AMERICAN CONSTITUTIONALISM VOLUME II: RIGHTS AND LIBERTIES Howard Gillman • Mark A. Graber • Keith E. Whittington

Supplementary Material

Chapter 5: The Jacksonian Era – Equality/Gender

The Seneca Falls Convention (1848) (expanded)

The Seneca Falls Convention was the first important gathering for women's rights held in the United States. Individual women demanded political equality before 1848. Abigail Adams and Priscilla Mason were among the many women who criticized the male monopoly on political power. Women did not organize to demand rights, however, during the Founding and Early National Eras. Gender politics in the United States changed after an international anti-slavery conference in London refused to seat a delegation of abolitionist women from the United States. Outraged, Elizabeth Cady Stanton and Lucretia Mott resolved to create a women's movement. Their goal was to obtain for women the same equal political and economic rights that radical abolitionists insisted persons of color should enjoy.

Compare the "Declaration of Sentiments" and Elizabeth Cady Stanton's "Keynote Address" to the other Jacksonian readings in this chapter. The Declaration of Sentiments began by quoting verbatim from the Declaration of Independence. Stanton and her political allies inserted "women" at crucial points. To what extent might all the arguments below be described as conventional Jacksonian demands for equality, the only difference being that the equality being demanded was between men and women rather than between different classes of men? To what extent did Stanton and her political supporters make different kinds of equality arguments to justify gender equality?

Elizabeth Cady Stanton, "Keynote Address," Seneca Falls Convention, July 19, 1848¹

[W]e are assembled to protest against a form of government existing without the consent of the governed – to declare our right to be free as man is free, to be represented in the government which we are taxed to support, to have such disgraceful laws as give man the power to chastise and imprison his wife, to take the wages which she earns, the property which she inherits, and, in case of separation, the children of her love; laws which make her the mere dependent on his bounty. It is to protest against such unjust laws as these that we are assembled today, and to have them, if possible, forever erased from our statute books, deeming them a shame and a disgrace to a Christian republic in the nineteenth century. We have met to uplift woman's fallen divinity upon an even pedestal with man's. And, strange as it may seem to many, we now demand our right to vote according to the declaration of the government under which we live.

This right no one pretends to deny. We need not prove ourselves equal to Daniel Webster to enjoy this privilege, for the ignorant Irishman in the ditch has all the civil rights he has. We need not prove our muscular power equal to this same Irishman to enjoy this privilege, for the most tiny, weak, illshaped stripling of twenty-one has all the civil rights of the Irishman. We have no objection to discuss the question of equality, for we feel that the weight of argument lies wholly with us, but we wish the question of equality kept distinct from the question of rights, for the proof of the one does not determine the truth of the other. All white men in this country have the same rights, however they may differ in mind, body, or estate.

¹ Excerpt taken from *Address of Mrs. Elizabeth Cady Stanton delivered at Seneca Falls and Rochester, N.Y., July 19 and August 2d, 1848* (New York: Robert Johnson, 1870).

The right is ours. The question now is: how shall we get possession of what rightfully belongs to us? We should not feel so sorely grieved if no man who had not attained the full stature of a Webster, Clay, Van Buren, or Gerrit Smith [a noted abolitionist] could claim the right of the elective franchise. But to have drunkards, idiots, horse-racing, rum-selling rowdies, ignorant foreigners, and silly boys fully recognized, while we ourselves are thrust out from all the rights that belong to citizens, it is too grossly insulting to the dignity of woman to be longer quietly submitted to.

Verily, the world waits the coming of some new element, some purifying power, some spirit of mercy and love. The voice of woman has been silenced in the state, the church, and the home, but man cannot fulfill his destiny alone, he cannot redeem his race unaided. There are deep and tender chords of sympathy and love in the hearts of the downfallen and oppressed that woman can touch more skillfully than man.

The world has never yet seen a truly great and virtuous nation, because in the degradation of woman the very fountains of life are poisoned at their source. It is vain to look for silver and gold from mines of copper and lead.

We do not expect our path will be strewn with the flowers of popular applause, but over the thorns of bigotry and prejudice will be our way, and on our banners will beat the dark storm clouds of opposition from those who have entrenched themselves behind the stormy bulwarks of custom and authority, and who have fortified their position by every means, holy and unholy. But we will steadfastly abide the result. Unmoved we will bear it aloft. Undauntedly we will unfurl it to the gale, for we know that the storm cannot rend from it a shred, that the electric flash will but more clearly show to us the glorious words inscribed upon it, "Equality of Rights."

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Declaration of Sentiments²

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....

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

² Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, eds., *History of Woman Suffrage*, 2nd ed., vol. I, (Rochester, NY: Charles Mann, 1889), 70–72.

happiness of women – the law, in all cases, going upon a 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 receives but a scanty remuneration. He closes against her all the avenues 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 the people of this country, their 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.

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