

Ourselves and Our Daughters Forever: Women and the Constitution

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In 1876, the United States celebrated one hundred years as an independent nation dedicated to the proposition that all men are created equal. The capstone of the celebration was a public reading of the Declaration of Independence in Independence Square, Philadelphia, by a descendant of a signer, Richard Henry Lee.

Elizabeth Cady Stanton, who was then president of the National Woman Suffrage Association, asked permission to present silently a women's protest and a written women's Declaration of Rights. Her request was denied. "Tomorrow we propose to celebrate what we have done the last hundred years," replied the president of the official ceremonies, "not what we have failed to do."

Led by Susan B. Anthony, five women appeared nevertheless at the official reading, distributing copies of their own Declaration. After this mildly disruptive gesture, they withdrew to the other side of the symmetrical Independence Hall, where they staged a counter-Centennial. "With sorrow we come to strike the one discordant note, on this one-hundredth anniversary of our country's birth," Susan B. Anthony declared.

Although the rhythms of her speech echoed the Declaration of Independence, as was fitting for the day--"The history of our country the past hundred years has been a series of assumptions and usurpations of power over woman ."-- the substance of her speech was built on references to the Constitution. Anthony and the women for whom she spoke were troubled by the discrepancy between the universally applicable provisions of the Constitution and the specificity of the way in which these provisions were interpreted to exclude women. For example, since all juries excluded women, women were denied the right of trial by a jury of their peers. Although taxation without representation had been a rallying cry of the Revolution, single women and widows who owned property paid taxes although they could not vote for the legislators who set the taxes. A double standard of morals was maintained in law, by which women were arrested for prostitution while men went free. The introduction of the word "male" into federal and state constitutions, Anthony asserted, functioned in effect as a bill of attainder, in that it treated women as a class, denying them the right of suffrage, and "thereby making sex a crime."

Anthony ended by calling for the impeachment of all officers of the federal government on the grounds that they had not fulfilled their obligations under the Constitution. Their "vacillating interpretations of constitutional law unsettle our faith in judicial authority, and undermine the liberties of the whole people," she declared.

Special legislation for woman has placed us in a most anomalous position. Women invested with the rights of citizens in one section--voters, jurors, officeholders--crossing an imaginary line, are subjects in the next. In some States, a married woman may hold property and transact business in her own name; in others her earnings belong to her husband. In some States, a woman may testify against her husband, sue and be sued in the courts; in others, she has no redress in case of damage to person, property, or character. In case of divorce on account of adultery in the husband, the innocent wife is held to possess no right to children or property, unless by special decrees of the court. In some States women may enter the law schools and practice in the courts; in others they are forbidden

These articles of impeachment against our rulers we now submit to the impartial judgment

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of the people . From the beginning of the century, when Abigail Adams, the wife of one president and mother of another, said, "We will not hold ourselves bound to obey laws in which we have no voice or representation, " until now, woman's discontent has been steadily increasing, culminating nearly thirty years ago in a simultaneous movement among the women of the nation, demanding the right of suffrage It was the boast of the founders of the republic, that the rights for which they contended were the rights of human nature. If these rights are ignored in the case of one-half the people, the nation is surely preparing for its downfall. Governments try themselves. The recognition of a governing and a governed class is incompatible with the first principles of freedom

**"Declaration of Rights"
History of Woman Suffrage, III, pp. 31-34**

Let us stand with Susan B. Anthony at her vantage point of 1876 and review the constitutional issues that touched women's lives in the first hundred years of the republic. During those hundred, basic questions were defined and strategies for affecting legislation were developed. Not until the century following the Centennial would women direct their energies to constitutional amendment. In the first, century, the challenge was to understand whether and to what extent women's political status was different from that of men, and to develop a rationale for criticizing that difference.

It is intriguing to speculate how the Founders might have responded to Anthony's challenge. Throughout the long summer of 1787 in Philadelphia, the role of women in the new polity went formally unconsidered. Whether they came from small or big states, whether they favored the New Jersey or e favored the New small or Virginia Plan, whether they hoped for a gradual end to slavery or a strengthening of the system, the men who came to Carpenters' Hall in 1787 shared assumptions about women and politics so fully that they did not need to debate them. Indeed, John Adams had missed the point in his now-famous exchange with Abigail Adams to which Anthony referred in her Centennial Address: Abigail Adams had clearly had domestic violence as well as political representation in mind as she wrote; that is, she was thinking in both practical and theoretical terms. Her husband refused to deal with the issue.

**Abigail Adams to John Adams
March 31, 1776**

. 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 favourable 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 perticular care and attention is not paid to the Laidies we are determind to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.

That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute Why then, not put it out of the power of the vicious and the Lawless to use us with cruelty and indignity with impunity

**John Adams to Abigail Adams
April 14, 1776**

As to your extraordinary Code of Laws, I cannot but laugh. We have been told that our Struggle has loosened the bands of Government every where. That Children and Apprentices were disobedient--that schools and Colledges were grown turbulent--that Indians slighted their Guardians and Negroes grew insolent to their Masters. But your Letter was the first Intimation that another Tribe more numerous and powerfull than all the rest were grown

discontented Depend upon it, We know better than to repeal our Masculine systems We have only the Name of Masters. and rather than give up this, which would compleatly subject Us to the Despotism of the Peticoat, I hope General Washington, and all our brave Heroes would fight

Abigail Adams to John Adams May 7, 1776

.Arbitrary power is like most other things which are very hard, very liable to be broken

The exclusion of married women from the vote was based on the same principle that excluded men without property from the vote. If the will of the people was in fact to be expressed by voting, it was important that each vote be independent and uncoerced. But men who had no property and were dependent on their landlords or employers for survival were understood to be vulnerable to pressure; they were, in John Adams' words, "too dependent upon other men to have a will of their own." Adams acknowledged, in fact, that excluding women was somewhat arbitrary; but lines, as he explained in a thoughtful letter to the Massachusetts politician James Sullivan, had to be drawn somewhere.

John Adams to James Sullivan May 26, 1776

It is certain, in theory, that the only moral foundation of government is, the consent o the people. But to what an extent shall we carry this principle? Shall we say that every individual of the community, old and young, male and female, as well as rich and poor, must consent, expressly, to every act of legislation? No, you will say, this is impossible. How, then, does the right arise in the majority to govern the minority, against their will? Whence arises the right of the men to govern the women, without their consent? Whence the right of the old to bind the young, without theirs? . . .

But why exclude women?

You will say, because their delicacy renders them unfit for practice and experience in the great businesses of life, and the hardy enterprises of war Besides, their attention is so much engaged with the necessary nurture of their children, that nature has made them fittest for domestic cares. And children have not judgment or will of their own. True. But will not these reasons apply to others? It is not equally true, that men in general, in every society, who are wholly destitute of property, are also too little acquainted with public affairs to form a right judgment, and too dependent upon other men to have a will of their own? . They talk and vote as they are directed by some man of property

Your idea that those laws which affect the lives and personal liberty of all, or which inflict corporal punishment, affect those who are not qualified to vote, as well as those who are, is just. But so they do women, as well as men; children, as well as adults. What reason should there be for excluding a man of twenty years eleven months and twenty-seven days old, from a vote, when you admit one who is twenty-one? The reason is, you must fix upon some period in life, when the understanding and will of men in general, is fit to be trusted by the public. Will not the same reason justify the state in fixing upon some certain quantity of property, as a qualification?

The same reasoning which will induce you to admit all men who have not property, to vote, with those who have, for those laws which affect the person, will prove that you ought to admit women and children; for, generally speaking, women and children have as good judgments, and as independent minds, as those men who are wholly destitute of property; these last being to all intents and purposes as much dependent upon others, who will please

to feed, clothe and employ them, as women are upon their husbands, or children on their parents .

Depend upon it, Sire, it is dangerous to open so fruitful a source of controversy and altercation as would be opened by attempting to alter the qualifications of voters; there will be no end o it. New claims will arise; women will demand a vote; lads from twelve to twenty-one will think their rights not enough attended to; and every man who has not a farthing, will demand an equal voice with any other, in all acts of state. It tends to confound and destroy all distinctions, and prostrate all ranks to one common level .

John Adams spelled out with unusual frankness what most of his colleagues believed. If dependent men were to vote, the result would not be that the will of all individuals was counted; rather the result would be that landlords and employers would in effect exercise multiple votes. Married women were thought to be in much the same state as unpropertied men. Their property, according to the ancient tradition of British law, came into their husbands' power when they married, a practice known as *coverture*. The married woman, "covered" by her husband's civic identity, lost the power to manipulate her property independently. (She remained, however, an independent *moral* being under the law, capable of committing crimes, even treason.) To give a vote to a person so dependent on another's will seemed to give a double vote to husbands, rather than to enfranchise wives. In a society in which it was assumed that the wife did the husband's bidding, it seemed absurd to give married men a political advantage over their unmarried brothers. Therefore virtually all the states denied the franchise to married women as well as to men without property.

The logic that excluded married women should not have, on the face of it, excluded unmarried women with property--including widows--who were not under the immediate influence of an adult man and who could buy and sell their property and who paid taxes. Single adult women might have formed a substantial electorate, even with *coverture*. But in practice custom rather than logic prevailed, and single women were treated for the most part as were their married counterparts.

Only in New Jersey, where the state constitution of 1776 enfranchised "all free inhabitants" who could meet property and residence requirements, did women vote; in 1790, possibly because of Quaker influence, an election law used the phrase "he or she" in referring to voters.

. all Inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they. claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large .

New Jersey Constitution, 1776

No person shall be entitled to vote in any other township or precinct, than that in which he or she doth actually reside at the time of the election . Every voter shall openly, and in full view deliver his or her ballot .

Acts of New Jersey, 1797

The general tendency in suffrage law throughout the nineteenth century was to broaden the electorate by gradually eliminating property and racial qualifications; yet the New Jersey election statute did not become a model for other states. In 1797 the women's vote was thought to have been exercised as a bloc vote in favor of the Federalist candidate for Elizabethtown in the state legislature, d it was alleged to have made a real difference the outcome of the election.

Faced with this gender gap, the defeated Democratic-Republicans launched a bitter campaign with two themes that were to appear and reappear as long as woman suffrage was debated in this

country. First, they argued that women who appeared the polls were unfeminine, forgetful of their proper place. Second, they asserted that women were easily manipulated, if not by husbands, then by fathers and brothers. It took ten years, but in New Jersey passed a new election law excluding all women from the polls, and no other attempted New Jersey's 1776 experiment.

In the absence of a collective political movement, no delegate came to Philadelphia prepared to make an issue of woman suffrage or of any other distinctively female political concern; no one came prepared to engage in debate over the extent to which women were an active part of the political community.

With the benefit of hindsight, it is possible for historians to identify some political issues which politically empowered women might well have raised had the Constitution guaranteed their right to participate in a republican government. (Some of these issues were to be addressed only a few years later, by Montagnards and Jacobins in France.) One obvious issue is divorce reform. In some states divorce was nearly impossible in 1787; in all it was extremely difficult. Since the majority of petitioners for divorce were women, the issue was one in which women had a distinctive interest. The language of republicanism, with its acknowledgment that the new order validated a search for happiness, was taken by a number of people to imply that divorce reform was a logical implication of republicanism. But the Constitution said nothing about it, and the states loosened restrictions only slowly. Two generations later women's rights activists would place divorce reform high on their political agenda; it is probable that it would also have been given priority on an agenda drafted in the 1780's.

A second concern might have been pensions for widows of soldiers. The Continental Congress authorized modest pensions for the widows of officers, but widows of soldiers would not be provided with pensions until 1832, by which time, of course, many of them were dead. It is easy to think of other issues: the right of mothers to child custody in the event of divorce, restrictions on wife abuse, the security of dower rights. But expressions of opinion on these issues remained the work of individuals; no collective feminist movement gave them articulate expression as was the case in France. No organized female political pressure was brought to bear at the Constitutional Convention; there do not seem to have been American predecessors of the female Jacobin clubs of Paris.

The Constitution reflected the experience of the white upper and middle-class men who wrote it and the experience of their constituents, the men of the upper and lower middle classes, the farmers and artisans, who had, as historian Edward Countryman has observed, "established their political identity in the Revolution." Women had not yet, as a group, firmly established their political identity.

The Constitution did not explicitly welcome women as voters or take particular account of them as a class. However, what the Constitution left unsaid was as important as what it did say. The text of the Constitution usually speaks of "persons"; only rarely does it use the generic "he". Women as well as men were defined as citizens. The Constitution establishes no voting requirements, leaving it up to the states to set the terms by which people shall qualify to vote.

Article 1, Section 2

The House of Representatives shall be composed of members chosen every second Year by the People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Thus women were NOT explicitly excluded from Congress, nor even from the Presidency. The Constitution, in fact, left an astonishing number of substantive matters open to the choices of individual states; every part of it was open to change by amendment. This flexibility is an important reason for the survival of the American Constitution, as contrasted to the other republican constitutions of the era, like the French, which were far more detailed and explicit, but also less resilient. Women might have been absorbed fully into the American political community without the necessity of constitutional amendment.

Yet this absorption did not occur automatically. No state imitated New Jersey's experiment with suffrage before the Civil War; only a few--Utah, Wyoming, Colorado--did so after the war. No state moved to place non-voters on juries, although there was obvious common sense in the argument that in order for a woman to be tried by her peers a jury should include women, whether or not women voted in that state. Although the old argument that the proper voter was a person of property eroded as liberals steadily decreased property requirements for voting by men, women were not enfranchised.

Still, even without the vote, effective political coalitions of feminists and legal reformers developed at the end of the 1830s. They were interested in the codification and simplification of state laws. They pressed for the passage of Married Women's Property Acts that would enable married women to control property without necessitating cumbersome trusteeship arrangements. Beginning with a severely limited statute passed in Mississippi in 1839 and continuing throughout the century, state Married Women's Property Acts gradually extended the financial independence of married women, making it possible for a few feminists to entertain a vision of a full range of women's political activity, even under the older requirements of propertyholding. However, the new control which women achieved over their own property was not accompanied by the extension of the franchise.

The New York State Married Women's Property Act provides an example of this type of legislation:

The real and personal property of any female, [now married and] who may hereafter marry, and which she shall own at the time of marriage, and the rents, issues and profits thereof shall not be subject to the disposal of her husband, nor be liable for his debts, and shall continue her sole and separate property, as if she were a single female. It shall be lawful for any married female to receive by gift, grant, devise or bequest, from any person other than her husband and hold to her sole and separate use, as if she were a single female, real and personal property, and the rents, issues and profits thereof, and the same shall not be subject to the disposal of her husband, nor be liable for his debts

A married woman may bargain, sell, assign, and transfer her separate personal property, and carry on any trade or business, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade . shall be her sole and separate property, and may be used or invested by her in her own name

Any married woman may, while married, sue and be sued in all matters having relation to her. sole and separate property. . . in the same manner as if she were sole

Every married woman is hereby constituted and declared to be the joint guardian of her children, with her husband, with equal powers, rights, and duties in regard to them, with the husband

New York State Married Women's Property Acts, 1848, 1860 Elizabeth Cady Stanton, who had been a strong supporter of the New York Married Women's Property Act, was also an energizing force behind the gathering of women in Seneca Falls in 1848. She and others who prepared and signed the "Declaration of Sentiments" at that meeting addressed forcefully the ways in which women had not been fully absorbed into the republican political order, although they were citizens. After a preface casting "Man" in a rhetorical role comparable to that played by King George III in the Declaration of Independence, the Declaration of Sentiments addressed constitutional and legal as well as social questions: trial by jury, the relationship between taxation and representation, the persistence of coverture.

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

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

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

Declaration of Sentiments

The legislative gains of the early part of the century and the emergence of a women's movement at mid-century were not, however, followed by a wave of enfranchisement. In fact, women found themselves excluded from the debate about the extension of the franchise which was engendered by the Civil War.

The Civil War was not only a military crisis but also a revolution in politics, which would be validated by the Thirteenth, Fourteenth, and Fifteenth Amendments. By now there was, most emphatically, a collective women's presence--in the Sanitary Commissions, the women's abolitionist societies, the Women's National Loyal League. But the "Woman Question" had not been central to the ideology of the Civil War, and once again, women found they could not claim its benefits by implication. Abolitionist and Republican feminists had permitted themselves to anticipate that suffrage would be the appropriate reward, for their sacrifices and support of the war effort. Their resentment was therefore all the greater when woman suffrage was not made part of the post-war amendments. The inclusion of the word "male" in the second section of the Fourteenth Amendment--a section never enforced--rubbed salt in a raw wound.

Fourteenth Amendment, 1868 Section one

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section two

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State .

Holding their tempers, suffragists embarked on a national effort to test the possibilities of the first section of the Fourteenth Amendment, only to discover that the Supreme Court rejected their arguments. It was tested first in 1873 by Myra Bradwell, a Chicago woman who had studied law with husband. She had been granted a special charter from the State of Illinois permitting her to edit publish the Chicago Legal News as her own business, a business she carried on with distinction. (After the Chicago fire destroyed many law offices, it was the files of Bradwell's Legal News on which

the city's attorneys relied for their records.) Bradwell claimed that one of the "privileges and immunities" of a citizen guaranteed by Section 1 was her right to practice law in the State of Illinois and to argue cases. The Illinois Supreme Court turned her down, on the ground that as a married woman, she was not a fully free agent.

In her appeal to the Supreme Court, Bradwell's attorney argued that among the "privileges and immunities" guaranteed to each citizen by the Fourteenth Amendment was the right to pursue any honorable profession. "Intelligence, integrity and honor are the only qualifications that can be prescribed. The broad shield of the Constitution is over all, and protects each in that measure of success which his or her individual merits may secure." But the Supreme Court held that the right to practice law in any particular state was a right that might be granted by the individual state; it was not one of the privileges and immunities of citizenship. A concurring opinion added an ideological dimension:

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 on the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs 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. 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 counselor.

Myra Bradwell v. State of Illinois, 1873.

Meanwhile, suffragists in a number of places attempted to test the other possibilities of the first section of the Fourteenth Amendment. In the presidential election of 1872, suffragist women in a number of districts appeared at the polls, arguing that if all citizens had the right to the privileges of citizenship, they could certainly exercise the right to vote. Susan B. Anthony presented herself at a barber shop in the eighth ward in Rochester, New York, which was serving as a polling place, and convinced two out of the three polling inspectors to register her, on the grounds that the New York State Constitution made no sex distinctions in the qualifications for voters. By the end of the day, fifteen more women had registered. On November 5, having first assured the inspectors that if they were prosecuted for admitting unauthorized persons to the polls, she would pay their legal fees, Anthony and the other women voted. But it was Anthony and the other women who were arrested for an illegal attempt to vote. When she was judged guilty, she refused to pay her bail, hoping to force the case to the Supreme Court. A supporter, however, thinking he was doing Anthony a favor, paid it. The case was set for trial; in the interlude she voted in the Rochester city elections, and no one made a fuss. When the trial was moved to another county, Anthony and her colleagues made a whirlwind tour, speaking in approximately twenty towns each, ensuring that public opinion would not be uniformly against them even in a strange locale.

Anthony reasoned that sex was a characteristic markedly different from youth or being an alien. Although aliens could not vote, an individual alien man could choose to become a naturalized citizen. Minors could not vote, but minors, in the nature of things, grew to adulthood. "Qualifications," she argued, "can not be in their nature permanent or insurmountable. Sex can not be a qualification any more than size, race, color, or previous condition of servitude."

The judge, wanting to deny Anthony the legal system as a forum, directed the jury to bring in a verdict of guilty, and immediately discharged the jury. He fined Anthony \$100. When she announced

that she would "never pay a dollar of your unjust penalty," he declined to enforce the punishment. "Madam, the Court will not order you to stand committed until the fine is paid." Thus he had it both ways; a verdict of guilty, which would dissuade others from following Anthony's path, but a refusal to punish, thus avoiding making Anthony a martyr.

The President of the Woman Suffrage Association of Missouri was able to do what Anthony could not. Observing that the "power to regulate is ne thing, the power to prevent is an entirely different thing," Virginia Minor attempted to vote in St. Louis. When the registrar refused to permit her to register, she and her husband Francis, an attorney who had developed the distinction between regulation and prohibition of suffrage, sued him for denying her one of the privileges and immunities of citizenship. When they lost the case they appealed to the Supreme Court.

In *Minor v. Happersett*, decided in 1875, the Court ruled that change must happen as a result of explicit legislation or constitutional amendment, rather than by interpretation of the implications of the Constitution. In a unanimous opinion, the Court observed that it was "too late" to claim the right of suffrage by implication; the Founders had been men who weighed their words carefully. Nearly a hundred years of failure to claim inclusion by implication made a difference. What might have been gradual evolution in the Founders' generation was avoidance of legal due process a hundred years later--"If suffrage was intended to be included . language better adapted to express that intent would most certainly have been employed." The Court was not prepared to interpret the Constitution freshly: "If the law is wrong it ought to be changed; but the power for that is not with us" The decision of the Court meant that woman suffrage could not emerge from reinterpretation of the Constitution; it would require either an explicit constitutional amendment or a series of revisions in the laws of the states.

. For nearly ninety years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to declare what it should be.

Minor v. Happersett, 1875.

In the years between 1848 and 1876, American women had created a collective movement. It is true that it did not include the entire female population; many women were unaware and more were hostile. But the activists had brought into being an articulate and politically sophisticated pressure group which was prepared to offer an explicit and detailed criticism of the American political system and to make direct demands for inclusion in it.

When Susan B. Anthony rose to speak on July 4, 1876, the strategies of feminist politics were being realigned. She had the court decisions in *Bradwell* and *Minor* in mind as she spoke. She addressed not only the issue of suffrage but also the exclusion of women from multiple aspects of the political community which the Constitution had created. The right to serve on a jury had been so precious to American men that some states had refused to ratify the Constitution until they were convinced it would be added; yet "the women of this nation have never been allowed a jury of their peers," even in crimes like infanticide or adultery, where women's perspective might well be different from that of men. Anthony decried the division of the community into a class of men, which governed, and a class of women, which was governed.

Anthony's generation of feminists would begin their campaign for suffrage to restore what the second section of the Fourteenth Amendment--with its introduction of the word *male*--had killed by implication. A suffrage amendment would be introduced in the Senate in 1878, and a new chapter in the political history of feminism would begin.

It is important to recognize that Stanton and Anthony's definition of equality under the Constitution was considerably more inclusive than the vote alone. It included a vision of egalitarianism in the

process of lawmaking as well as in the outcome. Ever since the 1848 Declaration of Sentiments, it had included a vision of equality within the family, between husbands and wives, as well as social equality, between male and female citizens, in the public realm. In her Centennial Address, Anthony expressed the full range of this vision, attacking double standards in moral codes, unequal pay scales, unequal treatment of adulterers. She would not be surprised today to see wife abuse, female health, or the feminization of poverty emerge as topics high on the contemporary feminist agenda. "It was the boast of the founders of the republic, that the rights for which they contended were the rights of human nature. If these rights are ignored in the case of one-half the people, the nation is surely preparing for its downfall," she declared.

Anthony ended her Declaration of Rights with a ringing conclusion. If there are any school children today who still memorize, as children did in the nineteenth century, great moments in the oratorical tradition of this country--Webster's reply to Hayne, Lincoln's Gettysburg Address--they should add this to their repertory.

And now, at the close of a hundred years, as the hour-hand of the great clock that marks the centuries points to 1876, we declare our faith in the principles of self-government; our full equality with man in natural rights; that woman was made first for her own happiness, with the absolute right to herself--to all the opportunities and advantages life affords for her complete development; and we deny that dogma of the centuries, incorporated in the codes of all nations--that woman was made for man--her best interests . to be sacrificed to his will. We ask of our rulers, at this hour, no special privileges, no special legislation. We ask justice, we ask equality, we ask that all the civil and political rights that belong to citizens of the United States be guaranteed to us and our daughters forever.

Suggested additional reading: Elizabeth Cady Stanton et al. *The History of Woman Suffrage*, 6 vols. (1881-1922).

Alice S. Rossi, ed. *The Feminist Papers* (1973).

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