

Could and Should: Laws and Rules Affecting Women, 1765–1860

All Americans are subject to the laws of the land. But we behave the way we do for other reasons, too: what we read or see in the media, what our friends or relatives or religious leaders say.

Could and Should is a selection of the laws and social messages that impacted women between the Revolution and the Civil War. The laws were passed by governments, or were part of inherited traditions. Social rules like these came from etiquette books, marriage manuals, church pronouncements, books about proper conduct, etc. They were meant mostly for white, well-off, married women. They did not reflect how real women actually behaved, but they did affect how society thought they *should* behave.

(Right) Rembrandt Peale, *Thomas Jefferson*, 1805. Oil on linen. New-York Historical Society, Gift of Thomas Jefferson Bryan, 1867.306.

(Far right) John Singleton Copley, *Portrait of Mrs. John Stevens (Judith Sargent, later Mrs. John Murray)*, 1770–72. Oil on canvas. Terra Foundation for American Art, Daniel J. Terra Art Acquisition Endowment Fund, 2000.6.

1765

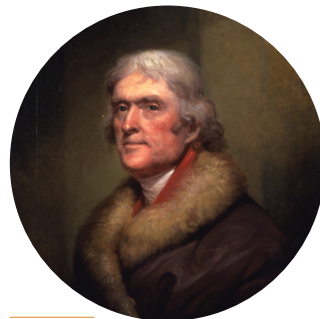
“By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs every thing; and . . . her condition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

William Blackstone, *Commentaries on the Laws of England*, adopted in American common law

1776

“We hold these truths to be self-evident, that all men are created equal.”

Thomas Jefferson, Declaration of Independence, referring to white men only



1779

“Be it enacted by the [Virginia] General Assembly, that no persons shall, henceforth, be slaves within this commonwealth, except such

as were so on the first day of this present session of Assembly, and the descendants of the females of them.”

Thomas Jefferson, *A Bill Concerning Slaves*

1787

“The education of young ladies in this country should be conducted upon principles very different from what it is in Great Britain. . . . [O]ur ladies should be qualified to a certain degree, by a peculiar and suitable education, to concur in instructing their sons in the principles of liberty and government.

Benjamin Rush, “Thoughts Upon Female Education”

1788

“Our good ladies, I trust, have been too wise to wrinkle their foreheads with politics. They are contented to soothe and calm the minds of their husbands returning ruffled from political debate. They have the good sense to value domestic happiness above all.”

Thomas Jefferson, letter to Anne Willing Bingham, a female politician

1789

The U.S. Constitution leaves voting rights to individual states. Most grant the vote to white men who meet property and residency requirements.

1790

“The men possess the more ostensible powers of making and executing laws . . . [but] the women in every free country, have an absolute control of manners; and it is confessed, that in a republic, manners are of equal importance with laws.”

James Tilton, M.D., “An Oration Pronounced on the 5th July, 1790,” *The Universal Asylum & Columbian Magazine*, 5 (Dec. 1790)



1794

“My sweet girl . . . you must learn ‘to reverence yourself,’ that is, your intellectual existence.”

Judith Sargent Murray, “Desultory Thoughts upon the Utility of Encouraging a Degree of Self-Complacency, Especially in Female Bosoms”

1796

New Jersey becomes the only state to grant suffrage to “all inhabitants” who meet property and residency requirements. Women’s right to vote is rescinded in 1808.

Could and Should: Laws and Rules Affecting Women, 1765–1860 *continued*

1800

Most states abandon primogeniture and allow male and female children to inherit property equally, but due to coverture, women lose control of their assets when they marry.

1808

“[The wife,] by her pious, assiduous, and attractive deportment, constantly endeavors to render [her husband] more virtuous, more useful, more honourable, and more happy.”

A Sermon: Preached March 13, 1808, for the Benefit of the Society Instituted in the City of New-York, For the Relief of Poor Widows with Small Children

1809

Connecticut law permits women to write wills.

1812

“My husband in his good nature and thoughtless way has been disposing of my property without consulting me. . . . in honor is it not mine?”

Harriet Livingston Fulton’s July 1812 letter to her cousin, fighting the rules of coverture

1820s

More and more states allow all free white men to vote, regardless of property ownership. By 1856, all states do.

1828

“[In New Orleans,] the strongest prejudice reigns against [quadroons, people with one black grandparent] on account of their black blood, and the white ladies maintain, or affect to maintain, the most violent aversion towards them. Marriage between the white and coloured population is forbidden by the law of the state.”

Karl Bernhard, Duke of Saxe-Wienar Eisenach, *Travels Through North America*

1830

“In whatever situation of life a woman is placed from her cradle to her grave, a spirit of obedience and submission, pliability of temper, and humility of mind, are required from her.”

The Young Lady’s Book

1837

“The power of woman is in her dependence. . . . But when she assumes the place and tone of man as a public reformer . . . she yields the power which God has given her for protection, and her character becomes unnatural.”

The Pastoral Letter of the General Association of Congregational Ministers of Massachusetts

1839

Mississippi permits married women to own property, and most states follow, voiding a principle of coverture.

1842

“A really sensible woman feels her dependence. She does what she can, but she is conscious of inferiority, and therefore grateful for support.”

Mrs. John Sandford, *Woman, in her Social and Domestic Character*

1843

“Do not expect too much.”

“Rules for Conjugal and Domestic Happiness,” *Mother’s Assistant and Young Lady’s Friend*, III

1845

“A Wife! A Mother! How sacred and venerable these names!”

“Useful Industry in Women” and “The Duty of Women,” reprinted from the Boston *Transcript in Voice of Industry*, September 14, 1845, p. 4

1846

“True feminine genius is ever timid, doubtful, and clingingly dependent; a perpetual childhood.”

Sara Jane Clarke, “To an Unrecognized Poetess, June, 1846” (published 1850)

1848

“Sec. 2. The real and personal property, and the rents issues and profits thereof of any female now married shall not be subject to the disposal of her husband; but shall be her sole and separate property as if she were a single female except so far as the same may be liable for the debts of her husband heretofore contracted.”

April 7, 1848, New York State Married Women’s Property Act

1848

“Because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.”

July 20, 1848, The Declaration of Sentiments, Seneca Falls Women’s Rights Convention

1848

“If he is abusive, never retort.”

The Lady’s Token: or, The Gift of Friendship

1850

“That her home shall be made a loving place of rest and joy and comfort for those who are dear to her, will be the first wish of every true woman’s heart.”

Helen Irving, “Literary Women,” *Ladies’ Wreath*, III



1851

“Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain’t I a woman? Look at me!”

Sojourner Truth, Akron Women’s Convention

1852

“To deprive every unmarried woman, spinster, or widow, or every childless wife, of the power of exercising her warm sympathies for the good of others, is to deprive her of the greatest happiness of which she is capable.”

Mary C. Vaughn on why women should be reformers

(Above) Sojourner Truth, 1864. Carte de Visite. New-York Historical Society Library, PR.011.5.