

Appendix C: Historical Overview

The Significance of Women's Rights for American History

by Ellen Carol DuBois, Professor, U.S. History, University of California at Los Angeles

Introduction

By any measure, the women's rights movement is one of the three great protest traditions in American history. Women's rights shares that status with the struggle for racial equality and with the labor movement. Because women are half the people in this nation, evenly distributed through all other social groups, women's rights advocacy is frequently linked to other movements for expanded rights. These intersections are very clear in each of the three periods in which women's rights agitation has been concentrated in American history. From 1848 through 1872, women's rights agitation was generated and carried into national politics because of its close ties to abolitionism, emancipation, and the post-Civil War campaign for rights for ex-slaves. From 1890 through 1920, the growing power of organized labor turned women's rights into a mass movement. And in the 1960s, the civil rights insurgency re-ignited the dormant women's rights tradition. At a very deep level, then, women's rights is bound up with general human rights: when a black or immigrant or wage-earning woman feels deprived of equal rights and lays claim to them, she fights against numerous sorts of discrimination simultaneously.

In its many manifestations, the women's rights tradition is characterized by an identification of and challenge to women's subordination to men and insists instead on a standard of equal treatment, opportunities and rights. Since the relations between men and women form the basis of the most intimate institutions of any society — sexuality, marriage, family, childrearing — radical changes in the relative status of men and women and greater freedom for women have dramatic implications for the most personal aspects of the lives of all Americans. The women's rights tradition has extended over two-thirds of our national life and has reordered our identities, family lives, and deepest emotions.

First phase: 1848–1878

1848 is the year in which it is generally agreed that the formal American women's rights movement began. For several decades prior to that, American women had been gradually enlarging their public roles, and in the process voicing longstanding discontent with the lot of their sex. Ever since the Revolution, women's educational opportunities had slowly been improving. "Academies" for young girls of the elite classes and common public schools for the rest of the population proliferated, until women's literacy rates achieved parity with men's. Teaching became an increasingly female occupation, further spurring this development. Young women, concentrated in New England, were also among the first American factory workers in the 1830s. In contrast to England, these female "operatives" hoped that they might secure a degree of independence through their wage earning. Also by the 1830s, Protestant women all over the Northeast had formed organizations in which they worked both to improve society and to stretch their own capacities. By the 1840s they had even begun to cross the gendered line separating women's moral from men's political activism: they petitioned legislatures and proposed laws on issues about which they cared, such as temperance and moral reform. The creation of numerous voluntary organizations and a vital civil society which so impressed de Tocqueville and other visitors to the United States in these years is simply not imaginable without the involvement of women pushing at the edges of their sphere.

This gradual expansion of women's allowable sphere crossed into a much more open break with respect to the involvement of women in the abolitionist movement. At first women, white and free black, served the movement to abolish slavery by raising money and supporting men doing the public work for their cause. But the depth of their commitment, combined with the inherent radicalism of their goal, brought them into confrontation with the established institutions in their society, and this in turn led them to challenge the limits of permissible female activities more forthrightly than ever before.

Two sisters from a powerful slaveholding family in South Carolina, Sarah and Angelina Grimke, were the first to challenge openly the confines of women's moral activism within respectable feminine limits. When criticized in 1838 by the clergy for speaking to mixed audiences of men and women about the sexual crimes, the Grimkes defiantly asserted their own equal rights as reformers and as human beings. "[T]he distinction now so strenuously insisted upon between masculine and feminine virtues," Sarah insisted, ". . . is one of the anti-christian 'traditions of men' which are taught instead of 'the commandments of God'. . . [W]hatever is right for a man to do is right for a woman to do."¹ The Grimkes' rebellion split the abolitionist movement into two factions: one that gave women roles equal to those of the men and the other that shifted to the formation of a political party dedicated to the eradication of slavery, marginalizing unenfranchised women. This split over women's rights was a turning point in the history of the abolitionist movement.

The emergence of a new reform movement of women dedicated exclusively and explicitly to securing equality between the sexes was a response to the principles behind both sides of this abolitionist split: women's activism and emphasis on political methods. In 1848 women anti-slavery activists convened America's first women's rights convention in Seneca Falls, New York. Veteran reformer Lucretia Mott, up from Philadelphia to visit, gave the event the necessary gravity. But the driving force at Seneca Falls was a younger woman, Elizabeth Cady Stanton, who went on to become the chief 19th-century philosopher of women's emancipation. The women and men assembled there agreed on a list of fifteen "repeated injuries and usurpations on the part of man toward woman." "Because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights," the convention declared, "we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States."² The convention adopted a bold manifesto, entitled the Declaration of Sentiments and patterned closely on the Declaration of Independence. The twin movements for women's rights and abolition helped to keep alive some of the more radical principles of the American Revolution – popular sovereignty, political democracy, individual rights – and reinvigorate them in 19th century terms.

The range of demands at Seneca Falls was hardly limited to the right to vote, although that was the most controversial. "The entire disenfranchisement of women," as the convention understood it, was broad enough to include the whole range of women's deprivations. The declaration's ambitions were enormous: not only political rights, but economic and educational rights, religious and moral rights, marital and sexual rights. Women's rights efforts that focused on improving women's economic prospects fell into two categories. On the one hand, young, unmarried women, who made up the overwhelming majority of female wage earners, needed broader prospects for trades, skills and professions. The women's rights movement of the 1850s called for equal opportunity for working women. On the other hand, married women were deprived by law from all independent property rights, even to the money that they might earn by their labor. Women's rights advocates succeeded in getting several state legislatures to grant married women some independent economic rights. The campaign in New York State, led by Elizabeth Cady Stanton and her new collaborator, Susan B. Anthony, went the farthest. In 1860, the New York Legislature gave all women, regardless of marital status, rights to earnings from their labor and to custody of their children, as well as to inherited property. These reforms in married women's economic rights inaugurated the reorganization of marriage around the principle of spousal equality and female independence, which continued into and through the 19th century and all of the 20th century.

Demands for greater economic opportunities and rights for women were closely connected to another aspect of the women's rights program, albeit one that would not reach full development until the 20th century: women's rights over their reproductive and sexual lives. The terms in which demands for these rights were made in the mid-19th century are difficult to appreciate a century and a half later, after so much change in the understanding of human sexuality and gender. But it is important to try to translate between the two eras, if only because the women's rights movement has made such a significant contribution to that change. Reformers' concerns for female bodily integrity first emerged in the context of anti-slavery protest against the sexual and reproductive exploitation of female slaves. Speaking as if she were a slave woman, but also speaking for herself as a free white woman, Elizabeth Cady Stanton passionately declared, "I have

asked the heavens if I, an immortal being, though clothed in womanhood, was made for the vile purposes” of male predators.³ The first great debate in the struggle for sexual autonomy was over the issue of divorce law liberalization. In 1860, Elizabeth Cady Stanton defended the right of women to dissolve abusive or unsatisfactory marriages and then to remarry. However, 19th-century concerns about female respectability made it difficult to discuss the intimate issues of “the marriage bed” openly, and Stanton encountered objections even from other women’s rights advocates. But women’s sexual and reproductive discontent was so widespread that it could not be suppressed, even in that era of prudent morality and circumlocutious language. Within a decade, Stanton and others were speaking more confidently in favor of a fundamental human right that was emerging out of women’s particular conditions. They named this right “self-sovereignty”—the right to control the uses of one’s body.

Through the Civil War, women’s rights and abolitionism remained closely affiliated. The first popular campaign ever mounted on behalf of a constitutional amendment was inaugurated in 1862 by Elizabeth Cady Stanton and Susan B. Anthony to inscribe the principle of universal emancipation in the United States Constitution. They were determined that women play a role in the battle for a freer republic. “When every hour is big with destiny,” they wrote, “. . . It is high time for the daughters of the Revolution . . . to lay hold of their birthright of freedom, and keep it a sacred trust for all coming generations.”⁴ They also believed that the only way to rebuild the nation on firm constitutional ground was to commit it to the recognition of “civil and political rights of all citizens of African descent and all women.” Drawing on the petitioning skills that women had been using for decades, they collected more than 300,000 signatures on behalf of the constitutional abolition of slavery and sent them, bound together in giant rolls, to Congress. Stanton proudly recorded the praise they received from the congressional champions of emancipation: “the leading journals vied with each other in praising the [women’s] patience and prudence, the executive ability, the loyalty, and the patriotism.”⁵ The passage and ratification of the Thirteenth Amendment owed a great deal to their efforts.

With constitutional emancipation, the former slaves were in a strange constitutional quandary: since they were no longer in bondage, what was their legal status? To answer this, radical Republicans in Congress posed first one and then another dramatic constitutional amendment. The Fourteenth Amendment defined for the first time who were citizens of the United States and did so with breathtaking simplicity: “all persons born or naturalized” here. Former slaves were included, but so were many other Americans. Effectively revising the Bill of Rights, the Fourteenth Amendment also elevated the federal government over the states – eleven of which had just been defeated in rebellion – as the fundamental protector of citizens’ rights. Women’s rights advocates energetically embraced these principles and the idea that underlay them: that for persons historically excluded from the privileges of American citizenship, the national government was less a threat to them than a guarantor of their rights. As such, the women’s rights movement played an important role in expanding American liberalism beyond a negative tradition, in which government is obliged only to protect those who already enjoy their rights, into a positive, affirmative tradition, to elevate those previously excluded from fundamental political and civic rights to an equal share in them.

The Fifteenth Amendment, ratified in 1869, went even further than the Fourteenth in advancing the status of former slaves: it directly enfranchised them by forbidding the states from depriving them of political rights on the basis of their race, color, or previous condition of bondage. The wording of the Fifteenth Amendment left the basic power to enfranchise to the states, but it used the power of the federal government and the authority of the U.S. Constitution to prohibit the states from the named disenfranchisements. Proponents of the franchise for women fully expected to be included in the Fifteenth Amendment and their disappointment at discovering that they were not was profound and consequential. But together, the movements for freedmen’s and for women’s rights functionally elevated the determination of the American electorate to the level of constitutional principle and federal law.

Advocates of women’s suffrage initially argued that the Fourteenth and Fifteenth Amendments, which bestowed the right to vote on all citizens without respect to race or sex, was the triumphant principle of Reconstruction. But their interpreta-

tion was not widely shared. Despite its capacious definition of national citizenship (“all persons born or naturalized”), the Fourteenth Amendment included a secondary clause which limited the “basis of representation” (the national electorate) to “males over the age of 21 not including Indians not taxed.” This was the first mention of sex in the Constitution and Stanton correctly predicted that “it will take us a half century to get it out.”⁶ Friendly male advisors and sympathetic Congressmen advised woman suffragists that political rights for ex-slaves was all that the country could handle at this point; women’s equal rights would come next, they promised. The conflict over these issues split the women’s rights movement in two over whether to endorse or to criticize the new amendments. Increasingly there was antagonism between the racial and gender rights movements where previously there had generally been cooperation. Ever since, these two traditions of equal rights have sometimes combined and sometimes clashed, and those women suffering exclusions both of race and of gender have too often found themselves caught between the two movements.

Even after the ratification of the Fifteenth Amendment, with its refusal to prohibit the states from disenfranchising on the basis of sex, women’s suffrage advocates believed that a universal suffrage approach was the best way to win the franchise for women. In the early 1870s, woman suffragists developed an innovative constitutional argument that they hoped would win them the right to vote. Based on the first part of the Fourteenth Amendment, they argued that, as persons, women born or naturalized in the United States were citizens; and that the right of the franchise was obviously chief among those “rights and privileges” which were guaranteed to them. This was a deeply democratic interpretation, inasmuch as it assumed that the right to vote was not bestowed by government but inherent in the status of citizen. Based on this interpretation, hundreds of women all over the country engaged in direct action voting: instead of waiting for an act of government to recognize their rights, they went to the polls and claimed them. At 6 AM sharp, on November 5, 1872, Susan B. Anthony, along with 50 of her friends and relatives, went to the polls in Rochester, New York, and cast her ballot. “I have been and gone and done it!” she wrote jubilantly.⁷ Three weeks later she was arrested by federal marshals on the grounds that she had illegally voted, in violation of the third clause of the Fourteenth Amendment designed to disenfranchise leaders of the former Confederacy. Anthony’s arrest was one of the only times that the federal government actually used the powers granted to it in the Fourteenth Amendment over the right to vote.

Anthony was found guilty, and her case was entered into the annals of the women’s rights movement as one of the most egregious uses of government power to squelch women’s activism. But she was unable to appeal her judgment to a higher court and thus set no constitutional precedent. Instead, woman suffragists’ Fourteenth Amendment argument reached the Supreme Court in 1874 in a case brought by Virginia Minor of Missouri. The Court’s ruling, known as *Minor v. Happersett*, is one of the most important rulings on women’s rights of any sort in the 19th century. The Court ruled unanimously that, although women were indeed persons and therefore citizens, they had no claim to the franchise, which was a privilege granted by the state rather than a right belonging to the citizens. The import of this judgment reached far beyond the case of women’s suffrage. “If we once establish the false principle, that United States citizenship does not carry with it the right to vote in every state in this union,” Anthony predicted, “there is no end to the petty freaks and cunning devices that will be resorted to exclude one and another class of citizens from the right of suffrage.”⁸ After the *Minor v. Happersett* decision, the Court moved on to narrow the scope of the protections promised in the Reconstruction amendments until, by the end of the 19th century, African American in the South had lost most of their civil and political rights and the constitutional gains of Reconstruction had been effectively undone.

Prohibited from basing their claim to the vote on a universal citizen’s right to suffrage, woman suffragists changed tactics. Now they began to call for a measure that would protect their particular rights as women. In 1878, they arranged for a proposal to be introduced in Congress for a constitutional amendment, worded exactly as the Fifteenth Amendment, explicitly forbidding the states from disenfranchising on the basis of sex. They called their proposal “the Sixteenth Amendment,” because they hoped it would be the next amendment adopted. Actually, of course, it took another four decades for the measure to make its way through Congress and the ratification procedure, by which time it was the

Nineteenth Amendment. Slightly less than a hundred years after the *Minor* case, the Supreme Court returned to the issue of whether there were protections for women's rights to be found in the Fourteenth Amendment, and decided that, indeed there were.

Phase Two: 1878–1920

Through the last quarter of the 19th century, American women's prospects continued to expand. Young women graduated from college in ever greater numbers until by 1900 they were receiving 40% of the baccalaureate degrees awarded annually. Many of these women college graduates, unwilling to retreat into a narrow domestic existence, pioneered new sorts of vocations to express their intelligence, their social conscience, and their personal ambition. Women became physicians, writers, and businesswomen, but the most influential of these new occupations for women was the "settlement house worker," the unpaid predecessor of the social worker. Other women who came of age just before the great boom of higher education for women in the 1870s and 1880s pursued similar interests through a burst of organizational energy, and formed a dense web of voluntary societies running from small literature circles to powerful municipal civic clubs to enormous national organizations such as the Woman's Christian Temperance Union, the National Association of Colored Women, the General Federation of Women's Clubs, and the National Council of Jewish Women. The late 19th century was the age of "organized womanhood," of all-female groups determined to have an impact on social welfare and national life in economically booming America.

These women had an enormous role in the development of the pioneering economic and social welfare policies that gave the early 20th century the label of the "Progressive Era." Women settlement house workers and educators helped to develop and administer programs intended to improve housing conditions, recreational opportunities, workplace safety, and health standards. Working out of their women's clubs and federations, they helped to build the social and cultural infrastructure of their cities, in the form of civic art museums, orphanages and hospitals, public libraries and parks. Progressive Era women activists also contributed significantly to laws prohibiting various kinds of overwork for women workers. The courts were still, in those years, relying on a strict constitutional interpretation that forbade any government regulation of the employer/employee relationship as interference with personal liberty. Convinced by social reform advocates that women workers were more vulnerable than men, the courts opened up a breach in this solid wall and let stand a growing body of labor standards directed solely at women. Eventually, these "protective labor laws" were extended to include men, most notably when minimum wage and maximum hour standards were federalized in 1938 as the Fair Labor Standards and Practices Act. The contribution of "organized womanhood" to the foundation of American social and economic welfare practices in the early 20th century is enormously important. An ethic of concern for society's vulnerable was imported from women's private sphere into the world of public policy, in conjunction with the dramatic move of women themselves into the public arena.

Most of this kind of activity took place among middle-class women, who did not undertake paid labor on their own. But the female labor force, the object of many of their ministrations, was also growing tremendously. Women could still only earn wages within a few fields – domestic service, the "needle trades" – but their numbers and their ambition for greater control over their lives, much like that of the college women, suggested a qualitative change in working women's consciousness. The labor movement, which had historically been organized around male workers and working men's sense of their thwarted rights as men, began in these years to open up significantly to women and to a less gendered, more egalitarian set of goals. A series of dramatic strikes beginning in the winter of 1909/1910 brought the new militance of working women and the opportunity they posed for the labor movement to public attention. The New York City strike of shirtwaist (blouse) makers, sometime known as the Uprising of the Thirty Thousand, was the first and most famous of these labor upheavals. The young, immigrant women who struck the sprawling New York City ladies' garment industry showed unexpected discipline and determination. The result of their action was tremendous growth in one of the first great industrial unions in the United States, the International Ladies' Garment Workers' Union. The

growing power of women's trade union activism was supplemented by the establishment of state-level industrial commissions, the United States Department of Labor's Woman's Bureau, and other government agencies charged with upgrading the status of working women.

Over and above the immediate amelioration of working and living conditions effected by the combined efforts of middle-class social reformers and working-class trade union activists, a deeper change was settling in among women workers. The long-standing assumption that the presence of women in the wage labor force was an unfortunate necessity and that social progress would send them back to their homes where they belonged began to give way to an appreciation for the permanence of the female labor force and the importance of paid labor to the establishment of genuine female independence. Bit by bit, women in the labor force were understanding themselves and being understood as individual workers, with their own rights, rather than as subordinate family members in the house of labor. Eventually—but it was a long time coming—this shift generated new principles for American democracy: equal pay for equal work and no discrimination by sex in the employment of workers.

The women's suffrage movement grew along with all these developments. Its tremendous revitalization at the beginning of the 20th century, after decades of stalled progress, began with a series of successful state campaigns for equal voting rights. In 1893, the all-male electorate of Colorado voted to amend the state constitution to allow women equal suffrage with men. Previously, small numbers of women had been enfranchised in the territories of Utah and Wyoming (and Washington, where the right was later retracted). But now in a booming, diverse, modernizing state, voters had said yes to women's suffrage at the polls. Over the next 25 years, 14 additional states followed Colorado and enfranchised their women citizens. These women, it should be noted, became voters, not just for local and state offices, but for members of Congress and for president. The political consequences were enormous. In California, for instance, which became the sixth "suffrage state" in 1911, the fact that women were now a voting constituency played a major role in the passage of laws extending protections to workers, opening up the electoral process, and achieving other sorts of reforms. In 1918, two years before the ratification of the Nineteenth Amendment, Montana voters of both sexes elected the first woman ever to serve in Congress, Jeanette Rankin.

These state campaigns involved enormous amounts of money, organizational expertise, and female energy. Later on, when the emphasis of the movement shifted to the federal level, suffragists concentrated on lobbying legislators and maneuvering through partisan politics, but this long period of state efforts was a much more popular sort of suffragism that involved mobilizing tens of thousands of women to work for their franchise and convincing majorities of men to support them at the polls. These campaigns rested on extraordinary coalitions, notable in an era otherwise characterized by intense class conflict. Elite women, with money and political connections, provided the resources for public events directed at voters and for sustained lobbying efforts in state legislatures. College graduates became the professional organizers for these campaigns, as they found a place to use their education. And wage-earning women provided the numbers in the streets and connections to masses of male voters.

The state-by-state enfranchisement of women played an important role in the final victory of women's suffrage at the national level through amendment of the U.S. Constitution. Women were a growing sector of the electorate, especially in the West, and when it came time for members of Congress to vote for or against the Nineteenth Amendment, those who came from "women's suffrage states," who were answerable to female as well as male voters, were far more likely to support it. But state-by-state enfranchisement had its limits. In states where party apparatuses and male voters were more conservative, women's suffrage could not prevail at the polls. In 1915, referenda failed in several major campaigns in the East, including Massachusetts, New Jersey and Pennsylvania. Even in New York, with a well-funded coalition and the leadership of the best minds in the suffrage movement, victory could not be secured. At this point, the focus of the women's suffrage movement shifted to the federal level and to the national Constitution, which is the phase of this history with which Americans are most familiar. This last phase of American women's suffrage movement pioneered many forms

of democratic political protest which we now take for granted. In 1913, a national suffrage parade was held to demand an amendment to the U.S. Constitution forbidding the states to disenfranchise citizens on account of sex. The parade coincided with Woodrow Wilson's first inauguration, from which it siphoned off much of the crowd. This was the first truly successful demonstration in the nation's capital demanding federal action on a persistent social problem. Four years later, suffragists were the first to demonstrate in front of the White House gates, for which they were arrested and jailed. There, they engaged in hunger strikes and other forms of civil disobedience. This too was a new tactic for an American protest movement, and one that would be much imitated in subsequent years.

To all but the most recalcitrant of politicians, it was clear that the time had come for the full, constitutional enfranchisement of American women. The fact that the votes of women already had an impact on the election of congressional representatives and could potentially affect the outcome of a presidential race was a major factor here. In 1916, the newly formed National Woman's Party urged women from the "suffrage states" to vote against the Democratic Party for national office, to penalize Woodrow Wilson and the Democrats for failing to support a women's suffrage amendment. The suffrage campaign notwithstanding, the election turned on the issue of European war, and Wilson won by promising not to enter. Some said women's votes in California even helped to win him the election. Within months of his second inauguration, he changed positions and took the U.S. into war. Ultimately, involvement in the Great War aided the suffragists. Wilson concluded that he needed women's support in his conduct of the war and his plans for the peace and endorsed the proposed amendment.

However, the Democratic Party, still deeply influenced by the white supremacist South, resisted a new expansion of the franchise that would bestow votes on African American women and would further strengthen federal control over the franchise. The last decades of the women's suffrage movement coincided with the triumph of Jim Crow across the "New South," and the demand of southern white women for votes coincided with the disenfranchisement of southern black men. Ever since the conflicts over the Fourteenth and Fifteenth Amendments, most white woman suffragists—even the venerable Susan B. Anthony—had agreed to relegate racial matters to the background of women's rights activism. Even so, the issue of black suffrage was still quite alive in national politics and unavoidable for the women's suffrage movement. Suffragist strategists had to either overcome Democratic Party opposition or find a way around it. In the end, not one deep southern state participated in the enactment of the Nineteenth Amendment (South Carolina did not ratify it until 1969!). It was, however, a border state – Tennessee that was the 36th and last state needed to ratify. Tennessee, unlike most southern states, had two viable parties, and it was a young Republican legislator, Harry Burn, who cast the deciding vote in a dramatic legislative session in the summer of 1920. As he did so, he paid homage to his mother who, he said, had told him to "be a good boy" and do the right thing.⁹

In the end, no one single factor pushed women's suffrage to victory. The dogged determination of some suffragists and the final outburst of militancy among others, the particular conditions of wartime, and the slow accumulation of political clout among women voters all played a role. In any case, the passage of the Nineteenth Amendment was such a victory after seventy long years of unrelenting agitation, that the tendency to regard the battle for political equality as absolutely finished is understandable. However, even after 1920 there were women living under the American flag who did not enjoy the right to vote. The Supreme Court ruled that Puerto Rican women, because they lived in an American colony, were not affected by the Nineteenth Amendment. They waged a separate struggle, which won them the vote in 1928. Similarly, women in the Philippines did not enjoy the right to vote until after 1936, when a special plebiscite was held. Even within the continental United States, some non-white women confronted special voting obstacles. Native American women could or couldn't vote depending on whether they belonged to Indian nations with formally recognized tribal status. For their part, African-American women in the South faced an almost impossible set of obstacles designed to keep members of their race from voting, and their pleas to white suffrage leaders to make the enforcement of their voting rights an issue under the enforcement clause of the new amendment were summarily rejected. Their battle for the vote extended to the 1960s,

when a new civil rights movement finally made voting rights for blacks, female and male, a reality. It was entirely fitting that so many of the local leaders of that movement – Fannie Lou Hamer of Mississippi, for instance – were women; and it is instructive to link these two movements together, one fought in the name of women in the 1910s and the other fought in the name of African Americans in the 1960s.

The 1920s, when most American women voted for the first time, was an unexciting period in American political history, when voting numbers went down and the intense passions and great hopes of the Progressive Era faded. Although many women remained involved in the reform and political organizations that had blossomed in prior decades, for the most part they were unable to transform this power into the electoral arena, especially at the national level. Over the many decades of the women's suffrage movement, hopes (and rhetoric) had been so high for the capacity of the vote to transform women and for women's votes to transform the nation, that there seemed a kind of letdown as voting women were integrated into the electoral arena with seemingly little impact. Women did not flood into elective office, the major parties kept them relegated to auxiliary positions, and Congressional priorities barely reflected their presence in the electorate. The reintegration of political progressives into the Republican Party, but with greatly diminished partisan clout, put suffrage leaders, many of whom were in this political camp, in a difficult position. Meanwhile, the Democratic Party, with its traditional base in labor and immigrant voters, was only slowly coming to terms with the opportunities presented by the new female electorate. In the 1920s, political scientists rushed to declare that the enfranchisement of women had had no significant impact on the American political environment, but their judgments were premature. Inasmuch as it took seven decades for women to get the vote, it should not be surprising that it took seven more before women's collective presence in the electorate began to have a noticeable impact. By the 1980s the percentages of women voting were larger than those of men, and the difference between men's and women's votes was pronounced enough to deserve a pundits' label: the gender gap. Women candidates, once extremely rare, became familiar elements of the political scene. By the 1990s, elections were rising and falling on the voting behavior of women, parties were competing to advance women for office, and political candidates ignored the female electorate at their peril.

Emerging from the shadow of the final stages of the women's suffrage campaign was a new and important dimension of the women's rights struggle: the birth control movement. Small, advanced sectors of the women's rights movement had been arguing for women's rights to sexual and reproductive self-determination through the 19th century, but the repressive, 19th-century ethic of absolute female purity barred the way to a substantial following. Late in the century, women's rights advocates challenged the traditional notion of a husband's "conjugal rights" to his wife with an alternative ethic of woman's rights to "voluntary motherhood," that is, undertaking pregnancy only when she chose to. Given the lack of reliable forms of contraception and the widespread conviction that separating intercourse from the possibility of pregnancy would open up the floodgates of male sexual exploitation of women, this was the only way that most women could claim their reproductive rights at that point. Any interest in freer sexual lives was still quite muted. But by the beginning of the 20th century, these constraints were beginning to weaken. Impoverished immigrant women had greater need for and less cultural misgivings about going public in their search for contraceptive knowledge and assistance. The first spokeswomen for this incipient movement came from outside the political mainstream. A Russian Jewish immigrant notorious for her anarchist politics, Emma Goldman, began to speak forthrightly about women's rights to sexual pleasure. She was followed onto the political stage by a second generation Irish-American nurse, Margaret Sanger.

Sanger turned the inchoate longings of growing numbers of American women for greater control over their reproductive and sexual capacities into a social and political movement, for which she christened a new name, "birth control." She combined stirring calls for women's reproductive and sexual self-determination with a new, more modern, forthrightness about women's bodies and female sexuality, with advocacy of a new contraceptive technology in use in Europe, the uterine diaphragm. The time was ripe for female sexuality to begin to "come out of the closet" (to borrow a phrase from a later movement for greater sexual forthrightness and rights). Sanger's original base of support was the American Socialist

movement, at the peak of its strength in the 1910s. At first she based her propaganda around a powerful analogy between the necessity that working men had for a labor union to gain control over their work conditions, and the equivalent need of domestic women to band together and gain control over the conditions of their marital and maternal lives. She was arrested for her cause, and then fled the country in 1914. When she returned the next year, she found new supporters among young, radical women's rights activists. These women were the first generation to call themselves feminists, as a way to distinguish themselves from a previous cohort, whose goals were more centered on impact and equality in the public realm. From this point on, the birth control movement, like its women's suffrage predecessor, fought steadily and for many long decades for public sympathy and legal changes. When the feminist movement revived in the 1960s, women's battle for sexual and reproductive self determination took the lead in the ongoing battle for women's rights.

These opening stages of the battle for birth control remind us that women have not only fought for the same rights as men, but have altered and expanded the very content of individual rights. Open-ended and evocative rather than precise and particular, the notion of fundamental human rights has varied in meaning through different periods and among different groups. At precisely the moment when women were beginning to secure the same political and legal rights that men had enjoyed for decades, they also began to call for a new form of rights to bodily integrity and personal, physical autonomy. Expressed in this form, the American approach to democracy – individual rights extended to all – became less abstract, more (literally) embodied. The classical political principle that had first emerged in the 18th century of the independent “individual,” a legal concept tied to property ownership and the ability to command the labor of dependents, was gradually generating a new idea, that of the “self,” a much more concrete, lived, and widely shared basis for individual freedom and equal rights. Thus the movement for women's rights was giving new reality and greater breadth to the fundamental political philosophy of American history.

Third Phase: 1960–present

By 1960, the idea of women's rights had largely disappeared from public memory. More precisely, the assumption of policymakers and popular opinion alike was that women had already achieved all their rights and had accepted their culturally defined roles. The resurgence of the civil rights movement among African Americans dramatically changed this situation. As they had a century before, organized groups of white women began to discover their own longing for greater rights and more substantial equality under the influence of a movement of African American men and women rising up to claim their freedom. In turn, the resulting growth in feminist energies helped extend the impact of the civil rights movement beyond race relations and the status of African Americans to become the basis of a thoroughgoing “rights revolution” throughout American society. By the end of the 20th century, new groups – people with disabilities, children, and gays and lesbians to name a few – who had never before been able to speak for themselves so assertively were insisting on their equal and human rights.

Like the dramatic civil rights movement of the 1960s, the feminist revival had its roots in an earlier period and among veteran activists. Women who came of age before and during World War II, who had quietly advanced women's demands in trade unions, civil rights organizations, and women's organizations, were able to secure a new level of legal protection for women, often in connection with achievements by advocates of racial equality. The most important of these was Title VII of the Civil Rights Act of 1964, which banned discrimination in employment on the grounds of sex as well as race. The potential of this law to advance women's legal rights might have remained unrealized if it had not been for the formation of a citizens' advocacy group, modeled after the National Association for the Advancement of Colored People (NAACP), which called itself the National Organization for Women (NOW), and around which a new feminist movement began to grow in the late 1960s and early 1970s. Initially NOW's agenda was the completion of the early-20th-century campaign for formal legal equality for women, but under the force of a wider revolt among women, with expectations that went far beyond new laws and equal enforcement of them, NOW grew in the 1970s and 1980s from a small lobbying group to a massive membership organization.

Legal gains for women's rights came in the courts as well as in Congress. Starting in the 1970s, the Supreme Court began to expand the equal protection clause of the Fourteenth Amendment so that it could be invoked specifically on behalf of women's rights. This is the jurisprudential basis for many of the pro-women's rights rulings of the last 25 years. Suffragists a century earlier had been the first to argue that the expanded Constitution of the Reconstruction era, properly understood, included women as well as former slaves. In 1874, the Court had rejected this argument. Now, a different court in a liberal atmosphere, working with a far broader idea of the rights of citizens and in the context of a mobilized female population, produced a ruling that elevated sex to the level of race as a 'suspect' category, discrimination on the basis of which deserved the highest level of judicial scrutiny. Much as the appointment to the Supreme Court of Thurgood Marshall, legal head of the NAACP, formalized the civil rights changes of the 1960s, the appointment to the Court of two women signaled a new era in women's legal rights in the 1980s and 1990s. This was particularly the case with respect to the second of these historic appointments, Ruth Bader Ginsberg, who had been one of the leading architects of this dramatic expansion in women's constitutional rights.

Like the civil rights movement out of which it grew, in many ways the new feminism of the late 1960s was a young women's movement. To distinguish themselves from the feminists of NOW, college students and young graduates who did not have as much faith in lobbying and legal change called their version of feminism "women's liberation." They wanted to effect deep cultural changes, both in the larger society and among women themselves. They challenged passive notions of femininity, the sexual double standard, prevailing ideals of female beauty, and endemic female deference to men. They championed women heroes and leaders, bold expressions of female sexuality, and research into women's historical contributions and artistic and literary expressions. They brought into public discourse matters that had previously been considered too shameful to discuss: rape, domestic violence, sexual objectification in the media. Of all the various elements of 1960s radicalism, the young feminists of the so called "second wave" were responsible for profound and enduring changes to American culture and society.

The greatest disappointment in the expansion of women's legal rights in the 1970s was the failure to ratify the Equal Rights Amendment. The ERA was first proposed in 1923 by suffrage leader Alice Paul in the immediate aftermath of the Nineteenth Amendment. Patterned after the women's suffrage amendment, the ERA was meant to write the expansive principle of legal equality into the U.S. Constitution. Most suffrage veterans, however, did not support it because they feared that it would be used to weaken the gains that had been achieved in labor force protections directed solely at working women (e.g. minimum wage and maximum hours laws). Throughout the 1930s, 40s and 50s, a small group of women lobbied futilely for the ERA. Although no one seemed to be listening, the ground was subtly shifting; in particular, New Deal legislation that federalized minimum wage and maximum hour laws and extended them to men weakened the charge that the ERA would hurt working women by calling into constitutional question protective labor laws that applied only to them. Thus, when feminist energies revived in the late 1960s, the ERA no longer appeared to be a threat to workplace gains for women. Indeed, labor union women were now among the leaders calling for greater constitutional protections for women's equality. They played a major role, for instance, in the early years of NOW.

Eventually a large, feminist movement grew up on behalf of the ERA, while a substantial antifeminist movement, based largely in conservative political and fundamentalist Christian groups, developed in opposition. The debate over women's rights had grown far beyond the formal legal protections originally envisioned by the originators of the ERA. Questions such as abortion, marriage, female sexuality, and women's role in the military were now hotly debated matters that raised the stakes with respect to the ERA. In the end, the inflammatory charges of the opposition (unisex toilets, women in combat, homosexual marriages), combined with the intentionally difficult path the founders had designed for any constitutional amendment worked to defeat the ERA. By the 1980s feminist political energies shifted from passing the Equal Rights Amendment to resisting the antifeminist drive for a constitutional amendment prohibiting abortion, which like the ERA failed to pass through Congress. Thus in the 20th century, three major campaigns for constitutional change - these

two and the women's suffrage amendment - have focused on women's rights. Clearly, along with matters of racial equality, concerns for sexual equality have been a persistent issue of constitutional breadth and interpretation.

Because of the coincidence of the civil rights and the revived women's rights movements, it is important to emphasize that African-American women were an important factor in and bridge between the two movements. While the national heroes of civil rights were male, often ministers, community activists were frequently female. The fight for freedom for African Americans has always been a collective endeavor, in which women along with men have provided leadership. Fannie Lou Hamer in Mississippi, Gloria Richardson in Maryland, and Daisy Bates in Arkansas were among the local activists of exceptional courage and vision. Young women, white and black, who had their first political experiences in the civil rights movement were deeply influenced by the example of these forthright women leaders, so different from the deferential and domestic femininity that was assumed to be the popular norm during the postwar years. Similarly, the women's rights revival of the 1960s, although predominantly white, was more diverse racially than is usually acknowledged. The founders of NOW included African-American women such as lawyer Pauli Marshall and trade unionist Aileen Hernandez. By 1970, when the civil rights movement had turned in a decisively nationalist direction under the influence of black power ideology, feminism became more widespread but also more racially segmented: African American women and Latinas raised issues of sexism and sexual equity but did so within the contexts of their own mixed-sex political contexts, while the women's liberation movement appeared more and more exclusively white.

By the 1980s, the racial profile of feminism began to change once again. Women activists in the African American, Asian American, Latina and Native American movements now spoke openly about both the racially exclusionary aspects of the feminist tradition and their own perspectives on women's rights. Feminist commitment to achieving genuine diversity within the movement's own ranks grew stronger. African-American women had long been supportive of many aspects of women's rights, but now the literary expressions of the movement began noticeably to diversify. Women such as Amy Tan, Sandra Cisneros, and Nobel Prize winner Toni Morrison were among the most popular and powerful contemporary writers producing compelling female characters who refused traditional limitations and longed for new freedoms. In the extended history of the women's rights movement, the late-20th-century phase of the movement may well stand out for finally establishing the basis for a racially democratic feminism.

By the end of the 20th century, enormous changes had occurred for women in the workplace. Women were close to 50% of all paid workers. The great majority of female workers were no longer young, unmarried women, earning wages in the years before they married and had children, but adult women who were married and parents. Increasingly women were working outside the home for as many years as men, like them into and through their entire adult lives. But at the same time, as the female labor force was becoming, as it were, normalized, women still earned much less than men. This inequality was a function, less of unequal pay for men and women doing exactly the same jobs, than of the degree to which men and women worked in different jobs. "Women's jobs" were far less well paid than "men's jobs." The fundamental problem facing proponents of workplace equality was, in other words, the deep sexual division within the labor force itself. Thus the long-standing assumption that men and women would naturally work in different occupations, different industries, and at different ranks persisted. Not surprisingly, one of the first victories of organized feminism was against sex segregated advertisements for employment, which disappeared rapidly from America's newspapers in the early 1970s.

The other and closely related dilemma facing the increasing numbers of adult American women working for pay outside the home was and is the stubborn conflict between family and workplace obligations. This dilemma, which has affected virtually every working mother (and therefore the great majority of working women) throughout the late 20th century can be said to be the women's problem of the contemporary era. Its stubborn persistence is, of course, a direct function of the process by which the representative female worker has gone from being the working girl to the working mom. This problem has proved stubbornly resistant to legislative and judicial remedies. After many years of feminist activism, what

is known in feminist circles as the working woman's "double day" is often seen as the problem of the lifestyle choices of individual women rather than the major unmet challenge of social policy. The many troubling aspects of the work/family dilemma of modern women—the problems of raising children in a two-worker household, the absence of high-quality and affordable childcare, the overwork of women with jobs outside and inside the home, the labor force inequities that result from women's domestic responsibilities—indicate how deeply achieving equality for women challenges the fundamental structures of our society and requires social and cultural change to accompany changes in the law.

Nonetheless, the achievements of modern feminism with respect to women's paid labor have been enormous. The wage differential between women and men is narrowing. The presence of more and more women in occupations that were not very long ago entirely reserved for men is striking: enrollment of women in medical and law schools is now close to 50% and women are making impressive gains in the skilled trades so long closed to them. The invisible but solid barriers to women's upward job mobility, labeled the "glass ceiling" in the 1980s, have been repeatedly challenged and are noticeably weakening. What we now call "sexual harassment" has gone from an unspoken norm permeating the workplace to a practice that is regarded as unethical, and at times criminal. Equal opportunity and treatment for women in the labor force have become the widely accepted norm, if not the reality. Thirty years ago, there was no term to cover all the forms by which women were kept in inferior positions, no equivalent to the word "racism." Now sexism is one of the major social justice concerns in American life.

In the last quarter of the 20th century, the sexual and reproductive dimension of women's rights has moved to the forefront of feminist aspirations. The most prominent aspect of this development is, of course, the battle for legal and safe abortions. The 1973 *Roe v. Wade* decision that all state laws criminalizing abortion were violations of fundamental rights to privacy became the most politically important Supreme Court ruling since *Brown v. Board of Education* in 1954, and perhaps the most disputed since *Dred Scott* in 1857. The conflict over the right to legal abortion is being waged at the very center of mainstream politics to a degree unprecedented in the history of women's rights. At the beginning of the 21st century, the debate over abortion rights, more than any other single question, defines the difference between the two major political parties.

Surrounding the highly politicized debate on legalized abortion is a larger and more amorphous set of changes. To a degree that prior generations could not even imagine, women coming of age after the 1970s have come to expect a full range of choices in their intimate lives. Marriage, sexuality, and parenthood no longer constitute a monolith in the life of American women. Changes in sexual and family life constitute as dramatic a set of developments in the realm of private life as any in the entirety of American history. Under the impact of the ongoing battle for women's rights, the very meaning of privacy is changing. The constitutional basis of the major court decisions decriminalizing contraception and abortion rest on the elaboration of a new dimension of constitutionally protected individual rights: the right to privacy. In contrast to the growing protections surrounding individual privacy, traditional aspects of "family privacy" have been challenged and eliminated in the name of individual rights. The monolith of "the family" is giving way to an appreciation for the sometimes conflicting rights of the individuals within it. Child- and wife-beating are no longer protected from external scrutiny; instead domestic violence has become a major concern for the police, and the courts and legislatures are increasingly willing to permit intervention in the previously private turf of family relations.

Conclusion:

The sustained, rank-and-file actions of generations of women are deeply implicated in American pride in the pioneering of political democracy. No other group has waged as long and committed a campaign—75 uninterrupted years—as have women for the signal right of American history, the right to vote. The Seneca Falls Declaration of Sentiments, the famous first manifesto of the women's rights movement, written within living memory of the founding of the nation, followed the Preamble of the Declaration of Independence word for word, only adding the crucial phrase "and women" to the sentence

"we hold these truths to be self-evident: that all men are created equal." The women's rights movement has illuminated and altered the American political tradition in fundamental ways: by pioneering new areas of individual rights; by demonstrating that collective struggle and individual rights needn't be opposed but can in fact be mutually reinforcing; and by calling for the expansion of the role of government from protecting the rights of those who already have them from intrusion, to drawing those excluded from these entitlements to share in their enjoyment.

In numerous ways, the long pursuit of equality between the sexes (a process which is still on-going) has had mammoth consequences for American history. It has altered the way that the American labor force is structured and how working people think about their labor. It has changed the deeply private experiences of family life, of parenthood, of marriage, of sexual intimacy. It has altered what we think of as the purposes and justification of government, of what it means to be an American citizen, of the extent to which the principles of democratic egalitarianism should be followed in modern society. Ultimately, the struggle for women's rights has altered what it means to be a woman or a man in this society, and thus what it means to be a person. Far from being confined to a small corner of American history, relegated to the margins as a "special interest movement," the battle for women's rights lies at the very center of American history and deserves to be recognized as such by the public traditions of this nation.

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