AP UNITED STATES HISTORY

Chapter 6 Materials



*The Revolution Within*

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| The Revolution Within: *Terms* |
| one-house legislature (p. 223)  *Thoughts on Government* (p. 224)  balanced government (p. 224)  suffrage (p. 225)  “wall of separation” (p. 227)  Bill for Establishing Religious  Freedom (p. 228)  free labor (p. 231)  free trade (p. 232)  inflation (p. 232)  Loyalists (p. 233)  Stockbridge Indians (p. 236)  General John Sullivan (p. 237)  abolition (p. 239)  freedom petitions (p. 241)  Lemuel Haynes (p. 241)  free blacks (p. 248)  “citizens of color” (p. 248)  republican motherhood (p. 250)  “suitable education” (p. 251) |

**Correspondence of John and Abigail Adams**

**ABIGAIL ADAMS TO JOHN ADAMS** *March 31, 1776*

***HIPP/NOTES:***

        "I long to hear that you have declared an independency. And, by the way, in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors.

        "Do not put such unlimited power into the hands of the husbands.

        "Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.

        "That your sex are naturally tyrannical is a truth so thoroughly established as to admit of no dispute; but such of you as wish to be happy willingly give up -- the harsh tide of master for the more tender and endearing one of friend.

        "Why, then, not put it out of the power of the vicious and the lawless to use us with cruelty and indignity with impunity?

        "Men of sense in all ages abhor those customs which treat us only as the (servants) of your sex; regard us then as being placed by Providence under your protection, and in imitation of the Supreme Being make use of that power only for our happiness."

**JOHN ADAMS TO ABIGAIL ADAMS** *April 14, 1776*

        "As to your extraordinary code of laws, I cannot but laugh.

        "We have been told that our struggle has loosened the bonds of government everywhere; that children and apprentices were disobedient; that schools and colleges were grown turbulent; that Indians slighted their guardians, and negroes grew insolent to their masters.

        "But your letter was the first intimation that another tribe, more numerous and powerful than all the rest, were grown discontented.

        "This is rather too coarse a compliment, but you are so saucy, I won't blot it out.

        "Depend upon it, we know better than to repeal our masculine systems. Although they are in full force, you know they are little more than theory. We dare not exert our power in its full latitude. We are obliged to go fair and softly, and, in practice, you know we are the subjects.

        "We have only the name of masters, and rather than give up this, which would completely subject us to the despotism of the petticoat, I hope General Washington and all our brave heroes would fight."

**ABIGAIL ADAMS TO JOHN ADAMS** *May 7, 1776*

        "I cannot say that I think you are very generous to the ladies; for, whilst you are proclaiming peace and good-will to men, emancipating all nations, you insist upon retaining an absolute power over wives.

        "But you must remember that arbitrary power is like most other things which are very hard, very liable to be broken; and, notwithstanding all your wise laws and maxims, we have it in our power, not only to free ourselves, but to subdue our masters, and without violence, throw both your natural and legal authority at our feet."

***HIPP/NOTES:***

**QUESTIONS:**

1. What does Abigail Adams have in mind when she refers to the “unlimited power” husbands exercise over their wives?

2. Why did the struggle for independence “loosen the bonds of government everywhere,” as John Adams remarks?

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| **Historical Content & Context** |  |
| **Intended Audience** |  |
| **Point of View** |  |
| **Purpose** |  |

***FROM* Petitions of Slaves to the Massachusetts Legislature (1773 and 1777)**

*Many slaves saw the struggle for independence as an opportunity to assert their own claims to freedom. Among the first efforts toward abolition were petitions by Massachusetts slaves to their legislature.*

***HIPP/NOTES:***

The efforts made by the legislative of this province in their last sessions to free themselves from slavery, gave us, who are in that deplorable state, a high degree of satisfaction. We expect great things from men who have made such a noble stand against the designs of their *fellow-men* to enslave them. We cannot but wish and hope Sir, that you will have the same grand object, we mean civil and religious liberty, in view in your next session. The divine spirit of *freedom*, seems to fire every breast on this continent. . . .

\* \* \*

Your petitioners apprehend that they have in common with all other men a natural and unalienable right to that freedom which the great parent of the universe hath bestowed equally on all mankind and which they have never forfeited by any compact or agreement whatever but [they] were unjustly dragged by the hand of cruel power from their dearest friends and . . . from a populous, pleasant, and plentiful country and in violation of laws of nature and of nations and in defiance of all the tender feelings of humanity brought here . . . to be sold like beast[s] of burden . . . among a people professing the mild religion of Jesus. . . .

In imitation of the laudable example of the good people of these states your petitioners have long and patiently waited the event of petition after petition by them presented to the legislative body. . . . They cannot but express their astonishment that it has never been considered that every principle from which America has acted in the course of their unhappy difficulties with Great Britain pleads stronger than a thousand arguments in favor of your petitioners [and their desire] to be restored to the enjoyment of that which is the natural right of all men.

**QUESTIONS:**

1. What specifically do the petitioners mean when they say that “every principle” Americans have invoked against Britain offers and argument in their favor?

2. How do the slaves employ the principles of the Revolution for their own aims?

3. What do the previous two documents suggest about the boundaries of freedom in the era of the American Revolution?

**Thomas Jefferson, Virginia Statute for Religious Freedom (1786)**

**Source:** [**http://www.rjgeib.com/thoughts/lynch/religious-freedom.html**](http://www.rjgeib.com/thoughts/lynch/religious-freedom.html)

I. Well aware that Almighty God has created the mind free; *that* all attempts to influence it by temporal [civil] punishments or burdens or by civil incapacitations [lack of fitness for office], tend only to ... [produce] habits of hypocrisy and meanness and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate [spread] it by coercions [force] on either, as was in his Almighty power to do; *that* the impious presumption of legislators and rulers, civil as well as ecclesiastical [religious], who, being themselves but fallible and uninspired men, have assumed dominion [rule] over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible [ones], and, such, endeavoring to impose them on others, have established and maintained false religions over the greatest part of the world and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical; *that* even ... forcing him to support this or that teacher of his own religious persuasion is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern and whose powers he feels most persuasive to righteousness ... ; *that* our civil rights have no dependence on our religious opinions any more than [on] our opinions in physics or geometry; *that* therefore the proscribing [of] any citizen as unworthy [of] the public confidence by laying upon him an incapacity of being called to offices of trust and emolument unless he profess or renounce this or that religious opinion is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right; . . . *that* to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy which at once destroys all religious liberty, because he [the magistrate], being, of course, judge of that tendency, will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with, or differ from, his own; *that* it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt [open, or public] acts against peace and good order; and, finally, *that* truth is great and will prevail if left to herself, *that* she is the proper and sufficient antagonist to error and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, [for] errors [cease] to be dangerous when it is permitted freely to contradict them.

***HIPP/NOTES:***

II. *Be it enacted by the General Assembly* that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

III. And though we well know that this assembly, elected by the people for the ordinary purposes of legislation only, [has] no power to restrain the acts of succeeding assemblies, constituted with powers equal to her own, and that therefore to declare this act to be irrevocable would be of no effect in law; yet, as we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall hereafter be passed to repeal the present or to narrow its operation, such act will be an infringement [violation] of natural rights.

**QUESTIONS:**

1. Why does Jefferson consider religious liberty one of the “natural rights of mankind”?

2. What is the bill’s main argument for religious freedom?

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| **Historical Content & Context** |  |
| **Intended Audience** |  |
| **Point of View** |  |
| **Purpose** |  |

**Noah Webster, On Equality (1787)**

***HIPP/NOTES:***

In America, we begin our empire with more popular privileges than the Romans ever enjoyed. We have not to struggle against a monarch or an aristocracy--power is lodged in the mass of the people.

On reviewing the English history, we observe a progress similar to that in Rome--an incessant struggle for liberty from the date of Magna Charta, in John's reign, to the revolution. The struggle has been successful, by abridging the enormous power of the nobility. But we observe that the power of the people has increased in an exact proportion to their acquisitions of property. Wherever the right of primogeniture is established, property must accumulate and remain in families. Thus the landed property in England will never be sufficiently distributed, to give the powers of government wholly into the hands of the people. But to assist the struggle for liberty, commerce has interposed, and in conjunction with manufacturers, thrown a vast weight of property into the democratic scale. Wherever we cast our eyes, we see this truth, that *property* is the basis of *power;*and this, being established as a cardinal point, directs us to the means of preserving our freedom. Make laws, irrevocable laws in every state, destroying and barring entailments; leave real estates to revolve from hand to hand, as time and accident may direct; and no family influence can be acquired and established for a series of generations--no man can obtain dominion over a large territory--the laborious and saving, who are generally the best citizens, will possess each his share of property and power, and thus the balance of wealth and power will continue where it is, in the *body of the people.*

*A general and tolerably equal distribution of landed property is the whole basis of national freedom:* The system of the great Montesquieu will ever be erroneous, till the words *property or lands in fee simple* are substituted for *virtue,* throughout his *Spirit of Laws*.

*Virtue,* patriotism, or love of country, never was and never will be, till mens' natures are changed, a fixed, permanent principle and support of government. But in an agricultural country, a general possession of land in fee simple, may be rendered perpetual, and the inequalities introduced by commerce, are too fluctuating to endanger government. An equality of property, with a necessity of alienation, constantly operating to destroy combinations of powerful families, is the very*soul of a republic*--While this continues, the people will inevitably possess both *power* and *freedom;* when this is lost, power departs, liberty expires, and a commonwealth will inevitably assume some other form.

The liberty of the press, trial by jury, the Habeas Corpus writ, even Magna Charta itself, although justly deemed the palladia of freedom, are all inferior considerations, when compared with a general distribution of real property among every class of people.[1](http://press-pubs.uchicago.edu/founders/documents/v1ch16s17.html#note1) The power of entailing estates is more dangerous to liberty and republican government, than all the constitutions that can be written on paper, or even than a standing army. Let the people have property, and they *will*have power--a power that will for ever be exerted to prevent a restriction of the press, and abolition of trial by jury, or the abridgement of any other privilege. The liberties of America, therefore, and her forms of government, stand on the broadest basis. Removed from the fears of a foreign invasion and conquest, they are not exposed to the convulsions that shake other governments; and the principles of freedom are so general and energetic, as to exclude the possibility of a change in our republican constitutions.

**QUESTIONS:**

1. Why does Webster consider an equal distribution of landed property more important to freedom than liberty of the press, trial by jury, and other rights?

2. Why does Webster believe the republican institutions of the United States will survive indefinitely?

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**Northern Emancipation**

The American Revolution was the death knell of Northern slavery. The rhetoric of the rebels, based on the Enlightenment doctrine of natural rights, immediately ran into the hypocrisy of a slave-owning people crying out for freedom. Tory Samuel Johnson twitted the Americans in 1775: "How is it that we hear the loudest yelps for liberty among the drivers of negroes?" The rebels were sensitive to the taunt. “To contend for liberty and to deny that blessing to others,” John Jay wrote, “involves an inconsistency not to be excused.” Nathaniel Niles put it succinctly: “For shame, let us either cease to enslave our fellow-men, or else let us cease to complain of those that would enslave us.” James Otis found another thread in the argument when he wrote, “It is a clear truth that those who every day barter away other men’s liberty, will soon care little for their own.” [1]

Britain had a large financial stake in the slave trade (between 1729 and 1750, Parliament approved more than 90,000 for maintenance of slave stations on the African coast), so New England resistance to slave importation in the years leading up to the Revolution could express anti-Crown sentiment. As so often happened, morality and economic self-interest flowed the same way, so it is difficult to distinguish them. Dr. Jeremy Belknap of Boston recalled that few in the colony had spoken publicly against slavery, “till we began to feel the weight of oppression from 'our mother country.” It was probably not a coincidence that Massachusetts, where resistance to British authority was greatest, was also the hotbed of agitation against the slave trade.

Meanwhile, by 1770, slave raids had depopulated whole regions of coastal West Africa. The terms of the [*Assiento*](http://en.wikipedia.org/wiki/Assiento) encouraged this by drawing off the breeding-age population: “none of the said 4,800 Negroes shall be under the age of ten years, nine parts in ten of the ... Negroes so to be furnished shall be of the age of sixteen years at least, and none of them shall exceed the age of 40 years.” During the decade before the American Revolution, the cost of slaves at the stations in Africa soared. Because of that, the flow of available slaves from the West Indies -- the traditional main source of Northern slaves -- dried up. Plantation owners there held on to their stock, realizing it could no longer easily be replaced by African imports. The combination drove many Northern slave merchants out of the trade. Slave imports to the North fell off sharply after 1770, and internal trade in blacks rose in importance. The change in the economic winds helped ease the path for the North to give up its direct involvement in expanding slavery, without disowning the fortune it already had made.

Emancipation in the North also involved a religious component. Quakers came later to abolition than many people realize. Not until 1758 did Philadelphia Yearly Meeting condemn not only the slave trade, but slavery itself. Still, the Society of Friends was the most visible of the anti-slavery sects, though somewhat marginalized during the Revolution because many Friends had been Loyalists. They brought varying degrees of pressure to bear in Pennsylvania, New Jersey, New York, and Rhode Island. Presbyterians in Pennsylvania and Methodists in the Chesapeake region also preached against slavery.

But the heaviest blow was dealt by the war itself, which was waged for five years all across the North. Both sides competed for the slaves, and whichever side he joined, a slave was likely to end up free. The incentives were greater on the British side, however, since the running away of an American's slave meant no financial loss to them. In Connecticut, as early as 1776, slaves were escaping to British vessels lying off New Haven. In 1775, at the outbreak of the Revolution, Virginia's Gov. John Murray, Earl of Dunmore, issued a proclamation offering freedom to all slaves who would bear arms against the rebellion. Among the many who ran away from their masters and flocked to Lord Dunmore's regiments was Titus, 21, slave of New Jersey Quaker John Corlies. A year later, calling himself Colonel Tye, Titus was back in New Jersey, organizing other slaves and free blacks to fight against the Americans. For five years he led a guerilla band that terrorized northern New Jersey.

In 1779, Sir Henry Clinton, the British commander in chief, offered freedom “to every Negro that shall desert the rebel standard.” Clinton's policy was as much practical as philanthropic. A British warning in the New York Weekly Mercury on July 5, 1779, notified blacks that any captured with the rebel forces would be sold into slavery, regardless of their legal status. But there does seem to have been a good deal of genuine humanitarian feeling among the British generals. Lord Cornwallis would not allow runaways to be taken from his camp, even when their owners were not rebels. And Sir Guy Carleton kept his word to fugitives at the end of the war during the evacuation of New York, even as the victorious Yankees clamored for the return of their slave property. When the British and the American Loyalists pulled out at the end of the war, some 3,000 blacks left with them.

The British offer of liberty to escaped slaves drew in thousands of them. “By the invasion of this state, and the possession the enemy obtained of this city, and neighborhood,” George Bryan of Philadelphia wrote in 1779, “[a] great part of the slaves hereabouts, were enticed away by the British army.” The large slave populations of Philadelphia and New York were permanently reduced. Henry Muhlenberg, the prominent Lutheran minister in Pennsylvania, wrote in his journal that blacks “secretly wished the British army might win, for then all Negro slaves will gain their freedom.” The number of runaways rose so sharply after 1775 that there can be no doubt that the machinery of control no longer functioned effectively. [2]

The Northern colonies, too, began to offer their slaves manumission or freedom in exchange for military service. Usually this came with some reimbursement to the owner (in 1782 in New York, 500 acres was given to a master for every slave who enlisted for three years with the master's consent). In the American Revolution, some 5,000 blacks, mostly from the North, fought on the American side. But likely many more went over to the British. The black population of Massachusetts declined in actual numbers during the Revolutionary years, and its ratio to the white population fell from 1:45 in 1763 to 1:80 in 1784. In Rhode Island, the black-to-white ratio had been 1:14 in 1749; in 1783 it was 1:22. In the 15 years after 1771, the white population of New York grew by about 50 percent, but the black population fell by 5 percent. Black population in Connecticut decreased by 1,045 from 1774 to 1790, a drop of better than 16 percent.

The result of this convergence of forces was that, between 1777 and 1804, the Northern colonies and states, one by one, gave up on slavery. It’s difficult to assign a relative weight in this to practical economics as opposed to political liberalism. Evidence suggests the practical was paramount. There was a good deal of anti-slavery rhetoric in the early days of the Revolution in the form of petitions and non-binding resolutions. In the North, a few of the former colonies even barred the importing of slaves. But only Vermont, where slavery was practically non-existent, went so far as to ban it outright in 1777. The war came first, most of the Northern leaders decided, and anything that could upset the struggle ought to be, in the words of the New Hampshire legislature in 1780 putting off a petition for freedom from the state's slaves, “postponed till a more convenient opportunity.”

Edgar McManus, the historian of Northern slavery, finds that “abolitionists of the 1780's belonged to the business elite which thirty years before had reaped handsome profits from the slave trade. The precipitous decline of the trade after 1770 apparently sharpened the moral sensibilities of those who had formerly profited. ... The leaders of the abolition movement were honorable men who sincerely regarded slavery as a great moral wrong. But it is also true that they embraced antislavery at a time when it entailed no economic hardship for their class.”

Northern slaves, more often than those of the colonial South or other parts of the Americas, had filled skilled positions, working as artisans, especially in the cities. They appear as bakers, tailors, weavers, goldsmiths, and woodcut illustrators. Such status allowed them a certain power to negotiate with their masters, and win certain protections. It also earned them the jealousy of white workers, who petitioned relentlessly against slave competition in Boston from 1660, New York from 1686, and Philadelphia from 1707. But with the end of slavery, the white workers who had sought these jobs for generations soon swept them clean of black incumbents. The freed slaves were excluded from the occupations that would have allowed them to make something of their freedom.

Considering New York, McManus writes, “Upper-class whites were motivated by idealism, and their attitude toward the Negro was philanthropic and paternalistic. Members of the upper class supported Negro charities and schools much more generously than they supported organizations assisting poor whites.” This idealism, however, "had no counterpart in the lower classes, among whom could be found neither sympathy for the Negro nor understanding of his problems. From its inception, slavery had been detrimental to the working class. On the one hand, the slave system excluded whites from jobs pre-empted by slaves; on the other, it often degraded them socially to the level of the slaves with whom they had to work and compete in earning a livelihood. Many whites preferred chauvinistic idleness to employment which had come to be identified with slavery. ... Whites of the working class hated slavery as an institution, but they also feared the free Negro as an economic competitor. They supported emancipation not to raise the Negro to a better life but to destroy a system which gave him a fixed place in the economy.” [3]

“Emancipation in some ways strengthened the tyranny of race by imposing on blacks new forms of subordination that better served the economic interests of the whites,” writes McManus.” The historical reality of race relations in the Americas is that whites have never altered their institutions primarily for the benefit of blacks. [4]

Northern prejudice, and the inability of those states to assimilate their former slaves, certainly discouraged efforts toward freeing the slaves in the South. Having inadvertently freed the slaves in the state, the Massachusetts legislature voted to bar interracial marriages and expel all blacks who were not citizens. Boston authorities took action against 240 of them in 1800, most natives of Rhode Island, New York, Philadelphia, and the West Indies. White Philadelphians were rioting against blacks from 1805, driving them from the Fourth of July celebrations on Independence Square. Within a decade, the burning of black churches in the city had begun. A Virginia judge, observing the North in 1795, wrote, "If in Massachusetts, where the numbers are comparatively very small, this prejudice be discernible, how much stronger may it be imagined in this country ...?" [5]

Another kind of mixed message was sent south by prominent Northern critics of slavery who had difficulty freeing their own slaves. Benjamin Rush and the Rev. Francis Allison were among Pennsylvania's prominent, outspoken abolitionists who owned slaves during most of their public careers. In 1785, Alexander Hamilton, Aaron Burr and 30 other New Yorkers formed the Society for Manumission of Slaves. Hamilton, as chair of the Ways and Means Committee, reported a resolution that members begin the work by freeing their own slaves. The resolution failed. “[I]n the manner northern state governments dealt with the abolition of slavery, the South witnessed the central difficulty besetting the revolutionary generation -- how to put into practice beliefs that could be implemented only at personal cost.” [6]

By the time of the 1790 census, 94 percent of the 698,000 U.S. slaves lived below the Mason-Dixon Line. They concentrated in the tobacco-growing region in the Chesapeake basin and in the rice-growing along the coast of Georgia and South Carolina. Having solved its slavery problem by a very gradual emancipation, and by aggressively proscribing the rights of its free black minority, the North was content. Its ships continued to carry slaves to Southern ports, and slave-grown cotton to Europe. The North reaped the profits of the Southern plantations, and the federal government collected the tariffs. Any further effort made in the North toward resolving the slavery issue generally went into the pipe-dream of colonization and to making sure Southern blacks stayed there, or at least did not come north.

**1.** *The Rights of the British Colonies Asserted and Proved*  
**2.** Edgar J. McManus, *Black Bondage in the North,* Syracuse University Press, 1973, p.154.   
**3.** Edgar J. McManus, *A History of Negro Slavery in New York,* Syracuse University Press, 1966, p.182-3.   
**4.** McManus, op. cit., p.197.   
**5.** Leon F. Litwack, *North of Slavery,* University of Chicago Press, 1961, p.15.   
**6.** Gary B. Nash, *Race and Revolution,* Madison House, 1990, p.31.

***SUMMARIZE 5 MAIN POINTS FROM THE ARTICLE…***

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***The Legal Status of Women, 1776–1830***

State law rather than federal law governed women’s rights in the early republic. The authority of state law meant that much depended upon where a woman lived and the particular social circumstances in her region of the country. The disparity in standards can perhaps be seen most dramatically in the experiences of African American women. In the North, where states abolished slavery after the Revolution, black women gained rights to marry, to have custody of their children, and to own property. On paper at least, their rights were identical to those of white women. In the slaveholding South, lawmakers continued to deny enslaved workers these basic human rights. But even in the South, a rising number of freed black women theoretically enjoyed the same privileges under the law as white women. However, racial prejudice against both black and Native American women made it difficult to ensure these rights in practice.

In every state, the legal status of free women depended upon marital status. Unmarried women, including widows, were called “femes soles,” or “women alone.” They had the legal right to live where they pleased and to support themselves in any occupation that did not require a license or a college degree restricted to males. Single women could enter into contracts, buy and sell real estate, or accumulate personal property, which was called *personalty*. It consisted of everything that could be moved—cash, stocks and bonds, livestock, and, in the South, slaves. So long as they remained unmarried, women could sue and be sued, write wills, serve as guardians, and act as executors of estates. These rights were a continuation of the colonial legal tradition. But the revolutionary emphasis on equality brought some important changes in women’s inheritance rights. State lawmakers everywhere abolished primogeniture and the tradition of double shares of a parent’s estate, inheritance customs that favored the eldest son. Instead, equal inheritance for all children became the rule—a big gain for daughters.

Marriage changed women’s legal status dramatically. When women married, as the vast majority did, they still had legal rights but no longer had autonomy. Instead, they found themselves in positions of almost total dependency on their husbands which the law called coverture. As the English jurist William Blackstone famously put it in his*Commentaries on English Law* (1765–1769):

By marriage, the husband and wife are one person in the law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs every thing.

*Coverture* was based on the assumption that a family functioned best if the male head of a household controlled all of its assets. As a result, a married woman could not own property independently of her husband unless they had signed a special contract called a marriage settlement. Such contracts were rare and even illegal in some parts of the country. In the absence of a separate estate, all personalty a woman brought to her marriage or earned during marriage, including wages, became her husband’s. He could manage it or give it away, as he chose, without consulting her.

This sounds bad, and it was. But one rule worked to mitigate some of the worst effects of coverture. A married woman had the right to be maintained in a manner commensurate with her husband’s social status. If he refused to provide for her appropriately, she could sue and win support from the courts. While waiting for the court’s judgment, she was permitted to run up charges at local stores and taverns—and her husband had to pay for them. Judges consistently applied this rule, called the *doctrine of necessities*, in order to prevent men from neglecting their wives. But the courts could not stop husbands from gambling or making bad investments. Women had no protection when their husbands proved irresponsible. If creditors pursued a husband for debts, his wife was entitled to keep only the bare necessities of life. This was usually defined as two dresses (so she would have one to wear while the other was being washed), cooking utensils, and a bed.

Women’s rights to *real property*—the lands and buildings that constituted most wealth in the early national period—were more extensive than their rights to personalty. A husband could not sell or mortgage the realty his wife brought to their marriage without her consent. He could use it, but he could not convey it because a woman’s real estate, generally inherited from her father, was meant to stay in the family and descend through her to her children. A wife also had important rights to the real property that her husband brought to the marriage or purchased afterwards. He could not sell or mortgage it unless she signed a statement signifying her free consent, which was recorded with the deed. Few mortgagors or buyers would enter into an agreement without the wife’s consent. They knew that she retained her right to be maintained by the property in the event of her husband’s death, even if he died insolvent. Courts were careful to ensure that a wife signed a conveyance of her own free will and not because of pressure from her husband. A court officer questioned her apart from him to confirm that she actually agreed to the sale or mortgage.

One of the most important rights of a married woman was *dower*, which was designed to provide her with support during widowhood. It consisted of a life estate in one-third of the husband’s real property if there were children and one half if there were not. A “life estate” did not mean actual ownership of the property. It was meant only to provide for the wife as her husband would have done had he lived, under a legal system that recognized her position of dependency within the family. When a widow died, her dower lands descended automatically to her husband’s heirs or to his creditors. A solvent husband could leave his widow more than dower if he chose to. He could even leave her his entire estate in fee simple (absolute ownership). But he could not leave her less. Most couples relied on dower as their standard for how much to leave.

Dower was a legal tradition carried over from colonial days. This and other rules about married women’s property rights were meant to support the family as a unit. They worked reasonably well in an economic system based on landed wealth, under which families typically stayed in one place and rarely sold or mortgaged their farms. They did not work as well, however, in a society like the rapidly expanding and industrializing nineteenth-century United States, where lands changed hands frequently and where there was growth in personal property as well as land.

Under these new circumstances, the old system of property law faltered. It failed to give adequate protection to women and, at the same time, denied them the ability to safeguard their own interests. In recognition of this dilemma, states began to pass married women’s property acts in the antebellum decades. These acts gave wives the same legal rights as single women with regard to their estates and wages. It was piecemeal legislation, enacted reluctantly by male lawmakers who would have preferred to keep women dependent within the family. Yet the lawmakers recognized that these reforms were essential in a capitalist economy based on movable wealth.

Political rights were a function of control over property for men in the republic, but gender alone was the basis for women’s exclusion from voting or holding office. Simply put, men with property had the right to vote in the early national period but women, no matter how wealthy, did not, even though women paid the same taxes as men. The reasoning behind this discrimination rested on the assumption that married women were liable to coercion by their husbands; if a wife voted, legislators argued, it meant that a man cast two ballots. As one man put it, “How can a fair one refuse her lover?” Yet single women were also denied suffrage, a clear sign that more was at stake than the power of a husband to influence his wife’s choices at the polls.

Blatantly discriminatory attitudes kept lawmakers from giving women the vote. They did not want to share their political power with daughters, mothers, and wives, just as they did not want to share it with freed black men or immigrants. This pattern can be seen clearly in New Jersey, the one state where women with property were allowed to vote after the Revolution. In 1807 legislators took this right away—not only from women but from black men and aliens as well. As it turned out, discrimination against women in the area of the franchise lasted the longest of any disadvantaged group, at least on paper.

American independence brought women greater freedom from husbands who were abusive, neglectful, or adulterous. In colonial society, divorce was virtually impossible under English precedent, but all of the new states recognized the need to end unhappy marriages. The choice of appropriate remedies varied considerably, however. Some states, particularly in the South, only allowed separate residence with alimony (called divorce from bed and board). Other states granted absolute divorce with the right of the innocent party to remarry. In matters of divorce, social and religious values affected the laws in different parts of the country. The conservatism of divorce laws in the southern states, for example, was probably related to slavery: it was difficult for lawmakers to grant women absolute divorces because of their husbands’ adulterous relationships with slaves. Liberal New England laws, in contrast, stemmed from a longstanding Puritan belief that it was better for unhappy couples to separate and remarry than to be joined forever in a state of discord and temptation to sin.

Child-custody rights also changed after the Revolution. The courts were increasingly willing to bypass colonial precedents that favored men in custody disputes. Instead, they placed young children and daughters (although not sons) under the care of mothers. These reforms reflect the rising importance of the gender-based ideology of separate spheres, which gave women moral preeminence in the private sphere of the home and men supremacy in the marketplace and politics. Women would use the concept of moral motherhood to great advantage in their struggle for social justice over the next century.

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***SUMMARIZE 5 MAIN POINTS FROM THE ARTICLE…***

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*3*

*4*

*5..*

**REVIEW QUESTIONS**

1. Colonial society was based on inequality and obedience to authority. How did the American Revolution challenge the existing order of society?

2. Why did the Revolution cause more radical changes in Pennsylvania than elsewhere, and how was this radicalism demonstrated in the new state constitution?

3. Even after the American Revolution, conservatives denied that freedom and equality were synonymous, and opposed the growth of democracy. How did conservatives resist democratization in the South?

4. What role did the founders forsee for religion in American government and society?

5. What was the impact of the American Revolution on Native Americans?

6. What were the most important features of the new state constitutions?

7. How did popular views of property rights and the marriage contract prevent women and slaves from enjoying all the freedoms of the social contract?

8. What was “republican motherhood,” and why was it significant?

**FREEDOM QUESTIONS**

**1.** Revolutions create change, challenge authority, and embolden marginalized groups to apply revolutionary ideals to their own situation. How did slaves, indentured servants, women, and Native Americans use the ideals of freedom to further their causes?

**2.**Wartime patriots insisted that freedom of conscience was a key part of liberty. What steps were taken to protect religious freedom, and did this freedom apply to everyone?

**3.** Before the American Revolution, Americans commonly held that the role of government was to promote the public good. After the war, merchants and other leaders advocated free trade and free markets, ruled by self-interest, as an expression of freedom. How did this new concept of freedom for some Americans deprive others of their freedoms?

**4.** Patriots claimed to be fighting a war to protect liberty and freedom in America, yet these ideas did not apply to everyone. How did Loyalists and Native Americans suffer, and why were their “natural rights” not protected?

**5.** “Slavery” and “liberty” were the two most frequently used terms in the debate over freedom. How did they apply to the political rights of white property owners, but then mean something entirely different when referring to African-Americans held as property?