

THE RADICALS AND THE WRONGS OF MARRIAGE: THE RUTLAND FREE CONVENTION OF 1858

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The Free Convention, held in Rutland, Vt. from June 25 to June 27, 1858¹, gathered many of the most famous speakers of the day. Among them were the abolitionists Stephen Foster and Parker Pillsbury, elder Frederick W. Evans of the Shaker Community at Lebanon, Horace Seaver, editor of the Boston *Investigator*, one of the leading labor papers in the country², the ex-Presbyterian minister and abolitionist Henry C. Wright, the leading Spiritualists Andrew Jackson Davis and S.B. Brittan, an ex-Universalist minister. The manager of the Convention, John Landon, a merchant in Rutland, was, according to the *New York Times* « a prominent man in the place, wealthy and odd », and, the report went on significantly, « with this exception the Rutlanders are “down” on the Convention and all that belongs to it »³.

Under the large tent erected on an empty lot, a few famous women sat among the orators on the platform and animated an interesting discussion on marriage and women's rights, offering a unique chance to analyse the wide spectrum of opinion on these themes among antebellum reformers. These

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¹ Besides the reports in the contemporary press, cited in this article, information on the Free Convention is incidentally given in Taylor Stoehr, *Free Love in America. A Documentary History*, New York: Arno Press, 1979, and in Robert W. Delp, « Andrew Jackson Davis: Prophet of American Spiritualism, *The Journal of American History*, LIV (June 1967), 43-56 and « American Spiritualism and Social Reform », *North Western Quarterly*, XLIV, vol. 88 (Fall 1972), 85-99.

² Albert Post, *Popular Free Thought in America. 1835-1850*, 1943, 56.

³ *New York Times*, June 28, 1858. The entire front page of this issue is devoted to the Free Convention. William Lloyd Garrison and Wendell Philips, though they signed the call to the Convention, were not present, as was the case of George William Curtis, editor of *Harper's Weekly*. R.W. Delp in « American Spiritualism and Social Reform », 89, writes that « the Rutland Convention received the endorsement, among others, of George William Curtis..., an endorsement which earned him the condemnation of George Templeton Strong who recorded in his diary on June 24, 1858 that “George is getting deplorably mixed up with the Lucy Stones and Mrs. Roses and A.J. Devises and has just united with the craziest of them in signing a call for a grand convention in Ruthland, Vt.” ».

notes follow closely the developing of the debate and examine the answers reformers offered to sexual freedom and control.

Though it was just one of the numerous problems that had been proposed to the discussion of « the great army of Reform », gathered in Rutland, the marriage question took up, in the event, a central position in the debate. To « the attention and effort of Progressive minds »⁴ were submitted resolutions on slavery, spiritualism, war and death penalty, free trade, land reform, the authority of the Bible and many more; however the « marriage question » and the necessity of reforming this institution gained such characterizing importance that the Convention was denounced by the contemporary press as a « Free Love » Convention. Certainly the mild resolution proposed on this topic to debate did not seem intended to provoke such accusations. It indicated love as the prerequisite in marriage and the nuclear family as its most perfect form of organization. It read:

The only true and natural marriage is an exclusive conjugal love between one man and one woman, and the only true home is the isolated home, based upon this exclusive love⁵.

It was Julia Branch who won the meeting the title of « free love » Convention raising an animated, if not uncontrollable discussion among the participants. In fact the *New York Times* wrote that « her speech is so curious an exhibition of the doctrines of the Free Lovers, that it possesses sufficient interest to be published entire ». Certainly, an important part of this interest and of the clamor Julia Branch provoked among fellow reformers with her views, derived from her own physical presence.

The *Times* makes this clear by dubbing Branch « the female leader of the Free Lovers » and indulging in a description calculated to make the reader feel that her views are more or less charmingly linked to her own romantic prospects. Branch is: « petite, and on the sunny side of thirty. Heavy masses of curling brown hair fall down her face, her air is pleasing and taking ». Virtually a Cooper heroine. The reporter, though keeping his distance from the views expressed, paid homage to her « taking » air by recognizing that « her speech had the merit of being a remarkably bold and frank exposition of her peculiar views » and added, somewhat ambiguously, that the audience received Mrs. Branch with « immense favour »⁶.

Only a few months later, perhaps shaken by the reactions to the Rutland speech, speaking at the annual Spiritual picnic at Pleasant Valley, New Jersey, Branch would take a more prudent position, coherent with her Spiritual faith, inviting the listeners to keep away from side issues such as « free

⁴ « Call to the Friends of Human Progress », *Proceedings of the Free Convention*, Boston: J.B. Yerrington and Son, 1858, 5.

⁵ *Proceedings*, 9.

⁶ *New York Times*, June 28, 1858, 1.

love and abolitionism » and to give priority to the more important approach of « the spirits from the Great Beyond »⁷.

But now, in Rutland, she chose an « almost forbidden subject », the marriage question. Disagreeing with those who « wished the rights of woman settled in regard to voting, *then* that would settle all other rights », Branch urged a full and open discussion on the wrongs of marriage. Leaving no doubt as to what she meant by « wrongs » she denounced the institution of marriage itself, naming it « the sole cause of woman's degradation and misery »⁸. The position was extreme. The prevailing viewpoint of mainstream nineteenth-century feminists found in the right to vote the key to resolving woman's oppression in all its social facets, including the marriage institution.

Once woman had gained the vote, she could then obtain all the legal guarantees to settle the marriage question. Julia Branch did not leave this difference of opinion tacit, but faced the conflict openly citing Lucy Stone who, at the Woman's Rights convention had admitted the necessity of discussing the marriage question « some day », in a private conversation with her⁹, but had affirmed the absolute priority of the battle for the vote. Indeed at the same Convention, Stephen Pearl Andrews, a free-love feminist, had uselessly invited the movement not to leave untouched the question of marriage.

A distinguished Spiritualist and a medium, Julia Branch was at the time living at the Unitary Household, considered the centre of New York free-lovers¹⁰. In a letter to the *New York Times*, Edward Underhill, initiator of this radical experiment, described it as « organized for the single purpose of demonstrating the economical advantages of cooperation » and denied any connection of the Household to free love. He declared himself, however, to be

a free lover, not a slave lover... I believe the institution of civilized marriage to be at variance with the instincts of human nature which rebel against all systems of slavery... I believe that whatever is lovable to us we should love, as whatever is beautiful to us we admire without impertinent interference of either State, Church or public opinion... Equity in our commercial relations and cooperation were one-half of Socialism. Justice to human passions is the other half¹¹.

In her Rutland speech, Julia Branch expressed a similar distaste for what Underhill had called « the cowardice that leads to continue a hypocritical relation »¹². Moreover, going further, she opposed to the idyllic vision ex-

⁷ Earl Wesley Fornell, *The Unhappy Medium: Spiritualism and the Life of Margaret Fox*. Austin: University of Texas Press, 1964, 72.

⁸ *Proceedings*, 52.

⁹ On the problems raised inside the woman's rights movement by such sensitive matters as marriage reform see Mari Jo and Paul Buhle (eds), *The Concise History of Woman Suffrage*, Urbana, Ill.: University of Illinois Press, 1978, 12-13.

¹⁰ *New York Times*, June 22, 1858, 5.

¹¹ *New York Times*, June 25, 1858, 2.

¹² *Ibid.*

pressed in the resolution, to the idea of an isolated household and an exclusive conjugal love – « very pretty in sentiment » – a harsh picture of the isolated home, « the worst place in the world », where « the enthusiasm, and ardor, and poetry and sacredness are forever destroyed by the daily familiarity »¹³.

Again she challenged the idea that marriage was the only acceptable channel for sexuality, expressing scorn for the prevailing view that:

The marriage ceremony is necessary to keep woman virtuous and respectable, and all intercourse with man out of its rites renders her an outcast and a thing to be despised¹⁴.

Instead, she affirmed:

It is the binding marriage ceremony that keeps woman degraded in mental and moral slavery.

Daring ideas for the time with its restrictive attitudes towards sex¹⁵, yet the rebellion against convention and the independence of mind, so clearly expressed by Julia Branch, did not generally mean that free lovers carried out in practice their ideals. Underhill, for example, while uttering sentiments against the wrongs of marriage, reminded the *New York Times* readers that « those who have visited my home for years past know full well the depth of affection that exists between all the member of my family »¹⁶. Julia Branch, as well, seems to have chosen, in her life, a theoretical agreement with free-love ideas rather than a concrete application. Apparently marriage was not such an extraneous institution to her, who had « left two husbands » before residing at the Unitary Household¹⁷.

In this light the free-love battle against the wrongs of marriage appears as a crusade against Victorian hypocrisy rather than a way of life literally applied. It must be noted that the term « free lover » was a label easily given to anyone who criticized matrimony or proposed alternatives to prevailing domestic

¹³ *Proceedings*, 53.

¹⁴ *Ibid.*, 52.

¹⁵ Among the numerous studies of Victorian Sexuality, see Carl Degler, « What Ought To Be and What Was: Women's Sexuality in the Nineteenth Century », *The American Historical Review*, vol. 79, No. 5 (Dec. 1974), 1467-1490; Ronald Walters, ed., *Primers for Prudery: Sexual Advice to Victorian America*, Englewood Cliffs, N.J.: University of Illinois Press, 1974; Charles E. Rosenberg, « Sexuality, Class and Role in Nineteenth Century America », *American Quarterly*, 25 (May 1973), 131-153; Carroll Smith-Rosenberg, « The Female World of Love and Ritual: Relations between Women in Nineteenth-Century America », *Signs*, 1 (1975), 1-30 and « Sex as Symbol in Victorian Purity: An Ethnohistorical Analysis of Jacksonian America », *American Journal of Sociology*, Supplement, vol. 84 (1978), 212-247.

¹⁶ *New York Times*, June 25, 1858, 2.

¹⁷ I have been unable to find more precise biographical information on Julia Branch. B.F. Hatch, *Spiritualists' Iniquities Unmasked*, New York: Published by the author, 1859, 15. The booklet expresses the bitter feelings of the author, left by his wife, the famous medium Cora Hatch, towards Spiritualism. The pamphlet contains a detailed catalogue of the mediums « who had broken their marital relations ».

arrangements. In fact, the free-love battle has two fronts, on the one hand Victorian hypocrisy, on the other the loosening of sexual morality.

Free lovers thundered against loveless or arranged marriages: that is against a conventional and conservative view of sexuality; however they also opposed strongly the relaxed mores of the times which led, in their opinion, to sham or false marriages, through ignorance or rashness. Henry C. Wright, himself labelled as free lover and author of various marriage manuals, described in his speech in Rutland how « a man and a woman meet together for the first time, in a ball room, a social party, a singing school, or a circus (...) They take a walk by moonlight, or a buggy ride, and find out that each is essential to the other, and confess an undying love (...) They get a licence to get married (...) and enter the most intimate relation, without love, without mutual respect and the end is positive indifference or contempt »¹⁸.

Free lovers shared then the same fear of the loosening of sexual morality which characterized those reformers more committed to social respectability. The breaking out of the debate on the Rutland platform permits us to single out more clearly distances and proximities among reformers on these themes¹⁹.

Julia Branch was not content with denouncing marriage as an institution, she rejected the central symbol of womanliness: « pure » motherhood. Far from being a high and sacred mission, in marriage this role revealed itself in the crudest light:

In her isolated household she threw away her life, and added to the too-many already children — thrust into the world half made up — children of chance, children of lust — abortions who feel that they have no right to existence, — children of disease...

The subject of unwanted conception was not certainly extraneous to the early feminists as well, who saw in it a danger threatening woman's path towards emancipation²⁰. However Julia Branch went further than demanding voluntary motherhood, in fact, she proclaimed a separation of motherhood from legal marriage. The list of necessary « demands » for freedom went on:

She must demand her freedom; her right to receive the equal wages of man for her labor; *her right to bear children when she will, and by whom she will.*

¹⁸ *Proceedings*, 71.

¹⁹ On the relationship between reform movements and sexuality, see Sidney Ditzion, *Marriage, Morals and Sex in America: A History of Ideas*, New York 1978; Ronald G. Walters, « The Erotic South: Civilization and Sexuality in American Abolitionism », *American Quarterly*, 25 (May 1973), 177-201.

²⁰ For a careful analysis of women's attitudes towards motherhood in late nineteenth-century America see Linda Gordon, « Voluntary Motherhood: The Beginnings of Feminist Birth Control Ideas in the United States », in M. Hartman and L.W. Banner, eds, *Clio's Consciousness Raised*, New York: Harper and Row, 1974, 54-71.

To close her speech she presented to the discussion of the audience a counter resolution whose provocative qualities brought on a series of speeches by other orators offering a wide survey of mid-19th century ideas on marriage and more in general on sexuality. The resolution read:

The slavery and degradation of woman proceed from the institution of marriage; by the marriage contract she loses control on her name, her person, her property, her labor, her affections, her children, and her freedom²¹.

Though Julia Branch represented, among early feminists, a rather isolated voice in favour of sexual freedom, her arguments on the state of difficulty of legal marriage were not denied by most of the speakers who followed. They simply had different solutions to propose.

Stephen Foster, a famous abolitionist²², spoke next and suggested inserting the words « based upon the principle of perfect and entire equality » into the original resolution on marriage²³. He thought that under these conditions most of the objections to the marriage institution presented by Julia Branch would fall. He proposed to try « the experiment of marriage under true and favourable circumstances, in which the parties shall enter into the relation on an equal footing; then if it does not work well I will go for an experiment of a different kind ». He acknowledged that « the country groans and travails in pain to-day » because of the evils of marriage but he warned about a remedy « worse than the disease ». He said that « to abrogate the marriage relation is to make the world a hell in advance »²⁴.

His arguments on marriage were linked to his abolitionist positions on slavery – « every family is a little embryo plantation » – however his conclusions diverged sensibly as he aimed in fact at the amelioration and not the destruction or the « abolition » of marriage. The absence of the marriage relation, that is of the main means of social control over sexuality, appeared too scary, « a hell in advance ».

With her remarks Julia Branch could not fail to stir up a rather common charge against the alleged Spiritual faith in free love. Moreover among the speakers there was Joel Tiffany, a prominent Spiritualist who had already on other occasions solemnly thundered against free love and thought it necessary to renew his attacks²⁵. The relation free love-Spiritualism will come up again

²¹ *Proceedings*, 55.

²² A. Johnson, D. Malone, eds, *Dictionary of American Biography*, New York: Charles Scribner's Sons, 1959, 558-559. Stephen Foster (1808-1881) was a close friend of Garrison and a well known and active abolitionist. His wife, Abigail Kelley was an abolitionist and pioneer in the woman's rights movement.

²³ *Proceedings*, 56.

²⁴ *Ibid.*, 57.

²⁵ Frank Podmore, *Modern Spiritualism. A History and a Criticism*, London: Methuen, 1902, 293. Tiffany was the editor of a popular Spiritualist periodical, *Tiffany's Monthly Magazine*, and legal adviser of the Fox sisters, who in 1848, through their communications with departed spirits, aroused a wide interest in Spiritualism.

in the debate and deserves a few opening remarks. To the identity between free lovers and Spiritualists contributed, in fact, the many leading Spiritualists who preached and practised the doctrine of spiritual affinities, a doctrine which is certainly indebted to Orson Fowler's idea of spiritual love²⁶.

This doctrine dealt with the nature of true love and sexual attraction; it claimed not to want to abolish marriage but to institute a higher form. Unfortunately the legal and social conditions of marriage in mid-nineteenth century America opposed the union of spiritual affinities who discovered each other after an unhappy marriage. In fact, rather than the abolition of marriage this doctrine meant the need for more liberal divorce laws. Moreover it implied a conception of sexuality which stressed its « honest », « high », « spiritual » aspects as opposed to the « degrading », « loveless », « lustful » ones: « lust » will come up as a common enemy of all Rutland speakers, and it appears, in free lovers' words, as the reverse of their ideal of sexual relations, based on intimate communion, mutual respect, equality and love.

Tiffany himself was very concerned about lust. He invited his audience not to confuse love and lust, warned that free love was « only another name for free lust » and that marriage was a necessary means to control and restrain sensualism:

The defect is not in the institution. Had it not been that men and women were lustful and disposed to abuse their relations, and trample upon everything pure and holy, it would never have been necessary to have the institution of marriage... Marriage will exist, and ought to exist, until men and women are brought up out of their sensual nature and developed out of this plane that leads them to seek association for purposes of self-gain or gratification²⁷.

To Tiffany's attacks on Julia Branch's remarks, Ernestine L. Rose²⁸ replied questioning whether Branch really « meant to let loose the untamed passions either of men or women », in which case she would « totally and utterly disagree ». Her words sound like an attempt to reach out towards a fellow traveller in the woman's rights movement, to neutralize the provocation in Branch's remarks so as to avoid divisions among feminists. As Julia Branch denied she had meant it « in that light », Rose had a chance to switch to explaining the reasons why the marriage question had not yet been introduced at woman's rights conventions. She expressed the mainstream feminist posi-

²⁶ This relationship was made clear to me by Stephen Nissenbaum's paper, « Sexual Radicalism and the Contested Norm », presented at the Third Biennial Symposium of the Milan Group in Early United States History, June 10-13, 1986, and included in this volume.

²⁷ *Proceedings*, 59.

²⁸ Ernestine L. Rose (1810-1892), a Polish immigrant, was a reformer active in the Anti-Slavery Society and a free thinker. Samuel P. Putman, in *400 years of Freethought*, New York: The Truth Seeker Co., 1894, 405, writes that « those who have listened to E.L. Rose remember the vivacity and power of her imaginative eloquence. She reminds one of Shakespeare's Rosalind... ».

tion – « I want to combat in them the injustice in the laws » – sure that the reform of marriage would then naturally come:

Give us the same chances and privileges that man has, to education, to industry, to property, to station in life-in married life as well as in single life. In marriage we want property protected for both alike²⁹.

In fact, legal reform of the marriage institution had obtained some results. Already in the late 1830's Ernestine Rose had submitted in New York State the first women's petition in favour of the bill that gave married women the right to hold independent property. The woman's property law had finally been passed in 1848³⁰.

If Joel Tiffany had suggested marriage as a means to restrain sensualism, Elder Evans of the Shaker Community at Mount Lebanon had a more radical suggestion:

Not purify, as friend Tiffany says, but crucify the old man, with all his lusts.

Evans, an English immigrant, became a convert to Owenism and lived in the Owenite community at Massillon, Ohio till its failure in 1829. He was then active in the little group of freethinkers and reformers gathered about Fanny Wright and Robert Dale Owen in New York City and to the utter surprise of his fellow freethinkers he finally joined the Shaker Community at Mt. Lebanon where he remained for sixty-three years. At the Rutland Convention he condemned sensualism with biblical images:

All mankind have gone wandering after the beast. They have been led away by the serpent gratification – sensuality. They do things for the sake of the pleasure of doing them, without any reference to utility. Here lies the sin – not in the act of reproduction, but in the act of self-gratification, without reference to reproduction.

In the wide spectrum of nineteenth-century approaches to questions of sex and marriage Evans represented the most radical position, he suggested the strictest sexual control:

A remedy for all the troubles of the marriage relation – a life of virgin purity³¹.

With the next speaker, John H.W. Toohey³², editor of the *Christian Spiritu-*

²⁹ *Proceedings*, 61.

³⁰ Keith Melder, *Beginnings of Sisterhood*, New York: Schocken Books, 1977, 143; Eleanor Flexner, *Century of Struggle*, Cambridge, Mass.: The Harvard University Press, 1975, 65.

³¹ *Proceedings*, 63. On Frederick Evans see *Dictionary of American Biography*, 198-199 and J.F.C. Harrison, *Robert Owen and the Owenites in Britain and America. The Quest for a Moral World*, London: Routledge and Kegan Paul, 1969. On the Shaker sexual doctrine and practice see: Louis J. Kern, *An Ordered Love: Sex and Sexuality in Victorian Utopias – the Shakers, the Mormons, and the Oneida Community*, Chapel Hill: University of North Carolina Press, 1981 and Raymond L. Muncy, *Sex and Marriage in Utopian Communities: 19th Century America*, Bloomington: Indiana University Press, 1973.

³² Emma Hardinge, in *Modern American Spiritualism*, London: J. Burns, 1869, 149, defines J.H. Toohey « a fine logical speaker, late editor of the *Christian Spiritualist* ».

alist, the debate was centered again on « the legal bond, that makes marriage a punishment, home a prison, and children the living witnesses of their parents' sorrow, discord or shame ». His analysis of the social function of marriage was sharp and bitter:

The idea of converting the institution of marriage into a prison, where all the unclean and untamable of society are to be "caged" and kept, may seem *prudential* to Mr. Tiffany.

He denounced Tiffany's argument as « in spirit, method and tendency... opposed to the soul of progress, and unfriendly to the purposes of this Convention »³³. « The marriage relation » he avowed, « is natural and eternal, and necessary to familyism and the existence of society ». What was required to ameliorate the marriage institution was research aimed at discovering a middle ground between « the Free-Loveism of the age, and the conservatism of old institutions »³⁴.

Within the Convention he proposed a mediation between the extremes of the discussion through « a declaration of principles, believed and advocated by the Progressionists of Battle Creek, Michigan » which touched the issue of the dissolution of the legal bond. The declaration, in tones suavely praising sensibility, moved towards strengthened social order through « practical » reform:

Variety in love is unnatural and brutalizing, as it tends to blunt the finer sensibilities of the soul and debase man's nature. The office of the sexes being thus sacred, marriage should be sacramental. But when persons living in married life find it impossible to live together in harmony... a discriminatory divorce law, therefore, should exist in every State and nation...³⁵.

Toohy's middle ground consisted, in fact, in more liberalized divorce laws. This was an opinion shared by many reformers, like Henry James senior and Robert Dale Owen. Still, early feminists were divided on this issue. The right to escape from an unhappy marriage was advocated by Elizabeth Cady Stanton, for example, but most feminists saw in it more dangers than advantages for women.

Eliza Farnham³⁶, prison reformer, brilliant writer and lecturer, was a strong assertor of the superiority of the female sex, « the crowning work of this material world ». Farnham, opening discussion on the general theme of « Woman's Rights », expressed, only incidentally her point of view on the

³³ *Proceedings*, 64.

³⁴ *Ibid.*, 65.

³⁵ *Ibid.*, 66.

³⁶ On Eliza Farnham (1815-1864), see E.T. James, Ed., *Notable American Women. A Biographical Dictionary*, Cambridge, Mass.: Harvard University Press, 1974, 598-600; *Dictionary of American Biography*, 282 and W.H. Dixon, *New America*, Philadelphia: J.B. Lippincott, 1867, 380-384.

marriage question, which had already claimed the attention of various previous speakers. Her remarks were an original discussion of the origins of social disorder in the marriage relation. Her point was that it was the spirit of freedom which had entered woman's heart, and was producing uneasiness and rebellion:

Many of the difficulties which our friends find surrounding this subject are the inevitable result of the emancipation of woman... Woman has been patient and submitted to her condition in the marriage relation... During that time, there was a good deal of peace in the domestic relation... But it is not so when women begin to find they have other relations than they ever suspected; and you will find that disorders will come³⁷.

All institutions then would be « disturbed » for all would be inadequate to contain the « new » woman.

Next on the platform was Henry C. Wright, abolitionist lecturer and author of a book on *Marriage and Parentage*. A contemporary observer, Thomas Wentworth Higginson described him as a « man of peculiar bearing... whose erect figure and commanding voice... gave him a weight of manner which his matter did not always confirm. He had been in early life a Congregational minister and had lost his parish, it was said, for the unclerical act (in those days) of swimming across the Connecticut River ». Higginson suggested that « his papers and journals... will one day furnish ample and quaint materials for the historian of the "Come-outers" of that day »³⁸. Wright had experienced an unhappy marriage and had apparently chosen to leave his family and his parish and to become an itinerant lecturer to escape the sufferings of loveless community³⁹. Not surprisingly, at the Free Convention, he invoked God's pity for « the millions of such deluded creatures, thus entombed alive in a loveless marriage, through ignorance, or rashness ».

Yet Wright declared with no uncertainty that the first law of marriage was monogamy. There was, he avowed, « no freedom in conjugal love ». True marriage was necessarily monogamous because:

It is love, not law, nor lust, that constitutes a natural marriage⁴⁰.

And love is rare and exclusive, so he thundered against false or sham marriage, based upon considerations of opportunity or propriety, with arguments similar to those of the free lovers:

All is sin, all is outrage, all is oppression, all is monstrous, when a man and a woman live as husband and wife, without a love that absorbs each into the other... All else is prostitution, licensed or unlicensed.

³⁷ *Proceedings*, 67.

³⁸ T.W. Higginson, *Contemporaries*, Boston, 1899; S. Putnam, *400 Years of Freethought*, 522, describes « his vigorous and fearless manner » at the Hartford Bible Conference in 1854.

³⁹ On H.C. Wright see T. Stoehr, *Free Love in America*, 136-139.

⁴⁰ *Proceedings*, 72.

After this passionate outburst, which seemed to leave little terrain for discussion, Frances Dana Gage of Ohio brought the debate back to the mainstream feminist arguments. In a formulation which established clear distances from Wright's mystic view of «love that absorbs each into the other», she pronounced herself against the law of marriage «that suspends the woman in the man and gives her no power of resistance»⁴¹. Gage was an excellent and experienced speaker, who lectured for both woman's rights and abolition in the North-Western states and she was the first woman who attempted to speak publicly in the deep South⁴². As Donald M. Scott writes, «women began to make their way onto the platform of the "public lecture" in the late 1850's. Before they had appeared as speakers on some reform and abolition platforms, but by the Civil War lecturing had become one of the "professions" open to women»⁴³.

At the Free Convention Gage gave her main attention to the necessity of reforming the property law to give married women the right to their own properties. Openly warning that new statutes appearing in the '50's did not really aim at protecting women's property, she declared them a by-product of the needs of the expanding financial community. «In 1854», she revealed, «Massachusetts made a law... declaring that a woman should have the right to her own earnings, if she carried on business in her own name, and to put money in the savings banks, and draw it out;... the banks found it expedient to have such a law, for sometimes, when the wife had drawn out the money, the husband sued the bank and collected it a second time»⁴⁴. Only the vote would protect women – and society – from laws designed to favor the interests of the few.

Again, as in Farnham's speech, the ideal of the superiority of women, foundation of traditional argument for their exclusion from public life, became a telling image in favour of woman's rights. Just because women were considered «so much purer and better, so much holier and more beautiful», they could demand to be heard and their presence would make for more just laws:

If we have more love than man has, then we are better fitted to make laws, better adapted to harmonize humanity.

With Gage's speech the morning session of the second day of the Convention came to an end. The marriage question would however come up again and again in the following sessions, as if participants sensed its central character

⁴¹ *Ibid.*, 74.

⁴² Frances D. Gage (1808-1884) served as president of the conventions for woman's rights held at Salem, Ohio, in 1851, at Massillon, Ohio and at the national convention at Cleveland in 1853. See Lillian O'Connor, *Pioneer Women Orators: Rhetoric in Ante-bellum Movements*, New York: Columbia University Press, 1954, 91 and *Dictionary of American Biography*, 84-85.

⁴³ Donald M. Scott, «The Popular Lecturer and the Creation of a Public in Mid-Nineteenth-Century America» *Journal of American History*, vol. 66, No. 4 (Spring 1980), 802.

⁴⁴ *Proceedings*, 77.

as a test of political and ethic will, whatever their own concerns might be. In fact, after an afternoon devoted to debate on the slavery question, in the evening session George Sennot, Esq. again raised the issue of marriage.

Among the many speakers at the Free Convention, Sennot was peculiar: « a talented member of the Suffolk bar »⁴⁵, he was not certainly a radical. He had been invited to deliver a speech on the « Influence of Woman on the Elevation of the Race » and could not fail to express his disappointment when the press spoke of the Rutland conference as the Convention of Free Lovers. Yet in the same letter to the Boston *Courier* in which he proclaimed that « the Convention I attended was one of respectable and intelligent men and women, chiefly married, and fathers and mothers of families », he set aside slavery and other themes, defining its purposes in being assembled « to discuss in unexceptionable language the important question of marriage ». Citing Tiffany's attack on free love, carefully excerpted, he concluded that « only two persons out of three thousand expressed any different sentiment ». He probably referred to Julia Branch and Mary Davis.

Sennot's solemn speech at Rutland turned from the moral and vague theme which had been proposed by the organizer to deal with the more expressly political « Woman's Part in Reform ». Echoing other speakers, he examined what were, in his opinion, the main advantages that would spring from woman's right to vote: « putting justice into the law », as Gage had suggested, the establishment of true marriage, derived by Wright, and a new theme for the convention, the abolition of prostitution, « an ugly word », he said, « which I shall use but once », and he kept his promise through careful oratorical acrobatics.

As to marriage, he showed that « the curse and error of society » was « blindly and rashly entering into it, stubbornly refusing to allow mistakes in it to be corrected ». So grave was the state of this institution that:

In the present state of society, a true marriage is a most fortunate accident. Reformers are not the only ones who say so. Everybody, every day, laments the rash, unhappy couplings which constantly take place⁴⁶.

Sennot then addressed the « least agreeable division » of his speech, prostitution, by telling the sad story of a farmer's young daughter who, from a valley in Vermont, moved to the city, where the vicissitudes of life brought her to a criminal court tried as prostitute. He thought life often did not offer any better choice to women and opposed the conventional idea that prostitutes were « vile, unprincipled creatures » by nature:

All these painted women that make you shiver so, dear madam, when they swear

⁴⁵ *The Liberator*, July 9, 1858, 111.

⁴⁶ *Proceedings*, 115.

(for they will swear when they get drunk, you know)-all of them were happy little girls once...⁴⁷.

In this light, prostitutes were innocent victims who needed to be rescued from a degrading condition. His arguments were based on rather common 19th-century ideas on sexuality, which stressed male lust and denied female sexual desires. Besides agreeing on this view of woman's sexuality, most feminists, as Gordon and DuBois observe in a recent article, assumed « that no woman could freely choose it [prostitution] not even with the relative degree of freedom with which she could choose to be a wife or a wage earner »⁴⁸. Sennot argued against the idea that « the cause of public Vice is passion, uncontrolled by principle » and again opposed alleged female asexuality to male lust:

...though man's crimes do spring from unprincipled passion, it is a fact as well known as any fact can be, that on the part of the woman, there is no passion whatever... Women are not sensual; they abhor sensuality, and when they become independent it will be one of the first things swept away, whether in marriage or out. The unfortunate women who are the traders in this vice abominate it, they are driven to it by necessity, and to keep from starving...⁴⁹.

Mary Davis, next on the platform, rejoiced to address an « audience made up, in great part, of women »⁵⁰. She had suffered through an unsatisfactory marriage before obtaining a divorce in Indiana and marrying Andrew Jackson Davis, the prophet of American Spiritualism. Before this « spiritually

⁴⁷ *Ibid.*, 111.

⁴⁸ Gordon and DuBois analyze the antisexual 19th-century attitudes as well as the more limited feminist « pro-sex » tradition and their legacy to 20th-century feminist thought. E.C. DuBois and L. Gordon, « Seeking Ecstasy on the Battlefield: Danger and Pleasure in Nineteenth-Century Feminist Sexual Thought », in Carole S. Vance, *Pleasure and Danger*, Boston: Routledge and Kegan, 1984, 31-49. In *Siecus Report*, Sept. 1985, 20-21, Barbara S. Kane offers an accurate review of this volume. On the rise of the idea of female passionlessness see Nancy Cott, « Passionless. An Interpretation of Victorian Ideology: 1790-1850 », *Signs*, vol. 4, No. 2 (Winter 1978), 215-236. On the crusade for purification of sexual mores see Carroll Smith-Rosenberg, « Beauty, the Beast and the Militant Woman: A Case Study in Sex Roles and Social Stress in Jacksonian America », *American Quarterly*, vol. 23, No. 4 (1971), 562-584.

⁴⁹ *Proceedings*, 118.

⁵⁰ *Ibid.*, 119. This remark invites a closer look into the question of reform meetings. Tied to the tradition of camp meetings and revivals, reform conventions were a blend of education and entertainment and constituted an effective method of social protest offering reformers a platform from which to state their points of view. Conventions were often annual meetings, which besides giving easy access to information and knowledge, offered a form of public entertainment. They offered a chance to listen to excellent and experienced orators, while on many reform platforms entertainment was offered by pleasant musical intermissions. At the Rutland Free Convention, between speeches, an Harmonical Club sang appropriate reform songs like « The Good Time Coming », which apparently was the favourite ballad in reformers' circles. Elizabeth Cady Stanton, certainly a great expert in reform platforms, had a special appreciation for the Hutchinson family which was one of the most active singing groups at reform meetings. According to the *Rutland Weekly Herald* they were present at the Free Convention as well, though they are not mentioned in the *Proceedings*. Through camp meetings and revivals women had entered into grass-root religious activity, while the impressive number of reform conventions held in the 1850's and in previous decades were the most available channel to enter into grass-root political activity.

perfect union », she was a temperance lecturer and became then a talented Spiritualist propagandist, « in point of pleasing oratory... even more acceptable on the rostrum than the great Poughkeepsie Seer »⁵¹.

In her speech, implicitly in polemic with Sennot and far more solidly grounded in a sense of social reality, she denounced the fact that woman was « driven into marriage » not by love but « by the power of society, – driven into it for a home, for a position »⁵². Like Julia Branch, she believed in the necessity of a radical reform of the marriage institution and her speech resounded with free-love arguments. Responding directly to Sennot's picture of prostitution, Davis declared:

Woman in the marriage relation is deprived, in the first place, of the right to her own person... There has grown up... a system of legalized prostitution. This system gives the husband unbounded licence to sensual indulgence, and degrades him to the low level of a mere animal life, giving lust a fatal predominance and perpetuity⁵³.

To support her point of view she mentioned Henry C. Wright's *The Unwelcome Child, or the Crime of an Undesired Maternity*, a book that treated the subject extensively. Her vigorous harangue was centered against the total sexual rights given by legal marriage to husbands.

This system sends childhood into the world an unwelcome intruder... Beware how you take upon yourselves this responsibility! Beware, you law-makers, how you allow a law to stand upon your statute book, that gives this fearful power to the husband over the person of his wife!⁵⁴.

The Rutland Free Convention was for the Spiritualist movement a great occasion to elaborate its theories and solutions before a large and sympathetic audience. Enthusiasts of Spiritualism, like Abbey Kelley Foster and Sarah Grimké, could be found among early feminists, while not only Mary Davis but other famous mediums and spiritualist lecturers were, in turn, active in the woman's rights movements, like Emma Hardinge⁵⁵, and, later on in the 1870's, Victoria Woodhull. Even the prominent feminist Elizabeth Cady Stanton, though she was not a « believer », acknowledged that Spiritualism was « the only religious sect in the world, unless we except the Quakers, that has recognized the equality of women »⁵⁶.

⁵¹ E. Hardinge, *Modern American Spiritualism*, 148. On Mary Davis see *Notable American Women*, 441-442.

⁵² *Proceedings*, 121.

⁵³ *Ibid.*, 122.

⁵⁴ *Ibid.*, 123.

⁵⁵ E. Hardinge was the author of an early history of American Spiritualism, already mentioned in this essay.

⁵⁶ Quoted in William Leach, *True Love and Perfect Union*, New York: Basic Books, 1980. On the reasons that attracted women to Spiritualism see Laurence Moore, « The Spiritualist Medium: A Study of Female Professionalism in Victorian America », *American Quarterly*, 27 (1975), 200-221.

Yet the stigma of teaching Free Love was difficult to remove and detractors of Spiritualism could easily use this argument. Moses Hull, a former preacher who embraced and rejected several denominations before finally becoming a Spiritualist, accused Spiritualism of annulling the marriage contract and of opening « the gates of sensuality and corruption ». He quoted from the *Light from the Spirit World*: « Marriage is a law of heaven; the marriage of the spirits is the only marriage to abide in any condition »⁵⁷. Again, John b. Ellis reported the confession of « one who had been behind the scenes » and revealed that « all Free Lovers, with rare exceptions, are Spiritualists »⁵⁸.

On Sunday, the last day of the Conference, when Andrew Jackson Davis gave his speech, the public rose from an average of 300 persons on the previous days to more than 3,000.

What had gone before, as well as Davis' own position would seem to promise a full scale attack on marriage or at least an interpretation and a general proposal of reform. However, on the marriage question, the Spiritualist prophet was more prudent than could be expected. Perhaps in the attempt not to break the unity of the Spiritualist movement on an occasion so favourable to proselitism, Davis was prudent. The debate had already shown that among Spiritualists there were both conservative positions and more liberal ones on the marriage question: Joel Tiffany being the extreme of the former, Julia Branch of the latter. Eschewing the occasion which repeated reference had seemed to make inevitable, Davis placed internal unity and the hope of extending Spiritualist ranks first. He did not even touch the subject, as though his own wife had not even spoken, preferring the more general field of the reasons for his belief in Spiritualism, and only reserving some blows for « the fear of Mrs. Grundy and her relatives ».

Yet the doctrine of spiritual affinities, which had an important role in his elaboration, besides having guided his personal choices in life – looking for his spiritual affinities he married three times – had a not negligible role in encouraging unhappy wives and husbands to break their marriage bonds. Laurence Moore writes that « one of the most serviceable functions of nineteenth-century spirits was the sanction that they so freely issued to American wives to divorce their husbands »⁶⁰ and Lucy Colman in her *Reminiscences* mentioned a case which clearly illustrates how a belief in the spirit world could offer relief to women:

⁵⁷ Moses Hull, *Infidelity and Spiritualism*, Battle Creek, Mich.: Steam Press of the Seventh-Day Adventist Pub. Ass., 1862, 13.

⁵⁸ John B. Ellis, *Free Love and Its Votaries*, New York: U.S. Publishing Co., 1868, 423.

⁵⁹ *Proceedings*, 146.

⁶⁰ Laurence Moore, « The Spiritualist Medium », 208. How strong the influence of the spirit world was in those days is again shown by one of the speakers, A.B. Storer, who revealed that the spirits had also inspired a Southern gentleman « who had recently liberated all his slaves ». *Proceedings*, 102.

a young woman, whom the spirits constantly controlled... was informed that she must refuse any longer to be the wife of her husband; that even her child was begotten by lust; and hence she was not to see her much... This woman finally left her home... she had a strange life-lived some years with another husband, who proved shiftless in all things. She became a Spiritual Healer, accumulated quite a little property, shirked further care of her husband, and when I last saw her, had become a charming woman... There was, no doubt, back of all this that I have related, a bitterness that none but a woman married to a coarse, uncongenial husband, could appreciate⁶¹.

Certainly many Spiritualists endorsed, more openly than other reformers, « the justice of divorces under certain domestic circumstances »⁶², thus gathering sympathies among « the miserably married ». Moreover they were able to perceive and pick up women's highest aspirations in terms of intimacy and respect in the marriage relation. Andrew Jackson Davis, for example, often referred to the numerous letters he received as a return wave of his lectures and books. Especially women wrote him, victims of « legal sensuality », whose married lives lacked « those tendernesses and delicate tokens of pure love » Davis thought were necessary in marriage.

The Rutland Convention was one of the earliest public debates on the marriage relation⁶³ and certainly offered the forces of conservatism an opportunity to link all reform movements to free love. Yet, however conservative contemporary observers attempted to neutralize the impact of the marriage question by defining « crazy » and « odd » and « dangerous » the remarks here examined, the fact remained that they were the expression of broad discontent with legal and social limitations in the marriage relation. Such strong discontent that, as we have seen, it came to the surface again and again during the convention despite the urgency of abolition or the fervor of temperance and that it had already prompted Elizabeth Cady Stanton to declare in 1853 that « the right idea of marriage is at the foundation of human progress »⁶⁴.

Why was the marriage question so deeply felt? First of all, there was a new sensibility in the period towards people's sufferings which can explain the general need of reforming, of ameliorating conditions, for example in prisons, in asylums, and in marriage as well. We must also consider that the mores were rapidly changing⁶⁵. The family of origin was no longer responsible for

⁶¹ Lucy Colman, *Reminiscences*, Boston, 1891, 26-27.

⁶² A.J. Davis, *The Magic Staff. An Autobiography*, New York: J.S. Brown, 1857, 493.

⁶³ The New York *Tribune* published in 1852 a series of articles on the marriage issue by Henry James Sr., Horace Greely and Stephen Pearl Andrews. For a selection of this debate see Taylor Stoehr, *Free Love in America*, *op. cit.*

⁶⁴ Lois W. Banner, *Elizabeth Cady Stanton. A Radical for Woman's Rights*, Boston: Little, Brown and Co., 1980, 81.

⁶⁵ Carroll Smith-Rosenberg in *Disorderly Conduct. Visions of Gender in Victorian America*, New York: Oxford University Press, 1986, 79-80 analyses the economic, social and structural changes which affected Jacksonian America.

arranging marriages or even for approving them. Young people thus gained the freedom to choose their own spouses, which went a great responsibility and the danger of failing, of making the wrong choice. It also meant great expectations from marriage. From this individual responsibility and these high expectations came the need for information, advice, directions which the numerous and successful marriage manuals of the time were supposed to give.

At Rutland, two words recur in almost all the speeches: « lust » and « intimate ». One is opposed to the other and every speaker abhorred the first and praised the latter. Within this large frame we can however stress proximities and differences. The common view of all speakers at the Rutland Convention was that « love », not « lust », should lead to, and prevail in marriage: a romantic position that varied in its formulation from Julia Branch's invitation to love freely but not lustfully, to more prudent condemnations of male lust. But if the speakers basically agreed in their views as to the nature of « true » marriage and the wrongs of « bad » or « false » marriage, they differed strongly on the cause of the evils denounced and, accordingly, on the possible remedies.

Julia Branch had a rather isolated position, in that she believed « in the absolute freedom of affections » and gave woman « the ruling power in all matters of love ». For her male/female relationships were to be guided by love: « the holy, sacred emanation from the most vital part of our natures ». Her battle was against Victorian hypocrisy, against loveless marriage and marriage for convenience. But it also had a broader scope: the abrogation of marriage itself as a legal institution in which she saw the cause of woman's degradation and misery. To most speakers, the abrogation of the marriage institution seemed a remedy more fearful than the ill and a source of incalculable dangers for women and for society.

The evils of married life, they thought, originated in the traditional absence of equality among the sexes and might be corrected by legal reform of the marriage relation, based on equal political rights. This was the opinion of feminists like Ernestine L. Rose and Frances Dana Gage, of the abolitionist Foster, of the lawyer George Sennot. From woman's right to vote would spring a natural remedy to the evils of married life. A small group of speakers, though agreeing to the necessity for legal remedies to the institutional wrongs of marriage, attributed a fundamental responsibility for marital unhappiness to human nature itself. « Lust », in Tiffany's and Evan's words – or « un-governed passion », as Wright put it – was for them the main cause of the disastrous state of the marriage institution.

All, in different ways, were religious men. Evans was Elder of a Shaker community; Tiffany was active in the effort to unite religion and reform; Henry C. Wright had been a Congregational minister before becoming an itinerant preacher. As to the remedies, Tiffany and Evans had no hope for reforming human nature or marriage: the former suggesting that marriage, being the

only means to restrain sensualism, must remain untouched; the latter seeing the only alternative to suffering in a life of virgin purity. Wright, for his part, thought that only a « deep, holy, exclusive love » could constitute a true marriage and he sanctioned the exclusiveness of the relation it established.

Finally, more specific requests on two controversial issues came from two orators, both active in the Spiritualist movement. John H.W. Toohey stressed the need for more liberalized divorce laws, while Mary Davis invoked an end to coercion in marital sexual relations and denounced the fact that the total sexual rights exerted by husbands too often led to unwanted conception.

Both divorce and unwanted conception were sensitive issues on which the widest divergence of opinion existed among convention participants, including the women. The dissolution of the legal bond appeared « dangerous » to many, being a right accorded to men as well as women, while the ideas of consensual sex conferred on women a positive control over their sexual lives that was totally new and daring in a sexual system which stressed male prerogatives and women's passivity. Even declared reformers preferred silence on these topics.

Two years later, on the eve of the Civil War, Elizabeth Cady Stanton, followed by Antoinette Brown and Ernestine L. Rose, would address the question of marriage and divorce at the Tenth National Woman's Rights Convention in New York City. On that occasion Wendell Phillips, certainly no timid exponent of change, would suggest that this part of the debate should be omitted in the published *Proceedings* of the Convention⁶⁵. Phillips was unsuccessful in censoring the marriage question in the *Proceedings*, but the attempt was emblematic of the climate of the times. Several decades and the painful break with the remnants of the abolitionist movement were to be required before a renewed woman's rights movement would deal with such « dangerous » issues and it would have to do so in virtual isolation from other forces.

⁶⁶ MariJo and Paul Buhle, *Concise History*, 170-189.