

raised against them. What wonder that they fill the land with restlessness!

Questions

1. Given that blacks had done all the work on plantations under slavery, how do you explain the widespread belief among whites that they would not work in freedom?
2. How does Andrews view the prospects of the former slaves in freedom?

72. Elizabeth Cady Stanton, "Home Life" (ca. 1875)

Source: "Home Life," *Manuscript, ca. 1875, Elizabeth Cady Stanton Papers, Library of Congress.*

Women activists saw Reconstruction as the moment for women to claim their own emancipation. As the federal government sought to extend a free labor system into the South, northern women demanded greater economic opportunities for themselves. With blacks guaranteed equality before the law by the Fourteenth Amendment, and black men given the right to vote by the Fifteenth, women demanded that the boundaries of American democracy be expanded to include them as well.

Other feminists debated how to achieve "liberty for married women." In 1875, Elizabeth Cady Stanton drafted an essay that demanded that the idea of equality, which had "revolutionized" American politics, be extended into private life. No less than blacks, she argued, women had arrived at a "transition period, from slavery to freedom." Genuine liberty for women, she insisted, required an overhaul of divorce laws (which generally required evidence of adultery, desertion, or extreme abuse to terminate a marriage) and an end to the authority men exercised over their wives.

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Stanton envisioned a "purer" form of marriage, based on "equal companionship" and easier to dissolve if either partner desired. "The freer the relations are between human beings," she wrote, "the happier."

Women's demand for the right to vote found few sympathetic male listeners. Even fewer supported liberalized divorce laws. But Stanton's extension of the idea of "liberty for women" into the most intimate areas of private life raised a question that would become a central concern of later generations of feminists.

WE ARE IN the midst of a social revolution, greater than any political or religious revolution, that the world has ever seen, because it goes deep down to the very foundations of society. . . . A question of magnitude presses on our consideration, whether man and woman are equal, joint heirs to all the richness and joy of earth and Heaven, or whether they were eternally ordained, one to be sovereign, the other slave. . . . Here is a question with half the human family, and that the stronger half, on one side, who are in possession of the citadel, hold the key to the treasury and make the laws and public sentiment to suit their own purposes. Can all this be made to change base without prolonged discussion, upheavings, heartburnings, violence and war? Will man yield what he considers to be his legitimate authority over woman with less struggle than have Popes and Kings their supposed rights over their subjects, or slaveholders over their slaves? No, no. John Stuart Mill says the generality of the male sex cannot yet tolerate the idea of living with an equal at the fireside; and here is the secret of the opposition to woman's equality in the state and the church—men are not ready to recognize it in the home. This is the real danger apprehended in giving woman the ballot, for as long as man makes, interprets, and executes the laws for himself, he holds the power under any system. Hence when he expresses the fear that liberty for woman would upset the family relation, he acknowledges that her present condition of subjection

is not of her own choosing, and that if she had the power the whole relation would be essentially changed. And this is just what is coming to pass, the kernel of the struggle we witness to day.

This is woman's transition period from slavery to freedom and all these social upheavings, before which the wisest and bravest stand appalled, are but necessary incidents in her progress to equality. Conservatism cries out we are going to destroy the family. Timid reformers answer, the political equality of woman will not change it. They are both wrong. It will entirely revolutionize it. When woman is man's equal the marriage relation cannot stand on the basis it is to day. But this change will not destroy it; as state constitutions and statute laws did not create conjugal and maternal love, they cannot annul them.... We shall have the family, that great conservator of national strength and morals, after the present idea of man's headship is repudiated and woman set free. To establish a republican form of government [and] the right of individual judgment in the family must of necessity involve discussion, discussion, division, but the purer, higher, holier marriage will be evolved by the very evils we now see and deplore. This same law of equality that has revolutionized the state and the church is now knocking at the door of our homes and sooner or later there too it must do its work. Let us one and all wisely bring ourselves into line with this great law for man will gain as much as woman by an equal companionship in the nearest and holiest relations of life.... So long as people marry from considerations of policy, from every possible motive but the true one, discord and division must be the result. So long as the State provides no education for youth on the questions and throws no safeguards around the formation of marriage ties, it is in honor bound to open wide the door of escape. From a woman's standpoint, I see that marriage as an indissoluble tie is slavery for woman, because law, religion and public sentiment all combine under this idea to hold her true to this relation, whatever it may be and there is no other human slavery that knows such

depths of degradations as a wife chained to a man whom she neither loves nor respects, no other slavery so disastrous in its consequences on the race, or to individual respect, growth and development....

By the laws of several states in this republic made by Christian representatives of the people divorces are granted to day for... seventeen reasons.... By this kind of legislation in the several states we have practically decided two important points: 1st That marriage is a dissoluble tie that may be sundered by a decree of the courts. 2nd That it is a civil contract and not a sacrament of the church, and the one involves the other....

A legal contract for a section of land requires that the parties be of age, of sound mind, [and] that there be no flaw in the title.... But a legal marriage in many states in the Union may be contracted between a boy of fourteen and a girl of twelve without the consent of parents or guardians, without publication of banns.... Now what person of common sense, or conscience, can endorse laws as wise or prudent that sanction acts such as these. Let the state be logical: if marriage is a civil contract, it should be subject to the laws of all other contracts, carefully made, the parties of age, and all agreements faithfully observed....

Let us now glance at a few of the popular objections to liberal divorce laws. It is said that to make divorce respectable by law, gospel and public sentiment is to break up all family relations. Which is to say that human affections are the result and not the foundation of the canons of the church and statutes of the state.... To open the doors of escape to those who dwell in continual antagonism, to the unhappy wives of drunkards, libertines, knaves, lunatics and tyrants, need not necessarily embitter the relations of those who are contented and happy, but on the contrary the very fact of freedom strengthens and purifies the bond of union. When husbands and wives do not own each other as property, but are bound together only by affection, marriage will be a life long friendship and not a

heavy yoke, from which both may sometimes long for deliverance. The freer the relations are between human beings, the happier. . . .

Home life to the best of us has its shadows and sorrows, and because of our ignorance this must needs be. . . . The day is breaking. It is something to know that life's ills are not showered upon us by the Good Father from a kind of Pandora's box, but are the results of causes that we have the power to control. By a knowledge and observance of law the road to health and happiness opens before [us]; a joy and peace that passeth all understanding shall yet be ours and Paradise regained on earth. When marriage results from a true union of intellect and spirit and when Mothers and Fathers give to their holy offices even that preparation of soul and body that the artist gives to the conception of his poem, statue or landscape, then will marriage, maternity and paternity acquire a new sacredness and dignity and a nobler type of manhood and womanhood will glorify the race!

Questions

1. How does Stanton define the "social revolution" the United States underwent after the Civil War?
2. How does Stanton believe that the "right of individual judgment in the family" can be established?

73. Robert B. Elliott on Civil Rights (1874)

Source: *Civil Rights. Speech of Hon. Robert B. Elliott, of South Carolina, in the House of Representatives, January 6, 1874 (Washington, D.C., 1874), pp. 1-8.*

One of the South's black politicians during Reconstruction, Robert B. Elliott appears to have been born in England and to have arrived in Boston

shortly before the Civil War. He came to South Carolina in 1867, where he established a law office and was elected as a delegate to the state's constitutional convention of 1868. During the 1870s, he served in the legislature and was twice elected to the United States House of Representatives.

In January 1874, Elliott delivered a celebrated speech in Congress in support of the bill that became the Civil Rights Act of 1875. Drafted by Charles Sumner, the abolitionist senator from Massachusetts, the measure outlawed racial discrimination in transportation and places of public accommodation like theaters and hotels. (Elliott himself had been denied service in the restaurant of a railroad station while traveling to Washington.) To underscore the dramatic changes that had taken place since the South's secession, Elliott cited the 1861 speech in which Alexander H. Stephens (in 1874 representing Georgia in Congress) referred to slavery as the "cornerstone" of the Confederacy. Thanks to the Civil War and Reconstruction, Elliott went on, "equality before the law" regardless of race had been written into the laws and Constitution, and had become an essential element of American freedom. Reconstruction, he announced, had "settled forever the political status of my race."

Elliott proved to be wrong. In 1883, the Supreme Court declared the Civil Rights Act unconstitutional. By the turn of the century, many of the rights blacks had gained after the Civil War had been taken away. It would be left to future generations to breathe the new life into Elliott's dream of "equal, impartial, and universal liberty."

SIR, IT IS scarcely twelve years since that gentleman [Alexander H. Stephens] shocked the civilized world by announcing the birth of a government which rested on human slavery as its corner-stone. The progress of events has swept away that pseudo-government which rested on greed, pride, and tyranny; and the race whom he then ruthlessly spurned and trampled on are here to meet him in debate, and to demand that the rights which are enjoyed by their former oppressors—who vainly sought to overthrow a Government which they could not prostitute to the base uses of slavery—shall