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Report of the Special Committee on Woman Suffrage

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Mary Smith
from
Amasa M. Eaton
1874.

REPORT

OF THE

SPECIAL COMMITTEE

ON

WOMAN SUFFRAGE,

ETC.

MADE TO THE GENERAL ASSEMBLY AT ITS JANUARY SESSION A. D. 1874.

PRINTED BY ORDER OF THE HOUSE.

PROVIDENCE:
PROVIDENCE PRESS COMPANY, PRINTERS TO THE STATE.
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State of Rhode Island, &c.

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REPORT.

The Special Committee to which was referred the numerous petitions and memorials on the subjects of Woman Suffrage, and changes in the Statutes to make women eligible to certain offices, report as follows:

The Declaration of Independance, that Magna Charta of our country, framed by our greatest statesmen and jurists, begins as follows:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

These men builded, indeed better than they knew, for their grand structure included logically the ultimate extinction of slavery. It now remains for us to finish the work, by completing the enfranchisement of women, also included therein, for no one will now deny that the words "all men" in this declaration of rights, stand for "mankind."

To accomplish this reform, men and women should have equal education in all schools, collages, universities, medical, legal, and theological institutions, and access to all professions; equal partnership in the labors and gains, risks and remunerations of industry; and equal share in the formation and administration of all laws, and liability and obligation under them, through legislative assemblies, courts, and executive offices.

The acceptance as a political axiom of the self-evident truth, that law should know no sex, the incorporation of it in our Constitution, and the living up to it, politically and socially, would effectually accomplish this reform. But even after convincing men of this truth, we have to overcome the prejudice of custom which decrees, that, as men and women never have had equal rights, the claim is barred. This prejudice against anything new and unknown, whatever may be its merits, is,

however losing its force, or we should indeed have reason for faintness of heart in the cause of reform.

Habit may still to some extent be tyrannical over opinion and action, but the worship of custom is a declining idolatry. Any suggestion of reform, especially if it relates to vital interests of life, still startles those not accustomed to habits of thought, but if continually discussed and kept before the mind until the impression of strangeness wears off and a certain enlightenment follows, it is listened to and judged of, in some degree at last by its merits.

If the prejudice of custom is opposed to the equality of men and women, so was it also opposed to freedom of industry, freedom of conscience, freedom of the press, and freedom from slavery. Until they had proved their possibility by actual existence, none of these were deemed compatible with the safety of the state. Indeed, they are not yet so deemed in some benighted countries. That the weak should be subject to the strong, was the basis on which the State was organized; to be equals was to be enemies; association based on equal rights scarcely existed.

But the thoughts of men are widened with the process of the suns, and the dawn of better days is upon us, when we may look forward to the acceptance of the proposition that men and women shall have equal rights.

It is argued by some, that women are now excluded from such pursuits only as are "unfeminine," and that the "proper sphere," so called, of women, is private and domestic life. But, who has the right thus to decide for others what is unfeminine? The proper sphere for all human beings is the highest they can reach, and complete liberty of choice is essential to this right. To interfere before hand and to declare that whatever be the genius or capacity of a member of a certain race, class, or sex, those faculties shall not be allowed unlimited scope, is a gross injustice to the individual and an injury, resulting in certain loss, to society at large.

If by the assertion that the proper sphere for woman, is the domestic, it is meant that this is the only sphere they can fill, the assertion shows strange ignorance of life and history. In proportion as eminent women have been placed in the highest social and political positions, have they shown the ability to fill them. By a strange contradiction, though ineligible in most countries to the lowest offices of the State, they are in many countries, eligible to the highest of all. It is not necessary here to name examples, to prove that women can reign with signal ability. They will occur to every one, but it seems strangely in-

consistent that while one country, England, has a Queen at the head of the State, another country, the United States, claiming to be politically the peer or superior of any, allows women the chance to fill hardly any office higher than that of the humble village postmaster.

If women then are fit for politics, are politics fit for women? Is there any truth in the assertion so often made and repeated, that the duties of active political life are incompatible with the duties of a mother and the cares of a household? Even if it is true, this objection can apply only to mothers, and a sufficient answer is, that the incompatibility itself, will prevent their undertaking to carry out both classes of duties. No law is needed.

No one proposes to exclude men from office, because they may be merchants, lawyers, doctors, or otherwise actively occupied, and so it would be incompatible for them to undertake to carry out two sets of duties. The incompatibility will take care itself in the case of women as well as in the case of men, and when real will equally prevent both from serving in the two capacities, but there is great injustice in making the possibility of incompatibility the pretence for the exclusion of those in whose case it does not exist. And in the case of single women, and the large class of women in excess of men, this so called argument of the duties of mothers, does not apply; it has the bad effect of setting up a false view of marriage, because it makes it the sole and chief aim of women, instead of leaving them free choice for the development of their faculties equally with men.

If it is argued that the admission of women to active political life will harden them, we ask in vain for the proof. On the contrary the eminent women whose names are prominent now, or in the pages of history, instead of being hardened by their contact with men, are noted for their gentle traits and humanizing influence on their time.

And we must not lightly disregard the injury done to men by the exclusive control and exercise of political and legal power. No one can exercise such absolute uncontrolled power over others without suffering for it ultimately. It must produce among men, a deterioration in what are called the manly virtues. Those who so fear that women may become men do not see the danger of men's becoming what they insist women should be, and the danger of their thus falling into the feebleness they have so long cultivated in their companions. Men cannot retain manliness, as opposed to effeminateness, unless women acquire it. Not that the intellect of women is feebler on the average than that of men, or that the average varied details of women's lives requires less ability than the usual routine of average men's lives.

It is on account of the petty subjects and interests to which they are generally restricted that the companionship of average women, such as their present education and circumstances make them, fails to ennoble and elevate as it should the lives and pursuits of men.

And what shall be said of those moderate reformers who say that women should be educated to be companions for men? It would be equally true to say that men should be educated to be companions for women.

The usual statement made by this class is, that women should study and improve their understanding and taste, study music, etc., and inform themselves sufficiently on the current politics of the day, to talk of them with their husbands, and be able to understand their wisdom, thus assuming that this wisdom is always on one side. But this is not improving to the husbands, to say the least. No one can advance beyond the first steps in wisdom, by means of intellectual communion only with inferiors. Every man and every woman is ultimately dwarfed and narrowed in intellect who does not obtain intellectual intercourse with peers and superiors. The intercourse of a strong minded man with a weak minded woman is not conducive to the intellectual welfare of either. And the education of women will never be what it should be, until it becomes the same education as that of men, and not merely superficial information on solid subjects. The highest mental powers in women need not be looked for until every career is open to them, and they, as well as men, are educated for themselves and for the world—not one sex for the other.

Another objection often urged against the enfranchisement of women is, that women themselves do not desire any change. It is said that they generally disclaim any such wish and that they visit with a certain amount of social obloquy, the women who actively try to bring about the reform.

If this proves anything, it proves too much. If it proves that American women ought to remain as they are, it also proves that Asiatic and Mormon women ought to remain as they are. It proves that slaves should be left in slavery, and that savage tribes should be left in barbarism, for they all desire no change. And, even if true, it should not be allowed to debar from active life, by law and custom, any woman, who, with more intellect than her less favored sisters, may feel prompted to carry out to the fullest result, the unrestricted development of her own faculties. Were it not for the strange fears entertained of the results of the adoption of the proposition, probably no one would deny that the law, like the gospel, should know no sex. Believing that these fears are groundless, and no reason can be shown for their existence, what legislation is necessary to make men and women equal in politics and law?

It is clear that to allow only those women to vote who possess a certain amount of property would not be just, unless the same restriction is applied to men. Whatever qualifications are attached to the exercise of the privilege of voting should apply to men as well as to women. But however important it may be that restrictions shall apply, no new one can be set up without the consent of those who would be cut off by the restriction.

Congress, however, has before it a proposition to deprive women in the territory of Wyoming of the right to vote, which they now have, without their consent to such deprivation. As an apt instance of the injustice habitually done to women, let any man reflect whether Congress would be expected to entertain a similar proposition to deprive men in the same territory of the right to vote without their consent to such deprivation. Until the beginning of this century women voted in the State of New Jersey. Then the right was taken away from them. But it does not appear that this was done with their consent. Now that the experience of the last twenty-five years has shown the mischief done by the Democratic party, by the indiscriminate enlargement of the right to vote, in New York and other States, this might serve as a precedent for now limiting the franchise in those States, without the consent of those who would be cut off by the restriction!

In this connection attention may be called to the strange fact that the Democratic party, which has always claimed to be *the* democratic party of the country, and which has done so much to lower the tone of the judiciary by making the appointment of judges dependent on the popular vote, besides the indiscriminate widening of the right to vote, already spoken of, has, notwithstanding, always favored slavery, and has ceased to exist rather than consent to its abolition. Those whom the gods wish to destroy they first make mad. It is not surprising, therefore, to find Democrats opposed to making men and women equal. Blinded, and led on by the fatuity that has governed them for the past fifteen years, they still court political destruction. This is to be regretted, because the result is that we have now only one party in the country, or, more properly speaking, we have none at all. Our politics now amount to nothing more than a contest between the ins and the outs. A live opposition, governed by real principle, would be a blessing to the country, and would soon bring about a change in the present disgraceful condition of our national politics. Let us hope that the Republican party, so called, will not court similar death by ignoring the issues of the day, one of the greatest of which we are now considering.

It is also equally clear that to give women the right to vote without subjecting them to the same duties and liabilities that the men who vote are subject to, would also be unjust. If women are to share with men the right, or, more properly speaking, the privilege, of voting, they must also share with men the duties and liabilities incident to such privilege. This leads us to ask if there areany political and legal duties and liabilities that women cannot share with men, and a careful examination will show that there are none. One of the most onerous of these liabilities, subjection to taxation, women now share with men. They should share it no longer, if they are not to be allowed to vote unless the language quoted of the Declaration of Independence is mere sound and fury signifying nothing.

One other, and the most serious liability women should share with men, if they are to share with them all rights and privileges, is the liability to service in case of war. There is no reason against such equal liability of men and women, for half, perhaps, of the positions in the army and navy, might as well, or even better, be filled by women. They might occupy positions in all Hospitals, Commissary's, Quartermaster's and Paymaster's departments. And this would be no discrimination in their favor, for it is not considered any discrimination in favor of the men who now fill those departments. That our army, as now organized, is deficiently organized, is attested by the fact that thousands of women, during our late war, voluntarily and persistently, often in spite of the opposition of the authorities, entered into the service of the nation, many of them at the sacrifice of their health and lives; and we all know what noble service they did, and in what esteem they were held by our soldiers and the country at large! Can any one doubt that their services would have been ten-fold as great had they been part of the organized service?

And the records of the war show, moreover, that many women actually carried muskets and served in the ranks, and their sex remained undiscovered unless they were wounded and sent to the hospital, or killed. There are, probably, many women now alive, who thus served in the field through the war.

In case of a draft, women, then, as well as men, should be liable to serve or provide a substitute. It is useless to object that this would be a greater burden than most women could bear. How many drafted men in this State, during the late war, served, themselves, or paid for substitutes? It is well known that the towns paid, generally, for these substitutes, and for the support of their families, while they were in the service. And, to accomplish this, the towns taxed the property of *women* as well as of men.

Let not the mere novelty of such a state of things deter men of reason from seeing that there is nothing impracticable in it, but that it is more consonant than the present state, with strict justice and political right.

Women, then, as well as men, would be liable to serve in such places as they are, by their physical and mental organizations fitted to fill, subject equally with men, to equitable laws of exemption for sufficient cause to be fixed by statute, and, having equal privileges with men, to provide substitutes, or pay whatever the law of supply and demand may compel them to pay.

An incidental good effect of such measures would be the consequent diminishment of the chances of war. It would be one of the best peace measures ever proposed, for every people would hesitate and be less liable to be led into war by sudden excitement, if men and women were subject to equal liability to service.

There is peculiar propriety in consummating this great reform in this State, which led the great reform of perfect liberty of opinion in religious matters, a reform in that day considered as impracticable and chimerical as this is in ours. And, as in that case, the time will come when men will wonder at the strange apprehensions and fears entertained. For come the reform must. We see the signs of it on all sides, and it is only a question of time. The more the question is agitated, the more apparent is the necessity for the reform and the more converts are made. Women now vote in the territory of Wyoming, and the testimony of one of the judges of their courts, who, before the change was utterly opposed to it, is, that nothing but good has come of it, and that he feels compelled, by the facts and actual working of the measure, to approve it unreservedly. He is a competent and unbiased witness, and reports, not theoretical views, but his own experience in court. And the State Senate of Kansas has even now submitted the question of Woman Suffrage to the vote of the people.

The opposition may be said to be composed mainly of the weak in intellect, the ignorant who have never thought of it, and the inert mass of conservatives, and the so-called reasons against it, to be mainly the results of ignorance, sentiment and prejudice, even admitting that some people are conscientiously opposed to it. There are even some opponents of the measure who, while acknowledging the abstract justice of the proposed reform, fear that the result would be an increase of immorality —as if justice ever could breed immorality! And those, who, opposed to the reform, speak so slightingly of the capacity of woman, if they speak from experience, as they must, to entitle their opinion to any weight, should not forget the evidence it furnishes of the estimation in which they hold their wives, mothers, and sisters.

Among the many signs of the impending change, we may note the steady amelioration of the laws with respect to the rights of women. The law has been reformed, to a certain extent, at least, to better protect women in their rights of property. Now we see laws proposed, public sentiment for the first time generally approving, to make women eligible as members of school committees where they are not so already, and overseers of the poor, and prisons, etc.

Certainly these are all most desirable reforms, but why thus peddle out reform in driblets? Why not go to the root of the matter at once, for get there we certainly shall in the end?

There is another reason for beginning the reform in this State. Fortunately, we have a property qualification, and this would exclude women, as it now does men, from voting on any proposition to impose a tax, or for the expenditure of money, unless they shall be properly qualified by the possession of property. The usual conservative influence of women would thus come more into play, which may relieve the fears of those who imagine hitherto undreamt of horrors, if women, as well as men, are to have their rights.

Although it may be well to have a property qualification in the absence of hope of any better, let it not be thought that it is because property and the possession of it are peculiarly sacred. A better reason is, that, on the whole, the possession of property is some evidence that the possessor is able to take care of property, and, therefore, is fitted to attend to the interests of the State. In the long run, property remains only with those who can take care of it, and those are the ones to take care of the State. Another good reason why the possession of property should qualify one to vote, is, that, having personal interests at stake, such a one will be more apt to weigh new measures with due deliberation before overturning any established order of things.

Let us remember how much women have at stake in the cause of suppression of intemperance, and how much more effective their power of assistance would be if they had equal rights with men.

And so every consideration impels us to the decision from which we see no escape.

We rebelled from the mother country to establish the truth of the proposition that taxation without representation is tyranny. Yet women are not allowed to represent their property. They should have the right that they may protect it. Women are the natural guardians and educators of children, and therefore should be members of school committees. Women best know the necessities of women, and therefore should be eligible as overseers of the poor, asylums and hospitals. Women

have as much at stake as men in all questions of social reform, and therefore should have equal facilities for assisting in framing and seeing to the execution of laws on such subjects. Women have equal right with men to the highest attainable wages, subject only to the law of supply and demand. This right they have not, so long as they are debarred by social prejudice, custom, and law, from competing equally with men for all positions they may choose to try to fill. The common law of England gave foreigners the right to claim that half the jury should be foreigners, yet women are compelled to submit to trial by men only, no matter what motives of delicacy may prompt them to prefer a trial by women. It is a fundamental rule of equity, that all persons shall be tried by their peers. Yet women are tried by a male jury and male judges. To sum up; women are subject to law, and therefore should have the power to assist in framing laws and in their execution.

If, as is so often asserted, women are inferior to men, then the law should discriminate in their favor instead of against them. But being their equals, women should be subject to all the duties and liabilities of men, and should be free to enjoy all their rights and privileges.

We therefore recommend the passage of the following resolution; first calling the particular attention of the members of this House to the fact that in voting for its passage, they will let the voters of the State decide the matter themselves, since it is to be referred to them. In voting against its passage, they prevent the voters from deciding the matter, thus assuming to decide it without allowing the people a voice in the decision, since this question was not before them when this General Assembly was elected.

All of which is respectfully submitted,

AMASA M. EATON.
GEORGE W. HALL.

PROVIDENCE, March 3, 1874.

RESOLVED, A majority of all the members elected to each house of the General Assembly concurring herein, that the following article be propose as an amendment to the Constitution of the State, and that the Secretary of State caused the same to be published, and printed copies thereof, to be distributed in the manner provided in Article XII of the Constitution.

ARTICLE.

Men and Women, politically and legally, shall be entitled to equal rights and privileges, and shall be subject to equal duties and liabilities.