gone to the edge of the pit and have brought back death instead of life, families whose name has perished in the womb; all of these tragedies will one day be placed where they belong.

The medical profession may shrug its shoulders and attempt to transfer its responsibility to the public or the police; the fact remains that the contamination of wedlock by the most terrible of all racial diseases rests as a direct responsibility upon the shoulders of medical men and cannot be dislodged. Medical men have now within their own hands all the power and knowledge necessary to protect marriage against venereal disease. That they refuse to do so is a sin beyond measure, a crime that in its clear consequences is unequalled in the annals of the race.

For thirty pieces of silver, Judas Iscariot sold his master to the cross. Today his counterpart in the medical profession secretly sells little children to be crucified. He will not report his cases of venereal disease, lest forsooth they reach the knowledge of those who might become contaminated. He will not violate the professional secret, though he willingly enough does so in measles or chicken pox, for fear he should break up a home. Let him regard a home broken by syphilis or gonorrhœa, let him stand by and see the bloody agony of the woman giving birth to a still-born, syphilitic child, let him look into the purulent eyes of the

infant victim of ophthalmia neonatorum, and then let him ask himself whether his base self-interest is not daily breaking up homes. Let him follow the hearse of the bride who with his sanction but lately stood before the altar of God and whom his knowledge might have spared, and let him ask the desolate husband how he views his conduct. Today, yesterday, tomorrow, years without end the silent train of women and children, each bearing a cross, has passed and now passes with noiseless tread by the physician's door, and he heeds them not at all. A little fictitious verbiage, a few printed solecisms, a make-believe quarantine, these are sufficient sops to his conscience. He takes his thirty pieces of silver and builds up a remunerative practice on "lues" and "tripper," drawing close the shutters of his mind. Oh, Hippocrates, what has thy calling come to, that thy disciples should thus traffic in the mortal agony of their fellowmen!

Yet perhaps after all there are some few extenuating circumstances. Medical men have themselves grown up under a double standard of sex hygiene. They cannot find it in their consciences to demand a better standard of living from their fellows than they have themselves lived up to in the past, and according to their own estimates most of them have, at least before marriage, exposed themselves to venereal disease carriers. It used even to be taught in a certain Baltimore medical school by one of the professors that a man was not fitted to practice medicine until he had had gonorrhœa. Under such tutelage a man could scarcely be blamed for tolerating the contact of infected with uninfected venereal persons.

Even within recent years so excellent a gentleman and so eminent a clinician as the late Sir William Osler taught his classes that syphilis and gonorrhœa should never be referred to among the laity by their proper names. "Lues" and "tripper" were the preferred synonyms. It is an intrinsic part of medical ethics today that wives who have been

venereally contaminated by their husbands shall not be told the true nature of their malady. If such a pernicious and unhygienic system of medical secrecy existed in connection with smallpox or measles, the results to the community may be readily imagined, and yet syphilis and gonorrhœa are equally dangerous communicable diseases. Sir William Osler said, and he spoke out of a wide experience, that gonorrhœa is the most serious of all diseases so far as women are concerned, and yet no rational effort has been made by the medical profession to protect innocent women in wedlock from this insidious disease.

Strangely enough, too, doctors are precisely those who see most clearly the ravages of venereal disease among the innocent, yet they continue to excuse themselves from their responsibility on the untrue grounds that they are powerless to prevent marital contamination.

Doubtless one of the factors that has tended to exonerate medical men in their own eyes is the outworn dogma of the "sexual necessity." Until within comparatively recent years it was actually believed by large numbers of men that chastity might entail impotence or other disasters. Doctors frequently prescribed the use of prostitutes in nervous disorders or in obstinate cases of masturbation, and the legend is still current that a man may rid himself of syphilis by intercourse with a virgin. Quacks today play upon the belief in the sexual necessity and endanger the health of their victims by foul advice. There is, however, no longer any valid argument on this score. Reputable medical men are practically at one in their stated belief that chastity for both men and women is wholly compatible with health.

On May 7, 1917, after careful consideration, the General Medical Board of the Council of National Defense declared that "continence is not incompatible with health and is the best preventive of venereal disease." The prin-

ciple thus laid down was approved by the American Medical Association on June 7, 1917.

In its war program the United States Government repeatedly stressed the fact that continence is not only feasible for men but is wholesome and desirable. "Keeping Fit to Fight," a pamphlet issued for the soldiers by the Commission on Training Camp Activities, and endorsed by the Surgeon General, says:

"It used to be thought that these sex organs had to be used if they were to be kept healthy. *This is a lie.* If it were true, the boy who exercises them regularly from childhood on should have the greatest sex power—but he is more likely to be sexually dead before he fully matures. Sex power is not lost by laying off. The testicles are not muscles but are glands, small bodies producing a liquid, just as the tear glands of the eyes produce tears. Real lost manhood is usually due to disease or long abuse of the sex organs.

"The mere fact that famous boxers and wrestlers, explorers and athletes who want their bodies in perfect condition for a great struggle keep away from women during the long period of training proves that the use of the sex organs is not necessary to health. Even the ancients knew this in training their gladiators and athletes.

"It is no more necessary to exercise the sex organs than it is to exercise the tear glands in the eye. Nature takes care of them until the right time for their use."

Today few reputable medical men in public support the dogma of the sexual necessity, yet public health officials still refuse to recommend the enforcement of premarital chastity as a necessary measure for the prevention of venereal disease.

They cannot, somehow, bring themselves to disavow men's age-long prerogative of sexual promiscuity, and all of the measures that they offer for the control of venereal dis-

ease come back substantially to the vain hope of the sanitation of vice and the repression of prostitution through the useless hounding of the unfortunate victims of a well-financed demand. They cannot somatically believe that men's promiscuous sexual demands can ever to any degree be brought under control, so they do their best under the circumstances and suggest a program based upon that unthinkable concept, a double standard of sex hygiene. Owing to the increasing power of women in public life they have recently become very discreet in their verbiage, and when they know that in practice their recommendations will discriminate against the feminine sex, they employ the word "person," instead of speaking honestly and saying "woman."

As part of its war program, the United States Government recommended certain laws designed for the control of venereal diseases. These were embodied in a pamphlet "Standard Forms of Laws for the Repression of Prostitution, the Control of Venereal Diseases, the Establishment and Management of Reformatories *for Women and Girls* (not for men), and Suggestions for a Law Relating to *Feeble-minded Persons* (presumably females)."

There are seven of these laws, and they are worthy of careful consideration, as within the past two years forty-four states in the Union have adopted a large part of the program. As Mr. Fosdick, Chairman of the Commission on Training Camp Activities, charmingly points out in the preface, they are none of them designed "to protect the marriage relation," for, says he, "this class (of sex relations) is quite removed from what is commonly regarded as prostitution and is very generally covered by existing statutes in most states." He kindly adds, "though not as well in some as in others."

The countless women who are daily infected with venereal disease in wedlock might, perhaps, if they were informed, not share Mr. Fosdick's optimism. Among these seven laws,

inconspicuously, is included a form law against fornication, but as it was not included in the working social hygiene program of the United States Public Health Service nor in those of any of the local State Boards of Health, it may be inferred that it was merely added as a sort of decoration. As has been seen from the summary of statutes, but few states are equipped with a fornication law, and in none of them does it receive any practical consideration, least of all from the medical fraternity.

Without any other exception the laws are clearly directed toward those who profit from the exploitation of vice and those "persons," save the mark, who are the victims of this exploitation. No word of suggestion is made of repressing the demand that alone makes prostitution possible.

Standard Form Number 4 has been enacted into law, or where it has been considered in part unconstitutional, has been rewritten into Board of Health Regulations in forty-four states of the Union, and it is herewith reprinted in full, as it represents the sole protection that the public now enjoys against venereal infection:

FORM NUMBER 4

Standard Form of Law for the Control of Venereal Diseases

Section I. That syphilis, gonorrhœa and chancroid, hereinafter designated as venereal diseases are hereby declared to be contagious, infectious, communicable and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

Section II. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of

venereal disease, shall make a report of such case to the health authorities according to such form and manner as the State Board of Health shall direct.

Section III. State, county and municipal health officers, or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and, also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and state health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

Section IV. All persons who shall be confined or imprisoned in any state, county, or city prison in the state shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any state, county, or city prison are directed to make available to the health authorities such portion of any state, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provi-

sions of Section 3, shall be isolated and treated at public expense until cured, or, in lieu of such isolation any of such persons may, in the discretion of the Board of Health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in Section 3. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

Section V. The State Board of Health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this Act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of Section 3, and such other rules and regulations, not in conflict with provisions of this Act, concerning the control of venereal diseases, and concerning the care, treatment and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this Act, and shall have the force and effect of law.

Section VI. Any person who shall violate any of the provisions of this Act or any lawful rule or regulation made by the State Board of Health, pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county, or municipal health officer, pursuant to the authority granted in this Act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than $1000 or by imprisonment for not more than a year or by both such fine and imprisonment.

Section VII. All laws or parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

Approved by:
Merritt W. Ireland, Major General, Surgeon General of the Army.
William C. Braisted, Rear Admiral, Surgeon General of the Navy.
Rupert Blue, Surgeon General, U. S. Public Health Service.

To the uninitiated this law would appear to cover the case, for it reaffirms the almost boundless power which the State Boards of Health had, without exception, in connection with communicable disease, before this law was ever conceived of. The very fact that it was thought necessary to define this power so specifically in regard to venereal disease indicates at the outset the peculiar attitude of the medical profession toward this one class of infections. No special form law is needed in connection with measles or influenza or smallpox. Under the very laws that called them into existence, the State Boards of Health were vested with sufficient power to protect the public health against communicable disease, if they desired to do so. This is the crux of the matter, and herein lies the weakness of Form Law No. 4, for after defining Section 1 the venereal diseases as "contagious, infectious, communicable and dangerous to the public health," it weakly commits the handling of these cases to the "judgment" of the state, county and municipal health officers, where it was before the law was written.

Even in the matter of reporting cases of venereal disease, which is obviously fundamental to any system of quarantine, it says (Section 2), cases shall be reported "according to such form and manner as the State Board of Health shall direct." The uselessness of this recommendation becomes clear when it is learned that only eight out of the forty-eight states require venereal disease cases to be reported by name and address. All of the others which require the reporting of cases at all merely demand that

they be reported by number. Of what earthly value reporting the cases by number could be it is difficult to understand, for even statistics gleaned from this information would be worthless, as venereal cases are especially prone to change from one doctor to another, thus making it probable that one case would be reported several times, thereby invalidating the record. No sane physician would suggest reporting cases of scarlet fever or chicken pox or typhoid fever by number for the very reason that the reports are called for in order to permit the State Boards of Health to take over from private physicians the control of "contagious, infectious, communicable and dangerous infections." The public has long since realized that the private physician has neither the time, the facilities nor the disposition to carry through an adequate system of quarantine in connection with communicable disease.

Is it because he has proven so much more conscientious and efficient in handling cases of venereal disease than in handling other forms of communicable disease that the public health is to be left entirely in his hands in connection with venereal infections? Reporting by number or other like fantastic and useless devices is nothing more nor less than a blind to conceal from the public the neglect of the medical profession in this most dangerous class of infections. It serves also to appease the conscience of certain medical men and others who enjoy a pretense of non-existent progress. Before there can be any thought of controlling venereal disease or preventing the venereal contamination of wedlock, all cases of venereal disease must be required to be reported by name and address as is done in the case of all other communicable diseases. The sole argument advanced by those who favor reporting by number is that doctors "will not report" if they are required to give the name and address of their patients. It may be submitted that this plea would scarcely be countenanced in connection with smallpox, whooping cough

or any other dangerous, infectious malady. Clearly doctors should be required to report by name and address, even if they lose money by so doing, and when they realize their true responsibility, they may perhaps not prove so recalcitrant as was at first anticipated.

To be understood, Section 3, which reads innocently enough, must be interpreted by the use made of it by the public health officials. In all of the states where it has been put in force, it operates merely as a sort of Neo-Napoleonic regulation. The "persons" who are considered as being "reasonably" suspected of being infected with venereal disease are, in spite of the careful phraseology, almost always women, and when this coincidence is brought out, almost all public health officials defend their action on the ground that women are "more dangerous as venereal disease carriers" than are their male copartners. No less authorities than Col. C. C. Pierce, who is at the head of the United States Public Health Service; Dr. Hugh H. Young, who was in charge of the Urological Department of the American Expeditionary Forces, and Dr. William H. Welch, President of the School of Hygiene of the Johns Hopkins University, maintain that it is more important to hold the infectious woman than the infectious man, for they maintain "one woman can in a single night infect many men whereas one man can infect only a very small number of women."

Granting that the available funds are limited, as they most certainly are, these gentlemen and their confréres contend that they should be expended in the most effective manner, but then unhappily what do they do? They proceed to lay out a large part of their inadequate budget on paying for the board and lodging, for long periods of time, of a handful of girls, many of them of subnormal mentality, who, they admit, will almost certainly become reinfected within a day or so after their half year's imprisonment or "quarantine" is ended. It is like pouring

water through a sieve, and has absolutely no bearing upon the problem. In all probability it is money worse than wasted, for while these few girls are withdrawn from the trade the demand remains at the same level and the induction of new girls into the ranks of prostitution or the increased abuse of those already initiated is beyond question predicated.

It all comes back to the ultra-masculine point of view on the social evil wherein the woman is always considered the chief offender. Dr. Young has even gone so far as to say that women are always the prime instigators to illicit sex relationships. "Women cause the spread of syphilis and gonorrhœa," he said not long since to the writer. "A young man goes out on the street with no evil thoughts in his head. He is met by a vicious woman. She caresses him and entices him until he falls, and then she infects him with syphilis or gonorrhœa. If the infectious woman can be locked up it stands to reason that our boys will be safer by that increment."

Dr. Young and many of his confréres frankly support Section 3 on the ground that it gives an additional "pretext" for arresting and detaining dissolute women. "Lock up as many of them as you can," Dr. Young said, "the streets will be just that much safer." Over a hundred years ago when the lock hospital treatment of diseased prostitutes was first instituted this was the philosophy that guided the plans of the medical profession. During an entire century it has been found to be of not the slightest avail in controlling venereal infection, yet round and round the shut cages of their minds the reason of medical men still dashes, like squirrels in a wheel, bent upon some momentous enterprise. In 1921, they are repeating the demonstrated errors of 1802, and they do not even know it.

The difficulty is that they will not and cannot mentally face the problem. They are attempting to reconcile two irreconcilables, to facilitate sexual promiscuity for men

while denying it to women; to repress prostitution while permitting men to pay sufficiently to insure its continued unabated existence. At one moment they preach chastity and monogamy and at another they lay careful plans for the sanitation of vice through lock hospitals and the use of prophylaxis. Apparently they believe in both marriage and promiscuity, one for women and the other for men, and they overlook the trifling fact that sexual intercourse is a relation which necessarily involves equally a man and a woman. In this connection it is enlightening to consider what is the fundamental basis of prostitution.

It is a trade which like any other responds to certain laws, and which is ultimately dependent for its very existence upon its being adequately financed by those who call it into being. Those who exploit the prostitute, the pimp, the procurer, the taxi-cab driver, the real estate shark, the madam and even the girl herself would not find prostitution profitable enough to afford a livelihood if men were not willing to pay enormous sums for the purpose of illicit sexual gratification. It is estimated by the American Social Hygiene Association that $164,000,000, and probably three or four times that amount is paid annually by men in the United States for prostitution. If this sum were for any reason withdrawn, if men suddenly became unwilling to pay for prostitution, it is clear that the whole business would fall asunder and that pimps, procurers, madams, prostitutes and the rest would have to look to other means for gaining a living.

No similar institution exists for the opposite sex, for women are ordinarily unwilling to pay men for sexual gratification outside marriage. This is not necessarily due to any lack of genuine passion in the female, it merely means that such a procedure would bring women out on the wrong side of the ledger. The concept is exaggerated, but it indicates beyond question that where no financial

demand exists for the prostitution of the opposite sex, no such institution is even imaginable.

The relation of men and women to the problem can be very clearly and conclusively shown by a simple example in arithmetic. To bring the concept within range, suppose there are five men and five women on the street on a given night. If each of the men desires sexual intercourse and is able and willing to pay $1, all of the five women being available, the net result is five illicit relationships, and $5 paid into the treasury of prostitution. If only four women or only three or only two, or indeed but one are available, the net result is the same, for one woman has been known to gratify as many as thirty men in twenty-four hours, so five illicit relationships and $5 paid to the income of prostitution is the constant result throughout the series.

It is only when the last of the five women has been eliminated that the number of illicit relationships falls, and then pending the advent of new women it necessarily drops to zero.

Now consider the problem in relation to the men. Suppose the five women are constantly available, but for some reason one of the five men declines the opportunity for illicit intercourse, the other four being still desirous. The net result is four illicit relationships and $4 paid into the treasury of prostitution. Similarly, if but three of the five men desire illicit relations, all of the five women being still available, only three illicit relationships result, and but $3 is paid into the treasury of prostitution. If but two of the men are desirous, the woman factor remaining constant, only two illicit relationships result, and only $2 is thrown to the income of prostitution. Finally, if only one man desires gratification, only one illicit intercourse results and $1 is paid into the treasury of prostitution. Meanwhile a certain proportion of the women who were living in venery are forced to turn elsewhere for a

means to a livelihood. This example demonstrates sufficiently the clear fact that the number of illicit relationships, in other words the number of exposures to venereal disease, depends upon the male, not the female factor in the enterprise. Unless the medical profession anticipates achieving the impossible, it can scarcely expect to reduce the number of available prostitutes to zero, especially in view of the fact that men are openly permitted by the government to bribe women adequately to give them gratification.

Another suppositious case may add definition to the problem. Suppose, for a moment, that a man ardently desires that the home of a neighbor be burned to the ground. He pays a woman to commit arson, and after the house is burned she is arrested and locked up by the police. The house is rebuilt, and he immediately engages another woman for the same task; the house is again burned, and she is taken up, and so on ad infinitum. As long as the man's desire and money hold out arson will be inevitable, for there is no occupation so dangerous that people cannot be found to engage in it if the financial reward is set sufficiently high. The obvious procedure in a case of this sort would be for the government to penalize the man offering the bribes sufficiently heavily to undercut his desire. Arson would then cease and not before.

Now a precisely analogous situation exists with regard to prostitution. A girl who can make only ten or twelve dollars a week in a legitimate occupation can make two or three hundred dollars a week through prostitution. From a financial point of view it is worth running some risks to secure the greater wage.

A police captain in Baltimore City said recently, in speaking of the difficulty of keeping disorderly houses closed down: "If we set a gallows just outside the door and said to the Madam and her girls, 'You will be hanged there in the morning if you don't behave yourselves,' they'd go

on just the same and take the men and the money and trust to luck to get away before we caught 'em."

In earlier days prostitutes were really hanged, or their noses or ears were cut off, or other mutilations were inflicted, but the trade was not affected. In some cases they were publicly ducked in a cage until they were almost drowned, or were forced to wear a certain garb, or a scarlet letter, but these cruelties did not result in the repression of prostitution.

On the contrary, the trade has flourished and promises to continue to do so until the real source of the evil is brought under the ban of the public conscience. Until within comparatively recent time, the facts with regard to the percentile infectiousness of public women were not known. Now as a result of various investigations it is recognized that from 95 to 100 per cent of all prostitutes are venereal disease carriers. This makes the hope of the sanitation of vice still more clearly visionary than it was in the days of Napoleon when it was supposed that only an occasional prostitute harbored venereal infection. The general infectiousness of prostitutes is recognized by the Public Health Service and the various State Boards of Health in their interpretation of Section 3. In "Venereal Disease Ordinances," issued by the Public Health Service under the direction of the Surgeon General, it says: "Sec. 9. It is hereby made the duty of the City Health Officer (a) to make examinations of persons reasonably suspected of having syphilis in the infectious stages, or chancroid or gonococcus infection (owing to the prevalence of such diseases among prostitutes, pimps, procurers, persons guilty of lewd and lascivious conduct and persons who associate with prostitutes, all such persons shall be considered within the above class). (b) To quarantine or isolate persons infected with any of said diseases whenever quarantine or isolation is necessary to protect the public health."

These sections, it will be seen, are the same in substance

as Section 3 of Form Law No. 4, wherein health officers or their authorized deputies are directed and empowered *when in their judgment* it is necessary to protect the public health to make examination of "persons" reasonably suspected of having a venereal disease; to detain such persons until the results of the examination are known and to isolate persons infected with venereal disease. In order to see precisely how the provisions of Section 3 work out in actual practice, it may be well to review the experience of one state, Maryland.

In January 1918, certain members of the Commission on Training Camp Activities had prepared for introduction into the City Council of Baltimore City, an ordinance providing for the compulsory physical examination of "persons" arrested for or convicted of prostitution and the detention of those found to be diseased. A number of Baltimore women who had had experience with Clause 79 of the Page Bill in New York, recognized in this proposed ordinance merely a reversion to old-fashioned regulation, and entered a vigorous protest against its introduction.[1] They stated to the Commission on Training Camp Activities that they would promptly have the constitutionality of the ordinance questioned if it were passed, and the ordinance was quietly withdrawn. The Commission then transferred its activities to the State Board of Health, and in July, 1918, a series of 16 venereal disease regulations was promulgated, among which were the following:

14. Prostitution is hereby declared to be a source and cause of venereal diseases. Persons living or associating with prostitutes are declared to be exposed to infection with venereal diseases and subject to detention, parole or observation as other persons exposed to other contagious diseases. Any person convicted by a court of law of being a prostitute shall be subject to a physical examination by the local health officer or a physician appointed by the court

[1] Decision of Supreme Court of New York. Barone vs. Warden.

to determine whether the condition of that person is such as will prove dangerous to others, and if so determined shall be subject to quarantine until declared by the designated health officer or physican appointed by the court to be free from danger of infection to others.

16. On account of the frequency of venereal diseases among vagrants, prostitutes, keepers of houses of ill-fame, prostitution or assignation, and inmates, employes and frequenters of such places, persons not of good fame, persons guilty of fornication, lewd and lascivious conduct and illicit cohabitation, and associates of such persons are likely to have and are hereby declared reasonably suspected of having venereal diseases, and when any such person is arrested on or in connection with any such charges, such person should not be released on bail or otherwise allowed liberty of contact with healthy people until examined by the proper health officer, his deputy or agent, and pronounced free from venereal disease.

The police justices were then called together, and were requested by the State Board of Health to send all the women arrested on charges of immorality and also the pimps and procurers to the venereal clinic for examination. They were also directed to hold them without bail until the results of the examination were known. This was summarily done, for as one of the magistrates said, "While I regard the procedure as unconstitutional, and while I do not believe it would stand a test in the courts, we are asked to do this to protect the health of the soldiers," and it was war time.

Under these regulations, it appears that approximately 600 women have been subjected to a compulsory physical examination in Baltimore City within the past two years. So far as can be learned, less than 50 men have been subjected to the same procedure. About one-half of the women have been returned to the court with a positive diagnosis. Of five men representing the sum total of those who in six

months were sent from the Central Police Station for examination, all were returned with a positive diagnosis. One of them was fined $25 and costs, and the others were released merely with a warning to report for treatment. A few of the women who were found to be infectious were confined in a sort of lock hospital ward in the Mercy Hospital, accommodating about a dozen patients; a very few others were sent to Bay View and to the Morrow Hospital. While detained, the girls were given no opportunities for exercise, recreation or education, but were shut up together in a single room in complete idleness for periods in some instances lasting six months or even longer. At the Morrow Hospital they were permitted to work in the laundry. Some of the girls ran away, causing the hospital authorities great embarrassment. The patients ranged in age from 12 or 13 to 20 years; a few were slightly older.

Of those who could not be accommodated in hospitals, some were sent to jail, but the majority were committed to the "Cut," an unsavory, unhygienic penal institution, near Baltimore City. When asked precisely what method was used in handling these cases, one of the magistrates, a man of unusual conscience and ability, replied: "When they are brought in I send them to the Clinic. If they are found to be diseased I send them to a hospital, if there is room and the case is suitable. Otherwise I usually commit them to the 'Cut' for six months or until they are no longer infectious." Asked what he did with those who were not diseased, he replied, "Oh, I generally dismiss them, for there isn't any evidence." As for the men, he said he seldom sent any for examination as they were held merely as the state's witnesses.

Thus it is seen that Section 3, of Form Law No. 4, degenerated very quickly in Maryland into a sort of police court regulation of prostitution, the conviction and sentence of the accused being dependent upon the condition of her

health, which was long ago declared to be unconstitutional in connection with Clause 79 of the Page Bill.

On a careful reading of Section 16, it appears that the State Board of Health violates one of the fundamental rights guaranteed to every citizen under the Constitution. It provides that any person "arrested on or in connection with charges of immorality" shall be treated differently from persons who are not so accused. In other words, it holds the accused is guilty of the offense with which she is charged before she is given an opportunity to have the evidence sifted in a court of law. Ever since the days of King John every precept of justice has demanded that a person shall be considered innocent until she is proven guilty before a court of law, but the State Board of Health splendidly disregards Magna Charta. It appears to consider the Baltimore City Police clairvoyant and accepts the accusation of a single policeman as sufficient to justify the publicity and humiliation attendant upon a compulsory physical examination. That the police are not, even in Baltimore City, endowed with this extraordinary vision was recently demonstrated when a 16-year-old girl, palpably innocent, was arrested entering a taxicab at about 11 o'clock at night in company with her fiancé. The girl was ordered to report for examination but refused, and when her case was heard before the magistrate it was immediately dismissed, and the plain clothes man was censured for having arrested the girl on insufficient evidence. This regulation has also given ground for much quiet graft in the police force. Young men sitting in their automobiles in the park in summer time with their girl friends and enjoying the evening air, have been threatened by policemen with the provisions of this regulation, and in order to spare the girl the unspeakable humiliation of a physical examination under degrading conditions, the man in the case has usually been willing to pay what was necessary in order to

escape the accusation. One officer was dismissed from the force for action of this kind.

Since the summer of 1920, the magistrates, realizing the unconstitutional nature of this regulation, have refused to be party to it, and the administration of the measure has fallen wholly into the hands of the police force. When the Maryland General Assembly met in 1920, Dr. Hugh H. Young and a few other gentlemen attempted to have Form Law No. 4 enacted into law in its entirety. The General Assembly refused to pass that portion of the law providing for the examination and detention of persons convicted of prostitution on the ground that it was unconstitutional. The condition of the defendant's health, they maintained, should not be used to prejudice the court in the imposition of sentence. That section of the law was stricken out before the bill was transformed into a statute.

Meanwhile the State Board of Health has continued to utlize its regulations regardless of the Constitution. Section 14 may be seen to be quite as unconstitutional as Section 16, although on different grounds. "Any person," it says, "convicted of being a prostitute, shall be subject to a physical examination, and shall be subject to quarantine until declared to be free from danger of infection to others." Now after conviction the court is free to order the examination of the defendant, either before or after the imposition of sentence. There is no other choice. If she is examined before sentence is imposed, and the results of the examination are made known, the court will presumably be influenced by the condition of the defendant's health in the imposition of sentence. Otherwise there would patently be no object in reporting the diagnosis. If the court is so influenced, clearly the procedure is unconstitutional, for the defendant has been convicted of an offense against the law and must be punished accordingly.[2] Venereal disease, de-

[2] Cf. Decision of the Supreme Court of New York in the case of Barone vs. Warden.

spite the Board of Health, is not a statutized crime, and is no more germaine to a sentence than chicken pox would be. If the examination is made after sentence has been imposed the procedure is again questionable, for after the defendant has paid the penalty exacted, she is at quits with the state and is exactly on the same plane with every other individual.

With this difference, however, that she may now properly be declared to be reasonably suspected of having been exposed, to venereal infection, for the charges of immorality have been sustained by the court, and immorality is known to constitute exposure to venereal disease. She cannot, however, longer be held by the court, for no person can under the Constitution be held twice for the same offense. She can merely be instructed to report to the Board of Health for examination or be paroled in their care. If upon examination she is found to be diseased, there is no more justification for quarantining her under detention than there would have been had she come to the clinic as a voluntary patient. Thousands of young unmarried male and female patients report daily to the Board of Health clinics for treatment for venereal disease. In most cases they give a definite history of illicit relationships, yet they are not summarily placed under detention. On the contrary, the Boards of Health specifically state that they shall be detained only if they refuse to report regularly for treatment. Why, then, should the defendant who has paid her fine and thereby exonerated herself in the eyes of the state be locked up if infected? Has she not, at least more than the others, who are equally known to the Board of Health to have led promiscuous lives, learned her lesson, since she has suffered the indignity of a trial and a fine? The others have gone scot free although the physician has the medical evidence and their own self-given histories in testimony of their illicit conduct. Surely there is no adequate medical reason for locking up a woman or a man merely because

she or he has been tried by a court of law. It is the fact of licentiousness, not the court record, that is of medical interest.

Unless all men and women who are known to have a venereal disease and who give a history of previous immorality are to be impartially detained, to the limit of hospital and penal facilities, there is no sufficient ground for incarcerating those who happen to have come to the clinic through the medium of the courts. Many physicians recommend the use of prophylaxis, especially to their male patients who by repeated infections prove that they intend to continue to lead a promiscuous life, but their lock hospital treatment is not therefore required. Moreover, if it is assumed that a court record necessarily means that a woman will continue to live as a prostitute, her temporary incarceration from a medical point of view avails little, for as soon as she is cured and is free she will presumably reenter her old life and immediately become infected again. Under these circumstances, unless her incarceration presupposes a reduction in the total number of illicit relationships—which is by no means the case—her temporary detention is of no medical avail. It is true that she will be momentarily cured, if her detention is long enough, but this will be unavailing in the end as venereal disease confers no lasting immunity and she will find instant opportunity for her reinfection upon being set at large.

It is especially to be noted that after sentence has been imposed there is no constitutional ground for returning a report as to the condition of defendant's health to the court. When she has fulfilled her sentence she is no longer under the jurisdiction of the court and cannot without violation of constitutional guarantees be held. If she is to be detained she must be incarcerated by the Board of Health, not by the court, for the court has no longer any rights over her.

That the Board of Health regulation providing for the

examination of persons convicted of prostitution and the detention of those found to be diseased does in practice lead to unconstitutional procedures, has already been sufficiently indicated by practical experience.

A typical case is that of a girl brought in and convicted of disorderly conduct. The maximum sentence in Maryland for disorderly conduct is a fine of $25 and costs. No jail sentence is provided for. The girl is fined $10 and costs, which she pays, and is then remanded to the State Board of Health for examination. She is found to have syphilis in an infectious stage and is returned to the court with the diagnosis, whereupon she is committed by the court to six months in the "Cut." A legal mind will immediately sense the gross violation of justice which such a procedure entails. The defendant is held twice on the same charge which is an absolute disregard of the Constitution; she is sentenced twice for the same statutory offense and finally she is committed to jail for a long period of time under a statute which does not provide for any detention. She is, moreover, held without bail, which is a thing unprecedented in the so-called minor offenses, for even in capital crimes, such as rape or murder, the defendant is frequently released on security.

Dr. Welch, Dr. Young and others in the medical profession merely shrug their shoulders when these unconstitutional procedures are mentioned as flowing from the State Board of Health regulations. They assert that the Public Health officials should not be held responsible for the miscarriage of justice in the courts. All of which might readily enough be granted unless the State Board of Health specifically directed the police and the courts to infringe justice in this manner, as they do under Regulations 14 and 16.

Several states have already declared it to be unconstitutional to force "persons" arrested for immorality to submit to a physical examination. They hold that the de-

fendant must be considered innocent until he or she has been proven guilty in a court of law.[3] This has entangled the machinery of the State Boards of Health and embarrassed some of their legal advisors, so now Col. William F. Snow, Executive Secretary of the American Social Hygiene Association, and Mr. Bascom Johnson, head of the Legal Department of the same Association, come forward with a new and extraordinary suggestion. Instead of having the magistrates or the police remand those arrested for immorality for a physical examination, "persons" held on charges of this sort are to be brought before the State Board of Health if they protest their innocence, which body shall determine whether the evidence is or is not sufficient to indicate that the defendant may be "reasonably suspected of having a venereal disease," and be therefore subject to examination. In other words, the State Poard of Health is to constitute itself a sort of unofficial minor court for the trial of "persons" accused of immorality. Medical evidence there will be none, for the hearing is granted prior to examination, so doctors will assume the prerogatives of the courts of law and momentarily put on the gowns and wigs of the legal profession. It would be almost worth trying this fantastic experiment to see what kind of justice would be rendered, if human rights were not at stake and if the outcome were not so certain.

Doctors are neither by training nor education fitted to practice law, nor have they any license for this profession, but since the police and the courts under these regulations have been transformed into health wardens, it is perhaps but right for the doctors to reciprocate by changing themselves into lawyers and juries, thereby reducing the whole procedure ad absurdum.

When a committee of women recently waited upon the Board to urge the repeal of these unconstitutional regu-

[3] Cf., case of Wragg vs. Griffin, 170 Northwestern Reporter, folio 400, State of Iowa.

lations, and their substitution by a sane venereal disease quarantine procedure, it was interesting to see how completely ignorant the members of the State Board of Health were of the practical operation in the police courts of their regulations. The members of the Board did not know how many persons had been held under the regulations, what was the proportion of women to men, where the patient-prisoners had been confined or how long, or what legal procedure was actually followed. They did not know what percentage of those examined were found to be infected. Although the magistrates had for six months refused to remand persons for examination, and the whole thing had fallen into the hands of the police, the State Board of Health was unaware of this circumstance. Some of them thought that only convicted persons were examined, others maintained that it was essential that all those arrested be investigated. None of them appeared to have any sincere respect for constitutional guarantees or to understand what an excruciating humiliation a compulsory physical examination could be to an innocent girl falsely arrested. They all of them had their hearts fixed on the sanitation of vice by the police courts, and they obstinately blamed the administrators of the law for the necessary infringement of justice.[4]

When it was suggested that the demand created by men for prostitution was the cause of venereal contacts and the root of venereal disease, Dr. William H. Welch, the President of the Board and probably the most distinguished hygienist in America replied: "It would of course be impossible to bring the sexual demands of men under control; such a recommendation is purely hypothetical. The problem is too vast to be approachable by this method. We must look to the elimination of foci of infection for progress, and not

[4] Since going to press the Attorney General of Maryland has ruled Sections 14 and 16 of the Venereal Disease Regulations of the Maryland State Board of Health to be unconstitutional.

be over-optimistic about repressing extra-marital sex relations."

This represents in brief the attitude of the medical profession at the present day as phrased by one of its leading exponents. Sexual promiscuity for men must be taken for granted and all plans for the prevention of venereal disease must operate in conformity with this initial principle. The promiscuous sexual demands of men cannot be brought under control; in other words, unless the sanitation of vice is accomplished, the human race must look forward to an endless number of exposures to venereal disease with the consequent infection.

CHAPTER X

NEO-NAPOLEONIC REGULATION

In order to clarify the argument with regard to the police court examination of persons arrested for or convicted of prostitution, it may be well to recapitulate. The proponents of this method justify their plan on two grounds: (a) That persons arrested for or convicted of prostitution are in all likelihod diseased and will presumably expose other persons to infection if they are not isolated; and (b) that for their own sakes they should be cured.

The opponents of this method respond: (a) That the treatment under detention of patients not actually requiring hospital care is neither justifiable nor economically feasible, except in such cases as fail to report for ambulatory treatment or otherwise infringe the regulations of the Board of Health; (The routine examination and treatment of the inmates of state and federal institutions is, of course, recommended.) (b) that persons arrested for immorality may be falsely accused and have a constitutional right to a trial by law before being discriminated against; (c) that persons convicted of prostitution should be sentenced without regard to the condition of their health, a point in law which has been upheld by the Supreme Court of New York (see Supreme Court decision Barone vs. Warden); (d) *that unless* the Board of Health is prepared to isolate impartially all persons known by physicians to have been immoral, men and women, rich and poor, when they are found to have a venereal disease in an infectious form, it is irrational to lock up persons of similar history and character *merely* because they have a court record;

(e) that regulations for the control of communicable disease must apply impartially to all members of the community alike, irrespective of social station or sex—e.g., regulations regarding smallpox, scarlet fever, tuberculosis, etc.

The compulsory examination of persons arrested for immorality has already been declared unconstitutional by the courts (cf. Wragg vs. Griffin, 170 Northwestern Reporter, folio 400). The defendant in this case was a man who was released on a writ of habeas corpus on the grounds first that he had not had a trial by law to justify the charges, and second that a person cannot under the Constitution be forced to testify against himself by exposing the body for examination or permitting the withdrawal of blood from the veins for a medical test.

To a fair-minded person it is clear that a person must be regarded as innocent until he has been proven guilty, and that the examination of persons merely charged with immorality violates a fundamental principle of justice. No woman would be safe on the streets if she could be forced to undergo an examination for venereal disease on the accusation of a single policeman without recourse to a trial by law.

Until after examination, to refuse to release prisoners on bail pending trial simply because they are charged with immorality is equally unconstitutional and unjustifiable, for until their guilt has been substantiated by due process of law there is no proper ground for discriminating against them. While it is granted beyond question that the Board of Health must have the power to examine any person reasonably suspected of having any communicable disease in an infectious form, this is a very different matter from granting the same right on a basis of unsubstantiated criminal conduct. The mere fact that a person is suspected of immorality does not under the law convict her of the

offense with which she is charged, but the Board of Health bases its right to examine on the fact of immorality, not on the accusation of misconduct. It is prostitution itself, not the accusation of prostitution, that gives ground for the suspicion of the presence of venereal disease.

For this reason the fact of immorality must be established before the Board of Health can assert that the individual is reasonably suspected of having a venereal disease, and this fact cannot be established without due process of law.

The proponents of this plan claim, however, that persons arrested on charges of immorality are in so large a proportion of the cases guilty, that the accusation alone is sufficient to justify an examination. But they should recall that constitutional guarantees are not merely idle perquisites and that justice cannot safely be abrogated under the doctrine that might makes right. Any person of station and resources can escape this examination on constitutional grounds, as in the case of Wragg vs. Griffin or Barone vs. Warden, and it has been proven by over a century's experience that the violation of the rights of the class of persons called prostitutes is inefficacious in checking the spread of venereal disease.

In the control of all other classes of communicable disease, quarantine is administered impartially; all persons, rich or poor, male or female, are equally liable to quarantine and even detention if they are known to have smallpox, diphtheria or scarlet fever. No one class is discriminated against, but in venereal disease persons who come voluntarily to the clinic and are found to be infectious are not detained, whereas if these same persons come to the clinic via the police court their detention is supposed to be necessary. For example, if Mary Smith, who is feeling ill, is walking along the street on a given night and happens to stop in at a clinic, where she is found to have syphilis in an infectious form, she is released after the diagnosis and is

merely ordered to report regularly for treatment. Even if she gives a history of illicit intercourse and is unmarried, she is not detained.

But if the same Mary Smith on the same night had happened to be arrested before she reached the clinic and had been sent for examination by the court, she would be summarily detained for treatment until she was no longer infectious.

The anomalous nature of a similar case in connection with any other class of communicable disease may be readily detected.

It would clearly be an unwarrantable procedure for the Board of Health to pick up people on the street at random and examine them for communicable disease. Adequate grounds for supposing them to have been exposed to infection must first be established. While a certain proportion of those who are accused of immorality are probably guilty of misconduct, it cannot be supposed that all are guilty, for otherwise a trial by law would not be necessary for their conviction, and it is impossible before the evidence has been sifted to determine which are the guilty ones. Knowingly to override the constitutional rights of any group of individuals is indefensible unless such a procedure can be shown to be essential to the conservation of the racial health. It is on this point that the proponents of the police court examination of persons charged with or convicted of immorality take their stand.

They admit that it is economically impossible to incarcerate at public expense all of the men and women known to have a venereal disease in an infectious form, hence those who will presumably have the greatest opportunity for disseminating their infection are selected—these are palpably the prostitutes.

The classic case is that of the prostitute who is brought in and convicted of prostitution. She is fined $25 and costs by the magistrate and is then free to resume her

trade on the streets. The chances are a hundred to one that she harbors venereal disease in an infectious form. Is it responsible conduct or sane hygiene, in face of the evidence, to permit her to go out without first submitting to an examination? A direct and categorical "no" is the only reasonable answer to this question. The charges have been substantiated, and it is known that from 95 to 100 per cent of all prostitutes are venereal. She must of course be reported to the Board of Health as a venereal suspect and be required to submit to a physical examination. But already the first error has been made. The offense of prostitution is not adequately penalized by a fine; the woman should have been committed to a reform or penal institution and have been examined there. And what has happened to her male copartner? Be it supposed that he, too, was fined and was remanded for examination—what next? Let it be assumed that he also is examined and is found to be diseased. Then what? Both copartners are now at quits with the state and cannot under the Constitution be sentenced again by the court. The only possibility is for the Board of Health either to grant one or both ambulatory treatment or to detain one or both under quarantine. If they are granted ambulatory treatment the probability is that despite the warnings of the physician one or both will expose others to infection, but the same is the case with regard to most of the other immoral men and women who come to the clinic for treatment. If the others, who are known by the physicians of the Board of Health to have acquired their disease through immorality, are permitted to come and go, why should these two alone be quarantined? Does it make the system any more rational, just to incarcerate these two out of the many hundreds of ambulatory cases?

But, it will be maintained, this woman is known to be a prostitute, she has no other means to a livelihood, the others may be of lesser degrees of immorality. Be it so,

for the sake of argument, what is to be gained by her incarceration? She will be cured, is the reply, and she will be prevented from exposing many men to venereal infection.

This is the crux of the whole matter. She will be cured, of course, but that will not alter her character or give her a new means to a livelihood. Unless it is assumed that she will be reformed as well as cured during the period of quarantine, and will be taught a trade and insured a position upon release, she will still be a prostitute when she comes out and will in all likelihood become straightway reinfected and again serve as a purveyor of venereal disease. Practical experience with the rehabilitation of prostitutes scarcely leads to optimism with regard to their abrupt reform, especially under the wretched conditions and absolute lack of educational facilities and follow-up work in most of the lock hospitals and penal institutions. Moreover, if the reformation of the individual prostitute constitutes the hygienic object in view, it is just as important to reform the healthy as the diseased prostitute, for a promiscuous life cannot be followed for any length of time without infection, which again indicates the uselessness of discrimination in sentencing prostitutes on the grounds of their physical health. On the continent it has been found that the most depraved women often show no signs of venereal disease; they learn how to conceal the symptoms to some extent by douches and the like, and even when no disease is present in a woman she can transmit the infection if she has shortly before had sexual relations with an infectious man. Because a prostitute is not a venereal disease carrier today, it cannot be assumed that she will not tomorrow harbor the spirochete or the gonococcus if she persists in following her trade. Therefore, it is equally idle to permit a woman convicted of prostitution to escape with a fine, whether at that moment the presence of syphilis or gonorrhœa can or cannot be demonstrated. The absence of demonstrable disease in a person convicted

of prostitution is not so certain a guarantee of moral character as to justify the imposition of a fine instead of a jail sentence; indeed, it may be assumed that the imposition of a fine will merely force her to redouble her energies in whipping up trade and exposing herself to infection. Anyone who knows the prostitute at first hand realizes that the coincidence that she is not diseased today is no proof that tomorrow she will be equally harmless. Besides which it is an admitted medical fact that it is absolutely impossible to make a negative diagnosis of gonorrhœa in a woman at a single examination. She may actually have the disease when the negative diagnosis is returned to the court, and both syphilis and gonorrhœa may be present in the incubation stage and not present any demonstrable symptoms until some time after she has been released.

As to the men whom she would have exposed to infection, her presence or absence on the street makes no whit of difference. In her absence they will accept other prostitutes who will, almost beyond question, be equally infectious, as all are known to be from 95 to 100 per cent diseased and her momentary elimination from the trade will be in vain. All of the money and effort that has been spent on her board and lodging will be thrown away, for other equally dangerous women will take her place on the street. The incarceration of the man, however, will not have been so idle for his transitory elimination may actually have diminished the number of illicit relationships by an infinitesimal amount.

The illusion that the removal of one diseased and vicious woman necessarily protects the men who might have patronized her is based on the false idea that in her absence these same men will not patronize other prostitutes. "One venereal woman can expose many men in a single night," said Dr. Young, "whereas one man can only expose a few women. Surely the woman is the more important focus of infection."

This is the thought back of the minds of all those who

believe in the police court examination of prostitutes. It explains why in practice the regulations providing for the examination of "persons" arrested for or convicted of prostitution operate chiefly against women, and it demonstrates clearly the fact that the real object back of this plan is the sanitation of vice. But the sanitation of vice is obviously impossible, for vice predicates promiscuous sexual relations between men and women and from 95 to 100 per cent of promiscuous women are known to be infectious. The percentile infectiousness of the woman on the streets is not affected by the incarceration of such women or men as the police can actually apprehend. She is as dangerous as she was before her sister or her patron was examined or detained. The woman who remains behind is the focus of infection and she remains as long as vice does.

The vital reason why the police court examination of prostitutes is a subversive factor in the control of venereal disease rests precisely on this fact, that the sanitarians assume an unreality when they state that the removal of one diseased woman from the trade protects the men who might have been exposed by her. Unless they remove all of the women, or at least a sufficiently large number of them to reduce the sum total of illicit relationships, the removal of one or a dozen women has no hygienic value whatsoever. As long as a sufficient number of prostitutes are on the streets to satisfy the demand, the police court examination of prostitutes will be of no avail.

But, it will be claimed, each woman acts as a center of pollution, she whips up trade and encourages vice, surely if she is removed there will be fewer illicit relationships. This argument again is based on an illusion, namely, that the demand for prostitution arises from women, not from men. If the lock hospital treatment of prostitutes resulted in diminishing the volume of prostitution, certainly the outcome would be of hygienic value, but it operates precisely in the reverse direction, first, through encouraging illicit

relations, by giving the patrons of prostitutes a false sense of security, since they are led to believe that the infectious women are removed from the trade; second, by encouraging the courts merely to fine persons convicted of prostitution, since they believe erroneously that they can rely upon an examination to eliminate the venereal disease carriers, and feel therefore no obligation to impose jail sentences for the protection of the public health, and third, by leading the public to suppose that the sanitation of vice can be achieved through measures that have been proven worthless, thereby paralyzing the demand for the vigorous repression of promiscuous intercourse.

Moreover, the total number of prostitutes is increased rather than diminished by the lock hospital method, for while the diseased prostitutes are removed, the demand for prostitution remaining at the same point, new girls will of necessity be brought in to augment the trade, and when the diseased women are released, cured, competition will be more active than it was before. "But," some medical man will say, "that mother's son who came into my office this morning, just 19 years old and infected with syphilis. He had been a clean lad but he was accosted by a vicious woman and she infected him. If she had been in jail instead of on the streets that boy would be well today."

Yes, unless some other prostitute had accosted him and had found him equally accessible, for the doctor can hardly imagine that there was only one diseased prostitute soliciting on the street on the fatal night. Moreover, the mere fact that he fell indicates that his chastity was not unassailable, and even if all of the other hundreds of prostitutes had been busy on that night and had therefore let him alone, consider the situation six months later after the quarantine of the diseased woman has expired. It is not to be supposed that the removal of one or a few women will appreciably alter the demand for prostitution constantly arising from men. During her months in jail the

demand will remain at the same point and her potential patrons will look elsewhere for the satisfaction of their lust. Since she could presumably have made a living in prostitution, according to the law of supply and demand, some other girl will be drafted into the trade during her absence. Thus upon her release two prostitutes will stand where there was but one before. Moreover, it will be only a question of days before the cured woman is reinfected. When this is accomplished and the "mother's son" goes walking again, he will face a double danger, two women will be in pursuit instead of one, the temptation will be twice as great as it was before. Moreover, if he now falls there will be an extra woman waiting to infect some other "mother's son."

Thus it is seen, first, that the hygienic value of the examination of persons arrested for or convicted of prostitution and the detention of those found to be diseased is purely illusory since it looks to the sanitation of vice for success; second, that it tends to increase the total number of prostitutes and the total volume of solicitation, and third, that it acts to paralyze repression and to increase the number of illicit relationships which is but another term for the number of dangerous venereal contacts.

In addition it necessarily violates the constitutional rights of a certain group of individuals and tends to encourage the courts to unconstitutional procedures. Although the regulations technically apply only to persons arrested for or convicted of charges of immorality, in actual practice persons who are merely charged with vagrancy or disorderly conduct are also forced to undergo examination. They are committed to jail or other institutions under statutes which provide for no detention at all, and the offense of prostitution is penalized not on the grounds of the offense itself but instead in accordance with the condition of the defendant's health.

Meanwhile the public health officers and the members of

the medical profession are provided with a plausible but worthless excuse for refusing to support a rational plan of quarantine for the control of venereal disease. The public is hoodwinked, marriage is unprotected and the effete plan of hounding prostitutes still goes on.

The proper plan would be to substitute jail sentences for fines in the case of all persons convicted of prostitution, male and female, and then to examine and treat these persons under the institutional routine. Such a procedure would tend to reduce the total number of contacts by undercutting the demand and making prostitution unprofitable, by eliminating the false sense of security which any organized effort on the part of the state toward the sanitation of vice implies, and by forcing the courts to recognize the racial menace involved in all sexual promiscuity.

Prostitution should be penalized among both men and women as constituting a defiance of hygiene in itself and the detention of infected persons under quarantine should be impartially administered on purely hygienic grounds. It is clear that if a public clinic summarily jailed all patients, male and female, giving a history of immorality and showing symptoms of venereal disease, few patients would voluntarily report there for treatment. In Norway and Sweden regulation was abandoned for this reason, as women dared not report at the clinics for treatment, fearing incarceration. This may also explain why there are so few female patients in America at the public venereal clinics, now that the disease is made a pretext for commitment.

If, as the Board of Health regulations specifically state, ambulatory treatment is permitted unless the patient breaks the rules, no person should be detained until he or she has first had an opportunity to prove good faith. To detain certain persons before they have had a chance to live up to the regulations merely because they have a court record is unjust and unhygienic and leads to striking anomalies in practice.

The following case which was recently reported points the fact:

X, a man of 28 years, unmarried, of excellent family, was under treatment for gonorrhœa. He was a resident of Chambersburg, Pennsylvania. One night at a dance hall he met a young girl with whom he commenced a violent flirtation. He took her out in his automobile repeatedly and finally persuaded her to have sex relations with him. She was a domestic servant and her mistress, becoming suspicious at the late hours she kept, reported her to the Board of Health for examination. The girl was arrested, was found to be suffering with gonorrhœa and was immediately committed to a penal institution under "quarantine." She gave the name of the man, X, who had infected her and he was also arrested, examined, found to be diseased and sent to the same institution. But, being a person of wealth and position, he consulted a lawyer and a writ of habeas corpus was issued. When the case was heard the lawyer brought out the fact that X had been previously under treatment, and produced evidence to show that he had reported regularly to his physician, therefore complying entirely with the Board of Health regulations. On this ground X was released but the girl he infected is still in prison.

Cases of this sort indicate the discriminatory nature of the procedure which flows from a confusion between the provinces of the courts and the Board of Health.

The futility of the police court examination of prostitutes is already coming to be recognized by many of those who enthusiastically supported the measure during the war. Even at that time the inefficacy of the method was subtly realized by its proponents, for in the military zones dissolute women were all outlawed regardless of the condition of their health. If found in the neighborhood of military camps or naval stations women of questionable purpose were immediately put on trains and were summarily ordered to leave or were sent to reformatories. No effort was made to dif-

ferentiate among them on the basis of their temporary physical condition. All prostitutes were rightfully regarded as a menace to the health of the soldiers, whether precisely at that moment they chanced to harbor the spirochete and the gonococcus or not. In the zones all prostitutes were equally denied the right to practice their profession. Promiscuity itself was regarded as a danger and the examination of public women was recognized at its true worth as being valueless.

In the big cities, however, the problem was more complex; it was difficult to secure evidence against a prostitute sufficient to convict and the thorough and high-handed methods in vogue in the military zones were not practicable in New York, Baltimore, New Orleans, etc. The fact was patent that thousands of soldiers would have sexual intercourse with dissolute women in the large towns and that one diseased woman could infect many soldiers. It was a desperate situation sufficient to short-circuit reason or justice. The plausible but illusory benefits of regulation were very appealing, and it is no wonder that those who had not studied the problem were led into the path of proven error. The present Board of Health regulations providing for the examination of persons arrested for or convicted of prostitution and the detention of those found to be diseased were written down admittedly for the protection of the health of the soldiers. Since it is clear that continence would serve as an adequate protection against infection, even in the presence of diseased women, it may be inferred that the detention of diseased "persons" was ordered for the protection of the soldiers' health on the assumption that these men would indulge in immorality if an opportunity offered. In other words, the measure was originally advanced with the point in view of minimizing the physical dangers of vice for men or to secure the same benefits supposed to inhere in regulation. The use of the word "person" instead of "woman" has served to obscure the true intent of the meas-

ure, but has not materially affected the actual operation of the provision. Many of those who were at first deceived by the phraseology now realize that these measures represent merely a reversion to old-fashioned regulation. It may safely be predicted that a few more years of experience with the police court examination of persons arrested for or convicted of prostitution and the detention of those found to be diseased will witness a strong and effective reaction against these unconstitutional, unjust and subversive regulations.

CHAPTER XI

VENEREAL PROPHYLAXIS

In addition to the police court regulation of prostitution through the examination of persons arrested for or convicted of prostitution and the detention of those found to be diseased, many members of the medical profession have since the recent war advocated the use of venereal prophylaxis as a necessary step toward the sanitation of vice.

Before the war these measures were more or less secretly prescribed by certain physicians in the case of their male patients who refused to observe chastity as a preventive of venereal disease, but no outspoken demand was phrased for their general introduction into civil life, for it was feared that public resentment would be too intense.

At the inception of the war, when the military menace of syphilis and gonorrhœa was clearly recognized, the medical profession turned as one man to medical prophylaxis as a means of preventing venereal infection. Recent experience on the borders of Mexico, as well as elsewhere, had invalidated the hope of the control of these diseases through the governmental supervision of prostitution. Moreover, it was feared that the public would not support the open toleration of prostitution in the vicinity of army encampments. At an early meeting of those interested in the control of venereal disease in the army it was suggested that the most effective way to meet the problem would be for the government to supply public women to the soldiers under a painstaking system of examination and control, as had been done during the recent war with Mexico when the U. S.

Government built stockades for the housing of prostitutes and actually shipped women in.

Mr. Abraham Flexner who was present at the meeting declared: "There is no use discussing the merits of regulation. The public will not tolerate the open recognition of prostitution."

In the end his opinion prevailed, and medical men transferred their aspirations to prophylaxis, hoping by this means to minimize the danger of venereal contacts.

From the outset the station method of prophylaxis was preferred to the packet and General Orders were promptly issued by the War and Navy Departments requiring all soldiers and sailors who had indulged in illicit sexual intercourse to report promptly to a prophylactic station for early treatment.

Even Secretary of the Navy Daniels, who before the war had been opposed to the issuance of prophylactic packets, capitulated to the plan for "early treatment."

In 1915 Secretary of the Navy Daniels wrote to all commanding officers as follows:

"The spectacle of an officer or hospital steward calling up boys in their teens as they are going on leave and handing them these 'preventive packets' is abhorrent to me. It is equivalent to the government advising these boys that it is right for them to indulge in an evil which perverts their morals. I would not permit a youth in whom I was interested to enlist in a service that would thus give virtual approval to disobeying the teachings of his parents and the dictates of the highest moral code. You may say that the ideal raised is too high, and we need not expect young men to live up to the ideal of continence. If so, I cannot agree. It is a duty we cannot shirk to point to the true ideal—to chastity, to the single standard of morals for men and women."

This was before America's entrance into the great war, before the compelling power of necessity had forced upon

military and medical men alike a true realization of the practical cost to the nation of venereal disease.

On May 5, 1918, carried by the tide of public opinion toward prophylaxis, he reversed his position and wrote:

"Every man in the Navy is given opportunity to present himself to a medical officer for early treatment and such measures of preventive medicine as may still be possible if he has wilfully indulged in sin against the admonitions of his medical advisers and in spite of the splendid endeavors of the representatives of the Commission on Training Camp Activities."

Many other men who had previously been opposed to prophylaxis, such as Col. William F. Snow, General Director of the A. S. H. A., and Dr. Edward L. Keyes, Jr., abandoned their former stand and came out publicly in favor of medical prophylaxis for the Army and Navy.

They and other members of the Commission on Training Camp Activities constantly averred that prophylaxis was desirable only for the duration of the war, and that the prophylactic station would be most subversive if introduced into civil life. Finally, the confusing synonym "early treatment" became current and the opposition appeared completely to give way. In those earlier days it was predicted that if prophylaxis were introduced into the Army on a grand scale, simply for the duration of the war, it would be well nigh impossible upon the conclusion of the war to prevent its introduction into civilian communities. The soldiers would be returning to their home towns, they would be trained to a dependence upon prophylaxis, they would be convinced that prophylaxis was the surest, the safest, in fact, the only method of controlling venereal disease. They would demand prophylaxis as a measure essential to their health, and even the men who had not availed themselves of it would scarcely question its ethical soundness, since it had first been brought to their attention through government agencies. Medical men, too, would have come to

appreciate the practical feasibility of this procedure, and their apprehension with regard to public resentment would have been stilled.

That this prediction has been realized is sufficiently indicated by the fact that the United States Public Health Service now actively advocates the direction of public funds toward the institution of prophylaxis for the use of civilians. In June, 1918, the Congress of the United States passed the Army Appropriations Act, which provided for the allotment to State Boards of Health of $1,000,000 each year for two years, beginning July 1, 1918, for the fight against venereal disease. For the second of these two years the payment of the states' allotment was contingent upon the appropriation of an equal amount by the state for the prevention of venereal disease. The Public Health Service, through its Division of Venereal Diseases, detailed to the various State Boards of Health an officer of the Public Health Service in uniform, who in most cases was in charge of the Bureau of Venereal Disease in the State Board of Health. His work was directed jointly by the Public Health Service and the State Board of Health. One of his principal duties was to organize and establish venereal disease clinics where prophylaxis was given.

Under the title "Instructions to Medical Officers in Charge of State Control of Venereal Disease," Miscellaneous Publication Number 19, of the Treasury Department, the United States Public Health Service states on page five:

CLINICS

Venereal disease clinics will be organized under the direct supervision of the medical officer, acting as the representative of the State Board of Health, who will forward to the Surgeon General of the United States Public Health Service evidence in writing that each clinic has been thus organized, together with the date when its supervision was taken over by the State Health Department. These clinics should

have a very close relation to the county health officer and the local medical profession, and to the community in general.

The standards for venereal disease clinics are to be determined jointly by the State health officer and the medical officer of the Public Health Service. It is requested, however, that these standards shall conform as closely as possible to the requirements here given.

On page 11 under paragraph 10, the requirement with regard to prophylaxis is given:

10. Administration of early or prophylactic treatment.—Every extra-marital intercourse is to be regarded as an exposure to venereal infection, and the so-called prophylactic treatment is really early treatment given without waiting for definite diagnosis.

Such treatment is very efficacious in preventing the development of venereal infections if given within the first hour after exposure. Its value rapidly diminishes from then on, and when four hours have elapsed since the exposure it is of very little usefulness. It should, however, with this understanding, be given up to at least ten hours after exposure.

The following footnote is appended:

It is not designed to establish prophylactic or early treatment stations primarily as such, but all clinics should be prepared to intelligently administer this treatment to voluntary applicants who give a history of exposure within a few hours immediately preceding their application.

The experience of the past two years has conclusively shown that civilians will not in any significant proportion report to the Board of Health clinics for station prophylaxis. In a venereal clinic conducted by the State Board of Health in Baltimore, Md., at the Mercy Hospital, it was

reported that only one man had applied for disinfection within a period of about six months after the clinic was opened. Yet Dr. George Walker, of Baltimore, Colonel of the Medical Corps, U. S. Army, now publicly advocates the institution at public expense of prophylactic stations in hotels, public buildings, railway stations, apartment houses, men's colleges and boys' schools. Apparently he does not realize that public disapproval of immorality is so intense that the occupant of an apartment house or a pupil at a boys' school would scarcely find courage to enter a prophylactic station attached to his own domain.

Moreover, the cost of maintaining an adequate number of prophylactic stations would be so exorbitant as immediately to alienate the interest of even the male taxpayers. The stations would have to be conveniently located, for it is recognized that delay invalidates prophylaxis; they would have to be open day and night and presumably be operated for the benefit of both men and women.

The prohibitive expense of such a venture and its obvious impracticability in country districts and in small gossipy towns, has already brought many men who theoretically prefer the station method to compromise on the packet.

Large numbers of reputable genito-urinary men have practically transformed their offices into correspondence schools on the subject of "early treatment." They use the United States mails to disseminate pounds upon pounds of educational literature dealing with prophylaxis and they receive compensation for their solicitude in the form of a huge mail order business in their especial kind of prophylactic packet.

The danger of this sort of campaign is twofold: First, it gives ground for the secret self-treatment of syphilis and gonorrhœa, for the ordinary layman does not discriminate between the disease in its early and late stages and frequently uses the prophylactics to treat his developed disease, and, second, all prophylactic packets are not equally

efficacious and the financial returns on the less reliable ones are greater than on those which are more elaborate.

For example, a prophylactic packet put out in Pennsylvania and labelled, "Issued by the Pennsylvania State Board of Health," was recently declared by Dr. George Walker to be "worthless," as it contained no medicament for disinfection against gonorrhœa. Yet the average man presumably places confidence in a packet endorsed by the State Board of Health.

The encouragement by physicians or public health officials of the secret self-treatment of syphilis and gonorrhœa is obviously fraught with serious danger, especially so far as wedlock is concerned, yet while the remunerative mail order business is permitted it is obviously impossible either for the state to guarantee the efficacy of the packets sent out or their proper use by their ignorant recipients.

When the care that is recommended by the Public Health Service in the administration of prophylaxis is considered, it is clear that the average uninformed layman is incompetent to attend to its administration, even to himself.

In Instructions to Medical Officers in Charge of State Control of Venereal Disease (Misc. Pub. No. 19, pages 11 and 12), the United States Public Health Service directs:

"Cases applying after ten hours following exposure should be instructed to bathe thoroughly with soap and water and in the case of females also to take a douche. All persons giving a history of exposure should report at the clinic every other day for ten days and after that weekly for two months, in order that any infection may be detected at the earliest moment and they should be instructed themselves to watch for suspicious symptoms. It should always be remembered that *complete control* of the patient is necessary in order to obtain satisfactory results from early or prophylactic treatment."

"MALES"

"Have patient empty the bladder.

"Wash the genitals and adjacent parts with soap and water, followed by a 1-2000 bichloride solution. Dry the parts thoroughly.

"Inject a 2 per cent protargol solution or a 10 per cent argyrol solution, freshly made, into the urethra, enough to distend it moderately, and see that the patient holds the solution for five minutes before expelling it.

"Anoint the whole of the penis and scrotum with 33 per cent calomel ointment, rubbing in thoroughly and using special care about the folds of the frenum, foreskin and scrotum and taking at least ten minutes to the operation. Cover in oiled silk or wax paper, and allow to remain for several hours before washing the parts. Since the water content of the base renders the calomel more active, it is important that the ointment be made with lanolin instead of the fats usually employed for salves. Care should be exercised that the lanolin is not anhydrus."

The directions for the early treatment of females are even more elaborate and are prefaced by the following statement, which indicates that in spite of the contention by the Public Health Service that it purposes giving treatment impartially regardless of sex, a mental reservation is still held.

"FEMALES"

"In cases of rape, *and some others*, there may be occasion for applying early treatment to females."

It would be interesting to know precisely what "others" the Public Health Service refers to, as no similar ambiguity exists in connection with the early treatment of all males.

In considering the utility of prophylaxis as a preventive of venereal disease, the discussion may very justly fall under two heads, first the practical medical efficiency of the measure, and, second, the moral effect of the essential propa-

ganda. For, as Major Leonard Darwin, one of the leading exponents of prophylaxis in England, has said: "If the early treatment of these diseases is right, it follows that it cannot be wrong, not only to make known this fact, but also to indicate where this early treatment can be obtained. To create hospital facilities which no one knows about, or which are believed to be unnecessary, would be obviously foolish."[1] Moreover, the information would have to be disseminated among boys and very young men, for it is recognized that the vast majority of initial infections occur among youths between the years of eighteen and twenty-five.

The experience of the war, drawn from enormous numbers of prophylactic treatments given, would seem to indicate, first, that the efficiency of prophylaxis bears a direct ratio to the promptitude with which it is administered; second, that even under ideal conditions it is by no means infallible, and third, that the men who expose themselves to venereal infection cannot be relied upon, even after careful instruction, invariably to report for treatment. In addition it has been found that a considerable number of the infections are extra-genital, the primary lesions appearing at the base of the penis or about the mouth in regions that are not reached by the process of disinfection. Some physicians estimate that extra-genital infections constitute about 8 per cent of the cases resultant from voluntary venereal contacts. It is to be remembered that the army program included not only prophylaxis, but, under the leadership of the Surgeon General and Lieutenant Colonel W. F. Snow, the emphasis was laid on education and law enforcement for the purpose of reducing infection by diminishing illicit sexual contact. The success of the methods of prevention other than prophylaxis seems, according to Major W. A. Sawyer, to be clearly shown in the numerous instances in which the rate of venereal infection fell while the number of

[1] The Campaign against Venereal Disease in Its Ethical Aspect. Leonard Darwin, Social Hygiene, Oct., 1918.

prophylactic treatments also went down. There is a great difference of opinion with regard to the percentile efficiency of prophylaxis in aborting cases of venereal disease, some men stating that it is efficacious in fifty per cent of the cases if given within two hours after exposure while others claim a much higher ratio of success. Even the statistics gathered seem to pont with absolute conclusiveness to but one thing, namely, that even under military conditions, when a system of prophylaxis can be enforced by penalization, by education and by rigorous army regulations, the venereal diseases still present the greatest single menace to military efficiency that exists.

Those who advocate the introduction of the prophylactic station into civil life base their demand upon what they believe to be the proven efficiency of prophylaxis. They recall the experiments of Metschnikoff and they believe, as did the regulationists in their day, that sufficient statistics are at hand to demonstrate that the venereal rate is materially improved as a result of this measure. Statistics, however, form a precarious basis upon which to predicate results, for many unknown factors may intervene to alter their significance and the conclusions drawn therefrom may in no wise coincide with the facts. For example, according to the estimate of the Surgeon General of the Army five-sixths of the venereal disease in the army was brought in at the time of mobilization; that is, five soldiers brought their disease into the army from civil life, whereas only one soldier contracted his disease after enlistment. From these figures it is precipitately inferred that venereal disease is five times more prevalent in civil than in army life, and the conclusion is drawn that prophylaxis must be miraculously efficient. Now, in point of actual fact, these figures are susceptible of no such deduction, for the high proportion of cases originating in civil life may be due in large measure to the longer time period during

which exposure to disease was possible. Moreover, prohibition and the closure of the red light districts in the vicinity of army encampments doubtless contributed materially to lessen the venereal rate, for it is well known that venereal disease bears a direct ratio to alcohol and the availability of prostitution.

In an interesting series of cases reported by Medical Inspector Charles E. Riggs, United States Navy, he found that following the removal of segregated prostitution in Norfolk, Virginia, the percentage of infection among the men in the service dropped through five successive periods of five months each from a yearly rate of 101 per 1000, to 48.9 per 1000.[2] Since medical prophylaxis had been in use for some time prior to the period covered in these statistics and therefore constituted a constant factor, it would scarcely be possible to attribute the improved rate to prophylaxis.

Another condition that is also frequently overlooked in considering the army statistics, is that many of the girls who were used by the men in the service did not belong to the ordinary prostitute class. Caught by the lure of the uniform and stimulated by the war spirit, large numbers of very young girls made their initial sexual mistake at the behest of some soldier. To classify intercourse with these previously chaste children as exposure to venereal disease may involve serious error. One point that it is of prime importance to ascertain before any positive statement can be made with regard to the percentile efficacy of prophylaxis is the actual infectiousness of the girls implicated in the illicit intercourse. This factor is one of the unknowns that makes reliance upon the army statistics of such doubtful surety.

Even the average rate of infection of men following illicit

[2] A Study of Venereal Prophylaxis in the Navy. Charles E. Riggs, Social Hygiene, July, 1917.

intercourse unassociated with prophylaxis remains to be determined, for some men boast that they have had a hundred girls without prophylaxis, and have come through unscathed, while many men have contracted venereal disease on their first exposure. The susceptibility of different men to venereal disease may, for all that is known to the contrary, vary greatly, and yet this factor is left altogether out of account in the statistics regarding prophylaxis.

According to army terminology, every illicit intercourse constitutes exposure to venereal disease, and the statistics are interpreted on this basis. If, out of 100 prophylactic treatments, only 1 or 2 per cent are followed by infection, it is left to be assumed that the other 98 or 99 per cent achieved immunity as a result of prophylaxis. That such a deduction is utterly untenable clinical experience sufficiently indicates, and yet it is upon baseless evidence of this sort that the assertion is made that prophylaxis is "practically infallible." The stress that is laid upon the necessity for prompt administration leads to the inference that it is a practically certain preventive, and yet multitudes of cases are on record where venereal disease has developed following even the prompt administration of prophylaxis. Thus Bishop Lawrence states: "If given within a certain time after possible infection, prophylaxis is a practically sure preventive," and he draws the conclusion that "prophylaxis does more to cut down the number of infected men than any one cause."

That this lay optimism is not universally shared by medical men who have had long experience with prophylaxis is well evidenced in an article prepared by Dr. R. C. Holcomb, Medical Commander, United States Navy, and published in Social Hygiene. Dr. Holcomb's report covers a long series of years in the United States Navy, from 1880 to 1916, and especial attention is given to the years from 1909 onwards, during which prophylaxis was in force. The report says:

Let us first examine the rate for gonorrhœa. In 1918, the rate was 10.7 per 10,000, and for the preceding seven years the highest rate was 12.3. When prophylaxis went into effect in 1909, the rate increased to 16.6, and has not been lower than 15.05 per 10,000 since that time. Gonorrhœa cannot, therefore, be said to show improvement.

Let us now glance at the table for chancroid. The rate in 1908 was 3.3 per 10,000. In 1909 (when prophylaxis went into effect) the rate increased to 4.6. The rate here does not, on the whole, show much beneficial influence as a result of prophylaxis. In fact the ratios for the four years preceding 1909 are lower than for any year since.

We may now see what has happened so far as syphilis is concerned. In 1909 the damage rate increased from 30.0 per 10,000 to 38.7 per 10,000; the rate since then compares very favorably with preceding years. In 1914, it dropped to 24.4 per 10,000, a rate only bettered by the record of the year 1893, when it was 23.6 per 10,000. How much the drop in damage since 1911 has been influenced by improved methods of diagnosis and treatment, I cannot show by statistics, but in this year the general use of Salvarsan came into vogue, and in my opinion this fact is a large factor in accounting for the improvement in the damage rate of syphilis.

The figures for syphilis for the years immediately preceding and following the institution of prophylaxis are: 1907, damage per 10,000, 30.3; 1908, 30.0; 1909—in which year prophylaxis went into effect—38.7; 1910, 32.5; 1911, 36.7; 1912, 31.1; 1913, 31.6; 1914, 24.4; 1915, 31.6; 1917, 31.5.

In the course of his paper, Medical Commander Holcomb says further (referring to still other tables):

These rates might lead us to conclude that a method of prophylaxis depending upon the efficiency of antiseptic

drugs alone was a most dangerous and reprehensible sort of a propaganda, and we might be inclined to interpret these rates as indicating an alarming degree of license. It would suggest that men were depending for safety after exposure upon the protecting and shielding power of a drug which had failed their expectations. Doubtless the prophylactic measure did breed a sense of security. Anyone who kept in touch with his crew could not fail to note this, but the increase in the rate was not all due to this cause.

In another part of his paper, Medical Commander Holcomb says:

Now comes the question whether the government should take the part of the apparent panderer and offer this or any other treatment or device as a protection from the results of venery. Coming from an administrative office, I have met the mother, whose trembling voice told me her son came to the Navy an innocent boy, and the disease for which he was invalidated and cast off was contracted because he believed from instruction received, that if he only used the prophylactic he might incur the risk with impunity. Having met this mother, I can see more phases of the question. Again, I recall the lad who experimented with the prophylactic packet claimed to be so safe that it is "practically infallible," and when he was discharged for disease not in line of duty, his father and a lawyer claimed that he was a victim of science; that he had exposed himself and used the prophylactic for the advancement of science. To drive the question home, I ask, would you who have sons, want someone to put such a packet in their hands and suggest thereby that they expose themselves to a prostitute unnecessary to their physical or moral well-being? I leave each person to answer the question for himself, according to his sense of morality.

If, as Medical Commander Holcomb claims, prophylaxis causes an increase in illicit intercourse, it is at least possible that the increased exposure leads to an increase in infection despite the efficacy of prophylaxis in dealing with the individual case. The situation is analagous to that which obtained under regulation, and is open to the same objection. In "Prostitution in Europe," Mr. Abraham Flexner said: "To whatever extent regulation tends to increase irregular commerce by diminishing individual and social resistance, to that extent it tends to increase the amount of venereal disease. Therefore, even if regulation should be found to be more or less effective, its sanitary achievement has to be offset against the increased amount of congress to which it indubitably conduces; one has to ask whether more congress with regulation is not likely to result in more disease than would result in less congress without any regulation at all."

The singular disparity that exists in the statistics on medical prophylaxis compiled during the war is indicated in the difference of opinion between Dr. P. M. Ashburn, Colonel, Medical Corps, U. S. Army, who was with the A. E. F. overseas, and Dr. George Walker, who was a member of his staff. Both Dr. Ashburn and Dr. Walker studied the operation of prophylaxis at first hand from practically the same kind of clinical material, and each derived an opposite opinion. Dr. Ashburn holds prophylaxis to be a subversive factor in the control of venereal disease on moral grounds and is definitely opposed to its introduction into civil life, while Dr. Walker claims it to be almost infallible and bases his hope for the eradication of venereal disease upon its general use by both men and women.

Dr. Walker's figures show 242,000 prophylactic treatments for the entire American Expeditionary Force with only 1.3 per cent failures.

Dr. Ashburn's figures, on the contrary, lead him to the

conclusion that "venereal prophylaxis or 'early treatment' after an impure sexual connection reduces the liability to venereal infection to one-third of what it would be without it, and that in France, where practically all exposures on the part of our troops could fairly be considered impure and potentially infectious, there resulted one infection to thirty exposures without the use of prophylaxis, and one infection to ninety exposures followed by its use."

Early in September, 1919, through the efforts of Dr. Ashburn, a questionnaire accompanied by the following statement for the Surgeon General of the Army was submitted to each patient in whom a new case of venereal disease was detected:

"The soldier will be informed that this information is desired for use in the control of venereal disease, that it will be held confidentially, and not used to his detriment; that he is under no compulsion to furnish it, but that information will be appreciated. He will be asked to tell the truth or to refuse to answer, but to avoid making misleading statements. A report of this sort will be sent in on each new case of venereal disease detected, but if the soldier refuses to furnish any of the information asked for, that fact will be stated."

According to an article by Dr. Ashburn which appeared on May 8, 1920, in the Journal of the American Medical Association: "By Feb. 26, 1920, 5000 case reports had been received and compiled: 4755 men answered the question as to whether or not their infections followed the use of prophylaxis, of which number 2359 men said theirs did.

"Among these 5000 infected men the average number of sexual contacts followed by prophylaxis was for the preceding year, 15.3 for each infection following its use, while the average number of contacts without prophylaxis was, during the same period, 11.6 for each infection following its neglect."

General Order No. 17 of 1912 provided for the court-mar-

tial of soldiers who failed to report for prophylactic treatment after illicit intercourse and who later developed a venereal disease, yet there occurs no observable diminution in the venereal rate following the year 1912; in fact the rate for syphilis actually increases.

Most of the supporters of prophylaxis grant that the institution of this measure leads to an increase in irregular sexual commerce, but so they claim does the actual treatment of venereal disease. In a paper which appeared in Social Hygiene, Major Leonard Darwin says: "No doubt by affording facilities for such preventive treatment we should seem openly to recognize promiscuous intercourse and open recognition is apt to be accompanied by a slackening in the efforts to prevent immorality. But in my opinion, this harmful influence, though it has to be recognized, must be faced in view of the immense mass of misery from which both the guilty and the innocent might be saved by the early preventive treatment of those possibly infected."

At first thought, this reasoning seems plausible enough. The choice presented is between two evils, and the acceptance of the lesser evil is but in line with common sense. However, when one considers in human tokens what increased immorality really means, it becomes scarcely credible that men of sound ethics and understanding can agree to pay this price even for so humane a purpose as to cut down the incidence of venereal disease. Increased immorality, which Major Darwin states must be so plainly faced, predicates the addition of new recruits to the ranks of prostitution, for since men cannot have sexual intercourse alone, an activated demand on the part of men for copartners in vice necessitates a corresponding increase in the supply. In other words, the dimunition in the venereal rate is to be paid for in the degradation of girls who would otherwise, according to Major Darwin's own assumption, be spared from a life of sexual perversion. This, in an era of civilization, is an astonishing price to offer for any human

benefit, and it is to be doubted if so complete an abrogation of the ordinary principles of human decency can result in anything but a fictitious improvement. In point of fact, each new girl who is brought in will in turn become an additional center of infection.

With prophylaxis, as in the case of regulation, this willingness to accept immorality on the part of men as an unavoidable increment in the program, gives rise to the question as to what may be the ultimate objective in the campaign. If, as so many supporters of prophylaxis state, a single standard of morality for the two sexes is the object sought, it seems obviously incompatible with wisdom to institute temporazing methods for the control of venereal disease when these methods are known to be antagonistic to the primary purpose in view. Surgeon General Gorgas said in an address before the American Public Health Association: "If the sexual morals of our male population were on the same plane as the sexual morals of our female population, I am inclined to believe that veneral disease prevention would be far on the road to success, and I hope that this relation of morals to the problem can be brought about by the very general educational processes that we are at present engaged in spreading throughout the population."

But in connection with the educational campaign prophylaxis is a great impediment to progress for it necessarily "slackens the effort to prevent immorality" by giving official governmental sanction to sexual vice for men. Actions speak louder than words, and no young man of sense will believe preceptors who tell him verbally that sexual vice is intolerable, if at the same time he witnesses their open toleration of it.

In order to think clearly of the relation of morals to the campaign against venereal disease, it is well to regard continence simply as a sanitary measure. Differently phrased, it is merely avoidance of exposure to venereal in-

fection. This is a fundamental principle in the control and prevention of all other infectious diseases, for example, diphtheria, smallpox, rabies, etc. In the case of these others any prophylactic measure which carried with it a guarantee of increased exposure or which, indeed, paralyzed the arm of the law in enforcing regulations against exposure would be regarded with extreme skepticism.

This is the place where ethics and hygiene meet, for here the object is identical. The moralist and the sanitarian both desire, for different reasons, the same thing, namely, to prevent exposure to venereal infection. Instead of a single standard of morals it may be said that a single standard of hygiene is the object sought, for thinking in sanitary terms it is clear that a campaign against an infectious disease cannot sensibly be conducted along sex lines. To attempt to control the spread of scarlet fever or smallpox or diphtheria by preventing the exposure of females to infection while openly permitting the unlicensed exposure of males, would be so contrary to reason that even the most untutored mind would instantly grasp the anomaly, and yet unhappily in the case of venereal disease, it is precisely this plan that many sanitarians are unthinkingly following.

The case as put forward by the proponents of prophylaxis suggests the ancient legend of the princess and the dragon, when to save the country from pestilence the people led forth a victim each year to be devoured by the monster. The ethics of prophylaxis as phrased by Major Darwin is strikingly similar, for to save the country from the pestilence of venereal disease he concedes the necessity of a continual sacrifice of fresh girls to the Moloch of men's lust. That such a sacrifice is not incompatible with humanitarian ideals is witnessed by the alleged fact that all treatment of venereal disease serves to remove one of the obstacles to immorality. "To let these diseased run riot," says Major Darwin, "unchecked and unalleviated, with all

the terrible consequences of such a policy, would add greatly to the fear and lessen the practice of immorality. But if we repudiate this horrible alternative we must admit that our medical efforts do tend somewhat to increase vice, and that we are striking a balance between the evils of increasing sexual immorality."

It is this close alignment between prophylaxis and the actual treatment of venereal disease that has so confused the public mind with regard to the ethics of prophylaxis. The duty of giving medical care to sick people regardless of their conduct is so plain that the application of the term "early treatment" to prophylaxis, has served as a sort of ethical guarantee of its propriety. On mature consideration, however, it will be seen that the ethical and educational values involved in prophylaxis and in the treatment of venereal disease are utterly at variance.

Possibly the simplest way of making clear this difference is to consider the effect of prophylaxis and the actual treatment of venereal disease in the case of women. Suppose, for example, coincidently with the introduction of prophylaxis for men, "early treatment" stations for the use of women were to be instituted. Following out the same chain of reasoning that is applied in the case of men, all penalization for sexual irregularities on the part of women would have to be abandoned, for, as Captain Clarke, of the American Social Hygiene Association, said: "If then punishment were administered for illicit sex relations and women (in this case) knew that they would convict themselves in applying for such treatment, they would fail to apply and there would be a consequent increase in venereal disease." Thus for the sake of early treatment, immorality on the part of women would have to be faced, and all measures for the prevention of irregular sexual commerce for women, save education and recreation, would have to be abandoned. Propaganda talks on the subject of the dignity and responsibility of sex might be still held, and literature, including

admonitions with regard to prophylaxis, be distributed, and the brothers, fathers and husbands of the women might meet together and lay plans for recreation suitable to tempt their wives and daughters away from the paths of vice, but to keep the campaign on the same plane as is that for men at present, no more stringent measures could be entertained. Above all, penalization for vice could not be seriously considered, for the women would not report for prophylactic treatment if thereby they made themselves liable to punishment. No nurse could be dismissed for improper conduct, no girl committed to an institution for rehabilitation, no prostitute jailed, and feminine sexual immorality would have to be openly and philosophically accepted as part of the medical program. To any reasonable person it is clear that a single decade under such a policy of toleration, if carried through with the sincerity actually practiced in the case of man, would result in a striking change in the standards of feminine conduct.

Now in the case of the venereal clinic, no such reversal of public and private policy with regard to feminine morals is involved. It is inconceivable that the voluntary treatment of women has ever contributed in the smallest degree toward fostering immorality. On the contrary, the venereal clinic by making known the ill results of vice has been a distinct influence in checking irregular sexual commerce. The effect of the propaganda directed toward increasing the scope of the venereal clinic, for both men and women, is exactly opposite to the effect of the propaganda toward prophylaxis, for the normal individual does not enjoy the prospect of contracting a serious disease even if he or she realizes that in the majority of cases it can be cured. Prophylactic propaganda leads men to suppose that the physical evils of vice can be avoided, while the propaganda leading toward the venereal clinic acts in a precisely contrary manner, by stressing in every instance the dangers associated with immorality.

The very term "early treatment" is a false use of words, for it is impossible to treat a disease if it is absent. The fact that the United States Public Health Service pleases to call all illicit intercourse "exposure to venereal disease" does not, by that same token, make it so, and prophylactic treatment has without doubt been given in many cases where the infective organisms of both syphilis and gonorrhœa were absent. This abuse of language conduces to an exaggerated notion of the efficacy of prophylaxis and in turn this leads to a false sense of security. Here again the contrast between the venereal clinic and prophylaxis is obvious, for it is unimaginable that either the propaganda leading toward the clinic or the actual treatment of venereal diseases ever fostered a false sense of security with regard to the physical dangers of vice.

It is this phase of the problem that has led some supporters of the prophylactic station to discriminate between the station and the prophylactic packet. That such a discrimination is utterly untenable becomes clear on consideration of the psychological factors involved in the case of the two measures. By some lapse of reason it is fancied that the sense of security implied by the prophylactic packet differs in an obscure way from the sense of security associated with the prophylactic station. It is true that the prophylactic packet does carry with it the imputation that vice can be made at least comparatively safe, but the same imputation, even in an exaggerated form, is inextricably enmeshed with all propaganda directed toward the prophylactic station. Verbal admonitions as to the undependability of prophylaxis can be equally well given in the case of the station and the packet, but it is scarcely to be believed that the adherents of either measure will find it congenial to emphasize the failure of prophylaxis when they are attempting to instill faith as to its usefulness.

Doubtless the factor that has contributed more than

any other to this fictitious discrimination is the desire on the part of those concerned in advocating prophylaxis to conceal even from themselves a true realization of the part they are playing. It is not a nice thing to admit that one is acting the panderer, by attempting to make vice safe for men, and the prophylactic station lends itself more readily to mental camouflage than does the prophylactic packet. When an officer or a steward hands a boy a prophylactic packet as he is going on leave, the act suggests in a brutally frank way that the government is playing the part of panderer; but is not the psychology of the case, so far as the boy is concerned, precisely the same when physicians or public health officials tell him through literature, placards and propaganda talks that the prophylactic station is waiting for him at a certain address? The suggestion that vice can, by medical measures, be made comparatively safe, and the additional guarantee that the government absolutely endorses it, is identical in the case of the station and the packet, and it is these two factors in combination that influence the conduct of the young man. The fact is that the sensitive adherents of prophylaxis, such as Secretary of the Navy Daniels, by a feat of mental gymnastics, convince themselves that instruction in station prophylaxis cannot by any possibility affect the conduct of young men until the moment immediately following illicit sexual intercourse, whereas the bodily presence of the prophylactic packet in possession of the young man prior to sexual intercourse dispels such comforting illusions.

One of the favorite questions of the proponents of prophylaxis designed to put the opposition to flight is: "If your son came in some evening and said, 'Mother, I have, at the solicitation of a vicious woman, just exposed myself to venereal disease,' what would you do? Would you not immediately take him to a physician for disinfection?"

The question is a purely hypothetical one, which any parent will agree is not likely to be duplicated in real life, and is misleading, since it eliminates the subversive educational factor by presupposing that prophylaxis could be effectively made use of in the absence of public knowledge as to its availability prior to illicit intercourse. It is a question clearly planned to confuse rather than to enlighten.

In point of fact, instruction in regard to the prophylactic station involves quite as much suggestion as to the safety and tolerability of vice as does the packet, for in order to insure usage of the station, information must be spread broadcast as to its whereabouts and its utility. Moreover, this knowledge must be in possession of the young man preceding illicit sexual intercourse, for the measure is admittedly useless if its administration is delayed. To discriminate between giving this information and giving the packet is idle, for in both cases it is "equivalent to the government advising these boys that it is right for them to indulge in an evil which perverts their morals." In the case of the packet and the station it is equally possible for public health officials or physicians verbally to state that vice is not necessary to health, or that prophylaxis is not infallible, or any other moral admonition. The leading facts that the boys derive will be the same, namely, that public opinion sanctions vice for men and that medical measures are a good substitute for continence in avoiding the risk of venereal infection.

The report of a special commission appointed by the British Government to study infectious diseases in their relation to demobilization comes out strongly against the prophylactic packet and stirred up considerable controversy in England in this regard.

The report, which was issued as a White Paper, in the fall of 1919, reads:

The Committee desire me to point out that in their view, many of those who wish the Government to utilize in peace time for the civil population methods which have been tried among the forces in war, have not sufficiently appreciated the fundamental differences between the two groups, or between the conditions of war and peace; nor have they been aware of the comparative failure of packets even in a disciplined force. The civil authorities cannot command or control the general population (men and women) as officers can properly and legitimately control enlisted men. In dealing with the latter, officers in different forces have had power—

(1) To make medical examinations at regular intervals;

(2) To provide facilities for continuous and direct propaganda;

(3) To punish disobedience of official advice, concealment of disease, or disregard of treatment;

(4) To exclude certain persons from camps, etc.;

(5) To put certain places out of bounds;

(6) To organize recreation, etc.;

(7) To enforce other service regulations.

It is also the direct interest of the officers in charge of men to keep the venereal rate amongst them as low as possible. There can be nothing in the civil population analogous to this pressure of responsibility and discipline. Unfortunately no civil peace figures are obtainable, but the military and naval pre-war figures are significant as showing a decline in the venereal rate following upon improvement in general conditions and surroundings and the development of recreation and social amusements. Table E is interesting in showing the more rapid reduction among troops in Aldershot, when recreation was organized, than in London, where social recreations, etc., within barracks had to contend with the counter attractions of the streets. I would also draw special attention to the Army figures

from 1870, which show the venereal rate in the British Army before, during and after the operation of the Contagious Diseases Acts, and which seem to suggest that methods no less vaunted in their time than is the use of prophylactic "packets" at the present time, were not effective in reducing the disease when put into operation.

Finally, it is the committee's view that the assumption that the present incidence of venereal disease in the Army is greater than that among a similar number of men in civilian life is not established.

CONCLUSIONS BASED ON SERVICE EXPERIENCE

In regard to the general experience of prophylactics distributed *before exposure* to infection, as prevailing in the various services, the Committee have come to the following conclusions:

(1) That certain drugs, if properly applied, are efficacious in preventing venereal disease;

(2) That if these drugs are not properly or skillfully applied their efficacy cannot be relied upon;

(3) That the issue of prophylactic "packets" tends to give rise to a false sense of security, and thus to encourage the taking of risks which would not be otherwise incurred, and the neglect of facilities for early treatment when available; and, in certain circumstances, might even increase the spread of disease;

(4) That in spite of the most careful instruction, the grant or issue of "packets" results in many an individual using them for self-treatment after he finds himself infected. They are not intended for this purpose, and are ineffective when so used. Drugs which are accredited with the power of preventing diseases are very frequently accepted by the public as useful in their treatment. Their use for the treatment of developed disease may be definitely harmful, since they delay diagnosis and the application of

proper treatment at a time when promptitude is of the very first importance to its success;[3]

(5) That, where preventive treatment is provided by a skilled attendant after exposure to infection, the results are better than when the same measures are taken by the individual affected, even after the most careful instruction;

(6) That the excessive consumption of alcoholic liquors not only diminishes the sense of responsibility, but also tends to prevent the proper use of prophylactics and to delay the individual's application of skilled treatment;

(7) That the most carefully organized packet system, such as exists now in the Army (a system which would be unattainable in the civil community), has not produced such a general reduction in the incidence of venereal disease as to counteract the disadvantages mentioned in these conclusions;

(8) That the organization of recreation and social amenities has assisted in the reduction of the incidence of venereal diseases in the Services before the war, and has also assisted in preventing that increase in the incidence of these diseases, which, from past experience, might have been anticipated during the war;

(9) That energy should not be dissipated on measures of doubtful value, but concentrated rather on wise propaganda and the provision of early, prompt, and skilled treatment, in order to diminish the prevalance of these diseases. It should be recognized that failure to cure these diseases is one of the main causes of their prevalence, and that failure to cure, in the most skilled hands, results largely from failure to treat them in their early stages.

I have also been asked on behalf of all the representa-

[3] This and other points would suggest, too, that the general sale of such medicaments by chemists and unqualified persons might tend to nullify the beneficial results of the Venereal Diseases Act, 1917, as regards the prohibition of treatment, and advertisement of treatment, by unqualified persons.

tives of the different departments who assisted at various times in our deliberations on this subject to record their unanimous view that the true safeguard against these diseases is individual continence and a high standard of moral life. This implies a sound public opinion and a healthy national tone. The Committee set out to examine the evidence placed before them from the scientific and the medical point of view, and it is strictly in this spirit that they desire to record it as their opinion that the irreplaceable effect of the moral factor has been too frequently neglected or forgotten.

GENERAL CONCLUSION

In view of these findings the Committee are not satisfied that there has been sufficient evidence put before them of the beneficial results gained by the distribution of prophylactic packets in various Forces to prove the value of the system or to justify them in recommending its official encouragement among the civil population. Unquestionably there have been many individual cases which appear to afford positive evidence in favor of a system of distribution of such prophylactics before exposure to infection; but the volume of such evidence is too small and too exceptional, and the instances of its failure, even under favorable circumstances, are too numerous, to allow of any other conclusion than that, in view of the considerations mentioned above and of the administrative and social difficulties involved, the official application of a packet system to the civil community is neither desirable nor practicable.

I desire, on behalf of the Committee, to place on record their high appreciation of the manner in which Dr. Seymour the Secretary to the Committee has assisted in the preparation of this Note.

Signed on behalf of the Committee,

August, 1919. WALDORF ASTOR.

It is not improbable that the station exerts a more cogent influence even than the packet in reducing the sex life of men to the lowest level of bestiality, for in addition to placing the government in the position of condoning vice and pandering to it, the station is calculated to rob men of their last remnant of ordinary decency. All but the most depraved of men have an instinctive aversion to displaying the crass facts of their sex life publicly, and an additional element of brazenness is introduced into conduct when men fresh from the embraces of their prostitutes frankly meet together at the government clinic. For medical men under such circumstances to presuppose a high moral atmosphere as an attribute of the prophylactic station, is an admission on their part of blind refusal to view human nature as it is. This is particularly the case in the Army since the procedure in giving the treatments is so simple that it is generally entrusted to men who have had no medical training at all. The character of the errand on which the "patients" come to the station is such that, face to face together, they must take sex adventures lightly, and while they wait their turn for treatment it is not to be supposed that their conversation will turn upon very lofty themes. The slang that has already emanated from the station, the succinct question as to who has and who has not "had his shot," the filthy stories of shooting rat poison into a man and what not, are a sufficient index of the moral effect of this branch of the government service. Then besides, there are the lads who night after night meet and handle endless streams of fornicators and adulterers without being permitted even the moral concept that it is the business of the patriotic citizenry of any country to prevent base conduct—not to pander it. It is to be doubted whether even the most enthusiastic advocate of prophylaxis would contemplate with composure the detail of his own son to this particular duty, and yet to com-

pass the administration of the ordinary routine treatments, very large numbers of young men are needed.

In the case of the venereal clinic it is amazing to witness the difference in atmosphere, for here the outcome of the sex adventure has in most instances passed far beyond the measure of a joke. Most of the men come to the clinic in solemn earnest, some of them crushed by the fear of what the future holds in store for them. The men are here because they are sick, not because they have been immoral, and the clinic therefore savors of the hospital. The prophylactic station, on the contrary, reeks of the brothel, for the men there still have the stain of illicit intercourse upon them, and come the self-confessed violators of a moral law.

Innocent and guilty alike await their turn in the venereal clinic. The syphilitic child, the wife reaping the wild oats that her husband sowed in boyhood days, the man sick of a vile disease due to the infidelity of the woman he trusted in wedlock, the prostitute masquerading as a married woman, the preacher hiding his shame behind a cobweb of lies. To distinguish innocent from guilty would require a court of law, not a dispensary clinic, and the doctor would have to act as advocate or judge, and empanel the nurses and assistants as a jury before he could go on with a treatment. Such procedure is wholly out of line with established precedent, and antagonistic to the humanitarian principles upon which the science of medicine is based. The doctor is not fitted by training or experience to act as judge of human conduct. His business is to cure the sick, and so long as he honestly follows his calling, he may, with righteousness, leave the complicated tangle of human conduct to be unravelled by other agencies.

The treatment of patients in the venereal clinic in no wise standardizes human conduct. The personal problems are so complex that in the main they are insusceptible of

immediate judgments. It is true that the self-confessed fornicator and adulterer apply for treatment, but even in these cases the date and nature of the offense may offer extenuating circumstances. The lapse of time under the law in the instance of many crimes invalidates the prosecution. Moreover, to deny treatment even in the most flagrant cases and to condemn a man to die horribly or to lead out a maimed existence in payment of his sin, while men guilty of precisely the same conduct, if by chance they escape disease, are completely exonerated, is a violation of the ordinary precepts of justice so extreme as to be intolerable. One of the major functions of penalization under the law is the prevention of wrong doing; revenge, except among savages, is no longer accepted as justifying punishment. Moreover, a cardinal principle in the administration of justice is that chance shall, in so far as possible, be eliminated from the operation of the law. All persons guilty of the same misconduct under similar circumstances are equally guilty before the law, and the imposition of penalties upon their apprehension is not, if there be any show of justice, left wholly to chance.

It is in this respect that reliance upon venereal disease as a punishment for venery, violates the fundamental concept of human justice, for chance alone operates in the infliction of the penalty. The most guilty man frequently goes scot free, while the virtuous or comparatively virtuous pay to the full measure. The truth is that the contraction of a venereal disease cannot, according to accepted principles of human justice, be regarded in itself as a punishable offense, for it depends upon chance, not upon volition, and it is basely unfair to penalize ill fortune.

It is in the conduct leading to infection, not in the infection itself, that society must seek its standards for sexual ethics. The doctor cannot pursue his calling as clinician, if at the same time he is forced to order his treatments ac-

cording to ethical, not scientific laws. The clinic is not the proper place to sift out morals, for sheep and goats must both be treated if they are diseased.

In the prophylactic station, on the contrary, no such complicated tangle of conduct is involved, for every man who there makes application comes for the simple reason that he has had illicit sexual intercourse. He is not ill, he is merely immoral, and though he may subsequently develop disease, if the state officially recognizes his conduct without exacting punishment it at the same time declares that irregular sexual commerce comes within the law. At the prophylactic station, the doctor need not act as judge, for all of the applicants without exception are by their own word guilty of the infraction of a moral law. In any other province it would be clear that a malefactor could not be permitted by the state openly to confess his guilt and still to escape all punishment, for the acceptance of wrongdoing on the part of one justifies it for all. Thus it is seen that the prophylactic station, in contrast to the venereal clinic, definitely standardizes human conduct, for it gives governmental recognition to fornication and adultery, and by accepting vice without penalization, practically sanctions it.

The truth of this statement becomes apparent on consideration of the relation of the prophylactic station to the fornication law. If a sincere effort were to be made by the police to enforce the fornication law, the first place they would have to raid would be the prophylactic station. They would be obliged to arrest all of the "patients" found there, and to seize the histories and other data giving the names and addresses of self-confessed fornicators. In addition, they would have to watch the station, and to take up the men as they applied for treatment. Under such procedure the prophylactic station would soon have to close its doors for lack of applicants. The venereal clinic, on the contrary, would not be liable to such a wholesale raid, for

the patients coming there would not all be guilty of fornication, and additional information besides their mere application for treatment would have to be acquired before arrests would be in order. Thus the venereal clinic could continue in operation even with the sincere administration of a fornication law, while the prophylactic station would automatically cease functioning if a fornication law were honestly enforced.

It is this relation of the prophylactic station to the standardization of conduct that makes it so subversive an element in the realm of sexual ethics. The prophylactic station necessarily brings fornication within the law, for any statute forbidding fornication must be a dead letter if the station is to continue openly in operation. But the first step in the control of venereal disease must, according to all the dictates of hygiene, be to prevent exposure, and yet this is impossible so long as prophylaxis is frankly accepted.

In the end, as General Gorgas has indicated, success in the control of venereal disease depends upon the education of the individual with regard to sexual conduct. Toleration of male promiscuity predicates an indefinite perpetuation of the social evil, and it is from this source that the venereal diseases flow. As with the girl, so with the boy, the crux of the matter is the prevention of the initial misstep. Chastity is its own best safeguard, for once infringed, immorality becomes ever easier and easier. It is because of this that prophylaxis is so great an impediment to the educational program. The community must set its stamp of disapproval upon masculine vice before the boy will learn in time that immorality is contrary to his own best interests. The open toleration of vice leads youth to understand that there is nothing harmful in it, and the establishment of a double standard of morals substantiates belief in the sexual necessity for men.

CHAPTER XII

THE SOLUTION OF THE PROBLEM OF VENEREAL DISEASE

The prospect which is held out by the medical profession of a limitless period of time during which venereal contacts must be tolerated by the human race is not encouraging; neither is it a reality except in the minds of disillusioned persons who have their eyes turned backwards. Morals are the product of environment and there is no biological reason for supposing that the male of the genus homo is any more promiscuous in his potential sexual disposition than is the female. In no other species is there any such disparity between the sexual instincts of the male and the female. Among the birds, for example, or among the higher apes, both sexes tend equally toward union with one mate; among the quadrupeds, on the contrary, where promiscuity is the rule, both the male and the female are equally willing to accept transitory sex partners. The bitch is no less promiscuous than the dog nor is the lioness any more monogamous than the sire of her whelps.

Man is for the time being living under unnatural conditions so far as his sexual life is concerned, but under a proper economic and educational system, reinforced by a just standardization of the sexual life of the race, there is absolutely no question but that men as well as women would prefer marriage to promiscuity.

The solution of the problem of venereal disease, being, as it clearly is, amenable to the same general principles of hygiene that operate in the case of all other communicable diseases, is dependent upon two factors: first, the prevention

of contacts between infected and uninfected persons regardless of sex and, second, the institution of a system of quarantine which will insure proper curative treatment and serve to protect healthy individuals from contamination by those suffering with disease.

The Maryland State Board of Health declares in its Venereal Disease Regulations, "Prostitution is the source and cause of venereal disease." While this statement cannot be said to be scientifically exact since the spirochete, the gonococcus, the strepto-bacillus of Ducrey, and not prostitution, cause venereal disease, still it is a recognized fact that sexual promiscuity is responsible for the continued spread of venereal infection. Extra-marital sexual intercourse in so large a proportion of the cases constitutes exposure to venereal disease that in order to prevent the contact of infected with uninfected individuals such relationships must, to conform with accepted principles of hygiene, be placed under the ban. Since between 95 and 100 per cent of all prostitutes have been found upon examination to be venereal disease carriers, intercourse with them "may be reasonably suspected" of constituting voluntary exposure to venereal disease and consequently to be counter to the interests of the public health. As it has been found impossible for the state successfully to discriminate between the infectiousness or non-infectiousness of promiscuous men or women all extra-marital sex relationships must be placed beyond the pale and heavy penalization be instituted for infraction of the fornication law. Since under this, as under all other criminal laws, only a fraction of the offenders will be actually apprehended by the police, the courts must be brought to impose sufficiently drastic sentences to check the practice. Above all the payment of money or goods for prostitution must be made a major offense against the state, since commercialized prostitution will be inevitable so long as it is adequately financed.

The mediæval program of "law enforcement," which is

now advocated by the United States Public Health Service and such private organizations as the American Social Hygiene Association, and which consists merely of hounding the more obvious and often the feeble-minded female offender, must be given over, for the individual prostitute is merely a passive factor in the scheme. She is seduced at an early age before her earning capacity along legitimate lines has been developed, and once "ruined" she is forced to exploit masculine sexual desire as her sole means to a livelihood. The removal of one woman from the trade, through her reformation or her imprisonment, signifies but the addition of another woman to the ranks, for the demand created by men in this business predicates the supply as in any sort of commerce. The female as well as the male offender should, of course, be held under the law, but the woman, not the man, should be recognized as the important states' witness in the effort to repress prostitution.

The cause of the failure of all vice crusades in the past lies in the fact that nowhere and at no time has the campaign been directed against the true source of the social evil. All of the effort has been turned against those who exploit and those who stimulate masculine sexual desire, whereas, in point of fact, the campaign should be primarily directed against those who finance commercialized prostitution. If the patrons of prostitutes were consistently penalized by heavy jail sentences instead of "stiff fines," the income of $164,000,000 now paid annually to the business of prostitution would soon be greatly reduced. A term in the penitentiary would convince the average man that intercourse with prostitutes was not worth his while and what is even more to the point it would elucidate this fact in plain terms to other boys and men.

But it will be contended, it would be practically impossible to obtain evidence sufficient to convict the man. He pays the prostitute in private, not under the eyes of the police. This objection is without foundation in the prac-

tical administration of the law, for in cases of murder the evidence is often very obscure, and yet the state does not for this consideration abrogate the legal recognition of this crime.

Moreover, it is obvious that it can be no more difficult to prove that a man pays money for prostitution than that a woman receives money for the same purpose. Countless numbers of women are now serving sentences in lock hospitals and jails for the offense of prostitution. Doubtless in a fair proportion of these cases there has actually been enough evidence to convince the average court that the woman has sold the use of her body for money. If the sort of evidence that is now sufficient to convict a woman of prostitution were likewise accepted in the case of men, the police would have absolutely no difficulty in crowding the court rooms with the patrons of prostitutes. Moreover, a fairly efficient group of plain clothes policewomen could, with pitiful readiness, obtain evidence against men which would be far more specific than most of the present evidence against prostitutes.

It would, of course, be idle to suggest such a law enforcement program if the administration of the statutes were to remain where it is, in the hands of men. No class ever has nor presumably ever will enforce the statutes against itself. Before the promiscuous demands of men can be brought under control it will obviously be necessary for women to participate in the actual machinery of the law to a far greater extent than they at present do. There must be women judges and juries. There must be women in the public prosecutor's office and also women lawyers to plead before the bar. In the minor courts, where most of these cases will be first heard, there must be many women, and above all there must be autonomous bureaus of women police such as already exist in Washington, D. C., and in some other cities.

In Los Angeles, Cal., at the present time in the Juvenile

Court only women are permitted to be present when certain cases of seduction are heard. There is a woman judge and a woman jury, and such men as are essential to a proper hearing of the case, as witnesses, are required to give their testimony and then to leave the room. This obviates the cruel and intolerable procedure followed in most other cities where a comparatively innocent girl of tender age is forced to cast aside every precept of ordinary decency and lay bare the unspeakable details of her intimate life before a crowd of curious male bystanders.

The work of the Women's Bureau of Metropolitan Police in the National Capitol has already demonstrated the importance and feasibility of such a force. In addition to Mrs. Minna C. Van Winkle, the able and courageous chief, there are about thirty policewomen ranging in age from 21 to 35 years and upward. They are, in the main, college graduates and many of them have a Master's degree as well. A sincere desire to do effective public service has brought most of these women into the work. They operate independently of the male police force, and this point is of incalculable importance for when a few policewomen are merely added to the regular police force, without their being given the standing of an autonomous bureau, their work is wholly directed by men and consequently can differ but little from that of the ordinary force.

The value of the women's bureau lies in the fact that it permits the introduction of the woman's native point of view on sexual offenses into the practical administration of the statutes regulating morality.

The women operate in plain clothes and often are themselves solicited for purposes of immorality by men, thereby facilitating the detection of would-be sex offenders. They usually work in pairs and are at all times privileged to call upon members of the male police force in making arrests. While such an occupation requires a high degree of courage and common sense, it is an established fact that

women possessing these perquisites can readily be found to enlist in the service. Through them and through them alone can the streets be made safe for minors of both sexes, and only through their efforts can amusement resorts of questionable character, such as cabarets and dance halls, be forced to abjure the remunerative enticements which immorality offers.

It is beyond question clear that the enforcement of the statutes regarding morality is safer in the hands of an autonomous bureau of women police than when left to the discretion of the ordinary male police force, for men who are themselves immoral can scarcely be expected to hold the offense very high in respect to others.

Within the past two years about 60 policemen in Washington, D. C., have been dismissed from the service for having a venereal disease contracted while they were members of the police force.

One policeman was found with two little girls, one 12 and the other 14, under very compromising circumstances in bed in an hotel of doubtful character. He was arrested at the behest of the women police, but when brought before the court claimed it was a "frame-up" and was released on $500 bail. Before he could be brought to trial he disappeared, forfeiting his security, and has not been located since, nor presumably ever will be. This case indicates the low estimation placed upon sexual offenses by male courts, for had the charges involved some other crime equally punishable under the law, collateral in far higher proportion would have been demanded in face of such incriminating evidence.

If the practical enforcement of solicitation and fornication laws were to be left in the hands of such men as this the results would doubtless be as discouraging as Dr. Welch and other hygienists anticipate, but fortunately there is no such necessity. Women are ready and willing to serve the state as the protectors of youth and they only await the

time to come forward when the mothers of the country come to a realization of the importance of their aid in guarding the moral integrity of the coming generation.

If the community really desires to minimize venereal contacts it can readily do so, but the impetus must come from the General Public, for the self-interest of the medical profession points in the opposite direction. When continence comes to be regarded in its true hygienic value, as the only reliable preventive of venereal disease, the cooperation even of the medical fraternity may not be so very difficult to secure.

As a preliminary to the rational control of venereal disease and the protection of the marriage relation, the various State Boards of Health must be brought to adopt a plan of quarantine that could be reasonably expected to work if put in operation. Since the same general principles of hygiene that have been established in connection with other communicable diseases doubtless govern venereal disease as well, these principles should be observed, even though they are antagonized by the commercialized medical man.

Following the procedure already in effect in connection with all other communicable diseases, physicians and superintendents of hospitals, dispensaries or other institutions where cases of venereal disease are treated, should be required to report in writing to the state or local health authorities, the name and address of any person known to be infected with venereal disease.

A nurse from the State Board of Health should visit such patients, as she now does in connection with other communicable diseases, should investigate the situation and warn the associates of the patient of the danger of infection. She should also put into the patient's hands a printed circular of regulations prescribing care in his habits, systematic treatment and especially ordering him to refrain from sexual intercourse or other intimate contacts during the period of quarantine. The patient should be warned

that infringement of these regulations would constitute breaking quarantine and entail detention and penalization.

The case should then be placed definitely under quarantine by the State Board of Health until curative treatment is completed.

In addition, the members of the household should be interviewed with regard to the probability of their previous contamination. Examination of those exposed to infection should be required and treatment instituted if necessary. By this means many wives infected with venereal disease by their husbands might be cured and the danger of ophthalmia neonatorum and a syphilitic inheritance be minimized. Servants or other employés infected with venereal disease would also be promptly detected by their employers through the intervention of the Board of Health nurse.

This point is of greater importance than many mistresses of households now realize, for the percentage of infection among domestic servants, especially in the colored race, is very high, and the intimacy of their contacts with the family is such as to render them definitely dangerous when they are venereal disease carriers. Cases have been brought to the attention of the writer substantiating this fact beyond question. One case was reported of a nurse maid with a fresh case of gonorrhœa who was in attendance upon two little girls under two years of age. She did the daily laundry for these children and had every opportunity of transmitting her infection to them. Another was that of a cook who was suffering from flagrant syphilis. She prepared all of the food for the family, lived in the same house and slept in the room with another maid who contracted the disease from her. Through the infection of this second woman the mistress of the household learned of the cook's condition.

Still another case was that of a colored butler who was married, but who through extra-marital relations contracted syphilis. He washed the dishes, handled the bread and

otherwise had opportunities to disseminate his disease among the family. As he was in a doctor's employ he went to the dispensary for treatment and chanced to come under the care of a physician who knew his employer and reported the case to him. The man was immediately dismissed, but presumably secured a similar position as butler elsewhere.

Another case was that of a chauffeur who lived in the house of his employer and had his laundry done with that of the family. The man had a fresh case of gonorrhœa which was finally detected by the laundress from the stains on his clothes. In this family there were four children.

The necessity for adequate quarantine regulations is clearly indicated in specific cases such as these, and yet it is objected that such a procedure would break up many homes and lead to divorces on the ground of infidelity. The invalidity of this objection is evidenced in the experience of the venereal disease social service department connected with one of the most prominent dispensaries in the country, where it is reported that serious familial difficulties result in only about 2 per cent of the cases so handled. The same department reports that many cases of syphilis have been avoided and much innocent infection cured and spared in consequence of the procedure.

In addition to placing venereal disease cases under quarantine, the marriage license bureau should be required to communicate with the Board of Health to ascertain whether or not an applicant for a marriage license is under quarantine. In case of affirmative information investigation should be made of the status of the applicant in order to avoid denial of the application owing to carelessness of the physician to report completion of quarantine. Persons coming from a distance could be permitted to bring an authorized certificate from their local Board of Health showing them not to be under venereal quarantine.

Such procedure would effectively protect the marriage

relation if quacks and the secret self-treatment of venereal disease through drug stores were outlawed, and if physicians and hospitals were rigidly required, under heavy penalization for infraction of the law, to report their cases of venereal disease.

The present situation which permits the state to issue a marriage license to a person known by the state to have a venereal disease is so intolerable that it cannot long continue. It is amazing that even tradition can veil the gravity of this offense against the public. The marriage of a venereally infected person with one uncontaminated may entail death, sterility or mutilation and impose upon unborn children blindness, syphilis or annihilation. For the state officially to give sanction to venereal patients to marry is to participate in a crime of untold magnitude, especially when in the archives of the Board of Health information is at hand affirming their condition. It is well known that no person with syphilis should marry and beget children unless his disease has been under constant treatment for at least two years, so it is obvious that adequate quarantine is of incalculable importance in this particular class of cases.

Moreover, this plan of quarantine would entail no heavy expense upon the state, for it has been found in connection with other communicable diseases that a very effective quarantine can be maintained without detention of the individual at public expense. Tubercular patients, typhoid carriers and even scarlet fever cases can be quarantined in the absence of contagious disease hospitals and in many instances detention even in the home is not essential. There is no good reason why the average tubercular patient should be incarcerated at public expense for the duration of his disease if his character and his surroundings are such as to convince the Board of Health that detention is not necessary. With regard to venereal disease the case is even more striking. If a patient sick of gonorrhœa refrains from

sexual intercourse and observes a few simple hygienic regulations, his bodily presence among his fellows entails very little danger. The same is true of the syphilitic whom treatment with Salvarsan very quickly renders innocuous. The principal danger lies in his marriage and his begetting children, for they may receive a syphilitic inheritance from a parent who is not superficially infectious.

Thus it is seen that a very simple procedure if put into effect would protect marriage and posterity from the most terrible of all infections.

All that is needed to effect this reform is a determination on the part of the general public to secure the protection that it vitally needs from public health officials.

There is no doubt but that the addition of women physicians to the State Boards of Health would greatly facilitate the institution of a rational system of quarantine against venereal disease. Women are not drawn, out of their own experience, as are men, to sympathize unduly with infractors of the laws of hygiene, and they desire more sincerely than do most men to place the campaign against venereal disease on the basis of the control of communicable disease regardless of morals. They are also less influenced than are men by financial considerations in regard to venereal disease for the treatment of genito-urinary diseases in the male does not come within their province. The cases of syphilis and gonorrhœa which they commonly see are innocent infections which would add to their zeal in establishing adequate protection for the public health.

In point of fact, current opinion to the contrary notwithstanding, the establishment of a rational system of quarantine against venereal disease would relieve the practicing physician of a painful burden of responsibility. At the present time he often finds himself in the position of being the sole possessor of the knowledge essential to protect some innocent girl from marital contamination. His patient with an uncured syphilis or gonorrhœa contemplates

marriage; the date of the wedding is fixed and postponement would occasion great embarrassment in the absence of a sufficient explanation. The doctor forbids marriage but the patient is obdurate and does not believe that the danger is as great as science avers; what is the physician to do? If he betrays his patient's confidence and informs the girl or her parents, he violates the professional secret and in some states may be sued. He also lays himself open to innumerable surreptitious charges and accusations which may seriously injure his practice. In addition his patient may repair to an advertising doctor who for a certain sum of money will give him a clear bill of health and permit the marriage to go forward. In the end all that he may accomplish is to alienate his patient, drive him to a quack and outrage the feelings of the girl and her parents. Public knowledge of the danger of venereal disease is so insecure that many parents merely dub a doctor a "moralist" when he intervenes in these cases.

If the physician threatens disclosure in order to force postponement of the wedding, the patient often resorts to a secret marriage and the doctor learns of the failure of his plan only when it is too late for his information to be of avail. In Brieux' *Damaged Goods*, the plight of the physician under these circumstances is excellently phrased. Almost every doctor first or last faces this distressing contingency and most of them decide after considerable experience that the best that they can do is to order the man to refrain from marriage and then to let circumstances take their course.

Parents do not realize how callous and how optimistic men ordinarily are in the case of their own venereal disease. In this, as in other things, they believe what they wish to and when their physicians expound to them the dangers of marital contamination they are more apt to change their doctor than to change their plans. Many cases have been reported to the writer even of medical students who

have married with a flagrant syphilitic or gonococcus infection.

In addition there are the numerous instances of married men who through extra-marital relations contract venereal disease, and who are then by way of contaminating their wives. The physician is even more at a loss in these cases than in those of affianced couples. The husband perhaps gives his word that he will avoid sex relations with his wife and then fails to do so. Or while debarred from his wife he repairs to other women transmitting his infection to them.

The following cases reported in the Journal of the American Medical Association of Dec. 25th, 1920, by Lacapére and Laurent, indicate the complicated personal situations that the doctor has to face:

1. An officer who had connection with his wife despite his having a chancre and a positive Wassermann reaction.

II. A young man with erosive syphilitic lesions of the glans and prepuce, who had repeated contacts each night for 15 days with a young woman who presented no lesion, no history of antecedent syphilis and a negative Wassermann reaction.

III. A nursing heredosyphilitic who had exposed two wet-nurses to infection. One of the two later nursed another infant. About 11 days after the last nursing of the first infant she presented a lesion of the nipple, from which spirochetes were demonstrated by the dark field. The child she was then nursing was certainly not a heredosyphilitic and the possibility of infection was certain.

IV. Three officers who had intercourse with one woman who presented a pigmentary syphilid and numerous mucous patches of the mouth and vulva.

In addition to the danger of infection through sexual intercourse, the physician has to consider the risk of his patient's transmitting the disease to innocent persons through extra-genital contacts; as by kissing.

Numerous instances are on record of the betrothed communicating syphilis to his fiancée by a kiss on the mouth.

In all of these instances the doctor is perhaps, despite his knowledge, the one least fitted to communicate information as to the infectiousness of his patient to those who might become exposed. His relations with his patient and his financial interests are involved, and he has not the time necessary to investigate the situation. Besides which he is competing in his practice against physicians who may not be equally conscientious.

If all that he had to do was to send in the name and address of his patient and then be relieved of the responsibility of protecting innocent persons from contamination, he would be far better off than he is at the present time. Especially since he could then explain to his patient that he was required to report under the law, that such action did not involve violation of the professional secret, and that the Board of Health would intervene if the patient refused to come regularly for treatment.

If the licenses of practitioners who failed to report were summarily revoked, and if unlicensed practitioners were subject to heavy penalization, it may legitimately be assumed that within a brief period of time innocent infections would be far less numerous than they are at the present time. It is by no means difficult to detect unlicensed practitioners of medicine, for their business depends upon advertising which assures available publicity. At the present time venereal "quacks" are permitted by most communities to advertise in the daily papers, to circulate handbills and to make their offices as conspicuous as they can afford to.

But even granting, for purposes of argument, that private physicians could not be brought to report their cases of venereal disease, there would still be the public clinics in connection with hospitals or with the Boards of Health where the great majority of cases would come for treatment.

Certainly there could be no impediment to reporting cases of venereal disease coming to these institutions.

Surely the State Board of Health and the United States Public Health Service will not contend that it is essential to insure secrecy for their patients, for under their own regulations in forty-four states of the Union they provide now for the most grueling publicity for certain cases of venereal disease. When persons "reasonably suspected of having a venereal disease" are sent from the police court for examination, every young newspaper reporter has an opportunity for a salacious story which frequently gets into print, and when the diagnosis is returned it is entered on the docket where he who runs may read. Moreover, the mere remanding of young girls publicly for examination is often sufficient to ruin their good names even if they are innocent. Several cases of this sort have occurred in Baltimore, Md., where the examination of girls arrested on charges of immorality has been worked up into an interesting story by newspaper men. One which appeared in the *Baltimore Sun* as a result of the Board of Health Regulations was headed "Coiffure Causes Arrest," and the story ran on to tell how a certain Lillian had been taken up because she had cut off her hair and had been sent to the Mercy Hospital for examination. Whether she was diseased or not her reputation was permanently ruined.

Thousands and thousands of venereal disease cases now come annually to clinics operated by the State Boards of Health, and in these, at least, there is no excuse for neglecting quarantine.

In connection with tuberculosis or any other communicable disease there is inevitably a certain minimum of publicity that is unpleasant and inconvenient to the patient and his family. In venereal disease, as in all others this has to be faced in view of the necessity of the protection of the public health. Certainly it is better that a venereal patient should suffer the embarrassment of having his disease made known

to his wife or sweetheart than that he should contaminate them and his unborn children with syphilis or gonorrhea.

An unavailing effort has been made to escape from the dilemma by requiring a certificate of health based upon a physical examination as a prerequisite to the issuance of a marriage license. In the states where this experiment has been tried the results have been most unsatisfactory as might have been surmised in advance. The examinations have been insufficient or certificates of health have been sold by physicians for $2.50 each, or the appropriations made by the state for this purpose have been inadequate to repay the time of competent medical men. At the outset it is clear that such a procedure would involve a vast amount of waste effort and could not be other than a dead letter law. The great majority of women and a considerable number of the men who apply for a marriage license have never even exposed themselves to venereal disease. There is not one chance in a million that they are venereal disease carriers and the state can neither successfully nor rationally demand that they shall submit to the expense and inconvenience of a physical examination, merely in order to detect the comparatively small number who are guilty of sexual offenses and who have thereby contracted venereal disease.

Carefully nurtured girls would find it an intolerable affront to their modesty to expose their genital organs for examination before securing a marriage license, and their parents, and in most cases their physicians, would understand their point of view too well to cooperate in any such demand.

If any inconvenience is to be encountered surely those who are guilty of offenses against morality and the law should pay the price rather than those who have lived continently and who have thereby earned immunity.

The principal benefit that would redound from the institution of a rational plan of quarantine against venereal

disease would be to place the responsibility for the prevention of innocent infections upon the medical profession and especially upon the public health authorities. The members of the State Board of Health would then be unable to salve their consciences by transferring their responsibility to the Police Department, and private practitioners and the superintendents of institutions where cases of venereal disease are treated would know in advance the inevitable results of failure to report their cases. Since practical use would be made of the reports there would be a greater incentive toward turning them in and by degrees the conscience of the medical profession would develop in this regard, as has been the case in tuberculosis.

Twenty-five years ago medical men were almost as reluctant to report their cases of tuberculosis as they are at the present time to report their cases of venereal disease. They feared publicity for their patients and they failed to recognize the importance of enlisting the aid of the public health authorities in controlling this infection.

The diffusion of knowledge among the general public as to the communicable nature and prevalence of tuberculosis, coupled with the self-sacrificing devotion of some few medical men, resulted in a widespread popular demand for protection against this disease.

It may be anticipated that a similar development awaits the problem of venereal disease. Already the first steps have been taken, for the age-old conspiracy of silence has been broken through. Knowledge of the communicable nature and prevalence of venereal disease is gradually becoming current and women are daily hearing of the dangers that they and their children face.

But before communities can be persuaded to act and courts to convict, a more adequate estimate of the magnitude of the offense of masculine sexual incontinence must be brought home to the general public. Today most men and

many women regard masculine immorality as an indiscretion, to be deplored, perhaps, but not to be taken too seriously. Boys will be boys, wild oats are the birthright of youth and must in charity be forgiven. Every man was young once and he recalls his own temptations. Still, masculine incontinence is responsible for an amazing list of ills. Grouped together they present a more terrible burden to the race than flows from all other crimes committed by humanity. The social significance of the institution of prostitution has not yet permeated the conscience of the race. "The damage resultant from prostitution," says Mr. Flexner, "is equal to the ravages of a great war." Manifold and obscure, hidden behind the mask of social conventions, the evils resultant from commercialized prostitution stretch like the arms of a cancer throughout the social organism. The innocent bride pays with her life for the sexual indiscretions of her husband. The sterile and invalid wife robbed of her precious hope of maternity wears out a vacant and complaining existence as the price of her mate's pre-marital infidelity. The still-born child, the syphilitic child, the imbecile and the epileptic all owe their inheritance to commercialized prostitution. Eyes that are blind from birth, tongues that cannot speak, and ears that cannot hear, these are the heritages of incontinence. The feeble-minded, the half-breed, are the results of a moment's unconsidered passion. The insane asylums, packed to the doors with their pitiful wreckage of travestied humanity, cry aloud that masculine incontinence is not an indiscretion, but that it is the most terrible of all sins against humanity. Men have taken their most precious treasure, the germ plasms of the race, and for a moment's idle pleasure they have blasted and destroyed it. They have taken innocent girls, potential wives and mothers, and through the institution of prostitution they have transformed them into whores and drug fiends, creatures so foul

that they seem scarcely human. In addition, all manner of sexual perversions spring from commercialized prostitution.

The financial burden to the community also must not be overlooked. Millions upon millions of dollars are poured out every year to pay not only for prostitution but for venereal clinics, for jails and for asylums for the feeble-minded, the epileptic and the insane. The economic and social waste is monstrous and at the root of it all is the man who pays his dollar or so to a prostitute and goes on his way without regret. The social significance of incontinence must be judged in terms of its results to the social order, and must be penalized in proportion therewith, if the man who pays for prostitution and is in the end responsible for its perpetuation is ever to be made to realize the social significance of his act.

As in the case of theft or other offenses the punishment of the individual often seems out of all proportion to his sin, so in the case of bribery toward prostitution the punishment of the man must be set so high that it will often seem disproportionate to his moral guilt. The servant who steals an old coat from her mistress, the clerk who steals $25 or $50 from his employer's till is often given a term of years in jail or penitentiary. Such penalties are clearly out of all relation to the moral obliquity of the act, and yet if private property is to be respected the courts must punish heavily the few offenders whom the law actually apprehends. The object of punishment in civilized communities is deterrence, not revenge, and the penalty which is exacted from the individual for any anti-social act serves to elucidate to other human beings under temptation the racial significance of such conduct. The individual penalized is always the scapegoat for the rest, for few, if any, individuals ever commit acts which at the moment they feel to be seriously reprehensible. Forgery, theft, even murder, are generally committed by individuals who feel

themselves thoroughly justified in their acts, yet the state must penalize the individual sufficiently heavily to make clear to mankind that such conduct is incompatible with the welfare of the race. In the punishment of the individual, the social results of any act are eptomized and framed so that they are comprehensible to the inexperienced.

The ultimate objective in the campaign against venereal disease must be to minimize contacts beween infected and uninfected persons for upon such contacts depends the continued existence of syphilis, gonorrhœa and chancroid in the human race.

To this end the rigid enforcement of a law against fornication is indispensable as well as the institution of a rational program of quarantine. All compromise measures, such as regulation and prophylaxis, while they may to the inexperienced appear to facilitate the control of venereal disease, in reality operate in the reverse direction, for they breed a false sense of security, and stultify the demand for the repression of sexual promiscuity wherein is the root of venereal disease.

Strangely enough venereal disease indicates in a crude way the natural boundaries of honorable sexual conduct. Loveless matings, based upon gross physical appetites and venery, form its breeding ground, whence it is carried into genuine relationships as the physical counterpart of the spiritual pollution that has been endured.

The man or the woman who succumbs to lust suffers a defilement which mars the perfection of later love; memories, associations, personal experience cannot be laid aside at will. No more can the resposibility for participation in the subversive commerce of prostitution. The community may require no penalty, but nature is not so lenient and the seeds that have been sown will one day come to harvest.

The problem of venereal disease will reach solution when man learns to observe the natural laws of sex in his attempt toward happiness.

CHAPTER XIII

SEX AS A FACTOR IN EDUCATION

Probably the only group of individuals who today sufficiently realize the importance of sex in education is that of the psycho-analysts. To them come the men and women whose lives have been wrecked as a result of injuries inflicted upon the sexual life before the period of conscious memory and from the analysis of their patients physicians and pedagogues learn the value of early training as a prophylactic against later disorders.

One of the great contributions that Freud, Jung and their followers have made to the science of pedagogy is their demonstration of the pervasiveness of sex throughout the life of the individual. Until within very recent years parents and teachers have assumed that the sex life of the individual was non-existent before the time of puberty. The manifestation of sex interest or sex desires in young children was regarded as unnatural and obscene and was punished more or less severely, thereby providing the base for repressions which would later appear as obstinate neuroses.

As a result of the observations of the psycho-analysts it is now known that the sexual life is at no time dissociated from existence, and that from earliest infancy onwards sexual instincts whose direction may be of determining importance in later life are to be reckoned with.

The Freudian definition of sex is far broader than the concept ordinarily associated with this word.

Freud himself says: "It cannot have remained unperceived by the physician that psycho-analysis is accustomed to suffer the reproach that it extends the term sexual far

beyond the customary extent. The complaint is just, whether it may be applied as reproach may not be discussed here. The term sexual includes far more in psychoanalysis; it goes both below and above the popular sense. This extension is justified genetically; we reckon with the 'sexual life' also all play of tender emotions, which have sprung from the source of primitive sexual impulses, both when these impulses experience an inhibition of their original sexual goal, or have exchanged this goal for another one, no longer sexual. We speak, therefore, preferably of psycho-sexuality, putting emphasis on the fact that we should not overlook nor undervalue the mental factor of sexual life. We use the word sexuality in the same comprehensive sense as the German language does the word 'Liebe' (love)." [1]

Sex in this broad sense is already observable in the life of the very young and exhibits itself not only in pleasure provided through the genital organs or other exogenous zones, but in the love of parents or brothers and sisters and especially in adolescence in vague yearnings and nebulous desires which phrase themselves as art or religion.

According to Freud, all of the higher emotions such as sympathy, artistic enjoyment, altruism and religion develop from sexual desires as opposed to the ego instincts. When one considers the long evolutionary path traveled by germ plasm in its development from a single living cell into the complex multicellular organism called man, this classification of the instincts loses its seemingly exaggerated character. Doubtless the first impulses toward altruism and love came into being coincidently with the instinct of sex. Among the lower animals, for example, the sexual origin of the impulse toward love is manifest, as in the maternal and mating instincts. Apart from the sexual life the ego instinct obviously predominates among the lower orders. Since man is, but by gradations, removed from his

[1] Freud. *Über Wilde Psychoanalyse. Zentralblatt, 1910.*

winged and four-footed progenitors, in the evolutionary scale, there would seem no good reason why the origin of his emotions should be supposed to differ widely from that of his less developed kin. The physical origin of the emotions has been sufficiently demonstrated by the psychologists to eliminate the old religious concept of the sharp differentiation between mind and matter. This view has been consistently supported by the study of the neuroses, where the interplay of the physical and the mental is so close as to defy arbitrary separation. The paralysis of the neurotic, although it finds its base in the disordered psyche is no less real and frequently no less obstinate than the paralysis which can be accounted for on purely physical grounds.

Within the brief span of his single life, from conception until death, man appears to run the gamut of evolution. As the embryo is transformed through the various phases of evolution from a single celled organism into the living child, so it appears his emotional life also progresses over old paths worn smooth by countless generations. Before birth he fulfills the cycles of the lower orders—in infancy and early childhood he experiences again the crude and spontaneous emotions of primitive man, and even his native abilities and ambitions at various age periods typify the race at certain eras. For example, his ability to conquer precise accents in language appears to correspond to the order of racial development when speech was first acquired by man. When this age is passed he can no longer acquire the perfect control of language that a younger child achieves without conscious effort.

It may well be that stultification of the emotions arising from the libido in any age epoch may predicate a corresponding lack of emotional facility in later years. For, as the muscles require exercise in youth to achieve full development, or the vocal organs practice for linguistic attainment, so the emotional nature needs expression and not repression in order to expand to normal proportions.

If the parent or teacher merely overlooks the sex life of the child and fails to utilize the interests and desires arising from this source as a means toward development, an incomparable opportunity may be thrown away and impulses which might with proper training have been turned to beneficent ends may be transformed into evil tendencies. If altruism, sympathy, and all of the higher emotions are, as Freud believes, rooted in sexual desires, the means for the stimulation and sublimation of these instincts is a profound and primary problem of pedagogy. For example, the love of animals, especially of young and helpless animals, which is almost universal among children, and which Freud would maintain is of definitely sexual origin, might, if given opportunity for full expression, later result in an enlarged altruism toward the weaker members of the race. Or the desire for knowledge of the biological facts of reproduction if properly satisfied might incite an added interest in science in later years or conduce to the wholesome love of nature study. The relation of physical exercise toward aberrant sexual practices, such as masturbation, should also be thoroughly understood in order to adapt the daily life of the child to his normal development.

In his synthetic sexual theory Freud holds that the sexual instinct or "libido" is composed of a number of partial instincts which appear in varying constancy in the child.[2] "The sexual instinct of a child reveals itself as highly composite; it permits a separation into many components which arise from various sources. The instinct is, above all, still independent of the function of reproduction in the service of which it will later take its place. It serves for the attainment of various kinds of pleasurable sensations which we include together according to analogies and connections as sexual pleasure. The chief source of the infantile sexual pleasure is the suitable excitation of certain particularly irritable body zones which are in addi-

[2] *Drei Abhandlungen zur Sexualtheorie.*

tion to the genitals, the mouth, anus, urethral orifice and in particular also the skin and other sensory surfaces. Since in this first phase of the child's sexual life, the gratification is found on his own body and is oblivious of a foreign object, we call this phase, according to a word coined by Havelock Ellis, 'autoerotism.' Those places which are important for the gaining of sexual pleasure we call erogenous zones. The pleasure of sucking of the smallest children is a good example of such an autoerotic gratification from an erogenous zone. The first scientific observer of this phenomenon, a pediatrist named Lindner of Budapest, has already rightly interpreted this as sexual gratification and written exhaustively of its transition into other and higher forms of sexual activity. Another sexual gratification of this period of life is the masturbationary excitation of the genitals, which has so great importance for the later life, and in many individuals is never completely overcome. Besides these and other autoerotic activities there come to expression very early in the child those instinctive components of the sexual pleasure, or as we prefer to call it, the libido, which presuppose another person (than self) as object.

"These instincts appear as contrasting pairs, as active and passive; as the most important representatives of this group I name the pleasure of inflicting pain (sadism) with its passive opposite (masochism), and the active and passive pleasure in looking from the former of which, later, the desire for knowledge branches off, as from the latter the impulse to artistic and dramatic exhibition. Other sexual activities of the child come already under the viewpoint of the object-choice, in which another person becomes of chief importance. This person owes her importance originally to the consideration for the instinct of self-preservation. The distinction of sex plays in this infantile period no preeminent rôle; thus you can assign to every child

without doing him an injustice a bit of homosexual endowment."[3]

Whether one agrees with Freud or not in his nomenclature, the fact remains that in the young child a complex group of physical and emotional instincts exists which cannot be safely treated by the parent or teacher merely by neglect. Sympathetic insight and a balanced understanding of the plastic psycho-physical make-up of the child is the first essential of the true educator.

Parents who would lead their child to the full development of his personality must recognize the child as he is, not as they theoretically imagine him to be.

One point which the psycho-analysts have elucidated with regard to human psychology which is of great pedagogic interest is the relation of the so-called normal and abnormal in the psychic life. Formerly it was supposed that a considerable gap separated the sane from the insane mind. Now it is known that, barring disorders that have their source in organic lesions, no such clear-cut differentiation exists. All minds are tainted more or less with illusons, and insanity, save in organic disease, is rather a matter of degree than of kind. A repression which may never demonstrate itself as a definite neurosis may still warp the life of the individual and render him comparatively ineffective in his journey through the world.

One of the pedagogic advantages of the psycho-analysis of neurotics is that it presents to the investigator in sufficiently exaggerated form to be observable, the ordinary facts of human psychology. The analysis of the man suffering with an anxiety neurosis or melancholia due to fixation on the mother demonstrates with extraordinary clarity the rôle that relations between parents and children may play.

[3] Freud. *Über Psychoanalyse.*

Many mothers do not know that exaggerated tenderness on their part toward their children, constant caressing, anxious solicitude and the like, may lead to a dependency which may later seriously impair the happiness and efficiency of the adult man.

The child who sleeps in his mother's room, who is frequently taken into her bed and is the object of undue demonstrativeness or anxiety, is frequently the patient in later years who suffers from a neurosis due to what is called the Œdipus complex.

Under this term recalling the old saga of Œdipus who killed his father and married his mother, Freud defines the erotic relation between mother and child. This he maintains is of sexual origin representing incestuous desire, and is at the bottom of every neurosis. It appears also with changed sex rôles in women, when it is called the Electra complex.

While many do not agree with Freud that fixation on the parents, or incest repression, is the nuclear complex of all neuroses, still there is sufficient evidence to serve as a warning against over-indulgent parental affection.

On the other hand, coldness on the part of the parent, with the refusal of sympathy and comprehending love, may result in the introversion of the child, due to the damming back of erotic impulses. Hatred of his fellows, eccentricity, aloofness and life weariness, sometimes culminating in suicide, develops; and when punishment is added, the sadist or the masochist, potential in some degree in all human beings, may come to the fore. Children who take pleasure in tormenting animals or playing cruel jokes upon their playmates are often simply the victims of this introversion. Their evil characteristics are merely accentuated by harsh treatment, and when this is continued the fully developed sadist or masochist may appear, for whose pleasure the scourge has become part of the paraphernalia of the brothel.

Much of the violent cruelty of parents or teachers toward

children or of guards toward prisoners, or of others in authority toward their underlings, is of definite sadistic origin, resultant from the damming back of erotic impulses in early childhood. The father who beats his son with a leather thong until the blood flows, or the jailer who tortures his prisoners with thumbscrews or similar devices often merely represents the epitome of thwarted sexual instincts. Given a different environment in early childhood, facilitating the expression of their instincts toward love, these monsters could in the main be transformed into ordinary altruistic individuals.

Especially in regard to corporal punishment the sexual element should not be forgotten. Many analyses of neurotics disclose the fact that the ordinary spanking often gives rise both to sexual desire and its satisfaction. The orgasm is frequently first experienced in connection with corporal punishment, sowing the seed for masochistic perversions of various kinds. The onlookers also may suffer traumata resulting in sadistic propensities. The great interest which children take in the whipping of some member of the family and the almost grotesque delight that they sometimes show at his physical distress unmasks the sadist that lurks even in kind-hearted individuals.

The evil effects of corporal punishment are so profound and so intimately associated with perversions and fixations of various kinds that it is not too much to recommend its complete abrogation in behalf of gentler methods of discipline.

No parent desires to pander to the sadistic or masochistic propensities of his children, or to arouse a passion of hatred which may later exhibit itself as a profound neurosis, yet this is often what he does when he whips a child.

Especially in connection with masturbation punishment of any sort is to be viewed askance, for it is a direct affront to the sexual life of the individual, which is a very delicately balanced mechanism. It is said by psycho-analysts of wide

experience that probably 90 per cent of girls and boys masturbate in early youth.[4] The great majority of these children give up the habit with little or no effort, and the very memory of the practice may disappear from the sphere of the conscious.

In some cases, however, the habit persists with increasing intensity until it becomes a veritable obsession, leading the individual to withdraw more and more into himself, to abjure the company of his associates, and to brood upon the immediate sexual pleasure which can be so cheaply secured. It is in this class of cases especially that the threats of pseudo-physicians or the harsh treatment often accorded by parents or teachers is liable to produce permanent damage.

It is pitiful to hear of the innumerable instances where unfounded statements have led to year-long suffering among boys and young men who could not of their own volition rid themselves of the habit of masturbation. Oskar Pfister cites an example of the kind of literature that is frequently circulated with regard to onanism, in a pamphlet written by Pastor N. Hauri, of Switzerland, which states: "When a young man secretly does all kinds of things whereby he stains his body, his health also suffers grievous injury. He becomes tired and sleepy, his mind is weakened, he loses all elasticity and power of will. Ever less can he resist the evil pleasure. Step by step his evil thoughts pursue him to ruin. He loses the joy of work. He becomes in appearance and behavior like an old man and finally any disease may get him which he would otherwise have easily withstood and carries him off in his early years. How many a young man has already sunk into an early grave in this way and others have become miserable and sickly or blue and melancholy."

It is not unusual to find in the literature of quacks or patent medicine men statements to the effect that onanism

[4] Freud. *Drei Abhandlungen zür Sexualtheorie.*

leads to insanity, epilepsy, St. Vitus's dance or a characteristic facial expression. Such abounding falsehoods are accepted by the young onanist with dreadful faith, leading in some cases to severe neuroses, suicide or persistent melancholia.

The probability is that masturbation, even when practiced with great frequency and over long periods of time, has few if any serious results other than a tendency to introversion and a certain falling off of self-respect due to the individual's inability to master his own will. Many persons have masturbated three or four times a day for periods of years without exhibiting any serious physical results. The groundless statements of those who have opposed masturbation and the false circulars of the patent medicine men are beyond doubt responsible for most of the disorders associated with onanism. Suicide in adolescents has been traced back to these untrue dogmas, and neurotic blindness, paralysis and hysteria have been found associated with brutal punishment inflicted by parents or teachers upon the discovery of onanism in the child.[5]

While the exaggerated horror of masturbation appears to have no counterpart in actual fact, it is still clearly undesirable to permit the child to become invested with an unproductive habit that he cannot break at will. Especially in adolescence, when the body needs all of its potential resources for development and growth, the depletion of the system by the waste of the nervous and physical energy involved in frequent masturbation is plainly contraindicated. As with all other habits fixation results from repitition, so with masturbation the longer it is practiced the more difficult it is to bring it under control. The habit which in a child of five or six years might yield readily enough to suitable treatment presents a very different prognosis when it has been practiced until the tenth or twelfth year.

[5] Pfister. *The Psychoanalytic Method.*

Physical defect of the genital organs is sometimes accountable for onanism, and the earlier in the life of the child the defect can be removed the less likely is a psychic trauma to supervene. Children should be inspected soon after birth to ascertain whether the genetalia are normal or whether operative interference is indicated. Adhesions should be immediately broken up and circumcision performed, if necessary, within the first year. Postponement of the procedure often causes serious derangement of the sexual life, which is easily avoided by prompt and intelligent care. All children should of course be trained from earliest life to habitual cleanliness of the genetalia.

In persistent cases of onanism, especially when the child tends to transmit his habit to other children, the assistance of a competent psycho-analyst should be invoked. In masturbation as in all other aberrations of sexual desire the most important prophylactic is a strong bond of sympathetic understanding between parent and child. If from earliest infancy the child is accustomed to speak frankly of his sexual life to his mother the difficulty of detecting onanism in its formative period and of aborting it is greatly diminished. This is particularly the case when there are several children in the family, for they tend to practice onanism in one another's presence, and reports of the procedure are almost certain to come back if the displeasure of the mother is not foreseen at the mere mention of sexual matters.

Ordinarily, before the habit has become fixed, a clear and frequently repeated statement of the primary purpose of the sex organs in reproduction, coupled with the warning that abuse of the genetalia depletes the vigor of the individual and tends to inhibit his best development, will suffice to prevent the establishment of onanism. Children are particularly prone to adopt the standards of conduct of other people, and if they know that their parents regard the practice of masturbation as unwise and injurious they in-

cline to assimilate this point of view. On the other hand, if all that they hear is the high estimation placed on this habit by their playmates or by older perverts they tend to adopt this opposite view and govern their conduct accordingly. Sex power is so intimately and so instinctively related to self-respect in the minds of the young that its exhibition in erections or "jerking off" creates a desire for emulation which can only be offset by careful reiteration of the undesirability of these practices.

If the mother holds the confidence of her child in regard to his sexual life, and she can only do so through absolute frankness from his earliest years, she can serve most effectively as a bulwark against the fixation of this habit. Arbitrary condemnation, intolerance of frequent relapses or lack of sympathy with unsuccessful efforts to stop the practice inevitably drives the child to secrecy and invalidates the mother's influence. It is as a sort of vicarious conscience, a near-by, warm, mundane divinity, to whom confessions may frankly be made without the possibility of misunderstanding, that the mother most successfully stands between her child and the persistence of onanism.

Experience in the psychiatric clinic soon indicates the importance and the comparative rarity of this sort of tender comprehending care of the young child, for, contrary to current opinion, the majority of psychic breakdowns occur in young people and are the direct result of disordered sexual lives. Re-education, which is much more difficult and tedious than right education, is then called for to atone for neglect and oversight on the part of the parents during the child's earlier years. It may well be said that before children can receive proper education as to their sexual lives parents themselves must be re-educated with regard to the life values of psycho-sexuality. Most of the present generation has grown up under the archaic opinion that sex was a machination of the evil one; that it was designed to tempt and degrade a frail humanity

which would be more god-like if it abjured this function altogether. The celibacy of the priesthood and the sisterhoods and the current view that the rites of marriage in some transcendental way mitigate the carnal sin of lust, indicates the attitude that even today hides itself in the unconscious. Marriage is called "the holy state of matrimony," but decency is outraged when the significance of matrimony is dwelt upon. The wedding day and the presence of a lovely infant in the young mother's arms after the puerperal period occasion congratulations and even charming poems, but the sex relation predicated in marriage and the enceinte woman too often give rise to embarrassment, foul jokes or obscene thoughts. Many women who suppose themselves to be clean minded in the extreme instinctively change the subject if they have been speaking together of an expectant friend and a young person enters the room. The idea is still prevalent that it is improper to let children see an infant when it is "too young," unless they belong to the same family, when the stork or the doctor story is frequently invoked to conceal the shocking facts of its origin. Many parents find it impossible to phrase to their children, even in a wholly impersonal way, the physiological processes of sexual intercourse. They are embarrassed beyond endurance when their children ask for a detailed description of the sexual act, and often their vocabulary is insufficient. For people so obsessed with the sense of shame in sex to attempt to communicate a normal point of view to the young is plainly inappropriate. The pornographic association of the word sex must be dispelled from their minds before parents will be fit guides for their children in the most complex and the most sacred of all life's relations.

Few people realize the absolute purity of the unstained childish mind with regard to sexual matters. To the young child whose mind has escaped defilement all parts of the body are clean, and the sex act is little more than an em-

brace which when once explained is of curiously little interest to him. The fact that children are conceived as a result of the mutual love of the parents appears to him in its true proportions as beautiful, and the birth of a child seems to him no more matter for pretense and debasing fiction than the laying of eggs in the nest by the mother bird. Knowledge of the physical bond between mother and child brings him the nearer to his own mother, and the thought of the physical sacrifice she has made for him heightens rather than detracts from his admiration for motherhood. A realization of his own potential power of parenthood increases his respect for his own body and interprets on true grounds the reason for his maintaining his own physical integrity. All of the facts of sex physiology are accepted by the clean childish mind with far less prurience than the average adult mind accepts the facts of the reproductive cycle of the flowers. It is no more obscene in his estimation for his father, whom he loves, to have given his life seed to his mother than for the wind or the birds or the wandering bees to carry the pollen that fertilizes the flower. The story of reproduction is as wonderful as a fairy tale to a child, and not very much more interesting. Ordinarily it is necessary to repeat the story over and over again at intervals to bring the facts home and to satisfy the child's recurrent curiosity. He will listen for a time and then lose interest and later will return with the request to tell it all over again, like Cinderella, from the very beginning. The lightness of the impress that the facts presented in this way make upon his mind is evidenced by his forgetting them many times, and returning without embarrassment with a repetition of his questions.

In intelligent children, especially among those endowed with temperament and imagination, curiosity with regard to the origin of life and the sex organs develops very early. At three or four years their powers of observation have

usually progressed far enough to give rise to definite questions. These opportunities should be grasped not only to transmit the information asked for, but also to lay the broad foundation for a sane and altruistic attitude toward the relation of the sexes. The significance of marriage as predicating the home and the protection of little children should be made clear, and the association of the sex organs with love and reproduction should be dwelt upon. The conception of the genetalia merely as adjuncts to the excretory organs is unwholesome, and when allied to a sense of shame such as is ordinarily inculcated in connection with these functions is perversive of a normal attitude of mind. It is irrational to teach that the sexual organs are shameful and unclean and then to expect the childish mind to regard these organs with the respect that their purpose in the individual and racial life demands. Modesty and shame are by no means one and the same thing, although they are often confused and frequently counterfeit one another. Modesty arises from self-respect and a sense of ultra-worthiness, whereas shame springs from fear of disclosing that which is repulsive or vile.

The child should be taught to honor his own body, to revere its beauty and to desire its perfect development. Prudery is but the veil for an evil mind and contaminates him whom it touches. In all children there is a native impulse to view the naked body, and when this is repressed in childhood it frequently reappears in later life as a sort of fetish. The large and lucrative business that is carried on in the sale of pornographic pictures of nude women indicates the extent of these repressions.

The story of life can be quite frankly told to the smallest child without the least danger of its alarming or disillusioning him. As it is without doubt the most wonderful and beautiful of nature's mysteries, and is universal in the living world of which he is part, he should hear of it

first from those who love him and who can interpret its true meaning to him.

First impressions are curiously tenacious, and if the child learns the truth before he meets the inevitable falsehoods he will be to some extent insured against contamination. Moreover, knowledge disarms curiosity, and the child who is informed will be less vulnerable prey to evil-minded children or older persons who often delight in scaring the virgin mind with salacious stories. Knowledge of sex is so intensely desired by children that they will consort with persons whom they know to be unworthy companions if they believe that only from such sources can the information be secured.

In telling the facts of reproduction there need be no fear that the young child will assimilate more knowledge than is good for him. In the first place, in the normal physiology of sex if properly presented there is nothing which could lead to evil thoughts or practices, and in the second place, his comprehension will be found to be surprisingly limited. Most young children are far less interested in the relation between the sexes, which concerns them little, than in the subject of their immediate origin and their relation to their mothers.

Before the child enters school or plays without supervision with other children, he should be fully informed as to the normal physiology of reproduction. He should also understand the objections to masturbation, for the practice is so common among school children that he will inevitably be enlightened, and then will be less open to temptation if he knows in advance the evil nature of these practices.

It is unfortunate that mothers do not know more universally the dangerous situations that confront the child between the fifth and the tenth years. Children of this age have a sexual vocabulary of their own, words handed

down presumably for centuries from one generation of children to another, and even among the most cultured and wealthy families it is not very unusual for little ones of seven or eight to have "lovers" of about their own age with whom they have sexual intercourse, sometimes in the presence of others. One case that came to the writer's attention was that of a little girl of seven years belonging to a most refined family who had intercourse with her older brother and with several of their friends. Another was that of a group of five children, two girls and three boys, living near one another in an aristocratic neighborhood, who repeatedly had intercourse with one another and boasted of it to other children. The oldest of these was a boy of ten years. Still another case was that of a girl of nine years, living under apparently very sheltered surroundings, who took a curious pride in having many "lovers."

One little girl of eight years went one morning to play with a small friend, but was told by the brother who opened the door that the child had gone out with her mother. The boy of thirteen years invited the child in, promptly locked the door, and then after making indecent proposals to her pursued her through the house with the evident intention of assaulting her. The child finally escaped by fleeing into a bathroom, locking the door and climbing out of the window.

In all of these cases the parents supposed that their children were completely "innocent" of any sex knowledge.

Wherever children congregate together it may be assumed in advance that illicit information will be available and even situations such as those described come to the knowledge or experience of an astonishing number of young children.

The refusal to answer the child's questions frankly or the substitution of legends for the truth, as in the stork, the cabbage, the angel or the doctor fables, is most injuri-

ous, for in the first place it tends to destroy confidence in the parents, and in the second place it suggests that there is something evil in sex, since concealment is necessary. Many cases are on record where the denial or distortion of the truth has led to extraordinary birth phantasies eventually culminating in hysterical symptoms. Jung reports a most interesting case of a little girl of four years whose relations with her parents became completely deranged as a result of their concealment of the facts of reproduction.[6] Another case is reported by Pfister of a girl of sixteen who suffered regularly at the menstrual epoch from vomiting. "It turned out," he says, "that when she was small, she had believed that children were born by the mouth. After she had gained insight in this connection the symptoms ceased immediately."[7] Freud, in *Über infantile Sexualtheorien*, repeatedly brings out the importance of birth and creation theories for the later development of the individual. The strange composite of fact and fiction with regard to birth and creation that falls to the lot of most children, coupled with their inability to secure complete and reliable information, forms an incomparable basis for phantasy building. The child broods upon the matter searching for the truth, and the occasional light that flickers through from doubtful sources illuminates strange phantasies which lurk in the unconscious awaiting a suitable opportunity to reappear. The association of masturbation with the development of these birth and creation theories has not yet been fully elucidated, but there appears to be evidence of close relationship.

When instruction in sex physiology is postponed until the tenth or twelfth year, or even until puberty, as some advise, the child ordinarily knows all that his parents can tell him, and, what is more, his attitude towards these matters has already become fixed. After the long suggestive

[6] Jung. Lecture delivered at Clark University.
[7] Pfister. *The Psychoanalytic Method.*

silence he cannot break through the repression that has developed. He listens, perhaps, submissively and a little guiltily, being aware of the unsavory sources of his previous information, but now the rôles are changed; it is he who will not or cannot discuss these matters with his parents. The opportunity for the formation of a frank and open relationship with his parents is past, and though it may still be in part recovered, a subtle embarrassment destructive of genuine understanding will ordinarily remain. Having been forced so long to keep his sex thoughts silent he finds it impossible to remove the inhibition. Thus in the tempestuous years of adolescence the guidance and help of his parents is denied to him.

Some mothers say proudly: "I have tried to talk to my daughter of these things but she shows no interest; she asks no questions. She is so innocent that she is not curious." Alas! doubtless her curiosity had long since been satisfied. The misapprehension of parents with regard to their children's knowledge of sex matters is well evidenced in the following incident.

A colored girl of 13 years gave birth to a child that was a light mulatto. She accused a white boy of sixteen of excellent family of being the father of her child. On being approached he confessed to the relationship. His mother was interviewed in the hope that she would help provide for her grandchild's future, but she vehemently protested that her son must be innocent as he was utterly ignorant of even the primary facts of life. In the midst of the conversation the boy came into the room and denounced the informant for telling the truth, which he admitted to his mother.

Another phase of sexual life against which most adults consistently close their minds is homosexuality. People will not believe how large a part such relationships play in the lives of adolescents, otherwise they would view with distrust the system of education that segregates the sexes

during the time when the libido seeks most strongly for expression. If, as Freud maintains, "You can assign to every child without doing him an injustice a bit of homosexual endowment," it is clearly most unwise to segregate him with the members of his own sex during his most impressionable period if homosexual relationships are to be avoided. In segregated schools and colleges, in nurses' training schools, in divinity schools, in fact, in every sort of educational institution where the sexes are rigidly separated, cases constantly arise where homosexual love develops often permanently inhibiting all interest in the opposite sex. Havelock Ellis, K. H. Ulrichs, Edward Carpenter and many other careful students maintain that there is a definite uranian type that cannot find satisfaction in heterosexual relationships and who suffer grievously from the ban which society has placed upon them. Carpenter calls this the intermediate sex and maintains that urnings, whether they be male or female, are frequently people of high native endowment whose happiness and comfort should not be sacrificed to the arbitrary judgments of society. Havelock Ellis also believes that the rigid attitude of heterosexuals toward the uranian type is to be deprecated and urges the relaxation of the code of morals which condemns urnings to public censure or even penalization.

Doubtless under existing conditions this attitude of society does result, in the individual case, in much irrational cruelty, for after encouraging through its educational system the development of homosexuals, society rounds on them and denies them the right of satisfaction. Edward Carpenter says: "If the men and women born with the tendency in question were only exceedingly rare, though it wouldn't be fair on that account to ignore them, yet it would hardly be necessary to dwell at great length on their case. But as the class is on any computation numerous, it becomes a duty for society not only to understand them but to help them to understand themselves, for there is

no doubt that in many cases people of this kind suffer a good deal from their own temperament, and yet after all it is possible that they may have an important part to play in the evolution of the race. Anyone who realizes what love is, the dedication of the heart, so profound, so absorbing, so mysterious, so imperative and always just in the noblest natures so strong, cannot fail to see how difficult, how tragic even, must often be the fate of those whose deepest feelings are destined from earliest days to be a riddle and a stumbling block, unexplained to themselves and passed over in silence by others."

The numerical relation of homosexuals to heterosexuals is variously estimated, some placing it as low as 1.5 per cent of the adult population, while others hold that it is much higher.[8] Three important investigations carried on by Hirschfeld in Berlin and Dr. von Römer in Amsterdam, indicate that 3.9 per cent of the population is bisexual. In the large cities such as Paris, Berlin and New York, groups of urnings congregate together, thereby in some measure ameliorating their condition. Bloch estimates that before the war there were 1,200,000 homosexuals in the German Empire.[9] The vice investigations that within recent years have been put through in many cities disclose consistently the prevalence of uranism. Here again a characteristic vocabulary exists which is sometimes suggestively utilized on the stage, especially by actors who impersonate the opposite sex. One of the reasons why the constant playing of feminine rôles by lads in colleges dramatics is frowned upon by the authorities is because it has been found to further homosexual tendencies.

The potent sufferings of urnings and the frequently high character of their emotions, for they often idealize love far more loftily than do heterosexuals, might well lead fair-

[8] Magnus Hirschfeld. *Result of the Statistical Investigations regarding the percentage of Homosexuals.*
[9] Bloch. *Sexual Life of Our Time.*

minded persons to favor a relaxation of the moral code were it not that homosexual love through its denial of reproduction is a menace not only to the racial life but to the complete development of the sex life of the individual. Many persons who temporarily believe themselves to be homosexual, and who participate in such relations later under different conditions, return to normal heterosexuality, marry and have children. These individuals enjoy a much richer sex life than they would if society had encouraged uranism by tacit compliance. While there is no doubt but that fixation results in a fair proportion of the cases and that urnings of 30 or 35 years could never return to so-called normal sexuality, the happiness of these individuals may well be sacrificed to the greater happiness involved in the lives of the younger, more plastic individuals who would be more easily seduced to homosexuality were society more lenient.

An illustrative case is that of a nurse of unusual intelligence and personal charm who had been educated in the segregated system. She was tall, finely built and good-looking. Her mother whom she had adored had died when she was about five years old. At fourteen she was seduced by a woman teacher at boarding school and for three years lived in this emotion. Then the teacher transferred her affection to another girl leaving her former sweetheart desolate. Upon returning home the girl was expected to undertake the usual social life, but she experienced a great sexual repugnance to men and although she had several proposals of marriage from friends whom she liked in a Platonic manner she could not bring herself to accept and finally resolved to study nursing. Again among members of her own sex her earlier longings returned and she formed an alliance with another nurse in training, also of unusual intellectual and physical attractions. This relationship lasted about six years and was characterized by rather more constancy than usually exists in marriage. At the

end of this time she suddenly fell in love with another girl who had no previous knowledge of homosexuality, with whom she had secret relations. Her former friend becoming suspicious, she broke off the relationship only to become infatuated a few months later with a third girl, a débutante who also had been previously ignorant. While this relationship was in progress she became enamored of a young woman of unattractive appearance who also believed herself to be an urning and who had already had several homosexual experiences. This affair was discovered, leading to the betrayal of all the others, and the original companion threatened disclosure and prosecution.

The mental suffering of the deserted woman was quite as great as that of the wife whose husband has left her for another affinity.

Of the two young girls whom the nurse had seduced one became a misanthrope and the other, the débutante, after a brief period of emotional storm and man-hating, had illicit relations with a man whom she subsequently married and with whom she is exceedingly happy.

Another case was that of two girls in college, one of whom suffered definitely from hysteria. Their devotion was obvious and they made no especial effort at concealment. After graduation the relationship tempestuously broke up and one of the girls entered a convent where she fell in love with a nun and eventually committed suicide. The other married and became the mother of several children.

The difficulty in openly sanctioning uranism is that such compliance inevitably would lead to an increase in the practice, for homosexuals are deterred, at least in part, by the present code from seducing younger persons.

Since homosexuality continually seeks new objects of affection and since many of these may be by no means fixed types and suffer exceedingly as a result of their seduction, the evils inherent in the practice are obvious. Mar-

riage and reproduction undoubtedly offer a better medium for the complete and constructive utilization of the sex impulses than does uranism. Barren sex relationships dependent purely upon passion are no more enduring among homosexuals than among heterosexuals, and are to be deprecated for precisely the same reasons. The libertine who flies from flower to flower blighting the blossoms is no more to be respected as an urning than as an heterosexual seducer. Passion ending in disillusion inevitably entails traumata which affect the egoist far less fatally than they do the more idealistic companion.

Although it cannot perhaps be denied that such experiences may bring stimulus to artistic effort and some spiritual enlightenment, the price paid is too high and the dangers too imminent to make it worth while.

As the idealistic element declines after the enjoyment of many homosexual devotions the genuine pervert emerges. A minister who was married, but who had previously had homosexual experiences, was found at about forty years of age to be seducing many boys of tender age. He excused himself on the ground that he was a natural urning. A schoolmaster of similar history explained that he could not, when among young boys, withstand the temptation. When his practices were discovered he immediately resigned and left the state, but later secured another position still in the teaching world in a distant city.

It is obvious that such perverts could demoralize large numbers of young children who in turn might become sources of contamination, and that for this reason they should be, in so far as possible, restrained from their practices.

Probably the best preventive of homosexuality lies in coeducation from earliest years onward. The child who associates with contemporaries of the opposite sex in school and at play ordinarily passes through two stages of development: first, a period of sex antagonism when the boys and girls tend for their several reasons to deprecate one

another, and second, a period of heightened admiration more or less coincident with adolescence. When the sexes are separated, save in the family circle, from childhood forward, the period of sex antagonism is lengthened, and exaggerated and erroneous ideas of the opposite sex develop. The opportunity for the awakening of normal heterosexual desires is not offered, and embarrassment and misunderstanding of the opposite sex ensues. This leads to estrangement between the sexes in some cases and in others to an abnormal interest in the opposite sex based purely upon physical attraction, which again is dangerous.

In case of estrangement the awakening sexual desire frequently becomes homosexual as evidenced in the multifarious "crushes" in girls' schools, or the profound adoration of boys sometimes for one another or again for a master. In the great majority of these cases no physical association, in the sense of uranism, is involved, but the emotion is so deep and so abiding both in the physical and spiritual impact, that it leaves a distinct trauma. Many wives who are unresponsive to their husbands, even though they love them, are the victims of this earlier idealistic homosexuality, and many persons who never marry are driven to celibacy and masturbation from the same cause. It would be of great pedagogic interest to ascertain the percentage of homosexuals among those who have been educated in segregated schools and those who have grown up under coeducation, for the information which has come to light through individual histories and vice investigations indicates that this factor is of extraordinary moment.

According to Freud the sexual behavior is the prototype of general conduct. The inverted individual is timid, lacking in initiative and self-reliance, the homosexual woman is often extremely masculine in her approach toward life and the homosexual man the reverse. The man with an Œdipus complex retreats from conflict, desiring again to

hide himself in the gracious comfort of mother love. He fears competition, longs for ease, and retires even from opportunity if the road looks difficult. Or again, he may seek place and preferment even though it avails nothing for his happiness in order to outdo the hated father-image and justify himself in his own eyes. Fixation upon parent, brother or sister may be of decisive moment in the selection of husband or wife and bear little relation to reality.

Freud has brought out, as has no one else, and his observations have been amply confirmed, the absolute importance of the infantile in all after life.

"The unconscious is the infantile," says Freud, "and that particular part of a person which has been separated from the personality at that time and hence has been repressed." [10]

The first five years of childhood, the very memory of which may slip from the mind, are of determining importance in the development of the individual.

Not only does Freud consider every neurosis to be directly traceable to infantile repressions, but the formation of character and the ordinary performances of every-day life are ascribed by him to impressions received during this early period.

The sublimation of the libido to art, science, religion, or altruism is achieved, according to Freud, in consonance with the formation of these infantile roots. Dreams have their source in infantile repressions and can only be properly interpreted in this light.

Pfister sums up Freud's pedagogic philosophy well when he says: "As the tree has to suffer for a lifetime from injuries done to it when just pushing its shoot above the ground, so also the human mind." [11]

The prejudices that are acquired in early childhood are

[10] Freud. *Bemerkungen über einen Fall von Zwangsneurose, Jahrb. I,* 373.

[11] Pfister. *Psychoanalytic Method.*

so profound as sometimes to counterfeit instinct, and habits of body or mind may become so fixed during this period as to simulate hereditary endowment.

The Roman Catholic saying, "Give the church a child until he is seven years old and she will have him all his life," is worthy of the consideration of every parent.

During these first few years the life of the individual is preformed in an extraordinarily comprehensive sense and yet most parents pass them by with little thought of the precious moments that are day by day slipping into the invisible. Physical health, the acquiring of a few cleanly habits, the imposition of a dogmatic menu, and obedience, which Mrs. Gilman defines as "the subordination of the intellect and the abrogation of the will," constitute the usual parental goals. Of the sex life of the child there is but little comprehension. Falsehood, sham-modesty and repression is commonly his lot.

Is it any wonder that one out of every nine marriages ends in the divorce court and that venereal disease is the greatest menace to military efficiency that exists?

CHAPTER XIV

SOME CASE HISTORIES

In order to visualize the human element that is involved in the problem of the social evil, the following case histories, taken more or less at random, are presented for the reader's consideration. These cases could be multiplied a thousandfold and then only inadequately portray the daily toll that mankind is paying for the disordered sexual life of the race.

Case I. Arthur ——. A man of 36 years, president of a large scale manufacturing establishment, married, and with one daughter 7 years old, suddenly began to place large orders for pianos, motor cars, etc. He developed an extraordinary interest in long walks and violent exercise, and showed recurrent unreliability in business affairs. His relations toward his friends and his family underwent serious alterations. After about three months of upsetting symptoms delusions of grandeur began to appear, and he was examined by a physician. A diagnosis of general paresis was made and the patient was sent to a hospital for the insane, where two years later he died in a most pitiful condition. His mind had become completely deranged. He could no longer retain urine or fæces, and his disposition shifted between moods of great elation and crushing despondency. A history of syphilis contracted at 19 years of age was obtained.

Case II. Alice ——, 24 years of age, of gentle birth and high personal character, married a Captain in the U. S. Army. Ten months later she gave birth to a pre-

mature child. The placenta indicated syphilitic infection, which was confirmed by a Wasserman. She was placed under anti-syphilitic treatment. Fourteen months afterward she gave birth to a viable child which within a week showed signs of congenital syphilis. Snuffles developed, a rash appeared, and about a month later the child died. The autopsy showed involvement of the liver, kidneys and spleen. Treatment of the mother was continued, and she later gave birth to a third child, which showed marked signs of idiocy at its second year.

Case III. Annie ——, a mulatto girl, 19 years old, had been placed in a child-caring institution when she was a baby. At 14 years she went out into domestic service. She was a very religious girl, and at church met a colored man about 15 years her senior, whom she subsequently married. Her husband was later convicted of larceny, and was imprisoned for two years in the penitentiary. Annie again entered domestic service. Soon she began to feel pains in her joints and general malaise, and her mistress, who was the wife of a dentist, took her to a physician, who was an acquaintance, for an examination. A diagnosis of syphilis was returned and Mrs. —— was warned that it would be dangerous to keep Annie as a domestic. The girl was dismissed and was directed to report regularly at a public health clinic for treatment. She followed the doctor's orders, but having no place to stay and no money, she at first walked the streets and finally succumbed to the solicitation of several male patrons. Her symptoms caused her such distress that one night she slipped into an entry and lay down to sleep, where she was arrested as a vagrant. The court sentenced her to three months in a penal institution, providing no adequate facilities for treatment, although the hearing of the case brought out the fact that the girl was infected and infectious. She is now serving her sentence and the Board of Health has been apprised of

the case, but there is no agency to help Annie when she comes out, either to secure employment or hospital treatment. The names and addresses of three men who had had intercourse with her were secured, but they were merely ordered to report for examination and treatment. There was no thought of sending them to jail.

Case IV. Arabella ——, white, motherless, 16 years old, was seduced under promise of marriage by a man who was a friend of her father, and was taken to Philadelphia. She became pregnant and was promptly deserted. The woman in whose home she was staying could not keep her without board, and Arabella sought admission into a hospital. She was told that her pregnancy was not sufficiently far advanced, but that she could return later. She sought work in a candy factory, but upon her condition becoming known she was dismissed. She wrote to her father, but received no reply. Worn out by hunger and worry she aborted and was taken in an ambulance to the hospital. Ten days later she was dismissed and went back to the woman with whom she had been staying. She was told that she could not remain unless she could pay her board money. A lodger in the house, who was a taxi-cab driver, took pity on her and promised to meet her bills, and she accepted the man's proposal. Within a day it developed that he regarded her as his mistress. Sick and disheartened she complied. The man then informed her that she was to earn money for them both in his taxi-cab business. Two months later she was arrested as a common prostitute and was sentenced to two months in a penal institution.

Case V. Cushing ——, a girl 18 years old, of refined breeding, one of the season's débutantes in a large Eastern city, became engaged to one of the social luminaries, a lawyer some ten years her senior. She developed difficulty in vision and was taken by her mother to Dr. ——,

a leading ophthalmologist. The picture presented was a syphilitic iritis and the diagnosis was confirmed by a positive Wasserman. The physician consulted the girl's fiancé and persuaded him to submit to an examination. Mucous patches in his mouth revealed the sources of the girl's infection. The disease had been transmitted by a kiss. The patient's vision will be permanently impaired.

Case VI. Robert ——, 19 years old, a student at a leading Eastern University, suddenly became blind. It was as if a curtain had dropped before his eyes; within two hours he was totally unable to see. No history of exposure to venereal disease could be secured, but upon looking up his family history it was found that his father was afflicted with locomotor-ataxia. A positive Wasserman revealed the presence of active syphilis in the boy, presumably of congenital origin. His sight is completely gone.

Case VII. Carrington ——, 48 years old, white, married, the incumbent of a high political post, began to notice difficulty in walking. At first he laughed about it and told his friends to excuse him, he did not know where his feet were going. On examination on-coming locomotor-ataxia was diagnosed. One year later the characteristic flail-walk had developed. He had to use a cane and keep his eyes on the ground in order to maintain his equilibrium. Four years later locomotion was impossible and he had to be wheeled about in a chair. A history of syphilitic infection twenty years previously was secured.

Case VIII. Col. Brooks ——, a Virginian gentleman of 56 years, living on a large estate, had been a paralytic for four years. Of his five children one was an epileptic, one an imbecile and the other three normal. His property had gone very much to pieces. He began to develop excruciating pains, lightning pains, in the abdomen, for which

his old doctor prescribed morphia. The old physician died and a young man who had come into the neighborhood cut down the doses of morphia, and impressed upon the normal daughter, who was taking care of her father, the danger of the drug habit. The patient suffered unbelievably, but the daughter followed the doctor's directions. Finally the old man with the help of his imbecile son secured a quantity of the opiate which ameliorated his suffering.

In his early days the patient had contracted syphilis.

Case IX. Anton ——, 18 years old, a brilliant violinist, had completed his first series of public concerts and was hailed as a coming virtuoso. Suddenly swelling appeared in his left elbow accompanied by severe pain. A typical picture of gonorrhœal arthritis was presented and the diagnosis was confirmed by the presence of a chronic gonococcus infection of the urethra. After prolonged treatment the symptoms subsided but the joint remained stiff, utterly incapacitating him for his chosen profession. Overwhelmed with the catastrophe, he committed suicide.

Case X. Pearl ——, a prostitute, 20 years old, white, had been brought before a certain magistrate repeatedly. She was at first fined and later was committed to the House of Correction. At her last trial she promised the Judge that she would not come before him again. Some months later, as the Judge was going into the station house, the police wagon drove up and the driver called to him the name of the former prostitute.

"What—Pearl again?" asked the magistrate.

"Yes and no, your honor," said the driver. "She's dead, we just got her out of the water."

Case XI. Walter ——, a medical student, 21 years old, contracted a case of gonorrhœa. He was engaged to be married. His teacher, who was at the same time his physi-

cian, warned him of the danger. After two months' treatment he eloped with the girl and was secretly married. She soon developed what she was told was "appendicitis" and was operated upon, becoming thereby completely sterilized. She was heart-broken when she learned that she could never have any children.

Case XII. Amelia ——, 20 years old, of gentle family, married a wealthy young man some three years her senior. About four months later she had a miscarriage, attended by severe constitutional symptoms and high fever. She failed to make a complete recovery and curettage was advised. Upon dismissal from the hospital she improved somewhat, but complained of pelvic pain and dysmenorrhœa. She was also extremely nervous and hysterical. Her symptoms increased and upon examination pelvic abscesses were discovered. Operation was delayed and one of the abscesses ruptured, causing acute peritonitis. The patient was hurried to the hospital but in vain; she died on the operating table.

Her husband had had gonorrhœa five years before his marriage, but had erroneously supposed himself completely cured.

Case XIII. Winifred ——, a pupil nurse, 24 years old, in one of the most renowned hospitals in the East, had recently been assigned to the obstetrical ward. Twelve patients, who had been delivered, were under her care. She bathed them, made their beds, attended to their personal needs, etc. When she had been on the ward about two weeks she noticed, late one afternoon, a sensation of smarting in her right eye. At first she thought nothing of it, but the pain increased so rapidly that before she went off duty she reported it to the head nurse. The doctor on the ward was immediately summoned, and after looking at her eye the first question that he asked was whether Mrs. X was one of

her cases. Upon her affirmative reply he seemed deeply concerned and called in a prominent opthalmologist associated with the hospital.

It then appeared that Mrs. X had gonorrhœa, that the nurse had in no way been warned of the danger, and the diagnosis of gonorrhœal opthalmia was promptly confirmed by the microscopic findings. A strenuous course of treatment was at once commenced, but in vain. Not only was vision in the right eye destroyed but a cruelly disfiguring scar resulted.

Case XIV. Mrs. R. S., 26 years old, had been married three years and had one little daughter two years old. At the commencement of the war her husband enlisted and served with the A.E.F. overseas. Being taught by the government to believe in the efficacy of prophylaxis he indulged in illicit sex relations and, despite the prompt administration of prophylaxis, contracted syphilis. He was placed under systematic treatment and after the war returned home presumably cured. About ten months later Mrs. R. S. was delivered of a premature child which was obviously syphilitic. The husband was examined, showed a negative Wasserman, but on lumbar puncture the presence of active syphilis was established. Meanwhile the little daughter, who had been constantly with the mother during her illness, had acquired the infection. The whole family is now under treatment.

Case XV. Alfred ——, principal of a girls' high school, married a young woman, twelve years his junior, who was a member of a prominent local family. Soon after marriage his wife developed an intense dislike for him, based on no material ground, but so profound that she shortly exhibited signs of mental derangement. Her family took her to a well-known psychiatrist who, after careful analysis, stated plainly the cause of the disturbance. The family, believing

erroneously that the husband must have abused the girl, persuaded her to leave the man and come home with them.

Alfred ——, having no sense of guilt and loving his wife truly, fell in with the plan, hoping that absence would bring the girl to give over her dislike for him. At the commencement of the following school year he was not reappointed to his position, it being held by the school board that it was unsuitable for a man whose wife had left him to serve as the principal of a girls' high school.

Case XVI. Professor W. of the —— Unversity, 42 years old, a man who had already distinguished himself and who gave great promise for the future, had married at 22 years of age a woman with whom he was temperamentally uncongenial. She was trivial, had no intellectual interests and merely desired to shine in society. They had no children. Within three years they discovered their mutual error and broke off relations as husband and wife but continued to live under the same roof for the sake of appearances.

When he was 39 years old Professor W. fell deeply in love with a young woman, Miss R., who reciprocated his affection. After a considerable interval Professor W. explained the situation to his wife and offered her a large share of his private fortune if she would grant him his freedom. She complied to the extent of letting him live as he pleased but obstinately refused to get a divorce. A secret liaison between Professor W. and Miss R. developed, but little by little news of the affair leaked out until it reached the ears of the Trustees of the University. Gossip also brought the matter back to Mrs. W. who, feeling that her dignity was at stake, repudiated the agreement and took the case to some of the Trustees whom she knew. The outcome was an ultimatum to Professor W. to the effect that he must either relinquish Miss R. or resign his position in the University.

It was a terrible choice, as Professor W. loved Miss R.

deeply but was also profoundly devoted to his work. Finally he sent in his resignation to the University and then a storm broke in the local newspapers. Intimate correspondence and innumerable personal details were published, accompanied by photographs, and the Trustees immediately accepted the resignation. Mrs. W. also entered suit for divorce. Professor W. and Miss R. were driven out of town by public opinion and as soon as the divorce was granted were married as they had always wished to be.

Professor W. is now seeking a position which will enable him to continue his scientific work but despite his recognized ability no University dares to grant him an appointment. The net result of the procedure seems to be merely the destruction of Professor W.'s career and the loss of an exceptionally able man to science.

Case XVII. Andrew ——, 40 years old, married, with three half-grown daughters, fell in love with his bookkeeper. For years he and his wife had been on bad terms and he had begged her to get a divorce from him. She refused, as she disliked him too much to grant him his freedom. In desperation he began a campaign of terrorization—rushed at her at night with a carving knife, broke the furniture, and created scandalous scenes which horrified the children. But his wife was adamant—such a man, he was too bad to be given his freedom.

The shop where he made propellers for aeroplanes was attached to his home. The front parlor was his office. It was impossible for him to leave his means to a livelihood.

Finally the bookkeeper, who was a woman of courage and loved him deeply, settled the matter. Andrew —— and she moved into rooms at a distance and lived together. Then they came daily to their work to the scandal of the neighbors. Upon this the wife sued for divorce on statutory grounds, which was soon granted and she and the children moved to another city.

Case XVIII. Frank ——, 38 years old, married, with six children. He was devoted to his family and made $20 a week as janitor in a medical school. When the second child was a year old the patient had typhoid fever. Soon after the fourth child was born he broke his arm. Frank was then working on the street railway as a conductor.

He complained of "fits," would fall on the floor in convulsions and go completely blind. He frothed at the mouth, became rigid, and would roll his eyes about in a terrible manner. Sometimes he was blind for two days. These attacks recurred at intervals of from six to eight weeks.

He was taken to a psychiatrist and the analysis brought out the fact that he loved his wife, could not deny himself sexual intercourse, and dreaded the thought of having more children. An effort was made to have him sterilized by vasectomy and he begged the surgeon to perform the operation, but the hospital authorities would not comply. The physician instructed him in contraceptive methods and since then he has had no more attacks. There are now eight children, all of them weak, complaining, and inadequately educated. Those over 14 years of age are working.

Case XIX. Stuart ——, 27 years old, a lawyer, married the daughter of one of the senior members of his law firm. About two years later she gave birth to a son and within a few hours the infant's eyes showed signs of infection. The nurse called the physician and he immediately put the child under treatment. Microscopic examination showed that the infection was of gonorrhœal origin. In spite of all efforts the child's eyesight was completely destroyed.

The mother developed puerperal fever and ten days later died.

A history of gonorrhœal infection in the husband six years before marriage was secured.

CHAPTER XV

CONCLUSIONS

From the preceding survey it has been seen (1) that the social evil, comprising prostitution and venereal disease, is a result of the disordered sexual life of the race; (2) that marriage is the expression of a definite racial need, and developed through natural selection as an institution for the preservation of the offspring, and as the vehicle for sexual selection; (3) that sex among human beings is dual in nature, presenting both a racial and a personal aspect; (4) that prostitution rests upon economic injustice and unnatural laws which act to make monogamy a meaningless and impracticable institution; (5) that the present educational and social systems provide no secure background for congenial marriages and tend to encourage homosexuality and other perversions of the sexual impulse; (6) that the present programs for the repression of prostitution and the control of venereal disease are irrational and worthless, and could never, even if put fully into effect, accomplish their objectives.

The solution of the problem of the Social Evil rests primarily upon a reorganization of the sexual life of the race in accordance with the natural laws of sex. Before this can be fully accomplished the economic system must be readjusted so that both men and women will be freed from the coercive bondage of poverty. Political liberty is but a phrase as long as the majority of the people languish in economic serfdom. The spiritual and temporal emancipation of women must be completed, to the end that they may exercise freedom in the selection of their mates and

ascend from the degradation of marketing their sex as a means to a livelihood either within or outside wedlock.

The first and simplest approach to the problem lies through the education of children. They should be taught, with sympathetic veracity, the simple truths of sex physiology, and in addition should be placed in an environment conducive to the sublimation of the sexual impulses to altruism and intellectual accomplishment. Music, gymnastics, manual training and natural science should replace the stupefying monotony of the ordinary curriculum. A sedentary life is abnormal for young children, yet most of the present curricula demand long hours of listless effort, with no opportunity for physical development or character formation.

Above all, coeducation should be instituted from the kindergarten through the college and the professional school. Since nature ordains that men and women shall live together, the segregation of the sexes during their adolescent years is a defiance of nature's premise which invitably entails perversion and over-stimulation. Successful marriage is more than an erotic relationship, and requires a substructure in wide and familiar knowledge of the opposite sex. The dangers of coeducation, if they exist, are far less grave than those that are involved in the segregated system.

The greatest and final school which all people attend day by day is that of social life; no matter how well trained the youth may be in the home or in the educational institution, he will eventually receive most of his ideals and opinions from the community in which he lives. Public opinion, the subtle moulder of private conscience, is ever at work from childhood until death shaping the ideals and prejudices of the individual. To an amazing extent the individual conscience is but the reflection of the standards of conduct established by the social organism.

It is in this respect that the law and its enforcement is

of the greatest moment in fixing sexual ideals, for upon the practical administration of justice in any age depends the ethical standards of rising generations.

Prophylaxis, regulation, segregation, or any other tolerative measures which look to the sanitation of vice, are necessarily destructive of their own objectives, for they tacitly encourage promiscuous sex relationships which are the source of syphilis and gonorrhœa. Adopting this public standard, rising generations perpetuate the evil which is at the root of venereal disease, and the solution of the problem is merely postponed.

It is a patent fact that the repression of prostitution, and therewith the abatement of venereal disease, eventually depends upon the education of the individual to a proper control and direction of his sexual life. But the public standards established for sex relationships will precede rather than follow masculine idealism in this field. Already a sufficient basis exists in public opinion among the mass of women and among a fraction of men for the establishment of reasonable standards of sexual conduct for the race.

The emancipation of women has released for practical use a point of view on sexual matters which holds monogamous union to be the natural vehicle for the expression of the sexual impulse among human beings. Out of a long experience women have learned that light passion and irresponsible amours bring ruin and desolation in their wake, and that personal license is as destructive of happiness and liberty in the realm of sex as it is in every other sphere of conduct. The demand among women for a strict observance of the marriage code is based, not upon hypothetical morals, but upon knowledge, deep-rooted, of the importance of fixing definite boundaries for sexual liberty. As a burnt child dreads the fire so women of mature years natively shun illicit relationships for the experience of their sex, for centuries long, has taught them the difficulties and

dangers attendant upon such conduct. They believe in chastity and marriage because they have learned that incontinence and secret liaisons usually result in their own and their children's destruction. This knowledge is for the time being phrased merely as unreasoning prejudice, and needs elucidation and direction before it can be turned to constructive use. It is, however, a potential power, which with enlightenment may be relied upon to bring about a reorganization of the sexual life of the race within a comparatively short space of time.

The prejudice among women against sexual promiscuity is so profound, and its counterpart among men is so rarely encountered, that it has been misinterpreted as marking a differentiation between the sexes in their native inclinations. Women are admittedly monogamous in their sexual disposition, but men, it is maintained, are by nature of polygamous habit. The anachronisms in this hypothesis have been pointed out in a previous chapter, and the source of the apparent difference has been traced to the social and educational systems which for centuries have upheld a double standard of sexual morals.

The trend of the times is, beyond doubt, in the direction of a new standard of sexual conduct which will apply equally to both men and women. This is evidenced in the growing opinion that love is the right basis for human sex relationships and in the increasing demand that the marriage and divorce code must be changed to accord with this primary concept. The relaxation of the prejudice against birth control, apparent in every stratum of society, is further evidence of the modern viewpoint on marriage. People would seem almost to have learned that the expression of honorable love through the natural physical channels is essential to a wholesome marital relationship and that continuous reproduction is not needed to justify monogamy. The fact that "man makes love at all times," and not

merely during a temporary period of rut as among the animals, is the basis both for a permanent monogamous union and for the control of the power of reproduction.

The first step toward the elimination of the social evil is the education of the general public with regard to the nature and prevalence of venereal disease. It is of primary importance that the practical aspects of the problem in terms of public health and personal safety should be made clear in order to insure adequate motives for action. A father may not object if his future son-in-law has lost his chastity, but he will view the matter very differently if he knows the close association between immorality and venereal disease. An uninformed girl may admire fast men and enjoy their company, but a girl who knows that loose living predicates syphilis and gonorrhœa will tend to discourage the attentions of men who have presumably been exposed to these infections. Women who feel that masculine morals are no especial concern of theirs will adopt a different attitude when they learn that from this source marital contamination and racial degeneration proceed. Morals to be of vital concern to the masses must have a sound basis in expediency, and since this is the case in regard to marriage it is essential to bring the facts home.

Coincidently with the educational campaign, a rational program looking toward the repression of prostitution and the control of venereal disease should be advanced, for experience has proven that it is dangerous to incite people to action without providing a sound program for them to follow. The unspeakable abuses from which women now suffer as a result of misdirected efforts toward the repression of prostitution, and the cruelty that is meted out to men who desire to direct their sex lives in accordance with the law of love, indicates how justice may miscarry when untutored persons enter upon a crusade against vice. The Comstockian policy of prudery and violence makes

virtue itself appear hideous, and drives reasonable and kindly people into revolt against any standardization of sexual conduct.

Before people can be expected to direct their sex lives in accordance with accepted principles of justice, real boundaries based upon natural laws must be substituted for the artificial sex barriers that have heretofore obtained. The way must be cleared for virtue before it will be justifiable to punish those who transgress the law. To this end the reform of the marriage and divorce code is fundamental.

The sacramental nature of marriage, binding the individuals to lifelong unions in defiance of true love, is already recognized as an artificial concept which has no counterpart in life. Marriage is not a sacrament, it is a union into which two individuals freely enter on a basis of mutual agreement, and which they should therefore be permitted to dissolve at will, provided that in the process the rights of other persons who may be concerned are adequately safeguarded. There is no good reason why any two individuals, male or female, should be forced by the community to live intimately together if they do not desire to do so, and there is also no proper ground for refusing these persons the right to enter into other relationships with other persons if no one is injured thereby. The present code that denies the right of divorce to persons who are wholly uncongenial and which refuses them permission to marry others with whom they are deeply in love, is a relic of barbarism and an encouragement to adultery. It breeds unhappiness, psychoses, immorality and venereal disease, and demoralizes and warps the lives of the children whose welfare is supposed to constitute justification for the parental sacrifice. All psychiatrists are agreed that the worst possible environment for any child is a home in which discord and hatred reign, and yet this is the daily atmosphere which these helpless members of society are doomed to when their parents are chained together by the law.

If marriage were regarded merely as a contract, which it palpably is, and if the financial responsibilities of the husband and wife in their mutual relation, and also in respect to possible offspring, were fixed by law, the human sex relation could be standardized according to accepted ethical principles. Justice and virtue could at last find their way into this sphere.

The mass of outgrown prejudice that now encumbers the marriage code finds credence in the minds of none but bigots and pornographic fanatics. The average man and woman of good conscience and intelligence recognize that love should be the final arbiter in the marriage relation, and they resent the publicity given to divorce suits, and desire the abolition of the necessity for such inhuman proceedings. Incompatibility alone is sufficient basis for divorce, and when this fact is recognized in the law the way will be open for the introduction of morals into the realm of sex.

On a basis of marriage, with stated parental and financial responsibilities and divorce on grounds of incompatibility alone, a law against fornication could be justly enforced. There would no longer be any valid or natural reason for extra-marital relations, for the way would be clear for the expression of genuine sexual love within the limits of matrimony.

Monogamous marriage under these conditions reinforced by birth control would constitute a feasible relation between the sexes wholly in accord with the natural laws of sex, and conducive to the best interests of husband, wife, and children, and the race at large. Sexual selection, upon which the improvement of the race stock depends, would have free play, and yet the interests of the individuals concerned would be safeguarded.

With the reform of marriage and divorce, a campaign for the repression of extra-marital relationships, and the control of venereal disease, could be entered upon without fear of violating the just rights of any individual.

The first step in this direction is the abandonment of the hope of the sanitation of vice. As long as medical men direct their efforts toward making vice safe for men, either through the examination of persons arrested for or convicted of prostitution, or through medical prophylaxis, the arm of the law will be paralyzed in all efforts to repress prostitution or to institute adequate quarantine against venereal disease.

Neither prophylaxis nor the police court examination of public women can be relied upon to render promiscuous sexual relations safe so far as venereal disease is concerned, yet while these measures are in effect the public is led to believe that the public health is adequately safeguarded. Prophylaxis involves the open recognition of masculine vice by the state, and places the government in the position of pandering to male depravity. The police court examination of prostitutes likewise predicates the state's connivance at masculine incontinence, for the men who are arrested in connection with these cases are necessarily held merely as the state's witnesses, as otherwise it would be impossible to secure sufficient testimony against the women.

All measures for the secret self-treatment of venereal disease, including prophylaxis and patent medicines, should be placed under the ban of the law, and use of the United States mails for advertising these remedies should be denied. Quack doctors and advertising specialists who are not qualified to treat venereal disease should be outlawed, and good facilities for the free treatment of venereal disease should be organized under the public health service.

The venereal diseases should be placed on the same basis as all the other dangerous communicable diseases, and reports of all cases by name and address should be required by law. All cases of venereal diseases registered should be quarantined under strict regulations and supervision, but ambulatory treatment should be impartially permitted to

both men and women of whatsoever social status. Hospitalization should be reserved for cases really needing such care, and detention should be resorted to only where the patients were detected infringing the rules of quarantine. In addition, licenses to marry should be refused to persons recorded in the archives of the Board of Health as being quarantined for venereal disease, and laws providing heavy penalization should be passed making it a felony for a person quarantined for venereal disease to have sexual intercourse either within or outside wedlock. All quarantine measures should apply equally to the two sexes and operate without regard to social station or legal discriminations of any kind.

It is quite as absurd to have one kind of quarantine for men and another for women in connection with venereal disease as it would be in the case of scarlet fever, and it is obviously unjust to discriminate against any individual so far as examination and quarantine are concerned merely because she is suspected by the police of having infringed the law. The quarantine regulations for scarlet fever, diphtheria, smallpox, or any other communicable disease, operate without regard to the legal status of the individual, for having an infectious disease is not recognized under the law as being a crime. The present tendency to revert to the police court examination of prostitutes is dangerous and unsound, first, because it fosters a false sense of security among the general public so far as the danger of promiscuous intercourse is concerned; second, because it provides an excuse to the public health officials for their failure to institute adequate defenses against venereal disease; and third, because it deprives of their constitutional rights all women who are suspected by the police of being immoral, and gives a greater measure of power into the hands of the police than can safely or legally be placed there.

The campaign against venereal disease must be placed

on a basis of the control of communicable disease without undue regard for the protection of the reputation of immoral men before progress can be anticipated in this field. As long as the medical profession prefers saving the good name of venereal men to saving innocent women and children from contamination, preventive medicine will be impotent to control venereal infection. Hygiene is no respector of the conventions, and medical men must strip themselves free from financial self-interest and hypocritical altruism if they honestly desire to minimize syphilis and gonorrhœa. Continence is clearly an essential hygienic measure for the control of venereal disease, so medical men need feel no chagrin at advocating the passage and enforcement of a fornication law merely because it happens to be confused in the lay mind with moral measures. Incontinence predicates contact with venereal disease carriers and from the point of view of preventive medicine should be strictly so regarded. Since it is essential in all dangerous infectious maladies to prevent contacts between infected and uninfected persons, it follows that, in their attempt to control venereal disease, the point of first importance for medical men, is to use their utmost efforts to prevent promiscuous sexual relations. No genuine progress is possible as long as men are freely permitted to expose themselves to persons who are known to be at least 95 per cent infectious.

Briefly summarized, the essential steps toward the control of venereal disease and the repression of prostitution are as follows:

A. Measures designed to facilitate the right use of the sex function in accordance with natural laws.

1. A widespread campaign of education with regard to the danger and prevalence of venereal disease.
2. Economic justice looking toward the abolition of both extreme wealth and poverty.

3. Intelligent and sympathetic parental oversight during infancy and early childhood, including honesty with regard to sex physiology.
4. A reform of the educational system, with rational training in hygiene and physiology adapted to the various age periods. Coeducation should be universal.
5. Adequate public recreation, properly supervised.
6. Prohibition in practice as well as by statute.
7. A reform of the marriage code, defining the financial and other obligations of husband and wife toward one another, and toward possible offspring. The mother should have prior rights of guardianship as her sacrifices for the child so greatly exceed those of the father.
8. A reform of the divorce code making incompatibility alone sufficient cause for divorce, on the application of either one of the married persons. Exact definition as to the financial responsibilities of the husband and wife should be made in the law in order to insure justice, especially with regard to the support of the children. Alimony in the case of childless couples should be abolished.
9. The repeal of mediæval legislation, such as the restoration of conjugal rights, breach of promise, alienation of affection, etc.

   Sound marriage and divorce laws, supported by adequate legislation for the repression of extra-marital relations, should constitute the standard.
10. The complete emancipation of women.
11. The repeal of all legislation prohibiting birth control.
12. The institution of birth control clinics under the Public Health Service for the dissemination of advice and information.
13. The endowment of motherhood.

B. Measures designed to minimize extra-marital sex relationships and to check the commercialization of vice.

1. The passage and enforcement of a law against fornication.
2. The protection of minors of both sexes against seduction by establishing 21 years as the age of consent for both males and females, with penalties graduated to accord with the various age periods.
3. The passage of a law making adultery a felony, justified on the grounds of the venereal contamination of wedlock.
4. The establishment of autonomous bureaus of women police for the proper enforcement of the laws regarding sex.
5. The appointment or election of women as judges in the higher and lower courts and as prosecuting attorneys.
6. Women on juries.
7. All minors to be held merely as the state's witness against older persons, and all cases of minors to be heard in the juvenile court.
8. The common parentage of an illegitimate child to constitute marriage, or if either of the parents was previously married, bigamy.
9. The illegitimate child to be placed on the same plane with legitimate children.
10. The passage and enforcement of a law against solicitation applicable to both sexes equally.
11. The injunction and abatement law.
12. Laws prohibiting the use of taxicabs, etc., for immoral purposes.
13. Laws against pandering and procuring.
14. Laws prohibiting the use of hotels, rooming houses, etc., for immoral purposes. Penalty applicable to proprietor.

15. Laws for the control of commercialized amusements, dance halls, etc.
16. The passage and enforcement of a law making the offering or giving of goods or money to any person for purposes of prostitution punishable by a jail sentence. Minimum term to be stated in the law. The person to whom the money or goods was offered or given to be held merely as the state's witness.
17. The Mann White Slave Act, laws against the international traffic in women, and a law providing castration as the penalty for rape.

C. Measures for the control of venereal disease.

1. The repeal of all laws and regulations providing for the examination of persons arrested for or convicted of charges of immorality in connection with court proceedings. Under the constitution every person is considered innocent until she is proven guilty, and no person can be forced to testify against herself. Disease is not a crime.
2. The separation of the provinces of the Board of Health and the Police Court, as in all other classes of communicable disease.
3. The routine mental and physical examination of all persons in state institutions, penal and otherwise. Treatment as indicated.
4. A law defining continence as an essential measure for the prevention of venereal contacts, and providing heavy penalties for exposure to venereal disease through extra-marital relations.
5. A law requiring all physicians and institutions to report cases of venereal disease by name and address under severe penalties.
6. A law or regulation placing all cases of venereal disease under quarantine and providing for the supervision and instruction of such cases in ac-

cordance with the procedure followed in all other classes of communicable disease. The wife, children, or other close associates of a venereal patient to be brought under supervision and treatment if necessary.

7. A law making it a felony for a person under quarantine for venereal disease to have sexual intercourse with another person, either within or outside wedlock.
8. A law requiring the marriage license bureau to determine whether the applicants for a marriage license are under quarantine for venereal disease. Authorized certificates of proximate date from the local Board of Health of freedom from quarantine to constitute adequate evidence.
9. A law or regulation providing for the compulsory treatment under detention of patients refusing to report regularly for ambulatory treatment.
10. Adequate clinical facilities for the free treatment of venereal disease under the Public Health Service.
11. The appointment of women physicians as members of the state and local Boards of Health, particularly in the venereal disease department. These physicians would not, of course, treat cases of venereal disease. They would organize the work and be of especial benefit in following up cases of persons exposed to contamination, such as wives and children.
12. The appointment of an adequate staff of public health nurses, in connection with the Board of Health, for follow-up work. All cases of venereal disease reported to the Board to be visited and instructed by these nurses, as is now done in connection with all other classes of communicable disease.
13. A law prohibiting the advertisement or sale of

remedies for the secret self-treatment of venereal disease, including venereal prophylactics.

14. A law prohibiting the use of the United States mails for the advertisement or transportation of remedies for the secret self-treatment of venereal disease, including venereal prophylactics.
15. The enforcement of the existant laws against quacks and unlicensed practitioners.
16. The abandonment of the government's present policy of giving prophylactic treatment to soldiers and sailors, and its substitution by court-martial for the offense of exposure to venereal infection.

It will be seen that the first purpose in the proposed social hygiene program is to eliminate the causes of prostitution by permitting the sex life of the race to flow into its natural channels through facilitating early monogamous marriage. Since love is the basis for monogamous unions and is also the vehicle for sexual selection, divorce is regarded as a necessary corollary to this institution. Birth control is obviously fundamental to successful marriage under civilization, as is also the complete spiritual and temporal emancipation of women.

The second purpose of the program is to seek the solution of the problem of the social evil in its causes, and not in its symptoms. The demand for prostitution financed by men is at the basis of the whole superstructure and only by reducing the demand can the mass of prostitution be minimized. As soon as men find that they come out on the wrong side of the ledger so far as their pleasure is concerned when they patronize prostitutes they will cease to finance the institution, and it will perish from inanition. Hundreds of years of experience have proven that it is idle to persecute prostitutes, as they merely constitute a supply which automatically rises to meet the demand created by men, following an established law of commerce. Since

advertisement augments the demand, those who exploit male sexual desire for their financial benefit are provided with suitable penalization.

The seduction of minors in the continuance of the social evil being of fundamental significance, the age of consent is fixed at 21 years for both sexes. Protection, especially during the adolescent period, is regarded as being of prime importance both from the viewpoint of justice and expediency.

The third purpose of the program is to place the campaign against syphilis, gonorrhœa and chancroid, on the basis of the control of communicable disease, regarding extra-marital intercourse merely as exposure to venereal infection irrespective of morals. Conventions and morality, in the ordinary meaning of the term, have nothing to do with preventive medicine, and it is as destructive for physicians to plan the campaign against syphilis, gonorrhœa, and chancroid on the basis of social conventions, as it would be in the case of any other communicable disease. The medical profession provides no defenses for the public against venereal infection, and even permits the contamination of wedlock by persons known by them to harbor the spirochete and the gonococcus. Swayed by their own financial self-interest and inhibited from rational thought by their own sordid experiences, they permit the racial life to be threatened without making an effort to check the ravages of venereal disease. They will treat patients for money, but they will not endanger their professional prestige by following the clear dictates of hygiene.

Since syphilis and gonorrhœa are known to be among the most dangerous and common of all the infectious maladies, and since they are readily preventable, it behooves the lay public to take matters into its own hands and to eliminate from the service all public health officials who are incapable of thinking in terms of preventive medicine. The public must demand a sound system of quarantine for syphilis

and gonorrhœa if it desires adequate protection against these infections, for although the medical profession has had at hand sufficient scientific knowledge upon which to base a program of prevention for upwards of a century, medical men have failed supinely to adapt their measures to obvious hygienic principles. In the campaign against tuberculosis the rank and file of the medical profession was in earlier years found to be equally recalcitrant.

The most important problem of the twentieth century, barring none, is the problem of the Social Evil. Upon its solution depends not only the health and happiness of vast numbers of individuals, but the very life of the race. History is but the record of various civilizations that have risen to the zenith and have then crumbled as a result of perversions of the sexual impulses. As man has progressed further from a state of nature he has dissociated sex from natural law, thereby denying the social order its fundamental basis. Rome fell not because of the crude strength of the barbarians, but because licentiousness had sapped the power of Roman manhood. Heretofore one sex alone has been possessed of the power to govern the racial life, but today both men and women together may bend their energies toward the perpetuation of civilization.

The ideal is clear: love, marriage, children and the home constitute the essential framework of an enduring social order. Prostitution and venereal disease strike at the very basis of society and must give way if the fruits of civilization are to be enjoyed.

The future with its glorious promise stands beckoning; all that is necessary is courage to uphold the right and faith in the omnipotence of human love.

BIBLIOGRAPHY

American Social Hygiene Association.—Social Hygiene Legislation Manual.
Anderson.—Mental Defect in a Southern State.
Aristotle.—De Generatione Animalium.
Asch.—Gonorrhœa.
Azara.—Voyages dans l'Amerique meridionale.
Bachofen.—Das Mutterrecht.
Barth.—Reisen in Nord und Central Afrika.
Besant (Annie).—Marriage as it Was, as it Is and as it Should Be.
Bloch.—The Sexual Life of our Time.
Brehm.—Thierleben.
Butler.—Personal Reminiscences of a Great Crusade.
Burchard.—Diarium.
Cabot.—Modern Urology.
Carpenter.—Love's Coming of Age.
Casalis.—Basutos.
Code Napoléon.
Conklin.—Heredity and Environment.
Crispigny (Lieut. C. de).—Proceedings of the Royal Geographical Society.
Darwin (Charles).—On the Origin of Species.
The Descent of Man.
Darwin (Leonard).—The Campaign against Venereal Disease in its Ethical Aspects.
Social Hygiene, October, 1918.
Dubois.—Description of the Character, etc., of the People of India.
Du Chaillu.—Explorations and Adventures in Equatorial Africa.

Dyer (Alfred S.).—The Trade in English Girls.
Ellis (Havelock).—Studies in the Psychology of Sex.
Sex in Relation to Society.
Endeman.—Mittheilungen über die Sotho-Neger.
Espinas.—Des Sociétés Animales.
Farnell.—Cults of Greek States.
Finger (Ernest).—Blennorrhœa of the Sexual Organs.
Flexner (Abraham).—Prostitution in Europe.
Forel.—Die Sexuelle Frage.
Freud (Sigmund).—Über Wilde Psychoanalyse—Zentralblatt, 1910.
Sammlung kleiner Schriften zür Neurosenlehre.
Drei Abhandlungen zür Sexualtheorie.
Über Psychoanalyse.
Interpretation of Dreams.
Gozuet.—The Origin of Laws, Arts and Sciences.
Griffis.—Religions of Japan.
Gunther.—Introduction to the Study of Fishes.
Hall (C. F.).—Arctic Researches and Life among the Esquimeaux.
Hall (Stanley).—Adolescence.
Hall and Brooke.—American Marriage Laws in their Social Aspects.
Harvey (Wm.).—Exercitationes de Gen. Anim.
Otto Henne am Rhyn.—Prostitution and the Traffic in Girls.
Hirschfeld.—Result of the Statistical Investigations regarding the Percentage of Homosexuals.
Hitschmann.—Freud's Neurosenlehre.
Holcomb.—Venereal Prophylaxis in the Navy. Social Hygiene.
Holden.—Folklore of the South Australian Aborigines.
Hooper.—Ten Months among the Tuski.
Howard.—History of Matrimonial Institutions.
Jamieson.—The China Review.

Jellinghaus.—Sagen, Sitten und Gebräuche der Munda—Kolhs in Chota Nagpore.
Jung (C. G.).—Wandlungen und Symbole der Libido.
Ein Fall von hysterischen Stupor.
Lectures at Clark University.
Kant.—Die Metaphysic der Sitten.
Kemény.—Revelations regarding the International Traffic in Girls.
Key.—Love and Marriage.
Keyes.—Syphilis.
King and Fitzroy.—Voyages of the Adventure and Beagle.
Letourneau.—Sociology.
Lillie.—The Fertilization Problem.
Livingstone.—Missionary Travels.
Logan.—The Great Social Evil.
Lubbock.—Totemism and Religion.
McLennan.—Studies in Ancient History.
Macdonald.—Africiana.
Maine (H. J. S.).—Primitive Society and Ancient Law.
Mandeville (Bernard).—Modest Defense of Public Stews.
Van Geunep.—Rites de Passage.
von Koppenfels.—Meine Jagden auf Gorillas.
von Mayer.—Die Liebensgesetze der Kultur.
Merrick.—Work among the Fallen.
Milton (John).—Doctrine and Discipline of Divorce.
Mohnike.—Die Affen auf den Indischen Inseln.
Morrow.—Social Diseases and Marriage.
Muir.—Original Sanskrit Texts.
Munzinger.—Ostafrikanische Studien.
Osler.—The Practice of Medicine.
Parent-Duchâtelet.—De la Prostitution.
Pearl.—On the Rate of Growth of the Population of the U. S. since 1790 and its Mathematical Representation.
Petroff.—Report on Alaska.
Pfister.—The Psychoanalytic Method.
Plato.—Symposium.

Powers.—Tribes of California.
Prévost and Dumas.—New Theory of Reproduction.
Rabutaux.—Histoire de la Prostitution en Europe.
Riggs.—Study of Venereal Prophylaxis in the Navy—Social Hygiene, July, 1917.
Abbé Spallanzani.—Expériences pour servir à l'histoire de la generation des Animaux.
Sanger.—History of Prostitution.
Savage.—Description of Troglodytes Gorilla.
Spencer (Herbert).—Descriptive Sociology.
The Principles of Sociology.
The Principles of Psychology.
Splingard (Alexis).—Clarissa from the Dark Houses of Belgium.
U. S. Census Statistics.
Waitz.—Anthropologie der Naturvölker.
Wallace.—The Malay Archipelago.
Westermarck.—The History of Human Marriage.
The Origin and Development of Human Ideas.
White and Martin.—Genito-Urinary Diseases.
Wilson and Felkin.—Uganda and the Egyptian Soudan.
Worthington.—Developments in Social Hygiene Legislation.

INDEX

Abolitionists, 59
Adultery laws, 117, 131
Age of consent laws, 118, 155
Anarchy in sex, 16
Apes, sex relations of, 37

Bachofen's hypothesis of promiscuity, 29
Birth control, 89
  and self-control, 106
  economic factors in, 108
  ethics of, 107, 113
  objections to, 97, 104
  in practice, 111
  relation to celibacy in women, 110
  relation to monogamy, 109
  statistics in Holland, 89
Brothels, description of, 61
  relation to prophylaxis of venereal disease, 269

Case histories, 339
Celibacy in women, relation to birth control, 110
Chancroid, 201
  symptoms of, 201
  treatment of, 203
Chastity, violation of, 51
Co-education as check to homosexuality, 335
Contagious Diseases Acts, 56
Continence as a sanitary measure, 276
Contraceptive methods, 95

Democracy, definition of, 24
Divorce, frequency of, 182
  justification of, 78
  legal grounds for, 122
Double Standard, 53

Feeble-mindedness, 91
Fertilization, theories of, 100
Fornication laws, 117, 145
Free love, results of, 81

Gonorrhœa, 203
  extra-genital infections, 205
  in adults, 207
  in girls, 206
  in men, 208
  in women, 210
  systemic, 213
  treatment of, in men, 209
    in women, 213

Homosexuality, 330
  checked by co-education, 335
  frequency of, 332
Howard opposed to promiscuity, 33

Illegitimacy, 178
  paternal responsibility in, 22
Immorality in children, 327
Incontinence, significance of, 308
Infantile impressions, 337
Injunction and abatement law, 114

Law, function of, in human relations, 84
  impediment to love, 79
Laws, model, 223
License, results of, 86
Lock Hospitals, 65
Love, function of, 82
  relation to sexual selection, 73, 173
  superior to law, 79

Marriage, artificial barriers to, 75
  biological origin of, 47
  by capture, 41
  by purchase, 41
  ceremonials, 42
  civil, 45
  code, tendencies toward reform of, 48
  definition of, 30
  effect of Puritan movement on, 45
  function of, 80
  laws, 119

Marriage, legends of, 31
modern history of, 43
natural selection in, 73
origin of, 35
penalization of, 23
present basis of, 77
primitive, 39
protection of, against venereal disease, 300
sexual abstinence in, 112
Masturbation, 319
Monogamy, basis of, 74
relation to birth control, 109
Morality, current definition of, 28
Morals, double standard in, 53

Napoleonic regulation of vice, 56
Natural selection in marriage, 73

Obscenity Act, Federal, 116

Police, and prostitution, 60
women, value of, 296
Polyandry, 46
Polygamy, 46
Promiscuity, arguments against, 33
theories of, 29
Prostitutes, and law of supply and demand, 254
examination of, 58, 65
infection of, 249
lock hospital treatment of, 252
police court examination of, 252
social origin of, 68
Prostitution, and graft, 237
causes of, 52, 66
clandestine, 66
constitutionality of regulation of, 239
definition of, 49
demand for, 231
expenditures on, 230
laws against, 114
legal definition of, 116
methods to discourage, 255
origin of, 50
regulation of, arguments for and against, 245
relation of Boards of Health to regulation of, 242
relation of men to, 231
relation of women to, 231
relation to marital life, 71
repression of, 360
significance of, 49

Prophylactic, packet, 282
stations, 66
objections to, 291
and enforcement of fornication law, 290
Prophylaxis of venereal disease, 259
efficacy of, 270
ethical aspects of, 275
in relation to education, 278
relation to brothels, 269

Quarantine of venereal disease, 247

Race suicide and venereal disease, 91
Red light districts, 60
Regulation of prostitution, abandonment of, 255
and graft, 237
arguments for and against, 245
constitutionality of, 239
relation of Boards of Health to, 242
Regulation of vice, 56
initial opposition to, 63
Regulation of vice, modern, 228
Reproduction, natural checks to, 93
Reproductive instinct, 103

Seduction of children, 177
penalties for, 51
relation of age to, 69
Segregation of vice, 56
in America, 59
Sex, affirmative aspects of, 25
education, 324
Freud's definition of, 313
in relation to law, 358
personal and racial function of, 83
psychology, 315
relation among the apes, 37
Sexual, abstinence in marriage, 112
conduct, standardization of, 170, 181, 185
license, 26
misconduct in children, 327
necessity, 67, 220
selection, relation of love to, 73, 173
Social evil, analysis of, 18
definition of, 15
problem, solution of, 349

Social status and marriage, 75
Solicitation, laws against, 116
Syphilis, 191
  hereditary, 197
  late manifestations of, 195
  symptoms of, 192
  treatment of, 200

Taboos in sex, 26

Venereal disease, and race suicide, 91
  among domestic servants, 299
  control, 217, 361
  in prostitutes, 249
  problem and its solution, 292
  prophylaxis of, 62, 259
  protection of marriage against, 300
Venereal disease, public education, 62, 64
  quarantine of, 247, 298
  reporting of, 226
  statistics, 187
Venereal diseases, history of, 190
Vice, commissions, 65
  regulation of, 56
  segregation of, 56

White slave trade, 57
Women, celibacy in, relation to birth control, 110
  economic dependence of, 76
  police, value of, 296
  relation of, to sexual order, 24
  subjection of, 87
Wragg vs. Griffin, decision in case of, 246