E. H. Haywood's *Uncivil Liberty* (1871)

In this essay by E. H. Haywood, the author railed against the injustice of denying women the right to vote and ruling them against their will. Many female suffrage advocates were outraged when the 15th amendment guaranteed the right to vote for men regardless of race, but specifically excluded women. As you examine this argument, note the way in which the author uses the very principles of freedom and equality evoked by the founding fathers to demand the expansion of those rights to women. Why could all other classes be granted citizenship, but "the fact of sex dooms one to perpetual vassalage!"

UNCIVIL LIBRTY.

The independence of British American Colonies, asserted in 1776, was an emphatic declaration of the right of peoples to manage their own affairs; an appeal from governments to justice, from men to man. Till then nations were subject to enthroned power, whose will was superior to popular dissent. Singularly enough the managers of that revolution, after affirming life and liberty to be inalienable rights, proceeded to destroy life by wholesale in battle, and were so insincere as to deny liberty to a weaker race. The same hands which slew tyrants on Bunker Hill spread the shield of Federal law over chattel bondage at the South, and the Union of 89 became "a hard of States hunting slaves." Retributive justice has emancipated and enfranchised black men, but the insincerity of the fathers reappears in the dogma of exclusive male sovereignty, which rules one-half our adult citizens-the women-against their consent. This rude resistance to the logic of events affronts the essential principles of liberty, which inspired what self-government is yet thought safe in private affairs, and were designed to secure, at least, good manners in rulers.

SOURCES OF CIVIL LAW.

Human government originated in force; in the heaviest fist, or with those able to control the mere animal strength of hour; the exponent of concrete opinion, of what certain men think best to be done, with a large infusion of fraud and violence, it now appears as emperor, president, or pound-keeper, set over prone multitudes, until they get on two feet and acknowledge the domination of principles. Through john Baptist or Herod, Brutus or Csar, Cromwell or Stuart, Lincoln or Buchanan, the moral sense, often stifled or perverted, but never conquered, here and there gets into creed, deed, or positive law, and makes the epoch memorable. One evolves a truth and is reviled, starved, or murdered outright for it; the truth survives, overrules law and custom, and men grow famous in eulogizing what they killed the discoverer for announcing. The king's arm being too short to reach the circumference of his realm, he delegates his will to subordinate executors, on whom, in turn, he is somewhat dependent. Thus all governments, in their way, are representative, and rest on consent, though they differ in the width of the circle in the number of nobles taken into royal confidence. But despotism makes the will of monarchy its ultimate appeal, while liberty, accepting as final nothing this side of natural right, defers to popular reason, and is served or cheated, by that democratic king, the average man, the majority. In that marvel to monarchs, a State without a king, all citizens are nobles in so far as they incarnate equity. Hence our fathers, according to their luck, derived just powers of government from
consent of the governed; and, to be as good as they, we must be enough better to apply the
democratic idea impartially.
In determining essential right we settle woman's rights, for the greater includes the less; every
political or reformatory convention is the reappearance of government, through imperfect
mediums, the people, from its primary source, natural equity. The sub'te law which regulates
movements of sovereign particles of the body politic, the cardinal principle of civil liberty allows
every one to do what she or he will, provided they invade not the equal right of every other one
to do the same. Out of this come freedom of thought, expression and movement; the right of
association, habeas corpus, trial by jury, all the safeguards which experience has thrown up
around dissent, to withstand invasion, and enable right to give law to instructive fact. Parties,
majorities, state, church-all institutions are despotisms when in conflict with incarnate truth.
Legitimate civil authority may be traced to one of two origins: 1st, Enlightened reason, natural
equity. 2d, Positive legislation. Since the latter is void unless it enact the former, law can have
but one true source, abstract right, God's will about it. Hence government, not less than liberty,
must justify its existence, and opponents of impartial suffrage should be classed as tyrants until
proved innocent. That this is a correct view some competent exponents of thought, in different
ages, may be cited to witness. Socrates: "Whatever inconvenience ensue, nothing is to be
preferred before justice." New Testament: "Whether it be right to hearken unto you, more than
unto God, judge ye;......the law is fulfilled in one word, love thy neighbor as thyself." Cicero: "If
nature does not ratify law all virtues lose their sway." Bacon: "There are in nature certain
fountains of justice, whence all civil laws are derived but as streams." Shakespeare: "In love the
heavens themselves do guide the state." Hampden: "What is unjust is not law, and what is not
law ought not to be obeyed." Blackstone: "No human laws are of any validity if contrary to the
law of nature; and such of them as are valid derive all their force and authority from this
original." Kant: "Act so that the immediate motive of your will may become a universal rule for
all intelligent beings." Hallam: "God forbid that we should submit our liberties to a jury of
antiquaries, Carlyle: "One strong thing I find here below, the just thing, the true thing; if the
thing is unjust, thou hast not succeeded." Spooner: "No one can know what the written law is
until he knows what it ought to be." Emerson: "Law is only memorandum; absolute right is the
first governor." Lieber: "The forbearing use of power is a sure attribute of a gentleman." The
right to rule first claimed by brute force, then by good will, charity, finally rests in liberty,
delegated trust, consent. If principal or representative goes wrong, integrity dissents, bides its
time and wins, though the true king be in a dungeon, and a culprit on the throne. The world will
settle down into a community of peoples when abstract right is obeyed as supreme interpersonal,
interstate, inter-National law, and the clearest self-interest.

IRRESPONSIBLE POWER.
From this cursory glance at the principles which authorize legitimate government, much now
obeyed as law appears destitute of moral justification. An old play represents Adam crossing the
stage going to be created; democracy is yet so much in embryo that its reputed statesmen think
national unity is promoted by centralized dictation, and extol as "a republican form of
government" that which forces the allegiance of dissenting men and dooms to political servitude
all women. But civil law being merely the creature of man, and binding only as it enacts rights,
those who presume to legislate for citizens-permanent residents of mature age and sound mind,
who contribute to the material or moral welfare of society-of either sex or any race without
power of attorney, or other definite commission, are guilty of fraudulent usurpation, and their
acts morally void. "Taxation without representation is tyranny," was a potent rallying cry in the struggle for male independence, which compels women to pay for the support of governments they had no voice in creating.* It is a recognized principle of democracy that persons indicted for crime are entitled to be tried by their peers; yet women are arrested, imprisoned and judicially murdered, by their self-constituted masters. By constitutional decree and custom, a majority of votes cast decide the election; in Massachusetts, according to the census of 1865, there are 63,011 more females than males; and, by the majority rule, the women may rightfully expel Legislature and Governor, from the State House, as usurpers. Yet these are the fellows who set themselves up as gods, to be petitioned and prayed to, instead of coming down on penitent knees for their transgressions! The validity of the national war debt, the binding force of marriage laws, chartered powers of corporations, title deeds to property, public and private contracts are vitiated by the all-pervading usurpation. Under existing laws only a "prostitute" can claim her child; any married father, whether of age or not, by will or deed may dispose of his child, "born or to be born," and its mother is liable to fines and imprisonment for presuming to dispute his marital "rights." A Boston woman of wealth, culture and talent allowed a servant to conduct her two little girls, one two and the other five years old, to see their father then living in another house belonging to her; he immediately took them aboard an Atlantic steamer, carried them to Paris, and she did not see them again for ten years! He acted on legal advice, and the statute which permitted the outrage is still law in most, if not all, of the States. Recently a prominent member of the medical profession compelled his wife to die under his own treatment, rather than be cured, or even prescribed for by the physician of her own choice; and government permits husbands to exercise this murderous power. One unfit to have authority over a fly is made absolute master of his wife; and while he could be arrested for cruelty to a horse in the street, he may enter his house—a castle to him, a prison to her—and whip the mother of his children at pleasure. A just man blushes to look into the statute book, so often does he find himself judged and sentenced by the acts of his sex.

* An attempt has been made in this State to ascertain the number of females in their respective municipalities who are taxed directly and also the number of such who have property standing in other people's names. According to these imperfect returns there are 33,961 females in Massachusetts who pay a tax of $1,927,63311 on a total valuation of 6131,683,393 28.- Boston Daily Journal.

MALE SUPREMACY.
The legal subjection of woman is thought to be justified by an assumed natural dependence on man. The old claim of tyranny, "the king can do no wrong," is reasserted by that many-headed monster, the majority, which widens the circle of despotism, but retains the fact. As people were to the king so woman is now an appendage of man, who claims to be her "head," though nature seems not to have limited heads to the exclusive possession of either sex. That there is no natural feeling of dependence, on one hand, or of superiority on the other, is evident to the most casual observer of spontaneous dealings of the sexes. In practical sense and force a girl of fourteen is often ten years older than a boy of the same age; tells him how to act and protects him from the big boys at school. A widow lady who maintains herself and daughter, and lays up money by keeping a half-dozen families in clean clothes, rejoices that she has no man on her hands to support. Her next door neighbor, who sold, one day, forty cents worth of her husband's service for two pounds of beef, said, that for another piece as large she would part with him entirely. At
a court ball in Berlin, Bismarck, much pleased with the wife of a foreign diplomat present, with characteristic audacity, reached out to pluck a flower from the bouquet she carried; rapping his knuckles with her fan she said: "Pardon, Mr. Count, but that flower is not a German State; you must ask for it." Man instinctively defers to woman until poverty, marriage or ungentlemanly arrogance subjects her to his dictation. Popular reverence for her person forbids public laying on of hands to correct her, and private insolence dares not until she is under his legal thumb. She is a stronger body guard to man in a mob than a battalion of soldiers, and the sanctity of her person is the only barrier the savage atrocities of war never quite overlap. A body, ears, eyes, nose, taste, touch, sensitive to beauty of thought, color, sound; all requisites to admit men to the realm of sense, and a knowledge of material things, woman has; while, in intuition, the income of spiritual wealth, she is admitted to excel man. By what authority, then, is she required to look up to him for guidance, while he looks to Infinite Truth as the source of right and duty? The ruling class rarely yield a privilege until whipped out of it; so man now legislates with his fist rather than his conscience, robs his "better half" of all the ballot, simply because he is physically the strongest. To compel her to obey father before marriage, husband afterward, then her eldest son, may be consistent with Mormonism, which aspires to build an empire on Isaiah's prophecy that in the last days seven women shall cling to one man, and honors as "the wisest man" a patriarch who had seven hundred wives and three hundred concubines; it may be suited to a theology which makes man lord of creation and woman an afterthought, designates boys as the "sons of God" and girls as the "daughters of men," and paves hell, not in good intentions even, but with "infants skulls not a span long;" it may be agreeable to her position in a Turkish harem, a Chinese palace, on a blazing funeral pile of a Hindoo husband, or in the hotter fires of a Boston brothel but it is quite repulsive to the free ideas which transformed the dark realms of the American Indian into a constellation of powerful States.

WOMAN INSURGENT.
The protesting indignation of some women who had the honor to be, at least, rebellious slaves, widespread and increasing unrest broke out in the first formal declaration of independence, issued in 1848, from Seneca Falls, N. Y., by Elizabeth Cady Stanton, Lucretia Mott, and others. It enumerated grievances equal in number and seriousness to those set down in the famous manifesto of 76, and is destined to work a more extended and beneficent revolution. Current objections to woman's enfranchisement can hardly be accounted for, except on the supposition that the sexes, even husbands and wives, are not yet personally acquainted with each other or truth. Justice unites persons widely remote; injustice separates infinitely those standing side by side. Men reputed to know something of the nature of liberty, so-called radicals who have ceased to represent the normal sense, or even the intelligence of the hour, talk flippantly of "universal suffrage" while shutting out one-half of humankind. A wit believed in universal salvation, provided he could pick the men; so perhaps these backsliding progressive will conquer their prejudices against impartial suffrage, when assured that new comers will vote their party ticket. The right of man to political freedom appears in the fact that he is a sentiment being, capable of reason and choice, looking before and after. To rule adult citizens against their will is tyranny; women are adult citizens, hence those who deny them the ballot are tyrants. A dozen years ago or more, the writer, with other specimens of sophomoric assurance, one morning at breakfast, questioned the propriety of Lucy Stone's refusal to pay taxes, allowing her furniture to be sold in preference; the combined, college-learned, male wisdom thinking it a great ado about a small matter. A lady opposite, who first called his attention practically to peace and anti-slavery
reform, flung over the table, "No taxation without representation. Did you ever hear of Sam Adams and John Hampden?" It was the first and last argument he ever attempted to make against woman's suffrage. To justify himself, her oppressor must class her psychologically with brutes, deny her a soul, prove either that she has no functions equal with man, or that she is incapable of exercising them—neither of which can be done. Boys who toss their empty heads at this reform, use freely that epithet which reveals so much contempt for the human understanding—"strong-minded." Men are thought to personate reason, and women sentiment; but generally male objectors to this claim are noted for nothing more than their plentiful lack of logic and superabundance of mulish prejudice. Notwithstanding these disparaging exceptions, men yield to reason; and, at no distant day, physical strength will rally under the banner of moral beauty.

Whether suffrage is a right or privilege, natural or conventional, its denial to woman is equally indefensible. Minors become of age; slaves are emancipated; lunatics regain reason; idiots are endowed with intelligence; criminals are pardoned; traitors amnestied; disfranchised males of every class shed their disabilities and are restored to liberty; but the fact of sex—the crime of womanhood—dooms one to perpetual vassalage! Not the ability to drink, chew, smoke, lie, steal and swear; votes—though election day too often indicates these vices to be important conditions of membership in the male body politic—but intellect, conscience, character, are supposed to vote; and the boy proudly becoming "a man before his mother," is crowned a sovereign at twenty-one, because in thought and discretion he ceases to crawl as an animal, and stands an upright intelligence. Is she who endowed him with these royal qualities less capable of exercising them? If the admission fee to franchise is not age, but property, why are poor men received and rich women excluded? If the door swings open to integrity and courage, why are these turned away in women while their absence is welcomed in men? Simply because this booted, spurred and whiskered thing called government is a usurpation, and men choose to have it so. Since, then, custom not reason, fraud not justice, prejudice not good sense, object, this is a question not for argument, but for affirmation. Those who acknowledge the validity of existing government, by increasing its numerical power, not merely drop a stitch in their logic, but surrender the flag of impartial suffrage to its enemies. The negro certainly has quite as good right to vote as his late masters. If ignorant, they made it a penal offence to teach him to read; if poor, they robbed him of his earnings by law. But who are negro men and Chinese that we should confer irresponsible power on them? To admit any man, be he black, red, yellow, or a minor—our curled, white darling, just come of age—to the franchise, who is not pledged to share it with women, is treason to liberty, a desertion of the logical duty of the hour.

......Woman has no better friends incarnate than men whom she can freely love, respect and trust; and no worse enemy than him who, for any purpose whatever, would subordinate her being to his. Liberated self loyal womanhood is to be the connecting link between isolation and society, "the guardian angel of our associated destiny." Both sexes need to be profoundly converted to truth and honor; for liberty is not the goddess we read of, but male, incontinent, libertine when not overruled by an intelligent moral sense. Rights obtained should impel to corresponding duties; and free, intelligent inter-dependence make love relations less formal and promiscuous, but more select, intimate and refining. Each belongs to self and others, one being only half man without woman, and the other only half woman without man. The family retains its place, in the hope of unity and honesty, at least in a narrow circle; enlightened liberty will eliminate its defects and universalize its merits. As the old spinning wheel and power loom have given place to great factories; so the single tenement, with its cooking drudgery, washtubs and neglected children, will disappear in recognized housekeeping, the scientific classification of woman's
industrial and maternal functions. Be just and fear not; what love has joined, can be put asunder only by destroying the conditions out of which love springs and flourishes. Whether marriage is induced by affinity of likes or unlikes, the subtle attraction of essential worth and beauty, the fascination of form and touch, the base allurement of money, tyranny of circumstances, or carnal coalition from mere proximity; whether society rests on a combination of opposing or concurrent forces, everything good is to be gained, and nothing but bad lost, in the new departure involved in woman's enfranchisement.

THE COMING WOMAN.
That it will bring revolutionary and startling changes is evident; but, knowing in whom and what they have believed, new seas of agitation, however tempestuous, have no perils to those sail by the compass of right. In the conflict of thought with idolatry, feudalism, priestcrafts, political and chattel slave-holders, the hearts of strong men often failed them for fear; yet, impelled by the inward might of faith, through ignorance, superstition, avarice, infidelity and cowardice, the moral sense steadily gropes its way towards order, system empire. The same law which holds ocean in its bed and planets in their courses will inspire these two mysterious sovereignties we call man and woman to transact their gayest and gravest affairs, with no jar or hurt, but mutual assistance to each other, and the general welfare. That widely looked-for personage, yet to rise from this agitation like Venus from surf of the Grecian sea, the coming woman, no feminine man or masculine opposite, with greater physical vigor of finer fibre, will bring impressive beauty, melting tenderness, ethereal grace, mental force, moral rectitude, such as the exhaustless sources of being yearn to incarnate. That passion now thought incapable of analysis, uncertain in its origin, accidental in its course, inspiring alike the darkest and brightest experiences, replete with ecstasy and tragedy, love, inherently pure, ineffably beneficent, is destined to make inclination one with duty, liberty the bride of order, and justice the security of citizens and the life of states.

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