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INTERNATIONAL WOMAN SUFFRAGE ALLIANCE,

11, ADAM STREET, ADELPHI, LONDON.

NATIONALITY OF MARRIED WOMEN.

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CITY OF LONDON POLYTECHNIC
FAWCETT COLLECTION

Calcutta House
Old Castle Street
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Repeal of the Canadian Consolidated Naturalization Act of 1919.

We regret to announce that the above Act, as described in this pamphlet—pages 3 to 5—has been repealed.

Mrs. Lang, who wrote the original article, has written as follows on the subject :—

March 1st, 1921.

Now as far as women are concerned in the Nationalization Law. The *whole* of the 1919 Act was repealed, and the old 1914 Act reinstated with certain amendments—so now the law with regard to married women is as follows :—

" The wife of a British subject is a British subject and the wife of an alien is an alien, provided that :

" (1) Where the British husband changes his nationality after marriage, his wife may declare her desire to retain her British nationality.

" (2) Where the alien husband of a British-born wife dies or is divorced, she may regain her British nationality by immediate declaration.

" (3) When the alien-born but naturalized husband forfeits his British naturalization papers by disloyalty, etc., the wife and children shall not be denaturalized unless by the express order of the Secretary of State, and in the case where the wife was of British birth, the Secretary of State *shall not* so order, unless the wife has herself been guilty of disloyalty.

" (4) If the alien husband of a British-born wife belongs to a country at war with His Majesty, the British-born wife may regain her British nationality on declaration of her desire so to do."

September 3rd, 1921.

I have a letter from the Government definitely stating the reason of repealing the 1919 Act was that " It was passed during the absence of the Minister of Justice, Mr. Doherty, who, immediately he returned pointed out that this Canadian Act was contrary to the Imperial Act, which it was arranged should be the model for all the Dominions, so that there should be uniformity throughout the Empire, and that, therefore, it must be repealed," which was promptly done.

18*th October*, 1921.

CANADA.

The Naturalization Act of 1914 and subsequent amendments have been repealed and replaced by the Consolidated Naturalization Act of 1919. By this Act a man or an unmarried woman is a British Subject who—

(*a*) Is born in British territory.

(*b*) Is born of British parents, even on foreign soil.

(*c*) Is born in a British ship.

(*d*) Has become personally a naturalized British Subject, or whose parents have become naturalized during his or her minority.

A married woman takes the nationality of her husband, *but* (i) she has now (1919) the right to take out naturalization papers on her own account, the same as if she were unmarried ; (ii) if the husband ceases to be a British subject during his marriage, the wife may retain her British nationality by making a declaration to that effect ; (iii) a woman British by birth, married to an alien who is a subject of a state at war with Britain may make a declaration that she desires to resume her British nationality, and the Secretary of State, if convinced that it is desirable, may grant her a certificate of naturalization ; (iv) if the alien husband of a woman, British by birth, dies or the marriage is dissolved, the British woman need not necessarily fulfil the qualifications—*i.e.*, residence (see below) before obtaining a certificate of naturalization to become British once more.

Before an alien, either man or woman, can become naturalized, he or she must—(i) have resided in Canada for not less than one year immediately preceding the application and have previous residence, either in Canada or in some other part of His Majesty's Dominions for a period of four years within the last eight years, before the application ; (ii) be of good character ; (iii) have an adequate knowledge

of the English or French language ; (iv) intend to reside in a British dominion ; (v) take the oath of Allegiance to His Majesty.

When a certificate of naturalization has been obtained by false pretences, *or* by anyone who has since traded with or helped in any way the King's enemies, or by anyone who by the law of his old country remains a citizen of that country, or by anyone who does not live in a British Dominion, except for some special reason, for more than seven years, the certificate may be revoked. *When such a revocation is made, the wife* and children will remain British unless the Secretary of State decrees otherwise, or unless she takes out alienation papers herself. *The Secretary of State shall not decree the wife to be an alien if she were originally of British birth unless* he is convinced that she has done something which would have entitled her to revocation of her certificate had she been born an alien.

No certificate of naturalization shall be granted to any member of an alien enemy country before the expiration of ten years after the signing of Peace, unless such alien served in the war on the Allies' side, or is a member of a race or community known to be opposed to the enemy governments, or was at birth a British Subject.

An amendment to this clause is now before the Dominion Parliament to give the Secretary of State power to naturalize aliens who have been in Canada for ten years preceding 1919, if he thinks it wise to do so. This is practically assured of passing.

Turning to the New Dominion Franchise Bill, which has not yet passed its Third Reading, but is through the Committee Stage, and is not likely to be further amended in the Senate.

A.—*Those eligible to vote at Dominion Elections* are men and women, other than unenfranchised Indians, who are : (i) British Subjects by birth or naturalization ; *and* (ii) 21 years of age ; *and* (iii) have resided in Canada for one year, and the electoral district where they wish to vote for at least two months immediately preceding the issue of the writ of election.

For the purposes of this Act, the nationality of a person shall be deemed incapable of being changed, or of having

been changed, by marriage with, or change of nationality of, another person, or indeed by any other means than the personal naturalization of the would-be voter. Provided that this ruling does not apply to any person born on the Continent of North America, nor to any person who, in person, applies to and obtains from, any competent judge, a certificate that he or she has been naturalized by ordinary legal procedure, but that if he or she had not been so naturalized, he or she could have obtained this certificate to be *personally* naturalized in Canada.

The effects of these clauses are far-reaching, as will be seen from the following supposititious cases born *off* the Continent of North America :—

(*a*) A British woman married to an alien becomes an alien, unless she takes out her own nationalization papers, but does *not* lose her vote.

(*b*) A British woman, born *on* the Continent of North America, married to an alien, becomes an alien and, to get her vote, must take out her own naturalization papers, or appear before a judge.

(*c*) An alien woman, born *on* or *off* the Continent of N. America, who marries a Canadian, becomes legally a Canadian, but does not get a vote unless she goes before a judge for a voting certificate, which is only granted if she can prove that she *could* have qualified personally for British citizenship (*i.e.*, has all the necessary qualifications of residence, language, character, etc.) even if she had not married a Canadian.

This is all very complicated, and the cases given above are *my own interpretation*, not having yet had any test cases it is hard to foretell exactly how it will work out.

B.—*Those eligible to become members* of the Dominion House of Commons are : All British Subjects, men or women of the full age of 21 years.

CONGRES DE GENEVE, 1920.

FRANCE.

LA NATIONITÉ DES FEMMES MARIEÉS.

Guzanne Grinberg,
Avocate à la Cour d'Appel.

Avant la guerre, les féministes de tous les pays s'étaient deja hautement élevées contre cette loi, dure entre toutes, qui oppose un sentiment d'ordre patriotique à un sentiment d'ordre privé, qui oblige une femme animée d'un double amour pour sa patrie et pour un étranger *á* se lamenter devant ce dilemme : "Si j'épouse l'homme qie j'aime, je renie ma patrie ; si je reste citoyenne de mon pays je perds mon droit au" bonheur.

Au temps ou la paix régnait sur le monde, la souffrance des femmes mariées à des étrangers restait latente et confuse ; mais à l'heure du bouleversement de l'Europe, à l'heure ou les peuples se révélaient ennemis, les conséquences de la loi qui veut que toute femme qui épouse un étranger prenne la nationalité de son mari firent naître de grandes douleurs et engendrerent de véritables catas trophies.

Les femmes des pays belligérants ont compris plus grandement que les autres l'horreur d'une situation qui obligea certaines de leurs compatriotes à vivre dans des camps de concentration tandis que leur fortune était séquestrée ; par contre des femmes ont du vivre dans les pays en guerre contre leur patrie, libres sans doute mais objets de suspicion et de haine et affligées d'une nationalité qu'elles n'avaient ni voulue ni souhaitée.

Il est inutile de rapporter ici des faits concernant les situations auxquelles je fais allusion, les femmes de pays belligérants les ayant suffisamment connues, les femmes des pays neutres les ayant très certainement devinés.

Tout le mal théorique de cette loi que les féministes ont dénoncé s'est donc pratiquement démontré pendant la guerre et il est superflu de s'appesantir sur ce que ces textes legislatif sont d'injuste et de révoltant.

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Le trés grand malheur c'est que cette loi est en vigueur dans la plupart des grands et des petits etats d'Europe et dans l'Amérique du Nord. Elle est en effet par ordre alphabétique des nations celle des pays suivants :———

Angleterre.	Belgique.	Italie.
Allemagne.	Etats unis	Suisse et était celle de la
Autriche.	France.	Russie tsariste.

Les législations de Danemark, Suède, Hollande ne mentionnent rien de prècis à cet égard mais d'après le rapport envoyé à Jus Suffra gii par Mme. Mata Hansen, assistante au département des statistiques à Copenhague (n° de Sept. 1918) il apparaitrait que la règle générale indiquée plus haut est é galement suivie au Danemark.

Dans les pays de l'Amérique du Sud la législation est également muette *á* cet égard ; il faut noter cependant qu'une loi argentine dispose que l'étranger qui épouse une argentine devient Argentin. Nous n'avons trouvé aucun texte concernant la situation d'une femme qui épouse un Brésilien.

Un seul pays : la république de Haiti décide que la femme haitienne qui épouse un étranger conserve sa nationalité.

Si toutes les féministes sont d'accord pour demander le maintien de la nationalité pour une femme qui épouse un étranger, les juristes et les législateurs semblent au contraire préconsi ser l'unité de nationalité dans le mariage.

Le grand argument invoqué-c'est *nécessité de la patrie commune* et cette patrie ne peut pas être celle de la femme puisqu'elle doit obéir à son mari et le suivre partout dans ses changements de résidence.

M. Cogordan auteur français d'un important ouvrage sur la nationalité a écrit : " Cette règle est comme un corollaire des principes sur lesquels est fondé le mariage. En se mariant la femme se soumet à son mari, chef de la communauté ou de l'association conjugale ; Il est donc naturel que les deux époux aient la même nationalité."

D'ailleurs, explique l'auteur, le fait d'épouser un étranger indique qu'il y a volonté de la part de la femme de changer de nationalité.

"Cette volonté est *manifestée clairement* par le fait même du mariage ; La femme libre de ne pas se marier sait à quoi elle s'expose en se mariant."

Ce n'est pas exact. La femme que épouse un étranger *ne manifeste pas clairement* sa volonté de prendre une autre nationalité ; cette volonté n'est exprimée ni par une acceptation, ni par une déclaration. Beaucoup de femmes, d'ailleurs, ignorantes des lois ont, en tous pays, épousé des étrangèrs. En épousant un étranger une femme épouse un homme et nonpas le ressortissant d'un pays quelconque ; Sa décision repose sur l'individualité du futur conjoint et non pas sur sa nationalité.

Le système juridique de la nécessité d'une patrie commune serait soutenable si le changement de nationalité de l'époux au cours du mariage emportait nécessairement le changement de nationalité de l'épouse. Mais une naturalisation n'a d'effets qu' àl'égard, de l'individu qui la sollicite ; or on peut parfaitement concevoir l'hypothése suivante : un homme épouse uné étrangère et s'installe dans un pays qui n'est ni le sien ni celui de sa femme. Pour une raison quel conque il demandera la naturalisation et deviendra citoyen de ce pays ; dès lors sa femme n'aura ni sa nationalité propre ni celle de son mari. Est-cela qu'on appelle la patrie commune ?

D'autre part la femme peut généralement être réin tégrée dans sa nationalité d'origine sous certaines conditions de résidence. Dans ce cas encore la "patrie commune" n'est plus qu'un mot.

* * *

Pendant la guerre les conséquences de la loi contre laquelle nous nous élevons n'ont point échappé aux législateurs. Nous n'avons aucun renseignement précis sur l'état parlementaire de la question à l'étranger mais en France deux propositions ont été émises l'une par MM. Honnorat et Landry l'autre par M. Ernest Lafont. Chargé par la Commission compétente de la Chambre des Députés de rédiger un texte définitif M. Lafont à soumis une proposition de loi qui à été adoptée dans les termes suivants.

ARTICLE I.

"L'étrangère qui aura épousé un français conserve sa nationalité à moins qu'elle ne déclare expressément devant l'officier de l'Etat civil opter pour la nationalité de son mari.

"Lorsque le mariage aura été contracté suivant les formes d'une loi étrangère la femme pourra faire la déclaration prévue au paragraphe precedent devant le Consul de France ou devant l'officier des l'Etat civil de son nouveau domicile en France.

"Cette déclaration devra être faite dans le délai de deux mois à dater de la célébration du mariage.

ARTICLE II.

"La femme française qui épouse un étanger reste française à moins qu'elle ne déclare expressément devant l'officier de l'Etat civil opter pour la nationalité de son mari.

"Lorsque le mariage aura été contracté suivant les formes d'une loi étrangére la femme pourra faire la déclaration d'option prévue au paragraphe précedént devant le Consul de France ou devant l'officier de l'Etat civil français si son domicile se trouve en Français.

ARTICLE III.

"Il (le maire) fera également lecture des articles 12 and 13, du Code civil relatifs à la nationalité de la femme mariée et demandera à la future épouse si elle entend exercer le droit d'option que lui confèrent les dits textes.

Cette loi satisfait nos désire mais elle est muette sur l'effet retroactif qu'elle pourrait avoir et que nous souhaitons vivement. Pendant la guerre il y a eu beaucoup de mariages entre ressortissants de pays alliés. En France, en particulier, le nombre de femmes unies à nos amis de Belgique d'Amérique ou d'Angleterre à été très grand. Toutes ces nouvelles Belges, Américaines, Anglaises souhaiteraient que les dispposituons nouvelles concernant la nationalté fassent état des mariages antérieurs. Nous voudrions donc que tontes les femmes mariées à des étrangers depuis moins de dix ans puissent reintégrer leur nationalité d'origine dans l'année qui suivra la promulgation de la loi en faisant une déclaration à une autorité compétente qui serait expressément indiquée dans le texte de loi.

* * *

Avant de venir à Genève nous avons demandé à M. le député Lafont ce qu'il pensait du sort de sa proposition de loi. Il nous a répondu que ses collègues en comprenaient tous l'importance mais qu'ils redoutaient que la législation française ne soit pas suivie par les Parlements étrangers.

Cette objection sera nous le croyons générale. C'est pourquoi il nous faut en tous pays lutter sans cesse pour la réforme souhaitée puisque, toutes, nous voulons rester les citoyennes de notre pays.

LE DOMICILE DE LA FEMME MARIÉE.

La femme mariée n'a pas d'autre domicile que celui de son mari, ont décidé les hommes qui ont fait les lois. Cette disposition-encore d'ordre public—n'empêche pas pratiquement la femme d'avoir un domicile séparé. En droit français cependant un propriétaire pourrait ne consentir aucune location à une femme non autorisée à louer par son mari.

Mais il y a une grande différence entre le domicile *de fait* et le domicile *legal*. Le domicile *legal* est le *seul* dont la détermination ait des effets légaux (actes de l'Etat civil signification des actes judiciaires ou extra judiciaires—détermination de la compétence des tribunaux, etc. . . .)

Il est extremement injuste de considérer que la femme mariée ne peut avoir d'autre domicile légal que celui de son mari. Quand les époux vivent en bonne intelligence il est normal que le domicile légal soit let domicile commun mais quand pour un raison quelconque la femme se sépare de son mari, avant que la Justice dont les décisions se font parfois longtemps attendre ait tranché le différend, il est rationnel qu'elle ait droit à la reconnaissance légale de son nouveau domicile.

Si la femme ne peut avoir ce droit, alors que l'on aille en arrière ; qu'on décide que le mariage sera indissoluble, que la femme n'aure d'autre volonté que celle du mari, d'autre vie que la sienne et qu'on la condamne à mourir le jour du décès de son maitre.

Mais si l'on admet qu'une femme peut avoir une personalité, si on reconnait qu'elle a un jugement et une conscience, si on ne lui conteste pas le droit de vivre indépendante et libre alors qu'on lui donne les droits conféres aux hommes sans réticences ni exceptions.

SUZANNE GRINBERG,
Avocate à la Cour de Paris.

Juin 1920.

FRENCH FEMINISTS' PROPOSALS.

A.—NATIONALITE. *Vœu.*

1e.—Que la femme qui épouse un étranger garde sa Nationalité d'origide à moins qu'elle ne déclare formellement au moment ou du mariage, opter pour la nationalité de son mari.

2e.—Que les femmes mariées à des étrangers depuis moins de 10 ans, puissent réintégrer leur nationalité d'origine par une déclaration faite à une autorité compétente dans l'année qui suivra le promulgation de la loi.

3e.—En cas d'option pour la nationalité du mari la femme pourra reprendre sa nationalité d'origine.

1e.—En cas de veurage, divorce ou séparation de corps.

2e.—Au cours du marriage en sollicitant sa réintepation qui lui sera accordée au bout de 3 ans de residence dans sou pays d'origine.

B.—DOMICILE.

Que le domicile legal de la femme sort au lieu de son réet l'etablissement c.à.d. au domicile commun les époux vivent ensembles, à son domicile de fact si les époux sont séparés.

GREAT BRITAIN.

BRITISH LEGISLATION ON THE SUBJECT OF THE NATIONALITY OF MARRIED WOMEN, BY THE RT. HON. SIR WILLOUGHBY DICKINSON, K.B.E.

(*A Paper Read at the International Woman Suffrage Alliance, Geneva, June,* 1920).

I have been asked to put together a few observations on the recent legislation by the British Parliament affecting the nationality of married women.

Prior to 1870 the law on this subject in England, and in many English-speaking lands, including the United States of America, differed from that which prevailed in countries on the Continent of Europe.

In countries which drew their system of jurisprudence from Roman law the nationality of a wife followed that of her husband. In England it did not. The governing principle of British nationality law was that a British

national remained a British national unless he or she voluntarily abandoned that nationality and marriage of itself did not constitute such abandonment. Thus a British woman who married a foreigner remained British. A similar state of things prevailed in the United States and in some of the British Colonies.

However, in 1870, it became necessary to re-shape the whole law of nationality and the subject was exhaustively investigated by a Committee of Parliament. Amongst other questions that of the nationality of married women was considered, but it appears to have been treated very cursorily and without consultation with women or anyone who might have put forward the woman's view of the case. In their report the Committee pointed out the difference that existed between British and Continental law and gave it as their opinion that there would be an advantage if the law were made uniform in all lands. They accordingly recommended that the nationality of a wife should follow that of her husband, and this was given effect to in the Nationalization Act 1870.

A few years before the war the question of nationality throughout the British Empire was made the subject of discussion at conferences of representatives from all parts of the Empire. The law and practice of nationalization differed in different colonies and it was felt to be desirable that they should be made uniform as far as possible. Accordingly, in the Spring of 1914, a Bill for this purpose was introduced into the House of Commons, by which many of the provisions of the Act of 1870 were re-enacted and made to apply to the whole Empire. Amongst these were the sections that regulated the nationality of wives and widows.

This Bill was the result of agreement between the English Government and those of the Dominions beyond the Seas, and it was therefore most difficult for members of Parliament to obtain any alteration in it. However, I raised the question of the status of married women and considerable debate took place. My proposal was that we should revert to the law that prevailed up to 1870 or, at any rate, that we should give to every woman the right upon marriage to a foreigner, to declare whether she should assume his nationality or retain her own. All my attempts in this direction were fruitless. It was argued by some that it was impossible for a man and wife to be of different nationalities, and by others that even if possible it would be absurd. It was useless to point out that for centuries

before 1870 the impossible had been possible and the absurd had been regarded as reasonable and expedient.

However, the discussions that then proceeded attracted attention and several women's organisations, both at home and in the Colonies, took up the question. Nevertheless the Bill became law ; but with certain changes which were assented to by the Government in view of the criticism that was directed to some of the more patent injustices of the existing law.

For example, Clause 10 of the Bill proposed that the wife of a British subject should be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien. In this Clause we succeeded in introducing the following proviso : " Provided that where a man ceases, during the continuance of his marriage, to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject." Also an improvement was agreed to in Clause 2 (5) with reference to British-born widows of aliens. The means of regaining their old nationality were made easier and the privilege was extended to cover the case of dissolution of marriage as well as the death of the husband.

These changes in the law were made at a time of peace and our contentions in regard to them were regarded as academic and of little practical importance, and it is true that they affected but few individuals, although the correspondence received by me during the controversy undoubtedly disclosed the existence of some very hard cases. But when war supervened the academic became actual and the nation was at once faced with a real problem. Thousands of British-born women who had married aliens discovered that they were regarded and treated as enemies, as in fact they were by law, though all their sympathies were with England.

These women had never left their native land ; many of them had reared children, all British subjects ; but they themselves were enemies ; compelled to be so by the law of the land. And at the same time women of enemy origin who had married Englishmen were Englishwomen and treated as such. These might sympathise with the enemy : they might even be spies in our country ; but their liberty was assured to them, whilst the British-born wife was treated as an outcast. In thousands of cases the law inflicted cruel injustice and suffering on most innocent women.

But nothing could be done. The unfortunate wife of a German had little sympathy extended to her even though she were British in every fibre of her body. It was only one more of the many tragedies of war.

But in 1918 the matter came up once more in Parliament. In that year a Bill was introduced for the purpose of ridding the country of men of enemy origin who had become naturalized British subjects and had, nevertheless, so misbehaved themselves as to render it expedient that their naturalization should be revoked.

The Bill laid down certain classes of mis-doing which would entitle the Home Secretary to de-nationalize a man and to return him to his original country, and in doing so it proposed that the Home Secretary should have power to de-nationalize the wife also. Thus, a woman, British-born and never anything but British, inasmuch as her husband had been a naturalized British subject, was, through no fault of her own, to be converted into a German and to be deported to Germany.

Such a proposition appalled the House of Commons even at a time when the anti-alien fever was at its height, and in the end those of us who took up the cudgels on behalf of the women were able to secure modifications and Section 7A of the British Nationality and Status of Aliens' Act 1918 now provides : (1) that, in cases of revocation, the nationality of the wife shall not be affected unless the Home Secretary by order so directs, and (2) that where the wife was at birth a British subject, the Home Secretary shall not make any such order unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked. In other words, no British-born woman can be converted into an alien unless she herself has been guilty of an act of disloyalty to her own country.

That our efforts in 1914 and 1918 have borne fruit became evident when further legislation affecting aliens was introduced in 1919. The Aliens Restriction (Amendment) Act of that year imposed very severe restrictions upon former enemy aliens. It required their immediate deportation (unless exempted by the Home Secretary) ; it prohibited them from landing in the United Kingdom or staying there for more than three months without licence ; it forbade them to hold land or shares in British companies ; or to act as a pilot in British ports, or to serve in the crew of a British ship.

Under the law, as it stood, all these provisions would have applied to the wives of such aliens but, by this time, the British Government was awake to the claims of the British-born wife and the following proviso was added to Section 15 of the Act, viz. :—" Provided that the special provisions of this Act as to former enemy aliens . . . shall not apply to any woman who was at the time of her marriage a British subject."

The provisions in these Acts may appear at first sight to be of slight importance since they cannot affect a large number of individuals. To those who are affected they are of course of immense moment. But, they have an indirect value that is not at first apparent, but may be far-reaching in effect. They are an admission on the part of the British Parliament that in certain cases the proposition that a husband and wife should have different nationalities is justified ; they dispose finally of all objections based on general principle. If, as under S.10 of the Act of 1914, a wife may choose to remain British, notwithstanding that her husband adopts a French nationality, there seems no reason why a girl, when marrying a Frenchman, should not be allowed to remain an Englishwoman if she so wishes. It may be that in the majority of cases she will desire to become French. Nobody wants to prevent her. All that is urged is that the State should not compel her against her will to forfeit her British rights. If there were some great benefit to the community arising from her sacrifice of citizenship something might be said for it ; but there is none, except, perhaps, a certain amount of convenience accruing to Government departments in the administration of the laws of nationality. On the other hand, a larger question arises in this connection, namely, the terms of partnership involved in matrimony. Is this most solemn of all contracts to be a partnership on equal terms or is it always to be under conditions that favour the man at the expense of the woman ? Civilised communities are gradually emerging from the stage where a woman, when she marries a husband is considered to become his property. In most countries the law has now ceased to compel her to present him with all her wealth. It has secured to her her earnings, and it has given her various rights against him. This is all in the right direction ; but women cannot, and ought not, to be content until husband and wife stand in the eye of the law on an equal footing.

Amongst other things that remain to be done ere this consummation is finally attained is the change in the law

of nationality. A man, when he marries a foreigner, may choose whether he will retain or alter his citizenship. Why should a woman not have the same right ? This is a simple question. Can anyone give any valid answer ?

DEAR MADAM,—

I understand that the laws dealing with the nationality of married women are to be discussed at your international meeting. As one of the sufferers under these laws, may I be permitted to make a few remarks.

First, with regard to the importance of international agreement on the laws of nationality. I agree that this would be preferable, but I think that if international agreement is waited for, women will be forced for many long years to come to take their husband's nationality ; whereas if one country (England, for instance) will boldly lead the way, one by one the others will surely follow suit. You may recall the fact that a few years ago, Miss Rankin, the lady representative in the American Parliament introduced a Bill urging that American women married to foreigners be allowed to retain their own or choose if they wished their husband's nationality upon marriage to a foreigner. I read the debate which followed every carefully. The *great* majority of American men were tooth and nail against the Bill, they spoke as if they had no consideration at all for the women's feelings or her point of view ; therefore, it makes me think, that America, for one, will stand out. In this case, are we, the British wives of Americans to be deprived of the birthright of our British nationality, because England waits for America to agree and will not bravely lead the way ? My experience of Americans is that (as a whole) they literally can't understand the foreign wife of an American who does not infinitely prefer their nationality to her own. They seem surprised when I continue to call myself British and admit I would prefer to be a British subject.

Now as to the actual disadvantages to a British subject who becomes an American citizen. They are, as follows :—

Re Passports.

All American citizens on applying for a passport, are forced to take an oath of allegiance to America. The wretched foreign wives are not excused. The oath runs as follows :—

" Further, I do solemnly swear that I will support and defend the constitution of the United States against all her enemies foreign and domestic ; that I will bear true faith and allegiance to the same ; and that I take this obligation freely without any mental reservation or purpose of evasion, so help me God."

It appears to me that the most that should be demanded of a foreign wife who becomes a citizen of another country *against her will*, is neutrality. Some sort of respect should be shown to natural feelings. One marries a man not a country, and women would be likely to feel far more kindly towards their husband's country, were they allowed to remain citizens of their own. From personal observation of many foreign wives, the effect of this forced citizenship seems to me to make the women *dislike* her husband's country.

For years I have remained here without a passport, unable to visit English and see my own people, because I refused the oath of allegiance to America. When the Germans advanced towards Paris in 1918, I was here. The British and Americans around me prepared their passports to go, I remained without one, and made up my mind to die with the French, if need be. But was it right to place me in such a position ? I had committed no sin, but had merely done what many a man does—married a foreigner. England does not force the foreign wife of an Englishman to swear allegiance, neither does France.

I have finally given way. I have been ill all the winter and am still in bad health, I feel I *must* go home this year. I have told you my case, in order to show you how much an Englishwoman who married an American may be made to suffer.

Then there is another thing I should like to mention. After a certain number of years out of America (less than twenty) an American citizen loses his citizenship and can neither claim passports nor protection. His wife who is apparently regarded as his chattel, suffers with him. Now suppose the following case :—

An American man has been thirty years out of America, possibly because he prefers European life, or he may be settled abroad as a doctor or something else. Let us suppose he refuses to return and visit America, and doesn't care whether he loses his nationality or not. His foreign wife can neither get the protection of his country or her

own. Her own has cast her off as an alien, and unless she can induce her husband to visit America, she is stranded with no nationality as all. Her nearest and dearest relatives can die, but she'll get no passport to enable her to go and say goodbye. She is merely the slave of her husband's will, a chattel—an appendage—nothing more. Now, the foreign wife of an Englishman, no matter where they live, at least is protected by her husband's country as long as she remains an Englishman's wife. All countries are equal sinners in forcing a woman to take her husband's nationality, but few countries, if any, are as hard as America with regard to foreign residence, or merely protracted absence for its citizens.

I think the confusion which might arise from the laws of the countries not being in agreement on this point, is greatly exaggerated. For instance, take the case of our son, who was born in France. America considers him American because he has an American father, and France considers him French because he was born here. If we were unscrupulous, we could have two passports for him, one French and one American. This will be the case until he is eighteen, when he will choose one country or the other. It doesn't cause any confusion. He has an American passport and there the matter ends. Now, if England gave women their own nationality and America didn't, I should be considered English by England and American by America. What of it? America couldn't prevent England from giving me a passport. It would practically amount in disputes to a question of where I was domiciled. If any trouble arose, and I were claimed by both countries, English law would triumph in England, and American law would triumph in America, and at least one would be spared the pain and humiliation of registering as an alien in one's own land.

I beg those of you who are *free*, to give your earnest consideration to this matter, and do all in your power to influence the British Government on our behalf.

Yours very truly,

MARY E. F. LEE.

To the Women's International Council.

SWITZERLAND.

Propositions du Comité Central, concernant.

LA NATIONALITÉ DE LA FEMME MARIEE.

PRESÉNTÉ A L'ASSEMBLÉE GÉNÉRALE DE L'ASSOCIATION SUISSE POUR LE SUFFRAGE FÉMININ.

1. La femme qui épouse un ressortissant d'un pays étranger garde sa nationalité propre.

2. La femme acquiert, de plus, par son mariage, la nationalité de son mari.

3. Les droits de la propre nationalité de la femme restent suspendus aussi longtemps qu'elle n'est pas dans son pays d'origine.

4. Les conséquences de droit civil du mariage sont réglées par la loi nationale du mari, pour autant que la nationale entre en question. Reste réservé le droit de la femme de demander le divorce dans son pays d'origine lorsque la loi nationale du mari ne permet pas le divorce.

5. Un des époux ne peut changer de nationalité sans le consentement de l'autre.

6. Les enfants issus du mariage suivent la nationalité du père. Ils possèdent cependant le droit d'opter au cours de leur dix-huitième année pour la nationalité de la mère.

7. En cas de guerre, les enfants vivant avec leur mère dans le pays d'origine de celle-ci sont mis au bénéfice, jusqu'à l'age de dix huit ans révolus, des avantages qui sont accordés à leur mère par son droit national.

Exposé de Motifs.

Les 7 thèses ci-dessus ont été formulées dans l'idée qu'elles seraient proposées par l'Association suisse poule Suffrage des Femmes, en vue d'un règlement international de la question. Il va sans dire qy'aucun pays isolé-surtout pas un pays aussi petit que la Suisse—ne peut décider, à lui tout seul, de questions de ce genre. Toutefois les thèses ont été fixées de telle façon qu'elles ne soient pas en contradiction avec les mesures en vigueur chez nous.

1 et 2. Le fait que la femme qui épouse le ressortissant d'une autre nationalité puisse avoir une double nationalité est analogue au cas ou un citoyen Suisse est né dans certains pays étrangers, ou qu'il acquiert plus tard une nationalité étrangère. Il ne perd pas sa nationalité suisse pour cela, et il est de fait qu'un grand nombre de Suisses et de Suissesses possèdent aujourd'hui même une double nationalité.

3. Cette mesure a été ajoutée pour éviter l'abus que pourrait faire une femme de sa double nationalité. Cela doit lui rendre impossible de bénéficier des avantages de l'une des nationalités et de se soustraire aux ennuis de celle-ci en se réclamant de l'autre. Il reste à discuter si l'art. 3 ne pourrait pas être laissé de coté, car en pratique les droits du pays de domicile seront toujours ceux exercés activement, tandis que les autres resteront à l'état latent.

4. Il va de soi que l'union matrimoniale ne peut être régie que par un seul droit. Mais la femme sera libre de demander le divorce dans sa patrie, pour les cas où la loi nationale de son mari ne reconnaît pas le droit de divorce, comme c'était le cas jusqu'ici.

5. Si l'égalité complète des deux sexes ne devait pas etre reconnue sur ce point, il faudrait au moins demander que l'homme ne puisse pas changer de nationalité sans que sa femme ne le sache et qu'elle—même reste libre de l'adopter ou non. Cela susciterait probablement de nouvelles difficultés quant aux enfants et de graves ennuis pour la femme en cas de guerre.

6. L'age de dix-huit ans, pour l'option a été choisi en vue de l'établissement des tableaux de recrutement militaire. Cas échéant on pourrait reporter l'option à l'âge de la majorité.

7. L'art. 7 tend à empêcher que des enfants ou des adolescents ayant été élevés dans le pays d'origine de leur mère, ne puissent être traités comme enemis de ce pays en cas de guerre, y être internés ou être "rapatriés" dans le pays de leur père. Comme la mère n'aura plus à subir ces mesures selon l'art. 1, le sort des enfants transférés seuls dans un pays dont ils ne connaissent peut-être pas même la langee pourrait en devenir encore plus dur que pendant la dernière guerre.