

The Rights of Women: Laws and Practices

The following are some of the laws and conditions affecting many women in the United States in 1848:

- It is extremely difficult for a woman to divorce her husband in most states. In New York, adultery is the only grounds for divorce. Other states allow divorce for bigamy, desertion, or extreme cruelty. Most courts grant custody of the children to men. Alimony is sometimes awarded to women, but they are not allowed to sue in court to make him pay up.
- It is considered improper for women to speak in public.
- Until 1839, women were not allowed to own property in any state in the United States.
- An example from the personal experience of Elizabeth Cady: “Flora Campbell was a neighbor who owned a farm, which supplied the Cady family with fresh eggs, butter, milk, vegetables, and chickens. One day Flora Campbell came to the office [of Elizabeth’s father, Judge Cady] beside herself with fear and anxiety. Her husband had mortgaged *her* farm to pay *his* gambling debts. The bank was going to foreclose. Elizabeth Cady’s unbelieving ears heard her father say that Flora Campbell’s husband had acted on accepted legal principle. Women, like enslaved people, had no right to hold legal title to property, and all of a wife’s possessions belonged to her husband.”¹
- In almost every state, the father can legally make a will appointing a guardian for his children in the event of his death. Should the husband die, a mother could have her children taken away from her.
- In most states, it is legal for a man to beat his wife. New York courts ruled that, in order to keep his wife from nagging, a man could beat her with a horsewhip every few weeks.
- Until 1837, no college in the United States accepted women as regular students.
- Women may not vote in any state in the union.
- Based on British common law, a woman cannot sign a contract even if her husband lets her.
- Some women teach school, but they are paid only 30-50% of what men are paid for the same job.

1 Described in Judith Nies, *Seven Women: Portraits from the American Radical Tradition* (New York: Penguin, 1977), p. 68.