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Two Hundred Years Later?

Yvonne van der Klip Stam

Women have been writing about the problems of women in America since before the beginning of the nation. Women have often made large steps toward equal treatment during periods of conflict only to lose them when the conditions, political or economic, regained some sort of normalcy.

From the earliest periods of colonial history women worked as hard as men to carve a toehold in the wilderness of the ever-retreating frontier; but as vast areas of the country became civilized and prosperous, women lost their equal status and began to fill purely 'female' roles.

In every war fought in the history of the nation, women have played an important part: Deborah Gannet, for instance served in the Continental Army before being discovered; Sarah Banche, Benjamin Franklin's daughter, and others helped provide clothing for that army; and many women replaced male workers in the factories during the later wars. But even in the time of the American Revolution women were aware that only men were considered equal. This awareness prompted Abigail Adams to write to her husband John in 1776:

"I long to hear that you have declared an independency. And, by the way, in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no

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voice or representation.

That your sex are naturally tyrannical is a truth so thoroughly established as to admit of no dispute; but such of you as wish to be happy willingly give up the harsh title of master for the more tender and endearing one of friend. Why, then, not put it out of the power of the vicious and the lawless to use us with cruelty and indignity with impunity? Men of sense in all ages abhor those customs which treat us only as the vessels of your sex; regard us then as beings placed by Providence under your protection, and in imitation of the Supreme Being make use of that power only for our happiness."

Mrs. Adam's prediction of rebellion did not bear fruit during her own lifetime, but she was a harbinger of the fight to come.

Over the next half century the energies of women were centered on two main objectives: a better education and the abolition of slavery. Emma Willard, for example, barred from the University of Middlebury because of her sex, educated herself and eventually opened the Troy Female Seminary in 1821 in Troy, New York.

One of the many women educated there was Elizabeth Cady Stanton, who, with Lucretia Mott and other activist women, organized the Seneca Falls convention of 1848 which produced the Seneca Falls Declaration of Sentiments:

"When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they were accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute
depotism, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men—both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master—the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women—the law, in all cases, going upon the false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she received but a scanty remuneration. He closes against her all the avenue to wealth and distinction which he considers most honorable to himself. As a
teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

He allows her in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church.

He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half of the people of this country, there social and religious degradation—in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and National legislatures, and endeavor to enlist the pulpit and the press in our behalf. We hope this Convention will be followed by a series of Conventions embracing every part of the country.

RESOLUTIONS

WHEREAS, The great precept of nature is conceded to be, that "man shall pursue his own true and substantial happiness." Blackstone in his Commentaries remarks, that this law of Nature being equal with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries and at all times; no human laws are of any validity if contrary to this, and such of them as are valid, derive all their force, and all their validity, and all their authority, mediately and immediately, from this original; therefore,

RESOLVED, That such laws as conflict, in any way, with the true
and substantial happiness of woman, are contrary to the great precept of nature and of no validity, for this is "superior in obligation to any other."

RESOLVED, That woman is man's equal—was intended to be so by the Creator, and the highest good of the race demands that she should be recognized as such.

RESOLVED, That the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.

RESOLVED, That inasmuch as man, while claiming for himself intellectual superiority, does accord to woman moral superiority, it is pre-eminently his duty to encourage her to speak and teach, as she has an opportunity, in all religious assemblies.

RESOLVED, That the same amount of virtue, delicacy, and refinement of behavior that is required of woman in the social state, should also be required of man, and the same transgressions should be visited with equal severity on both man woman.

RESOLVED, That the objection of indelicacy and impropriety, which is so often brought against woman when she addresses a public audience, comes with a very ill-grace from those who encourage, by their attendance, her appearance on the stage, in the concert, or in feats of the circus.

RESOLVED, That woman has too long rested satisfied in the circumscribed limits which corrupt customs and a perverted application of the Scriptures have marked out for her, and that is is time she should move in the enlarged sphere which her great Creator has assigned her.

RESOLVED, That it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise.

RESOLVED, That the equality of human rights results necessarily from the fact of the identity of the race in capabilities and responsibilities.

RESOLVED, THEREFORE, That, being invested by the Creator with the same capabilities, and the same consciousness of responsibility for their exercise, it is demonstrably the right and duty of woman, equally with man, to promote every righteous cause by every righteous means; and especially in regard to the great subjects of morals and religion, it is self-evident her right to participate with her brother in teaching them, both in private and in public by writing.
and by speaking, by any instrumentalities proper to be used, and in any assemblies proper to be held; and this being a self-evident truth growing out of the divinely implanted principles of human nature, any custom or authority adverse to it, whether modern or wearing the hoary sanction of antiquity, is to be regarded as a self-evident falsehood, and at war with mankind.

RESOLVED, That the speedy success of our cause depends upon the zealous and untiring efforts of both men and women, for the overthrow of the monopoly of the pulpit, and for the securing to woman an equal participation with men in the various trades, professions, and commerce.  

The next years were years of ferment in every field: religion, education, and the law among them.

In 1848, for example, New York passed a Married Woman's Property Act. Massachusetts did the same in 1854.

To express dissatisfaction about the prevailing characteristics of the institution of marriage itself, many couples made declarations such as that made by Henry Blackwell and Lucy Stone in 1855:

PROTEST

"While acknowledging our mutual affection by publically assuming the relationship of husband and wife, yet in justice to ourselves and a great principle, we deem it a duty to declare that this act on our part implies no sanction of, nor promise of voluntary obedience to such of the present laws of marriage, as refuse to recognize the wife as an independent, rational being, while they confer upon the husband an injurious and unnatural superiority, investing him with legal powers which no honorable man would exercise, and which no man should possess. We protest especially against the laws which give to the husband:

1. The custody of the wife's person.

2. The exclusive control and guardianship of their children.

3. The sole ownership of her personal, and use of her real estate, unless previously settled upon her, or placed in the hands of trustees, as in the case of minors, lunatics, and idiots.

4. The absolute right to the produce of her industry.

5. Also against laws which give to the widower so much larger and more permanent an interest in the property of his deceased wife, than they give to the widow in that of the deceased husband.

6. Finally, against the whole system by which "the legal existence of the wife is suspended during marriage," so that in most
States, she neither has a legal part in the choice of her residence, nor can she make a will, nor sue or be sued in her own name, nor inherit property.

We believe that personal independence and equal human rights can never be forfeited, except for crime; that marriage should be an equal and permanent partnership, and so recognized by law; that until it is so recognized, married partners should provide against the radical injustice of present laws, by every means in their power.

We believe that where domestic difficulties arise, no appeal should be made to legal tribunals under existing laws, but that all difficulties should be submitted to the equitable adjustment of arbitrators mutually chosen.

Thus reverencing law, we enter our protest against rules and customs which are unworthy of the name, since they violate justice, the essence of law.”

(Signed), HENRY B. BLACKWELL, LUCY STONE

Lucy Stone had for some years been a very vocal advocate of both abolition and women’s rights. Many hoped that her marriage would cause her to retire from political debate; the Boston Globe for the occasion printed this poem:

“A Name Like Curtius’ shall be his,
On fame’s loud trumpet blown,
Who with a wedded kiss shuts up
The mouth of Lucy Stone.”

Their hopes were unfounded however, for Lucy Stone not only continued her speeches in favor of women’s rights and abolition, but she continued to use her maiden name, thereby causing a fresh uproar and inspiring many other women to follow her example.

The abolitionist movement and the feminist movement were very often twin concerns of proponents. Certainly the women’s movement owes a great deal to the abolitionists because it was as abolitionists that women got their first training in speaking before large mixed audiences. Although often abused and ridiculed when they first presumed to speak, it was on abolitionist platforms that women got the necessary experience. Sarah and Angelina Grimke, two Quaker women who were among the first women to speak publicly against slavery, were also among the first to speak in public for the rights of women.

If it often seems from reading history books that all the abolitionist were white, this is hardly a fair picture. Frances Ellen Watkins Harper was the daughter of free parents. After the Fugitive Slave Act was passed she began to work with the Underground Railroad and to write poetry about her ex-
periences. She became an anti-slavery lecturer with a wide reputation. Harriet Tubman, another member of the Underground Railroad, conducted many slaves out of the South, having herself escaped from slavery.

Although there were many other black women active in abolition and women’s rights movements, perhaps the most famous was Sojourner Truth who summed up her own truth about the connection between the two when, at a women’s rights convention in 1851, she said:

“The man over there says women need to be helped into carriages and lifted over ditches. Nobody ever helps me into carriages or over puddles, or gives me the best place—ain’t I a woman?

Look at my arm! I have ploughed and planted and gathered into barns and no man could head me—and ain’t I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain’t I a woman? I have born thirteen children and seen most of ’em sold into slavery, and when I cried out with my mother’s grief, none but Jesus heard me—and ain’t I a woman?”

In the sphere of education, women were finally beginning to break into professional training. After many years of intense suffering and deprivation Elizabeth Blackwell graduated from medical school and in 1857 opened the New York Infirmary staffed entirely by women. Dr. Anna Howard Shaw, a pioneer woman minister, studied theology at Boston University. Women were beginning to be admitted to the bar. Although Mrs. Bradwell lost her fight to be admitted to the Illinois bar in 1852 in a battle which reached the United States Supreme Court, seven years later another woman, Belva Lockwood, was admitted to practice before that very Court. The same year that Mrs. Bradwell lost her case, Charlotte E. Ray became the first black woman lawyer to graduate from Howard University.

None of these victories were easy: the opposition to women who chose to use their minds were strong and tenacious, often citing God as their authority, for from Him there can be no appeal. Mr. Justice Bradley in his concurring opinion in Bradwell v. State exemplified this technique when he wrote:

“[T]he civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband. So firmly fixed
was this sentiment in the founders of the common law that it became a maxim of that system of jurisprudence that a woman had no legal existence separate from her husband, who was regarded as her head and representative in the social state; and, notwithstanding some recent modifications of this civil status, many of the special rules of law flowing from and dependent upon this cardinal principle still exist in full force in most States. One of these is, that a married woman is incapable, without her husband’s consent, of making contracts which shall be binding on her or him. This very incapacity was one circumstance which the Supreme Court of Illinois deemed important in rendering a married woman incompetent fully to perform the duties and trusts that belong to the office of an attorney and counsellor.

It is true that many women are unmarried and not affected by any of the duties, complications, and incapacities arising out of the married state, but these are exceptions to the general rule. The paramount destiny and mission of women are to fulfil the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things, and cannot be based upon exceptional cases.”

It was at about this time that suffrage became the principal focus of the women’s movement. Susan B. Anthony had joined the ranks of the active feminists and soon became one of the movement’s prime organizers. With Elizabeth Cady Stanton and Victoria Woodhull, among others, she began in 1869 a single minded concentration on suffrage that over the next fifty years devoted itself to a state-by-state battle for the ballot culminating in the ratification of the 19th Amendment to the Constitution in 1920.

So much energy had been devoted to this single cause that when the vote was gained it seemed almost as though the movement had spent itself, for it went into a decline from which it did not visibly emerge until the early sixties.

The revival of feminism is in many ways different from its earlier stage, although this may in large part be due to what the early feminists accomplished. They were more concerned with substantive legal change—property rights, child custody, divorce, suffrage, and others. In addition to filling in some of the substantive right gaps, we today are more concerned with social attitudes and the exercise of legal rights. Although modern-day feminists have advocated the passage of some reform legislation particularly, the Equal Rights Amendment, much of the focus of the movement is on social and cultural changes.
FOOTNOTES


5. Stanton, pp. 115-117.