

## SEXUAL EXPLOITATION IN THE RHETORIC OF ELIZABETH CADY STANTON

by Lisa Shawn Hogan\*

In the nineteenth century, “marriage was the most important and potentially the most oppressive relationship into which nineteenth-century women entered.”<sup>1</sup> Nineteenth-century marriage and divorce laws assumed that women were physically and intellectually inferior to men and thus needed protection and support. Grounded in both scriptural authority and common law, legal statutes at the time prevented married women from owning property, obtaining custody of their children, and earning their own wages. Nor could women sue for divorce in most states, even if their husbands were mentally or physically abusive.

After the first women’s rights convention at Seneca Falls in 1848, Elizabeth Cady Stanton became convinced that divorce law was among the greatest obstacle to women’s social and political equality. “I don’t know that the world is quite willing or ready to discuss the question of marriage,” she wrote to Susan B. Anthony in 1853.<sup>2</sup> Stanton insisted, however, that “this whole question of woman’s rights turn on the pivot of the marriage relation, and, mark my word, sooner or later it will be the topic for discussion.”<sup>3</sup>

Stanton’s attacks on marriage were not limited to her support of liberal divorce laws. In fact, her most controversial writings addressed woman’s sexuality in a broader context, including discussions of sexual exploitation and infanticide. In their short-lived feminist newspaper, the *Revolution*, Stanton and Anthony questioned the supposed sanctity of the marital institution, and they also discussed scandalous criminal cases in which women were victimized sexually by men.

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1. MAN CANNOT SPEAK FOR HER: KEY TEXTS OF THE EARLY FEMINISTS v.2, 73 (Karlyn Kohrs Campbell ed., 1989).

2. Elizabeth Cady Stanton to Susan B. Anthony, Mar. 1, 1853.

3. *Id.*

## EARLY CHALLENGES

Stanton did not suddenly take radical positions on marriage and divorce. As early as her first public appearance at Seneca Falls in 1848, Stanton questioned woman's subservient status in nineteenth-century marriage and divorce laws, and she envisioned what many at the time may have dismissed as a utopian relationship of absolute marital equality. Three of the eighteen grievances in the Declaration of Sentiments directly confronted inequities in marriage and divorce laws. According to Stanton, there could be "no true dignity or independence" for woman, if she was subordinated "to the absolute will of another."<sup>4</sup>

Five years later at a temperance convention in Rochester, Stanton presented resolutions advocating liberal divorce laws, including the radical idea that no woman "remain in the relation of wife with the confirmed drunkard. Let no drunkard be the father of her children."<sup>5</sup> In her 1853 speech, she went beyond the plight of the drunkard's wife to critique the "sacredness of the marriage institution." She concluded that "any law or public sentiment that forces two immortal, high-born souls to live together as husband and wife, unless held there by love, is false to God and humanity."<sup>6</sup>

Between 1856 and 1870, marriage and divorce became the central theme in much of Stanton's public rhetoric, including her speeches to women's rights conventions and legislative bodies. Stanton questioned the sanctity of what she called the "man marriage" through images of sexual domination and marital rape. Indeed, she argued that the "man marriage" was not sacred at all, but instead was little more than "legalized prostitution." Stanton shocked her audience at the National Woman's Rights Convention Debate of 1860 by claiming that the modern wife "consents to live in legalized prostitution!—her whole soul revolting at such gross association!—her flesh shivering at the cold contamination of that embrace,—held there by no tie but the iron chain of the law." Stanton recounted stories of wife-battering and child abuse in the "man-marriage." Through a series of hypothetical narratives she described children "trembling with fear" as they tried helplessly "to hide themselves from the wrath of drunken, brutal fathers." Stanton used such

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4. Elizabeth Cady Stanton, Speech at the Seneca Falls Convention, in Campbell, *supra* note 1, at 63.

5. Elizabeth Cady Stanton, Address at the New York State Temperance Convention, in HISTORY OF WOMAN SUFFRAGE, v.1, 482 (Elizabeth Cady Stanton, Susan B. Anthony, Matilda Joslyn Gage, eds. 1881).

6. Elizabeth Cady Stanton, Address at the First Annual Meeting of the Woman State Temperance Society, in HWS, *supra* note 5, at 496.

images to challenge the prevailing belief in the sacredness and protective nature of marriage. Children born into “these unhappy and unhallowed connections” were “of *unlawful birth*—the fruit of lust, but not love; and so not of God.”<sup>7</sup>

These startling characterizations of the marital institution stood in stark contrast to the conventional wisdom of the day, which defined marriage as a sacred union, incapable of dissolution and a place where women found divine protection. Stanton challenged conventional wisdom with a portrait of the typical husband as a “cowardly, mean tyrant or a foul-mouthed, bloated drunkard.” In desperation and ignorance, women were often paired with unworthy men and forced to remain in loveless marriages: “In these heterogeneous unions,” she explained, “we find youth and old age, beauty and deformity, refinement and vulgarity, virtue and vice, the educated and the ignorant, angels of grace and goodness, with devils of malice and malignity: and the sum of all this is human wretchedness and despair.”<sup>8</sup>

As the alternative to the man-marriage, Stanton envisioned a divinely sanctioned marital arrangement of equality, wherein woman’s individuality would not be sacrificed. In such marriages, each woman would realize that she was “greater than the wife or the mother” and that entering into marital relations would “never sacrifice one iota of her individuality.”<sup>9</sup>

In short, Stanton did not merely advocate liberalized marriage and divorce laws, but instead sought to establish how woman’s oppression in both the public and private spheres rested upon her subservient role in marriage—a role, in turn, resting on sexual domination. By defining the domestic sphere as a site of violence against women and children, Stanton critiqued the sanctity of the marital institution and woman’s traditional role in the family.

Stanton’s characterization of marriage as legalized prostitution scandalized friends and foes alike. In her autobiography, Stanton recalled being stung by the criticism. “So alarming were the comments on what had been said that I began to feel that I had inadvertently taken out the underpinnings from the social system.” “Enemies were unsparing in their denunciations and friends ridiculed the whole proceeding.”

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7. Elizabeth Cady Stanton, Speech at the National Woman’s Rights Convention Debate, May 11, 1860, in Campbell, *supra* note 1, at 188-202.

8. *Id.*

9. Elizabeth Cady Stanton, Letter to the National Woman’s Rights Convention, at Cooper Union, New York, 25 (Nov. 25, 1856), in HWS, v.1, 860-61.

Public criticism of Stanton was so severe that she recalled having “often wept with vexation” from the ridicule.<sup>10</sup>

Nevertheless, Stanton did not hide from the criticism. In a letter to Anthony, several years later, Stanton reflected on how the controversy had strained her friendship with Wendell Phillips and Horace Greeley. Despite the loss of personal friends, she remained convinced that she had made the right choices. “Here, as in many cases,” she wrote, “you and I have made enemies of old friends because we stood up first and always for woman’s cause.”<sup>11</sup>

### *THE REVOLUTION*

That Stanton remained undeterred by all the controversy and criticism became evident in the late 1860s, as she probed even more deeply into questions of sexuality and domination in her feminist newspaper, the *Revolution*. In these writings, even more so than in her earlier speeches, she confronted the most basic assumptions about marriage and extended the theme of sexual domination to such issues as the legalization of prostitution and infanticide.

On January 8, 1868, Stanton fulfilled her lifelong dream of founding and editing a feminist newspaper, the *Revolution*. With Anthony as her business partner, Stanton launched a “place to express her most radical thoughts without constraints.”<sup>12</sup> Although it was certainly not the first women’s rights newspaper, it was the “first major national publication concerned with feminine equality.”<sup>13</sup> The newspaper was “radically different” from previous women’s newspapers and journals, because “its editors did not conform to politically popular or expedient positions in pursuing their objectives; instead, the journal reflected the uncompromising and often controversial ideas of its creators.”<sup>14</sup> The newspaper’s masthead itself seemed to make the same point: “PRINCIPLE, NOT POLICY: JUSTICE, NOT FAVORS—MEN THEIR RIGHTS AND NOTHING MORE: WOMEN THEIR RIGHTS AND NOTHING LESS.”

As in her speeches on marriage and divorce in the 1850s and 1860s, Stanton used the *Revolution* to attack the “man marriage” as a sexually

10. ELIZABETH CADY STANTON, *EIGHTY YEARS AND MORE* 218-19 (1898) (reprint 1993).

11. Elizabeth Cady Stanton to Susan B. Anthony, Nov. 20, 1872.

12. LORI D. GINZBERG, *ELIZABETH CADY STANTON: AN AMERICAN LIFE* 135 (2009).

13. Lynn Masel-Waters, *Their Rights and Nothing More: A History of The Revolution, 1868-1870*, 53 *JOURNALISM Q.* 242 (1976).

14. Bonnie Dow, *The Revolution, 1868-1870: Expanding the Suffrage Agenda*, in *A VOICE OF THEIR OWN: THE WOMAN SUFFRAGE PRESS, 1840-1910*, 73 (Martha Solomon ed., 1991).

exploitative institution. “Society,” she wrote, “as organized today under the man power is one grand rape of womanhood.”<sup>15</sup> Stanton’s writings in the *Revolution*, even more so than her speeches, attacked traditional marriage as a form of legalized prostitution. The “man marriage,” she declared, supported the “wholesale desecration of womanhood.”<sup>16</sup> Even in the best marriages, Stanton editorialized, women were merely servants or mistresses. In the worst situations, they lived as slaves or prostitutes. In an article entitled *Marriage and Mistresses*, Stanton wrote:

I frankly admit that to be a “mistress” is less dishonorable than to be a “wife;” for while the mistress may leave her degradation if she will, public sentiment and the law hold the “wife” in hers; and while the man is obliged to render compensation (poor I admit for the sacrifice) to his “mistress,” he may *demand* of his “wife” that she perform his drudgery, submit to his blows, and (worse) live the uncomplaining victim of his rapacity.

She concluded that whatever the “social position” of a mistress may be, the “legal position” of a wife was “more dependent and degrading than any other condition of womanhood can possibly be.”<sup>17</sup>

While essentially echoing the critique of marriage that Stanton had been making throughout the 1850s and 1860s, the *Revolution* carried the theme of sexual domination much further in addressing the problem of prostitution. Rejecting the prevailing social tendency to view prostitutes as criminals, the editors of the *Revolution* instead cast them as victims of man’s lust and drive for sexual domination. In this era, sympathy for prostitutes was scandalous and “Victorian morality dictated that civilized men and women engage only in polite conversation,” and conversation about sex—and especially prostitution—clearly fell outside the boundaries of acceptable behavior.<sup>18</sup>

The *Revolution* supported the legalization of prostitution as one way to eliminate the sexual double standard. The editors argued that existing laws punished the victims rather than the real criminals. Again employing the voices of its readers to make the point, the *Revolution* published a letter-to-the-editor on April 16, 1868, describing the prostitute as a “victim to the first libertine she meets.” “In such cases,”

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15. Elizabeth Cady Stanton, *Gerrit Smith on Petitions*, *REVOLUTION*, Jan. 14, 1869.

16. Elizabeth Cady Stanton, *Does the Revolution Believe in Marriage?*, *REV.* Apr. 8, 1869, 212.

17. Elizabeth Cady Stanton, *Marriage and Mistresses*, *REV.*, Oct. 15, 1868, 233.

18. DAVID PIVAR, *PURITY CRUSADE: SEXUAL MORALITY AND SOCIAL CONTROL, 1868-1900*, 3 (1973).

the subscriber concluded, “prostitution is involuntary and the girl blameless.”<sup>19</sup> “The almost absolute dependence of woman on man is the main cause of prostitution,” one subscriber wrote, “and I firmly believe that give woman the right to vote, and this crime would rapidly decrease.”<sup>20</sup>

While the *Revolution* addressed prostitution in editorials and through the voices of its readers, Stanton took a more direct, personal interest in the issue of infanticide. Writing with her characteristic passion under her own byline, Stanton voiced sympathy for the cause of Hester Vaughan, whose conviction on charges of infanticide in 1868 made headlines nationwide.

As a teenager, Vaughan was deceived into immigrating to the United States from England in 1863, under the promise of marrying her suitor, who was already established in America. Vaughan soon realized that her “fiancé” was already married and had a family. Ashamed and humiliated, Vaughan worked as a domestic servant near Philadelphia, barely making enough to survive. After an alleged rape from a member of the household, Vaughan became pregnant and was dismissed. In February of 1868, she was discovered in an unheated rented room, lying beside her dead newborn baby. Vaughan’s June trial resulted in a guilty verdict of infanticide and she was sentenced to death by hanging. The judge in the case justified the harsh punishment, lamenting “how rapidly the crime of infanticide is increasing” and insisting that “[s]ome woman must be made an example of” as a deterrent to others and as moral “principle.”<sup>21</sup>

Hester Vaughan’s case exemplified the sexual double standard that Stanton had fought against since the Seneca Falls Convention. Stanton in particular was outraged by the case, and she took it upon herself to interview Vaughan in her prison cell. Recounting the interview in the December 10, 1868, issue of the *Revolution*, Stanton described Vaughan as a woman of child-like innocence, emphasizing her “open, benevolent” demeanor and her “innocent face.” Stanton’s description of Vaughan celebrated her feminine traits, praising her “quiet, self-possessed manner,” insisting that she was “gentle in her movements and speech.”<sup>22</sup>

Stanton maintained that Vaughan was a victim of sexual exploitation, a moral double standard, and an unfair legal system. To

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19. *Social Surgery*, REV., Apr. 16, 1868, 231.

20. *Prostitution*, REV., Apr. 23, 1868, 244.

21. *Case of Hester Vaughan*, REV., Dec. 10, 1868, 357-358.

22. Elizabeth Cady Stanton, *Governor Geary and Hester Vaughan*, REV., Dec. 10, 1868, 354-355.

Stanton, Vaughan symbolized the legal double standard at the heart of woman's oppression: "What a holocaust of women and children we offer annually to the barbarous customs of our present type of civilization, to the unjust laws that make crimes for women that are not crimes for men!"<sup>23</sup>

Stanton's controversial writings in the *Revolution* on prostitution and infanticide emphasized the injustices of men writing the laws regarding such sex-related crimes. By expanding her critique of traditional marriages into other realms of sexual domination, Stanton pointed to the hypocrisy of the legal system which punished the victims, rather than the criminals. By discussing such taboo topics, Stanton foreshadowed the moral crusades that would characterize the late nineteenth-century.

### CONCLUSION

In the 1850s and 1860s, much of Stanton's public advocacy focused on questions of marriage and divorce, establishing how existing laws sexually exploited women. In statements to temperance conventions, women's rights conventions, and state legislative bodies, Stanton contrasted the current marital institution—the "man marriage"—with her idealized, truly sacred vision of marriage. Through images of wife-battering and child abuse, Stanton critiqued the very foundation of traditional families, seeking to revolutionize the institution of marriage.

Near the end of the 1860s, Stanton elaborated and extended these views to more broadly critique sexual domination and the laws that, in her view, blamed women for prostitution and infanticide. In the newspaper she edited with Anthony, the *Revolution*, Stanton not only editorialized against traditional marriage, but also defended women accused of prostitution and even infanticide as victims of man's lust. She argued that women accused of such crimes were sexually exploited by men, and that it was unjust that only men wrote the laws governing such crimes. These issues remained of concern to Stanton throughout her career, and in the years before her death Stanton seemed optimistic that her spiritual vision of marriage might be realized. In an article, *Divorce Versus Domestic Warfare*, published in the *Arena* in 1890, she envisioned the ideal marriage of the future: "In a true relation, the chief object is the loving companionship of man and woman, their capacity for mutual help and happiness and for the development of all that is noblest

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23. Elizabeth Cady Stanton, *Hester Vaughan*, REV., Nov. 19, 1868, 312.

in each other.”<sup>24</sup> Similarly, in an article published in the *North American Review* in 1900, Stanton concluded with optimism: “Progress is the law, and woman, the greatest factor in civilization, must lead the way. Whatever degrades man of necessity degrades woman; whatever elevates woman of necessity elevates man.”<sup>25</sup>

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24. Elizabeth Cady Stanton, *Divorce Versus Domestic Warfare*, 1 ARENA 561, 562 (1890).

25. Elizabeth Cady Stanton, *Progress of the American Woman*, 171 NO. AMER. REV. 907 (1900).