



*Murderesses as Victims
in the United States in the Post-Civil War Era*

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Murderesses as Victims in the United States in the Post-Civil War Era

Elizabeth Cady Stanton and Susan B. Anthony's Redefinitions of Women's Rights Ideology

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Après la Guerre de Sécession, une partie du mouvement américain pour les droits des femmes s'éloigne des abolitionnistes et entreprend le développement d'un féminisme par et pour les femmes. Deux affaires majeures, celle de Hester Vaughan, accusée en 1868 d'infanticide, et celle de Laura Fair, condamnée en 1871 pour le meurtre de son amant, permirent à Elizabeth Cady Stanton et à Susan B. Anthony d'exprimer une vision spécifique de la société américaine et des relations entre hommes et femmes. Des femmes assassines, Hester Vaughan et Laura Fair devinrent, dans le discours de certaines féministes, des victimes d'une société dominée par les hommes et d'une justice à deux vitesses. Pourtant, malgré cette radicalisation apparente, l'étude du traitement par Elizabeth Cady Stanton et Susan B. Anthony des femmes assassines montre une certaine continuité entre les périodes d'avant et après la Guerre de Sécession.

After the Civil War, part of the American women's rights movement grew away from abolitionists, and engaged in a feminism for

and by women. Two major cases, that of Hester Vaughan, indicted for infanticide in 1868, and that of Laura Fair, sentenced to death for the murder of her lover in 1871, enabled Elizabeth Cady Stanton and Susan B. Anthony to express a specific vision of the United States and the relationships between men and women. In some feminists' discourse, Hester Vaughan and Laura Fair were presented, not as murderesses, but as the victims of a society and justice dominated by male standards. Despite this apparent radicalization, however, the analysis of Elizabeth Cady Stanton's and Susan B. Anthony's treatment of murderesses shows some continuity between the antebellum period and the last third of the nineteenth century.

féminisme, Etats-unis, XIXe siècle,
infanticide, système judiciaire, droits des
femmes, classe ouvrière

In July 1871, the women's rights leaders Susan B. Anthony and Elizabeth Cady Stanton launched their first lecture tour on woman suffrage in California. Just a few days earlier, after weeks of a trial that had held San Franciscans spellbound, Laura Fair, who had been accused of killing her lover, a prominent lawyer and politician, had been found guilty of murder in the first degree, and sentenced to death. The trial had been attended by a group of Californian suffragists supporting Laura Fair, and on July 12, during her first lecture in San Francisco, Susan B. Anthony made a direct allusion to the case: "Who protected Mrs. Fair when she was a child? Who protected her? If all men protected all women there would be no Mrs. Fairs."¹ Susan B. Anthony recorded the audience's reactions in her diary:

July 12 Wednesday. San Francisco – S.B.A. spoke
Platts Hall – Power of the Ballot – a splendid audience –
& good speech – hisses at allusions to Laura Fair – but I
silenced them & turned them to cheers – 1200 –²

¹ Ann Gordon, ed., *The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony: Against an Aristocracy of Sex, 1866 to 1873*, note 2, p. 434.

² Susan B. Anthony's diary, in *The Selected Papers...*, p. 434. "The audience drowned her out with boos and hisses. She waited till they fell silent, said precisely the same words, was shouted down again, repeated them defiantly a third time, and

Susan B. Anthony eventually won over her listeners – some 1,200 men and women – by holding her ground, the press responded to her remarks most violently. Susan B. Anthony’s defense of a woman who was considered as “loose” was seen as deliberate provocation, and most journalists denounced her presentation of Laura Fair, who was commonly described as a social and moral threat³, into the victim of a male-dominated society unable to protect women.

After the Civil War, such argumentation became quite frequent on the part of some American women’s rights activists, who used sexual scandals and murder cases in order to censure the situation of American women, conveying a specific vision of American society as dominated by male representations. Three years before the Laura Fair case, Elizabeth Cady Stanton and Susan B. Anthony, among others, had already mobilized to prevent the execution of Hester Vaughn, an English immigrant who had been sentenced to death for infanticide: for them, the affair was emblematic of the unfairness of the American society and the bias of the judicial system against women in general, and working-class women in particular: “Vaughn was not a criminal, but the victim of a social system that forced women, especially poor women, to murder their illegitimate children or face social ostracism.”⁴

The American historian Ellen Carol DuBois suggests that the use of such affairs was part of a redefinition of some women’s rights activists’ discourse after the Civil War. When the Fifteenth Amendment, passed in 1870, gave Black men the right to vote, excluding women from the franchise, some feminists broke up the alliance with abolitionists that had dominated American reform politics for almost forty years, which led to important divisions, between feminists and abolitionists, and among feminists themselves,

finally won cheers for her courage if not her sentiments.” Geoffrey Ward and Ken Burns, *Not for Ourselves Alone: The Story of Elizabeth Cady Stanton and Susan B. Anthony*, p. 135.

³ Despite numerous assertions as to Laura Fair’s being a prostitute, it seems that she was not. See Kenneth Lamott, *Who Killed Mr. Crittenden? Being a True Account of the Notorious Murder Trial that Stunned San Francisco*.

⁴ Ellen Carol DuBois, *Feminism and Suffrage: The Emergence of an Independent Women’s Movement in America, 1848-1869*, p. 146.

and which resulted in the simultaneous creation of two woman suffrage associations in 1869⁵.

Whereas some historians have viewed the post-Civil War rift within the women's rights movement as the result of some disagreement over the strategy to be adopted in order to obtain the ballot for women,⁶ the study of Susan B. Anthony's and Elizabeth Cady Stanton's use of the Laura Fair and Hester Vaughan episodes shows that their vision of murderesses and female infanticides as victims and of their murders as motivated by self-defense was part of a strategy of systematic confrontation, which was instrumental in the development of a specific image of American society and relationships between men and women. Such ideological constructions, however, did not represent an abrupt break with the antebellum period. Rather, the cases, which appeared in a context of rupture with abolitionists, played the roles of catalysts and facilitated the expression of a feminist vision of society, which had already been articulated by the women and men active in the women's rights movement before the Civil War.

Hester Vaughan's infanticide

In 1863, Hester Vaughan, a poor English immigrant, arrived in Philadelphia in the company of a man on the promise that he would marry her, but she soon discovered that he was already married. She became a domestic servant until she became pregnant and had to leave her employers⁷. A few months later, she was discovered with her dead newborn in a room, and was indicted for infanticide. Hester Vaughan's story was told by Elizabeth Cady Stanton in one of the editorials that she wrote on the case:

Not long ago, one day a pretty English girl, poor and friendless, was wandering in the streets of Philadelphia,

⁵ The National Woman Suffrage Association was created by Susan B. Anthony and Elisabeth Cady Stanton, and the American Woman Suffrage Association was founded at the initiative of Lucy Stone and Henry Blackwell.

⁶ "The split in the early woman's movement originated over a strategic dispute, but also resulted from antagonistic feelings which had developed on the part of the leaders." Barbara Ryan, *Feminism and the Women's Movement: Dynamics of Change in Social Movement, Ideology and Activism*, p. 21.

⁷ Some versions of Hester Vaughan's story claim that she had been abused by her employer and was pregnant with him.

seeking employment. Seeing a respectable-looking man, she asked him if he could tell her where she could find a good place to work. Yes, he promptly replied, he would take her to his country home. So she went with him and remained in his family several months.

But alas! her protector proved her betrayer, and she was turned into the street at the very time she needed shelter, love and care. With the wages she saved, for she was an industrious, frugal girl, she took a small room in a tenement house, and there, in the depth of the winter, without a fire, a bed, or one article of furniture, with no eye, save that of Omnipotence, to witness, and no human heart to pity her sufferings, she laid one morning with a new-born child, exhausted on the floor. In vain she had called for help, no one heard or heeded her cries, feverish with pain and thirst, she dragged herself to the floor to beg some passerby for water, and when, at last, help came, she was found in a fainting condition, and the child dead by her side.⁸

In this excerpt, Elizabeth Cady Stanton insists on the qualities of Hester Vaughan – described as “industrious, frugal,” and “pretty”– making her and her baby the innocent victims of “betrayers,” who happened to be mostly men: her bigamist lover who lured her to the United States, although he is not specifically mentioned in this extract; her “respectable-looking” employer, who was supposed to protect her, and failed her once he discovered that she was pregnant; finally, her neighbors, who ignored her cries for help when she was delivering her baby. By using such an emotional tone to describe the young woman, Elizabeth Cady Stanton was contradicting the version which led to her indictment and claimed that Hester Vaughan was an infanticide. When sentencing her to death, the judge, noting the frequency of infanticide, justified his decision by the fact that “some woman must be made an

⁸ Elizabeth Cady Stanton, “Hester Vaughan,” *The Revolution*, November 19, 1868, in *The Selected Papers...*, p. 191. A year later, Elizabeth Cady Stanton reported the case of a fifteen-year-old young woman, who was being investigated for smothering her newborn baby. In the editorial, using the same tone, she also presented her as a victim: “About a year ago, at which time she was fourteen years of age, the girl was sent to work on a farm in [...] New Jersey. During the absence of her employer’s father, a negro on the farm effected her ruin...” Elizabeth Cady Stanton, “Gerrit Smith on Petitions,” *The Revolution*, January 14, 1869, in *The Elizabeth Cady Stanton-Susan B. Anthony Reader: Correspondence, Writings, Speeches*, p. 122.

example...”⁹ By contrast, for Elizabeth Cady Stanton, if Hester Vaughan was to be considered as an illustration, she was supposed to be representative of the way poor women were treated in American society.

Right after the end of the trial, women’s rights activists such as Anna Dickinson started to organize conferences, and launched a press campaign to save her and influence the Pennsylvania Governor into granting his pardon.¹⁰ According to Elizabeth Cady Stanton, the mobilization was meant to make up for what was seen as an unfair trial and the indifference of the public for a poor immigrant woman:

[Hester Vaughan] was taken to the station house, and soon after imprisoned for infanticide. Tried and condemned, with most inadequate proof, she now lies in a Philadelphia prison waiting the hour of her execution, and in the great State of Pennsylvania not one woman has protested against the barbarism of this whole procedure, nor petitioned Gov. Geary for the girl’s life.¹¹

Most of the work in favor of Hester Vaughan’s release was done by the Working Woman’s Association, which was established in September 1868 by Susan B. Anthony.¹² A delegation was sent to meet Hester Vaughan when she was in prison and a mass meeting was organized in New York City, raising three hundred dollars to be used by her after her release. A petition asking for her retrial or pardon was submitted to the Governor of Pennsylvania by Elizabeth Cady Stanton and Elizabeth Smith Miller.¹³ The story of the encounter with the Governor is suggestive of Elizabeth Cady Stanton’s determination in

⁹ Ellen Carol DuBois, “The Nineteenth-Century Woman Suffrage Movement and the Analysis of Women’s Oppression,” in *Woman Suffrage and Women’s Rights*, p. 76.

¹⁰ *The Selected Papers* : p. 193. Elizabeth Cady Stanton wrote editorials on Hester Vaughan and on infanticide in general. See for instance “Infanticide,” *The Revolution*, August 6, 1868; “Hester Vaughan,” *The Revolution*, November 19, 1868.

¹¹ Elizabeth Cady Stanton, “Hester Vaughan,” *The Revolution*, November 19, 1868, in *The Selected Papers...*, p. 191.

¹² “The case of Hester Vaughn, a young English immigrant accused of infanticide, was the high point of the Working Women’s Association’s investigative efforts.” Ellen Carol DuBois, *Feminism and Suffrage*, p. 145.

¹³ Ellen Carol DuBois, *Feminism and Suffrage*, pp. 145-6.

saving Hester Vaughan, but also of the values invested by them in the Hester Vaughan case:

The governor told Mrs. Stanton that he did not think that Hester was a bad woman by nature but his hands were tied because the jury had found her guilty. Then he added, "You have no idea how rapidly the crime of 'infanticide' is increasing. Some woman must be made an example of it. It is for the establishment of a principle, ma'am." Stanton retorted with all her anger, "Establishment of a principle, indeed! I suggest you inaugurate the good work by hanging a few women."¹⁴

Despite his hesitations and his desire to set an example, the Governor eventually relinquished, and six months later, in May 1869, Hester Vaughan was released and sent back to England in secret.

Laura Fair's Crime of Passion

Female infanticides were not the only women to be defended by women's rights activists after the Civil War. Crimes of passion, when committed by women, were also commented on and extenuating circumstances were also put forward to explain their murders.

Laura Fair was born in June 1837 in Mississippi.¹⁵ Between 1853 and 1859, she married three times, and she had one daughter, who was born in August 1860¹⁶. In September 1862, after performing on stage once, she opened a boarding house in Virginia City, where she met Alexander Parker Crittenden, a lawyer and politician from San Francisco. He was already married and was the father of seven children, and he and Laura Fair became lovers in late 1863. For seven years, their relationship was stormy, and frequently punctuated by quarrels and reconciliations, because of Crittenden's failed promises to divorce his wife and marry his lover. On May 3, 1870, Laura Fair shot him to death in front of his wife and two of his children. She was arrested, tried, and, despite her lawyers' claims of insanity, she was found guilty of murder in the first degree, for which she was sentenced to death.

¹⁴ Kathleen Barry, Susan B. Anthony: A Biography of a Singular Feminist, pp. 216-7.

¹⁵ All biographical information about Laura Fair is taken from Kenneth Lamott, *op.cit.*

¹⁶ Her third husband and father of her only daughter, William D. Fair, committed suicide in 1861.

The trial mobilized journalists and public opinion, as well as Californian suffragists, who attended the trial, and were even fined for manifesting their support for Laura Fair loudly¹⁷. One of them, Emily Pitt Stevens, wrote frequent articles on Laura Fair in her newspaper¹⁸, but it was Elizabeth Cady Stanton's and Susan B. Anthony's interventions that were considered the most remarkable at the time. Elizabeth Cady Stanton visited Laura Fair in prison and "pronounced her a beautiful sweet woman."¹⁹ She was interviewed by *the San Francisco Chronicle* after her visit and stated it was "the saddest moment that [she] remember[ed]," adding: "Mrs. Fair may not have been a saint but she cannot have been a demon. I think that the treatment of this woman is an outrage and a disgrace to the city of San Francisco."²⁰ Susan B. Anthony's comments during her first lecture unleashed the most violent reactions, the like of which she claimed she had never experienced before: "Every paper came out terrifically against me and my speech last night – never before got such a raking."²¹

Laura Fair was granted a second trial in 1872, and declared not guilty. She died in October 1919 in almost utter indifference, but she won some eternal fame through the character of Laura Hawkins in Mark Twain's and Charles Dudley Warner's *The Gilded Age* (1873). In the novel, Laura Hawkins kills her ex-lover and is acquitted after a trial during which her lawyer, just like Laura Fair's, claimed that she was not her normal self at the time of the murder²².

¹⁷ Kenneth Lamott, op.cit., pp. 89-91.

¹⁸ *The Selected Papers...*, 1866 to 1873, note 2, p. 434.

¹⁹ Susan B. Anthony's diary, July 13, 1871, in *The Selected Papers...*, pp. 434-5.

²⁰ Quoted in Kenneth Lamott, op.cit., pp. 286-7.

²¹ Susan B. Anthony's diary, July 13, 1871, in *The Selected Papers...*, p. 434. Part of Susan B. Anthony's trial was due to what she felt as Elizabeth Cady Stanton's lack of support when she had been attacked by the California press. See Kathleen Barry, *Susan B. Anthony: A Biography of a Singular Feminist*, pp. 239-40

²² Mark Twain and Charles Dudley Warner imagined an ending different from real life for their female character, who becomes a lobbyist in Washington. The two stories are somehow connected in the novel: "The connection suggested between these two is that once seduced and abandoned, Laura loses any moral scruple and is therefore willing to manipulate men. For Laura the political remains secondary to the sexual: as she connives for the passage of her bill, she takes a generalized revenge on men..." Barbara Bardes and Suzanne Gossett, *Declarations of*

“The Social Question”

The Hester Vaughan and Laura Fair cases acted as catalysts for some women’s rights activists, allowing them to tackle the “social question,” as it was called at the time. Ellen Carol DuBois accounts for this boldness by alluding to a different context after the Civil War:

In the prewar suffrage movement, demands for basic legal rights, the need to establish the seriousness of women’s protests, and the presence of significant numbers of male supporters on feminist platforms preempted any serious examination of heterosexuality, or, as the nineteenth century called it, “the social question.” Woman suffrage leaders were themselves divided on the advisability of a public investigation into the “social question,” although the majority of them, under the leadership of Stanton, were probably inclined to make such an open investigation.²³

Some of the topics addressed by Elizabeth Cady Stanton and Susan B. Anthony had been dealt with before the Civil War, more specifically at the very beginning of the women’s rights movement in the 1840s. Gradually, however, whereas it had been at first seen as the most provocative claim, suffrage became the key issue, sometimes to the detriment of other aspects of women’s situation. As a result, the fact that Elizabeth Cady Stanton and Susan B. Anthony addressed all the consequences of male domination, whether political, economic, social, or cultural, may not necessarily be considered as a rupture, but also represents a continuation, through the development of an ideology whose germs were already present in the antebellum women’s rights movement.

The first most obvious issue at stake in the Hester Vaughan and Laura Fair cases was not specifically feminine, as it also potentially affected men. Before the Civil War, in March 1855, Wendell Phillips, an abolitionist and women’s rights supporter, had pleaded against capital punishment in an address to a Committee of the Massachusetts Legislature. His argumentation had focused on the responsibilities of

Independence: Women and Political Power in Nineteenth Century American Fiction, p. 159.

²³ Ellen Carol Dubois, “The Nineteenth-Century Woman Suffrage Movement and the Analysis of Women’s Oppression,” in *Woman Suffrage and Women’s Rights*, p. 75.

society and the gratuitous character of capital punishment, rejecting the argument of self-defense when imprisonment for life was as satisfactory as an execution for the protection of citizens: “Has society any need to take that man’s life to protect herself? Has she retreated to the wall?”²⁴

Elizabeth Cady Stanton herself wrote about her opposition to capital punishment several times throughout her career, sometimes in the same terms as Wendell Phillips, but she also saw it as a specifically feminine issue for at least two reasons. In 1868, in an open letter to Democrat Martin H. Bovee, she wrote that prisons should be considered as “moral seminaries,” adding:

As to the gallows it is the torture of my life. Every sentence and every execution I hear of, is a break in the current of my life and thought for days, I make my son the victim. [...] I imagine the mortal agony, the death struggle, and I know ten thousand mothers all over the land weep and pray and groan with me over every soul thus lost. Woman knows the cost of life better than man does, there will be no gallows, no dungeons nor needless cruelty or solitude when Mothers make the laws.²⁵

In this note, Elizabeth Cady Stanton refers to a feminine specificity related to motherhood: As (potential) mothers, women were endowed with superior moral qualities that made them supposedly more capable of appreciating the value of life and to sympathize with the suffering than men. The second aspect that made capital punishment a women’s issue was its different nature when applied to a woman. Elizabeth Cady Stanton’s comparison of Hester Vaughan’s upcoming execution with “deliberate, downright murder”²⁶ took on another dimension when considering the situation of women in American society. As early as 1848, in the Declaration of Seneca Falls, one of the grievances listed accused Man of compelling women “to submit to laws, in the formation of which she had no voice.”²⁷ At the 1852

²⁴ Wendell Phillips, Plea before a Committee of the Massachusetts Legislature, March 16, 1855, “Capital Punishment,” in *Speeches, Lectures, and Letters*, p. 98.

²⁵ Elizabeth Cady Stanton to Martin H Bovee, New York, August 1, 1868, in *The Selected Papers...*, pp. 156-7.

²⁶ Elizabeth Cady Stanton, “Infanticide,” *The Revolution*, August 6, 1868, in *The Selected Papers...*, pp. 158-9.

²⁷ “The Declaration of Sentiments,” Seneca Falls, July 1848.

Syracuse National Convention, Antoinette L. Brown, who was later to be known as Antoinette Brown Blackwell, denounced the judicial system's indifference to women, best represented in the impossibility for them to be tried by a jury of their own peers:

When woman is tried for crime, her jury, her judges, her advocates, are all men; and yet there may have been temptations and various palliating circumstances connected with her peculiar nature as woman, such as man can not appreciate. [...] From the nature of things, the guilty woman can not have justice done her before the professed tribunals of justice; and the innocent but wronged woman is constrained to suffer on in silence rather than ask for redress.²⁸

Brown's argumentation was that women could not have fair trials when only men could be jurors and proved unable to understand the "peculiar nature" of women. This fact alone made all judgments delivered in an American court of law unfair for women, and made all women, guilty or not, potential judicial victims.

Two years later, in an address to the legislature of New York, Elizabeth Cady Stanton called the right to be judged by one's peers "that most sacred of all rights," seeing it as the basis of "advanced civilization." Such claim was based on her conviction that men and women had "antagonistic" interests, which prevented men from making and implementing laws fairly for anyone other than themselves.²⁹ Men were thus said to be unable to understand neither women's deepest nature, nor their situation as victims in a society dominated by male standards, an argument that Elizabeth Cady Stanton appealed to in relation to Hester Vaughan:

How can a man understand the terrible mortification and sorrow of a girl's life when betrayed into a false step,

²⁸ Antoinette L. Brown, Syracuse National Convention, September 8, 9, and 10, 1852 in *The History of Woman Suffrage*, p. 517.

²⁹ Elizabeth Cady Stanton's address to the legislature of New York, February 20, 1854, in *The History of Woman Suffrage*, p. 597. She also alluded to the difficulty for a woman in speaking openly about certain topics in front of men: "Shall an erring woman be dragged before a bar of grim-visaged judges, lawyers, and jurors, there to be grossly questioned in public on subjects which women scarce breathe in secret to one another? Shall the most sacred relations of life be called up and rudely scanned by men who, by their own admission, are so coarse that women could not meet them even at the polls without contamination? and yet shall she find there no woman's face or voice to pity and defend?"

when in the crisis of her danger, she denies herself, through fear, all human sympathy, has no hope of future love and happiness, when every natural pulsation of the human heart, the deepest and holiest affections of a mother's nature must, of necessity, be crushed in concealment and violence; as the young victim stands trembling and appalled before future exposure, disgrace and degradation?³⁰

This made justice an instrument in the hands of men only, as well as the reflection of everyday oppression. Men's incapacity to judge women stemmed from the same reason why men could not legislate for the whole humankind, and women had to be enfranchised. It is worth noting, however, that such an argumentation was not confined to women activists as such men as Frederick Douglass, when asking for woman suffrage, also stressed the impossibility for anyone to represent women but women themselves:

... it is a fair question whether man can properly represent woman. It is about as much as man can do to represent himself. The great fact underlying the woman suffrage movement is this: *Woman is woman. She is herself*, and nobody else than herself. Her selfhood is as complete, perfect and absolute as is the selfhood of man. She cannot part with her identity. She can neither represent man nor can man represent woman.³¹

In a "Declaration of Rights of the Women of the United States," issued for the centennial of the Declaration of Independence in 1876, the National Woman Suffrage Association mentioned several "articles of impeachment" against American rulers, among which we find "the right of trial by a jury of one's peers," but also "unequal codes for men and women."³² The denunciation of a double standard for men and women in American society was also present in Elizabeth Cady Stanton's and Susan B. Anthony's discourse on the Laura Frai and

³⁰ Elizabeth Cady Stanton: "Hester Vaughan," *The Revolution*, November 19, 1868, in *The Selected Papers* : pp. 191-192.

³¹ Frederick Douglass, undated speech, *Frederick Douglass Papers*, in Philip S. Foner, ed., *Frederick Douglass on Women's Rights*, p. 138.

³² National Woman Suffrage Association, "Declaration of Rights of the Women of the United States," July 4th, 1876. In the Declaration, the signatories added another, somewhat racist, argument against the trial of women by men: "...the women of this nation have never been allowed a jury of their peers – being tried in all cases by men, native and foreign, educated and ignorant, virtuous and vicious."

Hester Vaughan's cases: the paragraph in the 1876 declaration deplored that "[l]aws catering to man's vices ha[d] created two codes of morals in which penalties are graded according to the political status of the offender."³³ Such criticism was voiced by Elizabeth Cady Stanton in an exchange with Horace Greeley, a Republican abolitionist who, in 1871, had claimed that "he would not become the presidential candidate of woman suffrage," referring to the common representation at the time of suffragists as free lovers and to what he called "the Laura Fair type": "... the Advanced Female of the Laura Fair type, who kills the paramour of whom she claims to be the rightful affinity, and gives the lie in open court to the wife she has doubly widowed, is my pet aversion."³⁴ For Elizabeth Cady Stanton, the fact that Horace Greeley was trying to link woman suffrage with the Laura Fair case was evidence of his bad faith and of the double standards that made equal relationships between men and women impossible in the present state of society. Her reply, published in the same newspaper and entitled "A Few Gentle Taps at Mr. Greeley," aimed at showing the inconsistency of judging all women on one woman's actions and of assimilating woman suffrage to other immoral rights: "What has that to do with our movement; there are no Laura Fairs on our platform; the right of suffrage and shooting are entirely distinct." Refusing to give an opinion about Laura Fair's guilt or innocence, and alluding to other similar cases in which men had been found not guilty, she claimed that the only question to be answered here was "not 'whether she told Mrs. Crittenden she lied', but can a woman justly tried for the violation of laws to which she has never given her consent, by a Judge in whom she has had no choice, by a jury of foreigners, not her own peers in either country, education, or sex, by a public sentiment that makes one code of morals for man, and another for woman, and with no voice in the election of the sheriff who is to perform the last devilish deed."³⁵ An important point in Elizabeth Cady Stanton's argumentation is that, despite the emotional

³³ National Woman Suffrage Association, "Declaration of Rights of the Women of the United States," July 4th, 1876.

³⁴ Horace Greeley, in *Golden Age*, July 15, and August 12, 1871 in *The Selected Papers...*, note 2, p. 438.

³⁵ Elizabeth Cady Stanton, "A Few Gentle Taps at Mr. Greeley," *Golden Age*, September 2, 1871, in *The Selected Papers...*, 436-438.

tone that she displayed when alluding to Laura Fair, or Hester Vaughan, she was also perfectly aware of the differences between them and suffragists, whom she called “women citizens” and the representatives of a “virtuous, law-abiding type of womanhood.” Remaining on the more certain ground of principles also allowed her to avoid the question of Laura Fair’s guilt.

Elizabeth Cady Stanton and Susan B. Anthony argued that American society, dominated by men and based on double standards, was unable to protect women from men and from themselves and deprived them of their independence. Such an argument was developed by Wendell Phillips in a 1854 Woman’s Rights Tract, assigning an educational and moral value to “the jury-box and the ballot-box.”³⁶ According to him, idleness generated vice, which made women the more likely to be attracted to it for lack of meaningful activities: “An ordinary woman, once fallen, has no busy and stirring life in which to take refuge, where intellect will contend for mastery with passion, and where virtue is braced by high and active thoughts.”³⁷ Alluding to the Laura Fair case, Susan B. Anthony also mentioned the vulnerability of women in a society crowded with “*fallen men*” in need of reform³⁸: “... wherever there is a woman wanting in self-respect, wanting in dignity of character, wanting in propriety of behavior, not as strong as possible in all the affairs of life, as strong as God can make her, there are twenty vultures in the shape of men willing to clutch her ...”³⁹

It was thus necessary for women to protect themselves, provided that society gave them the opportunities, especially political, to do so. Such line of reasoning in the context of the Hester Vaughan and Laura Fair cases gave special meaning to the situation of women from the working class, which Susan B. Anthony and Elizabeth Cady Stanton tried to gather as a constituency after the Civil War. Hester Vaughan, Elizabeth Cady Stanton wrote, was “the child of our society and

³⁶ Wendell Phillips, Speech at Worcester, October 15, 1851, “Woman’s Rights Tract n°1,” in Women’s Rights Tracts, pp. 15-6.

³⁷ Wendell Phillips, *idem* p. 20.

³⁸ Susan B. Anthony to “Dear Friends”, August 20, Susan B. Anthony Papers. Quoted in Lynn Sherr, *Failure Is Impossible: Susan B. Anthony in Her Own Words*, p. 216.

³⁹ Susan B. Anthony, San Francisco Morning Call, July 13, 1871, Susan B. Anthony Papers. Quoted in Lynn Sherr, *idem*, p. 216.

civilization, begotten and born of it, seduced by it...”⁴⁰ After the late 1860s, however, and despite Susan B. Anthony’s allusions to the evil of prostitution at a time when it was considered as scandalous for anyone, and, what is more, a single woman, to mention the question, and Elizabeth Cady Stanton’s staunch attacks against religion, it seems that the two women’s rights activists found it difficult to create an alliance between middle class and working class women.⁴¹ Their views on abortion, which had become “an obvious social reality” by the mid-1840s,⁴² is representative of such problems. When they tackled it, their stance was somewhat similar to their view of infanticide, putting the blame on men and exonerating women, while at the same time endorsing restrictive state anti-abortion legislation passed under the influence of physicians: “Editorial and letters in the *Revolution* in 1869, while continuing to blame thoughtless, tyrannical husbands for the huge number of abortions in America, condemned the practice as a threat to and exploitation of women, and noted with approval the efforts of the NY state legislature that year to proscribe it more vigorously.”⁴³

Conclusion

Even if the alliance with working class women collapsed in the late 1860s, Elizabeth Cady Stanton and Susan B. Anthony continued to defend some murderesses whom they considered as victimized by society. Such was the case in 1895 when Maria Barberi, an Italian immigrant, slit the throat of her lover who refused to marry her. Just like Laura Fair and Hester Vaughan, she was tried and sentenced to death, and Elizabeth Cady Stanton and Susan B. Anthony tried to rally support and petitions were signed asking for clemency. In December 1896, Maria Barberi was retried and she was acquitted for insanity.⁴⁴

⁴⁰ Elizabeth Cady Stanton, “Infanticide,” *The Revolution*, August 6 1868, in *The Selected Papers...*, pp. 158-9.

⁴¹ “The suffragists’ middle-class perspective and distance from wage-earners contradicted their feminist faith in working women and eventually led them back to the benevolent model they seemed to transcend.” Ellen Carol DuBois, *Feminism and Suffrage*.

⁴² James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy: 1800-1900*, p. 46.

⁴³ James C. Mohr, *idem* p. 113.

⁴⁴ Lynn Sherr, *op. cit.*, pp. 218-20.

Their discourse on the case shows the same arguments as the ones that they had used some twenty-five years before, but also before the Civil War, but it is significant that Laura Fair and Hester Vaughan should have been omitted from Elizabeth Cady Stanton's autobiography written in 1893, and from Elizabeth T. Schenck's official and expurgated recollection of Elizabeth Cady Stanton's and Susan B. Anthony's lecture tour to California in the *History of Woman Suffrage* in 1886.⁴⁵ Not denying their determination and courage in defending murderesses, it seems that such limitation in Elizabeth Cady Stanton's and Susan B. Anthony's discourse on working women had already been visible in the idealized, emotional, and sometimes slightly condescending descriptions of Laura Fair and Hester Vaughan as epitomes of working class values and problems.

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⁴⁵ Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, ed., *The History of Woman Suffrage*, p. 756.

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