

**THE LIMIT OF FREEDOM:
FREE LOVE CONTROVERSIES IN THE NINETEENTH-CENTURY UNITED
STATES**

by

Satomi Minowa

A dissertation submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Doctor of Philosophy in History

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ABSTRACT

The free love movement of the nineteenth century was one of the most radical and controversial efforts to reshape marriage and sexuality in American history. Hailed by supporters as a pathway to sexual equality, and derided by critics as the perverted cause of sexual deviants, free love occupies a fascinating chapter in changing ideas about gender, morality, and sexual rights. By illuminating public discussions about free love among both free love's advocates and antagonists between the 1850s and 1880s, this dissertation demonstrates the extent of nineteenth-century Americans' preoccupation with the notion of "free love." Despite free love's apparent lack of popular support, mid-nineteenth-century Americans across the country spoke incessantly about free love and its alleged influence on American society. What happened as the free love movement became notorious during the 1850s was that the term free love became one of the crucial components of political discourse. In this dissertation, I explore the way the term was discussed among different groups of people, what it meant for them, and what kind of work these contested discourses performed in American society at large. In doing so, I argue that the mushiness and intricacy of the definition of "free love" in popular discourses offers an important insight into American society and culture.

My project makes an original contribution to historiography on nineteenth-century sex radicalism and wider American society primarily on two points. First, rather than focusing solely on the free love movement per se, my study also examines popular representations of their ideas in the broader culture. Second, this dissertation's intersectional approach integrates race into its analysis of the conflicting meanings of "free love." Through a contextualized examination of multiple meanings of "free

love,” my dissertation demonstrates that free love, and thus discourses of marriage and sexuality, was central to political debates over freedom in the nineteenth-century United States. By doing so, it contributes to broader historical discussions dedicated to probe the interconnectedness of ideologies about gender, race, and sexuality.

INTRODUCTION

In the summer of 1871, Paulina Wright Davis, a fifty-seven-year-old veteran abolitionist and women's rights reformer, found herself in trouble. Davis and her fellow suffragists had been the focus of public criticism ever since she had read out resolutions demanding a series of women's rights at the annual convention of the National Woman Suffrage Association, which was held at New York City's Apollo Hall in May of the same year. The resolutions called for extending the principle of freedom to the "social" domain, declaring that "the Woman's Movement means no less than the complete social as well as the political enfranchisement of mankind."

Davis read:

Resolved, That the evils, sufferings, and disabilities, of women, as well as of men, are social still more than they are political, and that a statement of Woman's Rights which ignores the right of self-ownership as the first of all rights is insufficient to meet the demand, and is ceasing to enlist the enthusiasm, and even the common interest, of the most intelligent portion of the community.

Most Americans who heard or read this statement, including suffragists at the convention, instantly took the resolution as an open endorsement of the controversial cause of free love. In the nineteenth-century cultural context, "social freedom" meant sexual freedom. The document had in fact not been prepared by Davis, who served as the president of the convention, but by the leading philosopher of free love, Stephen Pearl Andrews. Many suffragists and sympathetic liberals argued that the innocent Davis had been misused by a small group of free lovers at the convention, notably

Andrews and the notorious Victoria C. Woodhull, whose free love doctrine was at best irrelevant to women's suffrage, or, at worse, represented the very evil women's moral influence aimed to overthrow.¹

Davis, however, defended the resolutions, arguing that the social relations mentioned in them covered much broader areas than those of the merely sexual. Although Davis was a reform-minded Spiritualist, she had not been part of the free love movement. She was happily married to Thomas Davis, a wealthy jewelry manufacturer and abolitionist ex-statesman, with two adopted daughters. Davis nevertheless asserted that she believed in what she regarded as "free love." She said that she found nothing wrong in the term, since love, founded upon "respect, esteem, admiration, and devotion," was essentially a free emotion that could not be forced or purchased. Davis was among the radical wing of feminists who opposed traditional notions of patriarchal marriage that demanded women's domestic submission to husbands. She argued that "the law which makes the rendering of marital rights and compulsory maternity on the part of the woman, in the absence of love and congeniality, of health and fitness, obligatory, is a deadly despotism. ... Every woman who is demanding the ballot is, whether she knows it or not, demanding her right to self-ownership."² Just as some other Spiritualists did, Davis supported "free love" in

¹ "Votes versus Virtue," *New York Tribune*, May 22, 1871, 2; "The Woman Suffrage Organs of Late Events," *New York Tribune*, May 22, 1871, 5; "The Woodhull Free-Love Business," *New York Tribune*, May 26, 1871, 2; "Woman's Rights and 'Free Love,'" *New York Tribune*, June 17, 1871, 4.

² "A Woman's View on Free Love," *New York Tribune*, June 16, 1871, 2. For the biographical information of Paulina Wright Davis, see Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, eds., *History of Woman Suffrage*, Vol. 1 (New York: Fowler & Wells, 1881), 283-89; Alice F. Tyler, "Paulina Kellogg Wright

her call for equal rights in marriage and women's ownership of their own bodies, not the dismantling of marriage. In a letter of indignation Davis sent to Horace Greeley's *New York Tribune* in June 1871, she objected to an article entitled "The Anarchy of Free Love" that had appeared in the paper earlier that month. The editorial linked free love with several recent crimes of murder related to extramarital affairs, writing that a "disregard of domestic obligations" of men and women "preceded the shedding of blood." The writer of the article chastised Davis for conferring upon women the right of repudiating their marital obligations and loosening the prohibition of lawless passions.³ Against these charges, Davis maintained that free love had nothing to do with the fatal crimes that the article mentioned. She wrote:

In the very paragraph you say Free Love has no votaries to speak of, and then charge to it the most horrible catalogue of crimes which this age of crimes has known. Will you, Sir, tell us definitely what *you mean* by "Free Love"? You persistently declare every woman who claims the right to her own person a Free Lover, and then insinuate a definition from which they recoil with affright. If Free Love is what you claim it to be, then I am with you heartily in opposition to it; but if it is not, then it is you who are convicted of misjudgment, of evading the true issue, and doing battle with a creation of your own imagination. Let us define the phrase "Free Love." What are the terrors in the adjective "Free?"⁴

Davis" in *Notable American Women: 1607-1950*, eds. Edward T. James, Janet Wilson James, and Paul S. Boyer (Cambridge: Harvard University Press, 1971), 444-445.

³ "The Anarchy of Free Love," *New York Tribune*, July 4, 1871, 4.

⁴ "Free Love Once More: A Last Word from Paulina Wright Davis," *New York Tribune*, July 20, 1871, 2.

Through her bold defense of the notion of “free love,” Davis challenged those who used the anathema of free love to degrade anyone who dared to question male sexual prerogatives in marriage.

Before “free love” became charged with certain toxic meanings during the antebellum period, the term once stood for a religious and moral virtue. Premodern English people understood “free love” as God’s impartial love for all His believers, and they occasionally named their daughters Freelove. That meaning factored in the life of the Puritan lawyer John Cooke, who undertook the prosecution of King Charles I of England for his tyrannical rule during the second civil war. The king was found guilty and subsequently beheaded. As the first solicitor general of the English Commonwealth under Oliver Cromwell, Cooke worked for ending monarchical government and realizing the republican ideal. With the Restoration by Charles II in 1660, however, Cooke was convicted of regicide and sentenced to hanging. Waiting for the execution in his condemned cell, Cooke wrote a last letter to his baby daughter Freelove, whose future life he suspected would be a hard one because of her father’s infamy. “My Dear Sweet Child,” he wrote, “Let thy name, Freelove, put thee in mind of the freelove of God in giving thee to me and thy dear mother, and know that thou art the child of one whom God counted worthy to suffer for his sake ... I pray thee never learn any pride, but be humble and meek and courteous and wait upon God’s ordinances.”⁵ Pious Puritan parents like Cooke gave the name Freelove to their daughters in the hope that they would grow pure and virtuous women who would selflessly serve God. Although a relatively rare name, Freelove continued to remain

⁵ Geoffrey Robertson, *The Tyrannicide Brief: The Story of the Man Who Sent Charles I to the Scaffold* (New York: Pantheon Books, 2005), 333.

among the available stock of girl names for colonial settlers of the New World and the citizens of the early republic.⁶

The emergence of the free love movement in the early 1850s permanently altered the meanings of “free love.” Rooted in radical strands of antebellum reform culture, free love ideology challenged prevailing norms about marriage, gender roles, and sexuality. Free love advocates attacked the institution of marriage, repudiating the intervention of the government and church in private decisions about sexual relationships. They asserted that marriage destroyed affections and perpetuated women’s subjection by legally sanctioning men’s unchecked access to women’s bodies. For these radicals, mutual love and consent, not marital law, defined the purity and legitimacy of sexual unions; genuine love between men and women existed only when both parties were completely equal and independent. Free love ideology was an attempt to reshape not only marriage and sexuality but also the meaning of freedom. Free love advocates believed that freedom and bondage stemmed from sexual and domestic relations and viewed sexual autonomy as the most crucial component of individual freedom. Through their sex radical ideas, free lovers challenged the dichotomy between the public and private, politicized the intimate domain, and infused new meanings into freedom and citizenship.

⁶ The 1850 U.S. Federal Census identified 1,054 people who had Freeloove as their first or middle names. But the number declined afterwards: 983 in 1860, 785 in 1870, and 430 in 1900. Search results for “Freeloove,” U.S. Federal Census Collection, Ancestry Library Edition, www.ancestrylibrary.com (accessed April 3, 2017). I am grateful to Anne Boylan for informing me of “Freeloove” as a woman’s name among the colonial population in New England.

My dissertation demonstrates that free love, and thus discourses of marriage and sexuality, was central to political debates over freedom in the nineteenth-century United States. By illuminating public discussions about free love among both free love's advocates and antagonists between the 1850s and 1880s, this dissertation traces the extent of nineteenth-century Americans' preoccupation with the notion of free love. My project makes an original contribution to historiography on nineteenth-century sex radicalism and wider American society primarily on two points. First, rather than focusing solely on the free love movement per se, my study also examines popular representations of their ideas in the broader culture. Second, this dissertation's intersectional approach integrates race into its analysis of the conflicting meanings of "free love."

The last four decades have seen a steadily growing body of scholarship on marital reform and sex radicalism in the nineteenth century. Early historians of the free love movement demonstrated that free love advocates shared many of the core ideals of the dominant Victorian society. The earliest scholarly work on the nineteenth-century free love movement was Hal D. Sears's 1977 book, *The Sex Radicals*. Among several prominent free lovers and sex radicals he discussed, Sears mainly focused on Moses Harman, a Kansas radical editor who was influential among reformers through the publication of an anarchist and free-love periodical *Lucifer, the Light-Bearer* during the last two decades of the nineteenth century. Sears's study was followed two years later by Taylor Stoehr's *Free Love in America*, which sorted out excerpts from a large number of speeches and essays by free lovers, and offered an analytical essay on the movement. While their nineteenth-century contemporaries often described free lovers as lunatic radicals or sheer debauchees, Sears and Stoehr

suggested the broad areas of similarities between free lovers and social purity reformers like Anthony Comstock, as well as between free lovers and many other social reformers; and this is the very point that John C. Spurlock further developed in his 1988 book, *Free Love*. Exploring the early phase of the free love movement, Spurlock argued that free love emerged from antebellum reform culture in which various groups of reformers questioned conventional gender roles and the existing form of marriage. According to Spurlock, free love was the epitome of what he called “middle-class radicalism”: free love grew out of the primal hopes and concerns of an emerging middle class, and thus was an internal critique of Victorian middle-class culture. Free lovers shared core middle-class values such as individualism, self-control, sexual restraint, moral improvement, and romantic love, but they extended those values to the logical extreme, turning them into a critique of American society. So vital was marriage to the identity of middle-class Americans, Spurlock argued, that free lovers’ zeal to reform it paradoxically directed them toward the abolition of the system. By explaining the middle-class origins of the free love movement, these early studies by Sears, Stoehr, and particularly Spurlock demonstrated that Victorian sexuality and morality were broader and more elastic than are generally assumed. However, these scholars mainly paid attention to the role of middle-class male leaders in the advocacy of free love, while placing a few distinct female reformers on the periphery. As a result, their narratives left the impression that free love, in spite of its feminist critique of the marriage system and American society in general, was largely a male-dominated movement.⁷

⁷ Hal D. Sears, *Free Love in High-Victorian America* (Lawrence: Regent Press of Kansas, 1977); Taylor Stoehr, *Free Love in America: A Documentary History* (New York: Ams Press, Inc., 1979); John C. Spurlock, *Free Love: Marriage and Middle-*

More recent studies have redressed this tendency both by focusing more on female leaders and by examining the reception of free-love ideas among women. Jesse F. Battan's 1992 article analyzed the ideas of Angela Heywood, the wife of free-love journal editor Ezra H. Heywood and herself an active sex radical, focusing on her bold attempt to expand the parameters of public sexual discourse. Turning his attention to more ordinary women in the movement, Battan's 2004 article argued that free love periodicals provided female correspondents and readers with a public arena in which they could freely share their marital discomforts, unhappiness, and desires. Editors of these papers acted as counselors and confidants to women, and offered them courage to challenge the dominant sexual norm that forced women to deny their own longings for sexual and economic autonomy and prevented them from knowing and expressing their "natural" desires.⁸ Similarly, Joanne E. Passet's 2003 study adopted gendered

Class Radicalism in America. 1825-1860 (New York: New York University Press, 1988). On the view that free love was a movement led by male activists, see also Linda Gordon, *Woman's Body, Woman's Right: Birth Control in America*, 2nd ed. (New York: Penguin Books, 1990), 94; Carlos A. Schwantes, "Free Love and Free Speech on the Pacific Northwest Frontier: Proper Victorians vs. Portland's 'Filthy Firebrand,'" *Oregon Historical Quarterly* 82, no. 3 (1981): 271-293; John C. Spurlock, "A Masculine View of Women's Freedom: Free Love in the Nineteenth Century," *International Social Science Review* 69, no. 3/4 (June 1994), 34-43; Louis J. Kern, "'Students in the Laboratories of Their Own Bodies': The (Re)construction of Male Sexuality and the Male Sexual Body in Victorian Free Love Literature," in *American Bodies: Cultural Histories of the Physique*, ed. Tim Armstrong (New York: New York University Press, 1996), 46-72.

⁸ Jesse F. Battan, "'The Word Made Flesh': Language, Authority, and Sexual Desire in Late Nineteenth-Century America," *Journal of the History of Sexuality* 3, no. 2 (October 1992), 223-244; Jesse F. Battan, "'You Cannot Fix the Scarlet Letter on My Breast!': Women Reading, Writing, and Reshaping the Sexual the Sexual Culture of Victorian America," *Journal of Social History* 37, no.3 (Spring 2004): 601-624.

and reader-centered perspectives to illuminate how women responded to the idea of free love on the pages of the sex radical press. Viewing free love as a form of feminism that was distinct from the contemporary women's suffrage movement, Passet explored the ideas and lives of female sex radicals who were previously little known in the scholarly literature but were influential during their time. More importantly, Passet demonstrated that many other non-elite, rural women played a crucial part in the grassroots expansion of the movement through a growing print culture, especially in the Midwest and Great Plains.⁹ These studies address the impact of print culture on the (particularly female) readers of free-love publications, suggesting that contact with the movement's literature transformed their expectations about marriage and gender roles.

Although the ideas and lives of free lovers are themselves important as all the studies mentioned above have proved, they constituted only part of the history of free love. Free love was a fluid term with multiple and often conflicting meanings; it signified different sets of ideas and assumptions according to people and contexts. In other words, close examinations of the free love movement do not fully explain the meanings of free love in nineteenth-century America. Even when free lovers defined free love in one way, many other people simply refused to accept that definition and interpreted the phrase in other, contradictory ways. And advocates of free love quite

⁹ Joanne E. Passet, *Sex Radicals and the Quest for Women's Equality* (Urbana: University of Illinois Press, 2003). In her most recent article, Passet again asserted the power of print culture to disseminate feminist utopian visions of cooperative households, sexual equality, and scientific breeding among rural, working-class men and women. Joanne E. Passet, "Reading *Hilda's Home*: Gender, Print Culture, and the Dissemination of Utopian Thought in Late-Nineteenth-Century America," *Libraries & Culture* 40, no. 3 (2005), 307-323.

often quarreled among themselves about what “free love” meant. One of the challenges for scholars in dealing with free love is murkiness of the term “free love” or “free lover.” For instance, Joanne Passet in her analysis refrained from using “free lover” because of the contradictory meanings and the social stigma attached to it. She instead used the term “sex radical” to describe “the broad range of nineteenth-century women and men who did not always call themselves free lovers” but challenged normative beliefs about marriage and gender roles.¹⁰ In my own project, rather than rigidly defining what “free love” really was or rejecting the term altogether, I explore the way the term was discussed among different groups of people, what it meant for them, and what kind of work these contested discourses performed in American society at large. Instead of seeking to distill the “true” definition of free love, I argue that the very mushiness and intricacy of the definition offers an important insight into American society and culture.

My project is thus not so much about the free love movement, but about “free love” as cultural representation. In the nineteenth-century, the concept of free love had significant influence far out of proportion to the small size of the movement. The burgeoning popular print culture played a central role in the public debates about free love, as mass-distributed newspapers and magazines promulgated free love ideas far beyond the circulation of the sex radical press. References to free love appeared in news articles covering a wide variety of topics, which were often irrelevant to the reform doctrine of free love. An 1866 issue of the *National Police Gazette*, a sporting newspaper dedicated to sensational crime reports, accounted a police raid on the “free

¹⁰ Passet, *Sex Radicals and the Quest for Women’s Equality*, 2.

love' proprietors and patrons" of brothels on New York's West 94th Street. The article described how "free lovers" violently confronted police officers on a way to a police station. The brothel owners, pimps, prostitutes, and patrons that the *Police Gazette* depicted as free lovers were apparently not the advocates of free love ideology.¹¹ As the popular press printed twisted representations of free lovers and their philosophy, free love became a toxic epithet used to stigmatize all forms of sexual and gender nonconformity. According to contexts, free love was linked with various subjects including women's rights, prostitution, infidelity and elopement, easy divorce, promiscuity, polygamy, and interracial sex. The negative publicity of free love in the popular press nevertheless had unexpected consequences. Although intended to chastise and demonize free love, the proliferation of free love rhetoric in popular print media had the effect of drawing public interest to the cause and normalizing its sex radical ideas.

Exploring the prevalence of "free love" in major cultural and political conflicts of the day, my dissertation argues that the rhetoric of free love enabled nineteenth-century Americans to connect discussions of politics and freedom with ideologies about marriage and sexuality. Through their feminist critique of marriage, free lovers contended that the prevailing understanding of freedom stood on the violation of individual sovereignty and on women's subjection particularly in the private sphere. For anti-free love Americans, on the other hand, free love embodied the dangerous excesses of freedom and individualism; the term represented a state of anarchy and immorality in all its form—religious, gendered, sexual, and racial. The contaminating

¹¹ "Heavy Crinoline Arrest," *National Police Gazette*, November 24, 1866, 3.

influence of free love threatened to destroy Christianity, the family, domesticity, and normative gender differences. Anti-free lovers constantly had a perception that free love ideas were rapidly spreading and eroding American institutions, and they associated these alleged developments with specific political or social conflicts of their periods. Popular animosity toward sexual freedom reflected their anxiety and discontent toward ongoing changes in gender, sexual, and racial relations.

Free love became such an abominable label in the nineteenth century not just because it supposedly endangered the integrity of marriage and conventional gender norms, but also because it might jeopardize the racial purity and dominance of white Americans. While my project highlights the ubiquity of free love in mid-nineteenth century American print culture, it also assesses the absence of explicit discussions of race within both contemporary records and most scholarship of free love's history. The absence of race in the scholarly literature perhaps derives from the fact that free lovers themselves seldom mentioned race-related matters in their discussion of sexual freedom, aside from deploying slavery as a metaphor to chastise the "sexual slavery" of marriage. Judging from their silence, free lovers, almost always whites, did not imagine that free love doctrines had anything to do with race relations. But my dissertation asserts that, in popular print culture in which "free love" was more often a social stigma than a positive self-identification, the term could have had certain racial implications.

As scholarship that focuses on race and sexuality have demonstrated, the legal and social prohibition of interracial marriage and sex was central to the reproduction

and hardening of racial differences.¹² Since free lovers claimed that they opposed every law that would artificially control people's natural affections and desires in the private domain, members of the broader public might reasonably have feared that "free love" ideas included the repudiation of taboos against interracial intimacy. Amanda Frisken's book on free lover and woman suffragist Victoria Woodhull is a rare study that deals with this point. Frisken examined representations of Woodhull in men's sporting newspapers during her heyday in the United States between 1870 and 1877. Frisken argues that the newspaper coverage of Woodhull's 1872 presidential campaign and her demand for universal rights mirrored postbellum anxiety about

¹² Martha Elizabeth Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997); Peter Winthrop Bardaglio, *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 1995), chap. 6; Peter Winthrop Bardaglio, "'Shamefull Matches': The Regulation of Interracial Sex and Marriage in the South Before 1900," in *Sex, Love, Race: Crossing Boundaries in North American History*, ed. Martha Hodes (New York: New York University Press, 1999); Elise Virginia Lemire, *"Miscegenation": Making Race in America* (Philadelphia: University of Pennsylvania Press, 2002); Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003); Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2009); Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009); Leslie M. Harris, "From Abolitionist Amalgamators to 'Rules of the Five Points': The Discourse of Interracial Sex and Reform in Antebellum New York City," in *Sex, Love, Race: Crossing Boundaries in North American History*, ed. Martha Hodes (New York: New York University Press, 1999); Amber D. Moulton, *The Fight for Interracial Marriage Rights in Antebellum Massachusetts* (Cambridge: Harvard University Press, 2015).

miscegenation between white women and African American men.¹³ While Frisken focuses on this single event, my study explores the racial connotations of popular perceptions about free love after the 1850s.

The attention to race in the history of free love belongs to a larger revision of historical understandings of American animus toward interracial sex. Scholars have generally assumed the Civil War as the turning point at which antebellum white forbearance for interracial sex transformed into violent intolerance. According to this argument, emancipation brought heightened concerns about miscegenation between black men and white women, as whites grew anxious that the abolition of slavery—and thus the disappearance of the line between the free and the unfree—could blur racial boundaries.¹⁴ Several recent studies have maintained, by contrast, that increasing hostility toward black-white miscegenation predated the Civil War both in the North and the South, induced by anxiety toward radical abolitionism coupled with changes in the racial geography of urban spaces.¹⁵ My dissertation builds upon these latter insights, and argues that anti-free love rhetoric was integrated into antebellum popular discourse against interracial socializing and sex. With concurrent conflicts over slavery and emancipation, the meaning of sexual freedom became inevitably tied to political discussions about abolition, Reconstruction, and racial equality.

¹³ Amanda Frisken, *Victoria Woodhull's Sexual Revolution: Radical Theater and the Political Press in Nineteenth-Century America* (Philadelphia: University of Pennsylvania Press, 2004), chap. 2.

¹⁴ Hodes, *White Women, Black Men*; Bardaglio, *Reconstructing the Household*, chap. 6; Pascoe, *What Comes Naturally*, chap. 1.

¹⁵ Harris, "From Abolitionist Amalgamators to 'Rules of the Five Points'"; Rothman, *Notorious in the Neighborhood*, chap. 3.

Chapter 1, “The Enemies of Religion and Purity: Controversies over Free Love in the Popular Print Culture,” traces the emergence of the free love movement in the 1850s and the controversies it created in the burgeoning print culture of the era. Antebellum free lovers criticized women’s subordination in marriage and challenged the state’s right to regulate sexual relations. As popular newspapers widely circulated tainted ideas about free lovers, however, the word “free love” acquired a life of its own. It turned into a capacious term that included every form of challenge to Victorian bourgeois morality, in which lifelong marriage was the only legitimate channel for sexuality. By the late 1850s, all types of marriage reform were subject to being called “free love” and therefore politically, religiously, and morally suspect. The anathema of the label “free love” was so powerful and toxic that it discouraged antebellum reformers to address marital reform and gender roles in the private sphere.

Chapter 2, “The Multiplicity of ‘Free Love’ Discourses,” explores how sex radicals invested free love with alternative visions about individual freedom and sexual relations. The chapter also demonstrates the multiplicity of the meanings of free love, exploring both internal diversity within the free love movement and the variations of “free love” articulated by other related reformers—namely, Oneida perfectionists and radical Spiritualists. From the complexity and contestation of free love discourses among these groups emerges the fact that free love was essentially a critique rather than a positive program. Free lovers were almost unanimous in identifying the evils of the existing form of marriage, yet they had a wide range of opinions about what “free love” should exactly look like or what should be done to achieve it. In addition, some Spiritualists and Oneida communitarians described distinct ideals of sexual relationships by the notion of “free love,” which added further

confusions around the term. Because of the elusiveness and vagueness of free love even among its supporters, popular newspapers and the general public found it easy to manipulate the term to their own advantage while free lovers were unable to effectively combat these distorted interpretations.

Chapter 3, “The Political Use of ‘Free Love’ in Sectional Debates over Slavery” examines how various, and sometimes unexpected, groups of Americans employed “free love” as a political metaphor in sectional conflicts before, during, and after the Civil War. As public discussions about free love multiplied in the 1850s, the phrase became an effective rhetorical tool to attack political opponents in debates over the destiny of racial slavery. In this context, free love represented a serious threat to democracy, liberty, civilization, and the stability of the nation, because Americans regarded marriage as the cornerstone of their society. The extreme vagueness and plasticity of the popular understanding of free love enabled many Americans, regardless of partisanship, to appropriate the notion to prove the moral defects of their enemies. To those who used free love as a toxic stigma, the term could have negative racial implications. Despite the fact that free lovers were almost exclusively white, some of their critics associated “free love”—not as a reform ideology but as a set of deviant sexual practices outside normative Christian monogamy—with Asian, African, and Middle Eastern populations in the world as well as enslaved blacks within the country. Anti-free lovers also argued that free love promoted interracial intimacy and race mixture. The spread of free love thereby threatened to undermine purity of whites and disrupt racial hierarchy in America.

Chapter 4, “Free Love and Women’s Rights,” addresses the complicated relationship between free love and women’s rights. The prevailing epithet of “free

love” in popular print culture negatively affected the platforms of the nineteenth-century women’s rights movement. The fear of being associated with infamous free lovers discouraged a majority of women’s rights activists from publicly discussing divorce reform, let alone supporting it. Within the political climate of Reconstruction after the Civil War, however, a radical cohort of suffragists argued that conventional marriage perpetuated men’s privileges, and called for liberal divorce laws. Their radicalization permitted the free lover and Spiritualist Victoria C. Woodhull to assume leadership in the National Woman Suffrage Association for a brief period between 1871 and 1872. Many other suffragists, particularly those affiliated with the rival faction in the American Woman Suffrage Association, fiercely denounced Woodhull and tried to sever the link between women’s suffrage and free love. Since the antebellum period, those against women’s rights had employed the trope of free love to prove that women’s rights would destroy the family and promote sexual licentiousness. Mainstream suffragists were eager to oust Woodhull from their ranks precisely because she embodied the caricature which their opponents had used to discredit them.

Chapter 5, “Crusade against the ‘National Sin’: Free Love and Federal Censorship” illuminates the impact of the 1873 federal anti-obscenity law, widely known as the Comstock Law, on the free love movement as well as on public discourses about marriage and sexuality in the United States. Beginning in the early 1870s, the fervent evangelical reformer Anthony Comstock led a powerful anti-vice crusade in order to eliminate all cultural expressions pertaining to sex and birth control from the public view. Comstock and his supporters asserted that sexually arousing print materials weakened social bonds and threatened the security of the nation by

demoralizing the younger generation. Comstock's congressional lobbying resulted in federal legislation to prohibit the circulation of obscene literature and articles through the U.S. mail. The broad interpretation of obscenity in the statute allowed Comstock to prosecute a wide range of people whose ideas he believed were immoral and blasphemous. Among Comstock's specific targets were the publications of free lovers. Free lovers responded to Comstock's efforts with an uncompromising commitment to free speech, free press, and sex education. Rather than employing ambiguous language to evade obscenity prosecutions, free lovers adopted the strategy of explicit naming of sexual organs and acts, which led to repeated arrests and sometimes imprisonment.

The free love movement was one of the most radical and controversial efforts to reshape marriage and sexuality in American history. Hailed by supporters as a pathway to sexual equality, and derided by critics as the perverted cause of sexual deviants, free love occupies a fascinating chapter in changing ideas about gender, morality, and sexual rights. Their radical proposals of individual sovereignty and sexual freedom drew intense reaction from their contemporaries. Controversies over free love on the popular print media soon turned the term into a crucial component of nineteenth-century political discourse. By illuminating public debates about free love between the 1850s and 1880s, my dissertation explores how varied groups of Americans articulated their visions of the nation's politics and the conditions of freedom through contending views of sexual relationships and gender roles. In doing so, it contributes to broader historical discussions dedicated to probing the mutual shaping of ideologies about gender, race, and sexuality.

Chapter 1

THE ENEMIES OF RELIGION AND PURITY: CONTROVERSIES OVER FREE LOVE IN ANTEBELLUM POPULAR PRINT CULTURE

In 1870, a writer under the pseudonym John B. Ellis published a book entitled *Free Love and Its Votaries*, in which he warned against the growing influence of free love ideas on American society. Ellis deplored that “the evil principle of Free Love has spread with marvellous rapidity, until it has manifested itself in almost every class of society.” Its effect was already apparent “in the looseness of public sentiment on questions of morality; in the infamous facilities for divorce which are increasing in our land; in the light esteem in which the marriage tie is held; and in the efforts to abolish the marriage relation.” In this anti-free-love tract, Ellis’s main targets were the infamous Oneida Community, in which participants practiced the experiment of complex marriage, and, to a lesser extent, free love communitarians influenced by individualist anarchism. Yet Ellis’s list of the advocates of “free love” theory did not stop there. To Ellis, free love meant a much wider range of challenge to conventional marriage and gender norms. He wrote:

Whether they be Oneida Communists, Individual Sovereigns, Berlin Heights Free Lovers, Spiritualists, Advocates of Woman Suffrage, or Friends of Free Divorce, we find them all united for the accomplishment of one object—the total destruction of the marriage relation. They all admit that marriage is the great obstacle in their path to the accomplishment of their desires. Marriage is based upon religion and purity. With both of these they are at war.

Ellis thus supposed that free love did not necessarily refer to a specific ideology or system, but was rather a general term applied for all “the enemies of marriage”: he

proclaimed, “there are but two alternatives offered to the world: marriage, or Free Love.”¹

Certainly, a small number of self-proclaimed free lovers, a notable minority of those Ellis named in his book (“Individual Sovereigns” and “Berlin Heights Free Lovers”), might have agreed that their aims encompassed a challenge toward marriage. After its emergence in the 1850s and until its alleged disbandment in the first decade of the twentieth century, the free love movement criticized legal marriage as an institution that repressed natural affections, and through which the state and churches interfered in private relationships. They particularly problematized women’s subjugation within marriage, often calling marriage sexual slavery or legalized prostitution. Nineteenth-century free lovers professed an anarchistic faith in individual autonomy and rejected the intervention of others in decisions about private relationships, but that does not mean that these radicals endorsed sexual libertarianism. They shared with their middle-class contemporaries the ideal of sexual restraint; in fact, many free lovers believed that Americans had sex too frequently, without mutual consent and love, under the legitimating cover of marriage. Free lovers argued that the abolition of marriage would purify sexual relationships by creating bonds based not on legal obligation or economic necessity but solely on mutual affection and spiritual

¹ John B. Ellis, *Free Love and Its Votaries, Or, American Socialism Unmasked* (New York: United States Publishing Co., 1870), quotes on 9-10, 11. Taylor Stoehr pointed out that “John B. Ellis” was a pseudonym. Taylor Stoehr, *Free Love in America: A Documentary History* (New York: AMS Press, 1979), 447.

harmony, upholding an optimistic vision about the capacity of men and women to exercise rigorous self-control without external constraint.²

Yet these radicals never constituted more than a small, if vocal, minority of the reformers whom both contemporaries and historians have grouped under the heading of “free love.” In the nineteenth century United States, free love had multiple, often contradictory, meanings; “free love” or “free lovers” could mean quite different things to different people. The narrowest definition of free lovers would be people who aimed at abolishing the marriage system altogether, since they believed that neither the state, the church, nor the general public had a right to interfere in private relationships. Yet other reformers used the term free love more loosely to demand liberal divorce laws that would allow women to leave abusive marriages. Further complicating the term’s etiology, the word “free love” was first used by John Humphrey Noyes, the leader of the Oneida Community, to describe his system of complex marriage based on a religious faith. Noyes and his followers later abandoned the term in order to differentiate themselves from others who adopted it but did not share Noyes’s hope for Christian perfection, yet Oneidan complex marriage and free love continued to mix in the mind of many. For conservative critics like Ellis, Oneidan marital practices and the

² Hal D. Sears, *The Sex Radicals: Free Love in High Victorian America* (Lawrence: Regents Press of Kansas, 1977); Stoehr, *Free Love in America*, 3–71; John Spurlock, *Free Love: Marriage and Middle-Class Radicalism in America, 1825-1860* (New York: New York University Press, 1988); Gordon, *Woman’s Body, Woman’s Right*, particularly chaps. 5–6; Ann Braude, *Radical Spirits: Spiritualism and Women’s Rights in Nineteenth-Century America*, 2nd ed (Bloomington: Indiana University Press, 2001), chap. 5; Joanne E. Passet, *Sex Radicals and the Quest for Women’s Equality* (Urbana: University of Illinois Press, 2003).

individualist-anarchistic free-love doctrine were all “free love,” which meant to them free lust and promiscuity.

This chapter looks at the use of the phrase “free love” in direct attacks on free lovers themselves and in discussions about the implications of free love for dominant gender and sexual norms during the years leading up to the Civil War. Burgeoning print culture played a central role in this debate over the meanings of free love. As such historians as Joanne E. Passet have demonstrated, print culture, particularly readers’ networks through the sex radical press, was crucial for the development of the free love movement, which lacked formal organization, dues, and regular meetings.³ Debate over free love, and thus the phrase’s importance, however, reached far beyond the pages of these specialized publications. Heated controversies regarding free love appeared in mass-distributed publications, promulgating the notions of free love far beyond the circulation of the sex radical press. The antebellum United States saw the expansion of commercial popular publications designed for mass audiences. The development of new printing technologies and more effective circulation methods by the mid-1830s meant that daily and weekly newspapers, books, and pamphlets began to flood the market at low prices. The newly-created penny newspapers attracted the masses by reporting stories on crime and politics with touch of sensationalism. The expansion of the national postal system allowed these cheap publications to reach readers throughout the country.⁴ Free love was a favorite topic in the commercial

³ Passet, *Sex Radicals*, chap. 2.

⁴ James L. Crouthamel, *Bennett’s New York Herald and the Rise of the Popular Press* (Syracuse, N.Y.: Syracuse University Press, 1989); Gretchen Soderlund, *Sex*

popular press searching for novelties, and stories about free lovers and their ideas helped generate sales that sustained these publications.

The meaning of free love produced through these debates, circulated across the country in sex radical publications and in the popular press, was far less coherent than earlier histories of free love have suggested. The incoherence ultimately transformed “free love” into a capacious political epithet that implied sexual and racial chaos. Popular print culture widely circulated multiple, often distorted, images of free love. Nineteenth-century popular publications made “free love” a toxic epithet in the minds of the general public, transforming a radical social movement for romantic individualism into an all-purpose term for any attempts to dismantle lifelong legal monogamy. The popular press quite often imagined and represented free lovers in ways to disparage people and things that were irrelevant to the free love movement. Free love was a malleable word that could be used to discredit anyone. The anathema of the label “free lover” was so powerful that, after the 1850s, many reformers who otherwise supported liberal and moderate changes to the harshest aspects of conventional marriage almost entirely evaded the issues of marital reform and gender roles in the private sphere. At the same time, the reaction toward free love reflected mid-nineteenth-century Americans’ genuine uneasiness about changes to marriage, race, gender, and sexuality. The fact that free lovers were almost exclusively from the northern white educated middle class was itself a source of additional alarm. If members of the social class most responsible for maintaining domestic ideals could become free lovers, then no one was safe. The antagonists of free love believed that

Trafficking, Scandal, and the Transformation of Journalism, 1885-1917 (Chicago: University of Chicago Press, 2013).

“freedom” in intimate relationships would disrupt the stability of American society. By the late 1850s, all marriage reform was subject to being called “free love” and therefore politically, religiously, and morally suspect. In popular print culture of the mid-nineteenth century, free love was no longer connected to any real reform agenda. It had become, instead, a phrase that stoked fears of social chaos.

Stephen Pearl Andrews and the “Free-Love Club” in New York City

In antebellum America, free love was only one of, and arguably the most extreme expression among, broad critiques of the institution of marriage. A number of reformers, notably women’s rights advocates, chose more moderate means to address inequality in conventional marriage. In the nineteenth century, the legal status of husband and wife remained defined by the English common-law doctrine of coverture. Coverture underpinned the notion of marital unity, legally turning a married couple into one person; once married, a woman’s legal rights and obligations were absorbed into those of her husband. Under this principle, marriage granted the right to a woman’s property, labor, earnings, and body as well as child custody to her husband. This marital arrangement was supposed to ensure reciprocity between the pair, since the husband had an obligation to protect and support the wife in exchange. However, the legal and domestic subjection of women in marriage became increasingly apparent to antebellum activists as they, through their work for temperance, labor, health, land, and anti-slavery reforms, inevitably found the legal definition of marriage as the root cause of various forms of women’s disabilities and unhappiness.⁵

⁵ Nancy Isenberg, *Sex and Citizenship in Antebellum America* (Chapel Hill: The University of North Carolina Press, 1998), 155-190; Nancy F. Cott, *Public Vows: A*

By the 1840s, women's rights reformers began working collectively to secure married women's right to own property. The modification of the marital property system had been underway since the late 1830s, although legislators who passed early married women's property laws were not particularly interested in equal rights. They were instead motivated by the more practical and conservative goal of separating married women's estates from the debts of their husbands and thus protecting family assets. Until 1865, women's rights activists strove to advance this legislative reform. In New York State, feminists like Earnestine L. Rose and Paulina Wright Davis lobbied, petitioned, and lectured to gain support for women's property ownership. In April 1848, the state legislature passed the first Married Woman's Property Act that allowed wives to have greater control over property they brought into or were deeded during marriage. The 1860 revision of the law further afforded wives the ownership of their earnings as well as equal rights to their children. By the end of the Civil War, most states had enacted similar married women's property statutes. Women's increasing control over their separate property and earnings had the radical potential to undermine the economic foundation of marital unity.⁶

A relatively small number of antebellum women's rights reformers also aimed at the liberalization of divorce laws, which would allow women to dissolve abusive

History of Marriage and the Nation (Cambridge: Harvard University Press, 2000), 10-12.

⁶ Richard H. Chused, "Married Women's Property Law: 1800-1850," *Georgetown Law Journal* 71, no. 5 (1983): 1397-1412; Françoise Basch, "Women's Rights and the Wrongs of Marriage in Mid-Nineteenth-Century America," *History Workshop*, no. 22 (1986): 26; Cott, *Public Vows*, 52-54; Judith Wellman, *The Road to Seneca Falls: Elizabeth Cady Stanton and the First Woman's Rights Convention* (Urbana: University of Illinois Press, 2004), 146-148, 152-154.

marriages more easily. Liberal divorce was a far more controversial claim than women's right to property. Many pro-divorce feminists, including Elizabeth Cady Stanton, were also committed to temperance reform. In advocating easier divorce, they often evoked the image of the drunken husband who wasted his property, brutalized his wife, and produced degenerate children. By 1850, fourteen states had agreed to recognize habitual drunkenness as grounds for divorce. However, more conservative feminists tended to favor improved legal protection in marriage, and they refused to include easier divorce within the political agenda of women's rights. Divorce reform thereby proved to be a volatile issue, often creating tension within the movement.⁷

Free love, which first emerged as a coherent and distinctive doctrine in the early 1850s, differed from these legal reforms of marriage in that it fundamentally questioned the state's rights to regulate sexual relationships in the form of legal marriage. The free love ideas of Stephen Pearl Andrews, one of the major protagonists in the early phase of the free love movement, help illustrate free love's difference from other approaches to marriage reform. An eccentric intellectual and maverick reformer, Andrews espoused multiple progressive causes including abolitionism, Fourierism, women's rights, and individualist anarchism.⁸ With his argumentative nature and

⁷ Basch, "Women's Rights and the Wrongs of Marriage," 26-29; Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 72-80; Isenberg, *Sex and Citizenship*, 157-159.

⁸ For detailed accounts of Stephen Pearl Andrews's life, see Madeleine B. Stern, *The Pantarch: A Biography of Stephen Pearl Andrews* (Austin: University of Texas Press, 1968).

ambitious schemes, Andrews turned himself into a distinctive character in mid-nineteenth-century daily newspapers.

Andrews first emerged as an apostle of free love when he engaged in an extended three-side debate on marriage, divorce, and free love with Horace Greeley and Henry James, Sr. in the columns of the *New York Tribune* in the winter of 1852 and 1853. The polemic was originally sparked by the publication of Marx Edgeworth Lazarus's controversial book, *Love vs. Marriage*. Lazarus's book was one of the earliest expressions of a full-fledged free love doctrine. Lazarus was an active supporter of the Fourierist movement, which became popular in the United States during the 1840s. According to French socialist thinker Charles Fourier's theory, the isolated household was one of the key institutions hindering free manifestations of human passions and thus preventing people from achieving a state of social harmony. American publicists of Fourier initially avoided discussing this potentially explosive aspect of Fourier's philosophy to make it more acceptable to American readers. By the mid-1840s, however, attacks on the movement in the press forced Fourierists to reluctantly reveal Fourier's original ideas on love and marriage. Even then, Fourierists denied the founder's sexual schemes, declaring that this particular portion of Fourier's theory was not integral to American Fourierism.⁹

In *Love vs. Marriage*, Lazarus broke Fourierists' constraints on sexual reform and explicitly attacked contemporary marriage, maintaining that the institution was a form of chattel slavery and legalized prostitution. He claimed that "[m]arriage as they

⁹ Carl Guarneri, *The Utopian Alternative: Fourierism in Nineteenth-Century America* (Ithaca: Cornell University Press, 1991), 94-95, 97. I discuss the Fourierist movement in the United States and its influence on the free love doctrine more fully in Chapter 2.

understand it, and as it is now generally understood in the world, is totally incompatible with social harmony.” According to Lazarus, the artificial, legal bondage of lifelong monogamy destroyed affections between men and women; once the law granted a man ownership of his wife, his former passion for her began to diminish. Lazarus also believed that contemporary marriage was a primal means of institutionalizing women’s economic and social inequality. He claimed that it was “full time to abandon the slavish, cramping, love-poisoning marriage forms of civilization, and to accept from the distributor of passional affinities, those rich soul-satisfying joys which He reserves in the delicious harmony of characters, in free love.” Like his fellow Fourierists who believed in the congruence between Christianity and the Fourierist social order, Lazarus argued that human passions unhindered by the artificial institutions of civilization were in accordance with divine law. At the same time, Lazarus was ambiguous about the immediate practicality of his theory of “free love,” stating that his purpose was “not to excite isolated individuals to rebel against the law of the land and public opinion,” but to reform people’s attitudes on marriage and to enact more liberal divorce laws.¹⁰

Lazarus suggested that many other leading Fourierists, including Albert Brisbane and Henry James, Sr., agreed with him on the marriage question, even though “considerations entirely personal may prevent them from taking openly the same ground” as he had.¹¹ Soon after the publication of Lazarus’s *Love vs. Marriage*,

¹⁰ Marx Edgeworth Lazarus, *Love Vs. Marriage*, Part I (New York: Fowlers and Wells, 1852), 55, 60, 102-105, 145, 236. On the connection between American Fourierism and Christianity, see Guarneri, *The Utopian Alternative*, 115-120.

¹¹ Lazarus, *Love vs. Marriage*, 250.

James reviewed it negatively in Horace Greeley's *New York Tribune*. James's argument triggered responses from the *New York Observer* and Greeley. Eventually, Stephen Pearl Andrews jumped into the debate in the pages of the *Tribune*. Although James, Greeley, and Andrews all had been the earnest advocates of Fourierism since the 1840s, their views on marriage differed significantly. Henry James, Sr., the father of the psychologist William James and the novelist Henry James, was a bold and progressive philosopher, and he gained notoriety when his translation of *Love in the Phalanstery*, a French Fourierist tract on marriage by Victor Hennequin, was published in 1848. In the debate, James agreed with Lazarus that marriage was in need of reform because too many married couples "find themselves in very unhappy relations to each other, and are guilty of reciprocal infidelities and barbarities in consequence, which keep society in a perpetual commotion." Still, James's radicalism did not go so far as to advocate the abolition of marriage, which James described as a foundational institution for the continuity and stability of society. Instead, James proposed less restrictive divorce laws. The liberalization of divorce, he believed, would strengthen and purify marriage by allowing unhappy, loveless marriages to dissolve more freely and thus promote marriage based on mutual affection. Even though James rejected Lazarus's vision for free love, his call for easy divorce still attracted criticism from people who feared the destabilization of marriage.¹²

Among the three participants in the debate, Horace Greeley represented the conservative voice. Greeley was a reformist editor committed to freedom and equality,

¹² Henry James, Horace Greeley, and Stephen Pearl Andrews, *Love, Marriage, and Divorce, and the Sovereignty of the Individual* (New York: Stringer & Townsend, 1853), 54.

yet he remained conservative on the issue of marriage, opposing steadfastly any measures that could jeopardize the permanent bond of marriage. Greeley argued that “society, by the institution of indissoluble marriage, exacts of the married the strongest practical guarantee of the purity and truth of their affection, and thereupon draws the broadest possible line of demarcation between them and the vile crew whose aspirations are purely selfish, and whose unions are dissolved, renewed, and varied as versatility or satiety many dictate.” While Greeley admitted that there existed unhappy, dysfunctional marriages, he maintained that they were not due to inherent defects in the institution but were the result of the “the levity, rashness, avarice, or overmastering appetite of one or both of the parties, who marry in haste, or from the impulse of unworthy motives.”¹³ Not only did Greeley oppose any marriage reform, but he essentially was not willing to change the ideal of the gendered separate spheres. Although Greeley claimed that he supported women’s rights in principle, he was nevertheless reluctant to extend voting rights to women “prematurely.”¹⁴ Greeley’s ideas of individual freedom and equality did not apply to women.

Like Greeley, Stephen Pearl Andrews opposed Henry James’ ideas about marriage, but he did so for the opposite reason: in Andrews’s point of view, James’ argument was not radical enough. Andrews denied the state’s right to control affections and sexual relationships, stating, “I regard marriage as being neither better nor worse than all other of the arbitrary and artificial institutions of society,—contrivances to regulate nature instead of studying her laws.” He claimed that the

¹³ James, Greeley, and Andrews, *Love, Marriage, and Divorce*, 36.

¹⁴ Robert Chadwell Williams, *Horace Greeley: Champion of American Freedom* (New York: New York University Press, 2006), 275-277.

principle of the “sovereignty of the individual,” or the freedom of self-government, should apply not just to trade, speech, and religion, but also to intimate relationships.¹⁵ Greeley repudiated Andrews’s individualistic understanding of freedom; liberty, he argued, necessitated “Self-Denial—the subordination of the Individual will and pleasure to the Will of God” for the greater good of society.¹⁶ When Greeley refused to print Andrews’s letters and closed the *Tribune*’s columns for the matter, Andrews published the entire debate, with his rejected final letters and commentary, as a book named *Love, Marriage, and Divorce, and the Sovereignty of the Individual*. For his part, Greeley remained a major critic of free love and divorce reform until his death in 1872, and his newspaper produced a vast amount of negative coverage of both movements.

As free love principles drew concern from mass-circulated newspapers in the 1850s, reformers like Henry James retreated from their sex radicalism of earlier years. The emergence of full-fledged free-love ideology greatly affected James, forcing him to discard his skepticism toward marriage and remain faithful to the institution. James’s defense of marriage in the *Tribune* in the 1850s was all the more noteworthy when contrasted to his late-1840s views. James had endorsed extremely radical ideas about marriage and love when he translated Victor Hennequin’s *Love in the Phalanstery* in the late 1840s. Hennequin’s tract illustrated Fourier’s ideas that, in an ideal, utopian society, monogamy would be replaced by a variety of institutions according to people’s varying sexual impulses. In a preface to the tract, James

¹⁵ James, Greeley, and Andrews, *Love, Marriage, and Divorce*, 40-41, 48.

¹⁶ James, Greeley, and Andrews, *Love, Marriage, and Divorce*, 49.

defended Hennequin's view, arguing that the present system of marriage was destined to fail because it granted each spouse an absolute monopoly on the affections of the other. James stated that sexual intercourse without genuine mutual affection was promiscuous even within marriage. More significantly, James seemingly intended to defend extramarital sex when he wrote, "Where this mutual preference for each other exists between the parties, there Love exists, and in a true social order every expression of it would be divinely beautiful and sacred." James's rejection of the law as the legitimate criterion for sanctioning sexual unions was quite similar to free lovers' arguments. Furthermore, in permitting what free lovers often called "variety," or concurrent relationships with multiple sexual partners (if that was a certain person's natural impulse), James might have been even more radical than moderate free lovers.¹⁷

After the publication of Lazarus's free love book and the subsequent controversy, James tamed his earlier sex radicalism, as if he wanted to evade public association with "free love." In his review of Lazarus's *Love vs. Marriage* in the *Tribune*, he now celebrated legal monogamy as "the most humane, and therefore the highest or divine, idea of the sexual relation." Although James still dreamed of an ideal society where "the delights of passion and appetite shall be enjoyed exactly according to the organic laws of order," he wrote that today's society had not yet reached that stage. Instead, James argued, "personal abasement and debauchery"

¹⁷ Victor A. Hennequin, *Love in the Phalanstery* (New York: Dewitt & Davenport, 1848), quoted in Alfred Habegger, *The Father: A Life of Henry James, Sr.* (New York: Farrar, Straus, and Giroux, 1994), 280; Alfred Habegger, *Henry James and the "Woman Business"* (New York: Cambridge University Press, 1989), 30-32.

constituted “the present impure life of love.” Until the time for “organic” sexuality arrived, people should remain faithful to existing marriage arrangements rather than follow “the guidance of sensual instinct.”¹⁸ James eventually came to a highly gendered and widely accepted conclusion that marriage was a lifelong discipline for a man who would, with the help of his affectionate and self-sacrificing wife, finally learn to transcend his animal carnality and enter the spiritual life.¹⁹ This sudden conservative shift in James’s ideas in the face of the free love controversy anticipated the trajectories that many other reformers were to follow for the rest of the nineteenth century.

During the 1850s, by contrast, Stephen Pearl Andrews became further committed to the cause of free love and associated with rumors of sexual license. In December 1854, Andrews transformed gatherings in his New York residence of intellectuals and reformers into a secret society named the League Union of the Men of Progress. The League was a loosely organized institution, whose main purpose was to provide reform-minded men and women with the freedom to discuss any subject, no matter how controversial it was. While the League was not dedicated exclusively to the free love doctrine, its policy of secrecy probably stemmed in part from a desire to discuss free love without external restraint. The League had several affiliated departments, and one of them was the Grand Order of Recreation, which Andrews and the members usually called “The Club.” Although Andrews intended The Club to provide men, women, and children with more decent and cheaper amusements than

¹⁸ James, Greeley, and Andrews, *Love, Marriage, and Divorce*, 69-71, 121-123.

¹⁹ Henry James, “The Marriage Question,” *New York Daily Tribune*, September 18, 1852, 6; Habegger, *Henry James and the “Woman Business,”* 35-36.

those of saloons and theaters in the city, Andrews's leadership coupled with the society's secrecy led to the suspicion of "free-love" debauchery. At evening gatherings held at a rented space on the fourth floor over Taylor's Saloon at 555 Broadway every Monday and Thursday, The Club members and their invited friends paid entrance fees and enjoyed music, singing, dance, language lessons, lectures, card games, and conversations. Among the regular attendants was Albert Brisbane, the most prominent American promoter of Fourier's philosophy and a personal friend of Andrews. The Club soon proved to be popular and lucrative; its membership reached between five and six hundred (or, according to one member, two thousand), with the average attendance of a gathering numbering from one hundred and fifty to two hundred.²⁰

Despite its policy of secrecy, knowledge of The Club gradually spread to people outside its membership and contributed to popular discourses that associated "free love" with sexual immorality. By early October 1855, several daily papers ran detailed exposés of this mysterious society. These newspaper articles called the society a free-love club, implying that free love based upon "passional attraction" was the main interest of its members. Most articles mentioned the respectability and intellect of the attendants, and acknowledged that nothing overly sensual occurred during The Club's evening meetings. Reporters nevertheless tried to stir readers'

²⁰ "The Free Lovers: Practical Operation of the Free-Love League in the City of New-York," *New York Times*, October 10, 1855, 1; "History of Free-Love Society" *New York Tribune*, October 16, 1855, 5-6; "The Club' Described by One of Its Members," *New York Tribune*, October 16, 1855, 6; Stephen Pearl Andrews, "The Weekly Bulletin of the Pantarchy," *Woodhull and Claflin's Weekly*, June 10, 1871, 6; Stern, *The Pantarch*, 87-89.

prurient imaginations. Orville J. Victor, the editor of the *Sandusky Register*, Ohio, visited The Club one evening and wrote, “All, then, looks well enough to the careless observer; but let a watchful eye be kept, and see the pressing of hands that is going on, the leering of eyes, the encircling of waists by the gentlemen’s arms, and there is little room for doubt of the character of the ‘affinity which would bring souls harmoniously together.’” Victor claimed that the results of free love were already evident among the young men and women who blindly espoused free love. He observed, “the lost virtue of scores of males and females—in the blight that has been brought to many a happy home, made desolate by the conduct of the father or mother, or by both—in the depraving tastes and licenses it is engendering among young persons of both sexes.”²¹ The *New York Tribune* even repeated a rumor that prostitutes were present.²² After The Club gained notoriety from the newspaper coverage, its semi-weekly meetings quickly magnetized ever larger assemblies.

The Club’s notoriety intensified the public perception that “free love” implied promiscuity and even prostitution. Newspaper publicity about The Club invited the unwanted attention of the city police. On October 18, 1855, the police conducted a raid of its regular meeting. On that night, a crowd of curious outsiders in search of novelties joined the familiar faces of the Club members who flocked to the meeting place; about three hundred people were in attendance. During the meeting, Henry Clapp delivered a speech that condemned the malignant misrepresentation of The Club in the press. Albert Brisbane, who next took the platform, denounced the hypocrisy of

²¹ “Free Love,” *Daily Cleveland Herald*, October 10, 1855, 2.

²² “History of Free-Love Society,” *New York Tribune*, October 16, 1855, 5.

a society in which people criticized The Club and free-love ideology when the city's brothels were ever more thriving. Meanwhile, a stranger, arguably under the influence of alcohol, tried to enter the meeting place without paying admission and made a scene, confronting the door-keeper. Several district police officers were present among the gathering, apparently waiting for an opportunity to intervene. On learning about the skirmish at the entrance, these officers rushed to the hall and arrested the acting doorkeeper Thomas Harland along with two others who protested against Harland's custody. The officers also arrested Albert Brisbane for the charge of "disorderly conduct in making an incendiary speech, calculated to create a disturbance." Although Andrews was usually among the participants of the Club's regular meetings, severe illness with a pulmonary hemorrhage happened to have kept him home that particular evening.²³

For the next several days, reports about the event and the succeeding hearings of "free lovers" before the court filled the columns of newspapers. Albert Brisbane was released the following morning, after Mayor Fernando Wood, hearing the case, decided that there was not sufficient reason to prosecute him and ordered his discharge. A non-free-lover witness who visited the meeting out of curiosity also told the *New York Tribune* that the police's assault on Brisbane was absurd, as there was nothing about his speech to warrant the arrest. The witness wrote, "although I would dislike exceedingly to be placed in a false position from having been there, (simply by

²³ "A Rich Development," *New York Times*, October 19, 1855, 4; "The Free-Love Meeting," *New York Tribune*, October 19, 1855, 5; "The Free Lovers: Hearing Before the Court," *New York Times*, October 23, 1855, 3. For Albert Brisbane's account of the evening, see "Letter from Mr. Brisbane," *New York Tribune*, October 20, 1855, 5.

reason of public opinion, and not that I saw or heard any impropriety,) I shall not allow a trial to take place without offering my testimony.” The other three arrested members of The Club were put on trial, but the judge eventually dismissed their cases as well. While newspaper editors were by no means sympathetic to “free love,” their initial fierce hostility toward The Club gradually diminished as the trial proceedings disclosed the arbitrariness of the arrests without warrants, as well as the use of unnecessary force, by the police captain who had been in charge.²⁴ Even Horace Greeley’s *Tribune* concluded that the police interference was “entirely gratuitous and unwarranted,” and that this was “the almost universal public sentiment.”²⁵ Ultimately, the arrests did not bring serious legal consequences to reformers in question. Nevertheless, the mayor simultaneously instructed police officers to place The Club under strict surveillance; he regarded The Club as “an institution of immoral tendency” that should be broken up, and declared that “summary measures would be taken with this organization in case of any further disturbance of the public peace.”²⁶ The event taught radical reformers that being suspected of espousing free love could

²⁴ “The Free-Lovers’ Troubles: Hearing at the Mayor’s Office,” *New York Times*, October 20, 1855, 2; “Free Love Before the Court,” *New York Times*, October 22, 1855, 3; “From One Who Was at the Free-Love Meeting,” *New York Times*, October 22, 1855, 6; “The Free-Lovers in Court,” *New York Times*, October 24, 1855, 3.

²⁵ *New York Tribune*, October 20, 1855, 4; “Free Love,” *New York Tribune*, October 24, 1855, 4.

²⁶ “The Free-Lovers’ Troubles: Hearing at the Mayor’s Office,” *New York Times*, October 20, 1855, 2.

put them at risk of legal prosecution at any time. After the incident, the Club lay low for more than two years until the members regrouped in 1858.²⁷

Free Love in Popular Discourses

Public knowledge about free love increased in the 1850s as readers of newspapers, pamphlets, and magazines learned about small communities of free lovers who established colonies based on their principles. One of the earliest and best-publicized experiments was Modern Times, which was founded in Long Island, New York in 1852. Modern Times was created by the individualist anarchist Josiah Warren and by Stephen Pearl Andrews. Once a resident at Robert Owen's New Harmony community in Indiana, Josiah Warren believed that New Harmony failed because it made all property common and all individuals subject to the will of the majority. After this experience, Warren invented an economic system called "Cost the limit of price," or the cost principle. The cost principle was a trade system in which the price of a product was decided by labor cost as the only value added to prime cost. Aside from this economic principle, Warren's social arrangements also included the doctrine of the "Sovereignty of the Individual." The sovereignty of the individual envisioned an anarchistic social order in which each individual made a decision at his or her own cost, completely free from the interference of the state, the church, or society. According to Warren, "*Every one is by nature constituted to be his or her own government, his own law, his own church*—each individual is a *system* within himself; and the great problem must be solved with the broadest admission of the *inalienable*

²⁷ "The Free Lovers: No Disturbance Late Night," *New York Times*, October 23, 1855, 4; "Practical Socialism in New-York," *New York Times*, June 22, 1858, 5.

right of SUPREME INDIVIDUALITY, which forbids any attempt to govern each other and confines all our legislation to the adjustment and regulation of our intercourse, or commerce with each other.”²⁸ Stephen Pearl Andrews applied Warren’s doctrine of individual sovereignty to the critique of marriage, and thus piqued interest in free love among the community residents. While Warren himself carefully avoided being associated with marital reform, his theory of individual sovereignty continued to resonate in the ideas of nineteenth-century free lovers.

The ultimate stereotype of free love in the country’s popular press emerged from a communal experiment at Berlin Heights, a small village in Ohio. The Berlin Heights settlement was plotted and founded between 1856 and 1857 by Garrisonian abolitionist and itinerant lecturer Francis Barry along with his wife Cordelia and social reformer Joseph Treat. Like *Modern Times*, the Berlin Heights community was built around the ideas of individual sovereignty and equitable commerce, but the biggest difference between the two experiments was that, unlike *Modern Times*, Berlin Heights was from its inception explicitly promised to be a community based on free

²⁸ Josiah Warren, *Equitable Commerce: A New Development of Principles* (Utopia, Ohio: Amos E. Senter, 1849), 4. In his 1953 book, James J. Martin has argued that, although the development of anarchism had been often associated with European influence, there was a similar yet unconnected phenomenon in nineteenth-century America. Martin has demonstrated American “individualist anarchists” advocated individualistic rather than collectivistic means; he explained that these individualist anarchists “deplored the use of force, or ‘direct action,’” and asserted . . . their traditional hope of the eventual adoption of noncoercive individualist equity as a result of education and rational conviction.” James Martin, *Men against the State: The Expositors of Individualist Anarchism in America, 1827-1980* (DeKalb: Adrian Allen Associates, 1953; reprint, Colorado Springs: Ralph Myles Publisher, Inc., 1970), ix-x. For more detailed accounts of the communal experiment at *Modern Times*, see Roger Wunderlich, *Low Living and High Thinking at Modern Times, New York* (Syracuse: Syracuse University Press, 1992); Spurlock, *Free Love*, 107-138.

love principles. Francis Barry proposed that reformers dissolve isolated households, pool their resources, and live cooperatively in a community comprised of several households based on shared interests and attractions. He did not force those who were not ready for these arrangements to adopt them, and some of the participants retained their marriages and separate households while living in close proximity to the community. The free lovers primarily grew fruit for a living, and they owned a factory (where they manufactured crates for transporting the fruit), a grist mill, a store, a dance hall, a meeting place, and a school. The community also had a central building called the Davis House, which once had been a water-cure establishment; the editors of the sex radical periodical *Social Revolutionist* later moved their printing office into this house. Those who joined in the experiment were soon described in the press as the Berlin Heights free lovers.²⁹

Some writers and journalists visited these free love communities and wrote articles about them. In an essay published in 1865, abolitionist and author Moncure Daniel Conway recounted his 1857 visit to Modern Times. Conway wrote that the marital arrangements at the community were entirely left to the men and women themselves based on the principle of individual sovereignty, and that intimate relationships could be “dissolved at pleasure without any formulas.” Conway observed: “Certain customs had grown out of this absence of marriage laws. Secrecy was very general, and it was not considered polite to inquire who might be the father

²⁹ Alvin Warren, “Reminiscences of Berlin Heights,” *Our New Humanity*, June 1896, 27-42; Joanne E. Passet, *Sex Radicals and the Quest for Women’s Equality* (Urbana: University of Illinois Press, 2003), 78-83; John C. Spurlock, *Free Love: Marriage and Middle-Class Radicalism in America, 1825-1860* (New York: New York University Press, 1988), 156-163.

of a newly-born child, or who the husband or wife of any individual might be.”³⁰ A *New York Herald* reporter from Sandusky, Ohio, who visited Berlin Heights, asserted that the doctrine of free love in itself demonstrated “the fact of their promiscuous intercourse.” The reporter wrote that free love was just another word for free lust; the principle of individual sovereignty among free lovers thus included “the unrestricted liberty of their amatory inclinations.”³¹

Opponents of free love also attacked free love for its supposed antagonism to Christianity. The public connection between women’s rights, sex radicalism, and irreligion was nothing new. Freethinker and social reformer Frances Wright stirred up controversy in the 1820s through her assaults on various contemporary institutions, including organized religion and the legal and sexual customs surrounding marriage. An uncompromising sex radical and anti-slavery advocate, Wright even proposed to encourage interracial unions at her utopian community, Nashoba, as a way to transform racial hierarchy. For her opponents, the radical politics of Frances Wright, or what they often called “Fanny Wrightism,” posed dual threats of infidelity, the religious and the sexual.³² Like “Wrightism” three decades earlier, “free love” not only threatened to trigger lecherous desires but also to erode American Christianity. Critics argued that sex radicals’ ultimate aim was “to subvert the present organization

³⁰ Moncure D. Conway, “Modern Times, New York,” *Fortnightly Review*, July 1, 1865, 425.

³¹ “The Sandusky Free Lovers,” *New York Herald*, January 21, 1858, 4.

³² Lori D. Ginzberg, “‘The Hearts of Your Readers Will Shudder’: Fanny Wright, Infidelity, and American Freethought,” *American Quarterly* 46, no. 2 (1994): 195–226. On Frances Wright, see also Celia Morris Eckhardt, *Fanny Wright: Rebel in America* (Cambridge: Harvard University Press, 1984).

of society,—destroy the institution of Marriage, as recognized by the religion and laws of Christendom, and to substitute for it a FREE LOVE SYSTEM, in which Passion and personal inclination shall be the sole bond, and the sole restriction, of union between the sexes.”³³ Sexual and religious infidelity reinforced each other in anti-free-love discourse.

In the eyes of the hostile press, the theory of “free love” was all the more dangerous for its potential to lure the masses; it had, the press warned, a real potential to spread across the country. The *New York Tribune* opined, “‘Free Love’ is in our view a most pernicious, perilous, destructive sophism, sure to work the ruin of thousands if allowed to attain general acceptance; and yet well adapted to gain currency with the sensual and inconsiderate.”³⁴

Newspaper articles reported that some free love advocates had already started practicing the doctrine on their own, and described their unconventional sexual behaviors, even outside of free love communities. The *Tribune* reported a shocking experiment of a free-love couple, who were members of Stephen Pearl Andrews’s “Club”:

One young man, whose name we withhold, had considerable difficulty in converting his wife to the new theory, but finally succeeded, and was rather crestfallen when he discovered, a few months later, that his wife was “attracted” in another direction than to himself. He took the matter philosophically, however, and, by the infallible law of personal attraction, finally discovered his true partner in the person of another

³³ “The Free Love System: Origin, Progress, and Position of the Anti-Marriage,” *New York Times*, September 8, 1855, 2.

³⁴ “Free Love,” *New York Tribune*, October 24, 1855, 4.

man's wife; and the four, re-mated, are now said to be living lovingly under the same roof.

The *Tribune* also addressed a married female member who, influenced by free lovers' idea about a woman's rights to select the father of her child, got pregnant with another married gentleman's child. Moderate members of the Club gave cold shoulders to the woman, arguing that her decision was "very unwise and premature," and that "society is not quite ready for the reception and experimental illustration of their ideas." But, the *Tribune* criticized, these reformers still preached the doctrine of free love, which the pregnant woman simply put into practice.³⁵ Even if some proponents claimed that they discussed free love as purely as a theory or as a possible plan for the future, there could be many people who were excited by the idea and went on to practice it.

Newspapers often directed the lessons of free-love anecdotes to female readers. A stock figure in these stories was the discontented wife who fled her marriage and joined a free love community, only to realize her error. In 1858, a young wife of a man who occupied "a good position among the respectable and intelligent of Detroit" found out that his disappeared wife was currently living in the notorious Berlin Heights. When he rushed to the community to reclaim her, she complied with her husband's demand without demur. According to the wife's accounts, she was persuaded to go to Berlin Heights by a female relative who was a devotee of free love, but the wife soon found herself disgusted with the residents of the settlement: "Low-bred families with vulgar, fanatical men; companionship with women who deemed themselves elevated among humanity in becoming the victims of their own and their companions' lusts, and a close familiarity with a brutish, criminal enjoyment, which

³⁵ "The History of Free-Love Society," *New York Tribune*, October 16, 1855, 5.

was the highest sphere aimed at in this detestable community.” She claimed that this was more than her “womanhood” could bear. The articles emphasized her husband’s generosity and the depth of his love, noting that “notwithstanding her moral and physical contamination, he took her again to his heart, a shame-stricken, but wiser, wife and mother.”³⁶ The press accounts thus depicted the victimization of a credulous yet chaste woman, who needed the guidance of her husband. Did the wife really explain her situations as reported in these articles? If she did, did her accounts represent her true sentiments or did she intentionally exaggerate them in order to defuse a difficult situation with her probably indignant husband? The newspaper articles never explained why the wife decided to leave her husband and escape into the free love community in the first place. Whatever the truth was, this story was reprinted in multiple newspapers and spread across the country.³⁷

Anti-free-love critics feared women’s inability to resist seduction and temptation. In 1855, the free lover Mary Gove Nichols published an autobiographical

³⁶ “The Berlin Free-Lovers,” *Harper’s Weekly*, July 10, 1858, 438.

³⁷ The reprints of the anecdote included “One of Them Rescued,” *Daily Cleveland Herald*, June 26, 1858, 2; “Rescue of a Young Wife from the Free Love Hell at Berlin Heights, Ohio,” *Albany Evening Journal*, June 26, 1858, 2; “Free Love Folly,” *Lowell Daily Citizen and News* (Mass.), June 29, 1858, 2; “Rescue of a Young Wife from Free Love at Belin,” *New York Tribune*, June 30, 1858, 6; “Rescue of a Young Wife from the Free Love Hell at Berlin Heights, Ohio,” *Public Ledger* (Philadelphia), June 30, 1858, 4; “The Berlin Free-Love Case; A Wife Rescued,” *New York Times*, July 1, 1858, 2; “Rescue of a Young Wife from the Free Love Hell at Berlin Heights, Ohio,” *Weekly Patriot and Union* (Harrisburg, Penn.), July 1, 1858, 3; “Eloping from Home-Love to Free-Love—A Young Wife Ruined,” *Newark Advocate* (Ohio), July 7, 1858, 4; “Melancholy,” *Wisconsin Free Democrat*, July 7, 1858, 4; “Cured of Free Love at a Free Love Cure,” *Weekly Wisconsin Patriot*, July 7, 1858, 1; “Rescue of a Young Wife from the Free Love Hell at Berlin Heights, Ohio,” *Weekly Houston Telegraph*, July 21, 1858, 3.

novel titled *Mary Lyndon*. The novel told a story of a heroine who is unhappily married to a patriarchal and controlling man, finds true love in another man while still married, and remarries him after finally attaining divorce from the first marriage.³⁸ Critics condemned Nichols's novel as the propaganda of free love ideas. The *New York Times* ran a lengthy review of the book, in which it warned of the power of the novel to reach and influence a great number of female readers.

We hear almost daily of domestic disruptions, and of whole families being plunged into affliction and disgrace by the conduct of women, of wives and mothers, who desert their families, abandon their husbands, and not unfrequently their children, in obedience to some fantastical whim, or some fancied lack of appreciation on the part of those whom they had solemnly vowed to honor and obey; and, if such books as *Mary Lyndon* are permitted to be circulated all over the country, tainting the atmosphere of the houses into which they are dropped, and sowing the seeds of infidelity in the minds of innocent readers, such instances of domestic wretchedness will become still more frequent.³⁹

The press told stories about women's extramarital affairs as the consequences of the spread of free love ideology. Accounts of adultery, divorce, and elopement repeatedly appeared with headlines including the term "free love." The intelligence and eloquence of free lovers posed a threat to gullible women; a *New York Herald* reporter who visited the Berlin Heights community noted that "Some of the free lovers are so subtle in their sophistry that to successfully cope with them in argument requires a person of unusual acuteness of intellect, intelligence and skill in debate," even if their

³⁸ Passet, *Sex Radicals*, 28-31; Patricia Cline Cohen, "The 'Anti-Marriage Theory' of Thomas and Mary Gove Nichols: A Radical Critique of Monogamy in the 1850s," *Journal of the Early Republic* 34, no. 1 (2014): 12-13. For a biographical account of Mary Gove Nichols, see Jean L. Silver-Isenstadt, *Shameless: The Visionary Life of Mary Gove Nichols* (Baltimore: Johns Hopkins University Press, 2002).

³⁹ "A Bad Book Gibbeted," *New York Times*, August 17, 1855, 2.

true color was “a morbid love of publicity and sophistry.”⁴⁰ Newspaper articles described how respectable women could easily fall victim to free lovers’ sweet talk about women’s rights and romantic love.

Still, women were not always portrayed as credulous victims. In a June 1861 issue of *Vanity Fair*, the popular humorist Charles Farrar Browne, widely known under his pseudonym Artemus Ward, wrote a fictional tale about his visit to Berlin Heights. In this story, Ward, an itinerant sideshow performer, decided to visit Berlin Heights so that he could regenerate free lovers, who “bleeved in affiertys and sich, goin back on their domestic ties without hesitation whatsoever.” In Berlin Heights, Ward noticed strange looks of the residents: “The men’s faces was all covered with hare and they lookt half-starved to deth. . . . The wimin was wuss than the men. They wore trowsis, short gowds, straw hats with green ribbins, ad all carried bloo cotton umbrellers.” At the community, Ward was passionately seduced by one female free lover as soon as he met her, before they had any proper conversation. The woman insisted that she had been waiting for him to arrive and that they were destined to be together. He rejected her advance, proclaiming, “I am a law-abidin man, and bleeve in good, old-fashioned institutions. . . . I think your Affinerty bizness is cussed noncents, besides bein outrajusly wicked.”⁴¹ The story thus portrayed female free lovers as immoral beings driven by their uncontrolled sexual impulses, just like their male counterparts.

⁴⁰ “The Berlin Heights Free Lovers,” *New York Herald*, January 21, 1858, 2.

⁴¹ Artemus Ward [Charles Farrar Browne], “Among the Free Lovers,” *Vanity Fair*, June 1, 1861, 153. As seen in the quotes here, heavy misspelling is characteristic of Browne’s style of humor.

Meanwhile critics of free love suspected that free love would encourage men to abandon their marital duties and produce public charges. A male reader of the freethought paper *Boston Investigator* warned women of this danger of free love: “As soon as the marriage institution is abolished by law, the men (for good reasons) shall universally refrain from owning the paternity of any child, and shall use the money they would have spent for supporting a wife and children, to tempt and pamper giddy young girls, always taking care to form no indissoluble tie, and to avoid and abandon prolific females.”⁴² The theory of free love appeared to sanction male behaviors otherwise marginal or illegitimate.

To some degree, hostility toward free love represented authentic fears of what seemed to be a deteriorating sexual morality in antebellum America. In the early years of the republic, prostitution remained a marginal business, centered in the waterfront areas and serving less-than-affluent sailors and longshoremen who frequented prostitutes at taverns. After 1820, however, a new “sporting” male subculture began to flourish in many parts of the United States and most significantly in New York City. As the city industrialized and developed into a metropolis, a wide range of the male population, unregulated by family, church, employer, or community, came to enjoy various forms of leisure-activities, gambling, and sexual entertainment. Men from all social classes—young and old, single and married, wealthy and working-class—openly patronized brothels, theaters, saloons, and dance halls. This emerging subculture was characterized by aggressive male heterosexuality and licentiousness. As historian Timothy J. Gilfoyle articulated, “sporting-male culture broadly equated

⁴² “A Warning to Women,” *Boston Investigator*, November 21, 1855, 1.

sexual promiscuity and erotic indulgence with individual autonomy and personal freedom.” Not self-sacrifice, but self-indulgence was the essence of freedom. While the flash press, with titles like the *Sunday Flash* and the *New York Sporting Whip*, provided young male readers with guides to the city’s underworld, popular writers like George Lippard celebrated the autonomy and freedom of male single life and deplored the domesticity and emotional attachment of matrimony. (The sexually-explicit, flash newspapers quickly grew popular in the early 1840s, but were quite short-lived due to indictments of the editors for libel and obscenity.) By the 1850s, a public and vibrant world of sexual entertainments emerged in New York.⁴³ The sexual morality of sporting men directly challenged the emerging middle-class, genteel ideal of self-denial and self-restraint. Many Americans feared the consequences of free love ideas all the more because they knew that some of their contemporaries already practiced *de facto* “free love,” or free lust.

The misrepresentations of free lovers in popular newspapers brought uninvited guests to the gatherings of reformers and radicals. A female regular at Andrews’s club, whose regular meetings took place on the fourth floor over Taylor’s Saloon on Broadway, wrote that these meetings had been “of the most orderly and peaceful

⁴³ Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W.W. Norton, 1992), 92-116, 119-142, quotation on 106; Patricia Cline Cohen, Timothy J Gilfoyle, and Helen Lefkowitz Horowitz, *The Flash Press Sporting Male Weeklies in 1840s New York* (Chicago: University of Chicago Press, 2008). On antebellum commercial sex and sporting-male culture, see also Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (New York: Alfred A. Knopf, 1998); Helen Lefkowitz Horowitz, *Rereading Sex: Battles Over Sexual Knowledge and Suppression in Nineteenth-Century America* (New York: Knopf, 2002), 125-143, 159-193.

character” with intellectual and socially respectable participants until the press “used its *freedom* to propagate these infamous slanders, and thereby awakened the curiosity of the vilest, most degraded portion of the population of New York.” On the evening of the police raid, the usual quiet and harmony of the Club was broken by “crowds of strange-looking men” who poured into the meeting room, “gazing here and there with looks of eager curiosity” and expecting, based on what they had read in the papers, to spectate at a supposedly loose gathering. What seemed further injustice to this female witness was the behavior of the policemen, who conducted an unwarranted inspection of the meeting. They even attempted to enter the ladies’ dressing room (the act might have something to do with the rumor of prostitutes present among the participants), and finally arrested innocent members rather than the stranger who first made a disturbance.⁴⁴ Incidents of a similar kind took place in Berlin Heights as well. On one occasion, friendly musicians from neighboring East Townsend, who regularly played music at the Saturday night dances at the Berlin Heights settlement, invited free lovers to attend a public ball at their home village. Learning that free lovers were to be present, those who wished to avoid the company of free lovers stayed away, while many curious young men thronged into the hall that evening. Apparently, most of these men “entertained the opinion that they were in the company of prostitutes,” despite the modest and respectable behavior of the female free lovers present. Although the free lovers tried to evade trouble, they eventually left the ball early when

⁴⁴ “The Free-Love Meeting: Account from a Lady Visitor,” *New York Tribune*, October 19, 1855, 5; “The Free-Lovers in Court,” *New York Times*, October 24, 1855, 3.

a female free lover was offended by the advances of one of the crowd.⁴⁵ The popular press coverage of free love stirred the imaginations of many young men, and convinced some of the sporting male readers that they could easily draw out “love” from female free lovers if they made passes at them.

By the eve of the Civil War, in popular perception, free love was not just an ideology characterized by radical feminism and individualist anarchism. Free love came to be a capacious phrase that stood for every form of challenge to Victorian bourgeois morality, in which lifelong marriage was the only legitimate channel for sexuality. Free love represented freer divorce, polygamy, bigamy, extramarital sex, prostitution, and promiscuity, all at once. Whatever the intentions of serious theorists of free love, in the American popular imagination it meant unrestrained sexual freedom for lustful men and women, for whom love meant nothing more than transient attraction and carnal desire.

“Free Love” and Antebellum Reform Movements

As newspapers spread tainted ideas about free lovers, the word “free love” acquired a life of its own in antebellum print culture. The mass-circulated press used the word “free love” or “free lover” loosely in order to slander anyone who publicly questioned the existing conditions of marriage or the prevailing gender roles. It is true that, in the mid-nineteenth century, marital reform was a charged subject, with or without the term “free love” attached to it. Still, various antebellum reformers who found faults with coverture and restrictive divorce tried to discuss marriage reform. By the mid-1850s, however, when they did, they found themselves under the suspicion of

⁴⁵ Warren, “Reminiscences of Berlin Heights,” *Our New Humanity*, 32-34.

belonging to the circles of now infamous free lovers. The term “free love” proved to be such a powerful and toxic epithet that it discouraged many reformers from extending their attention to the institution of marriage, at least in public.

One event that illustrated the threat of the stigma of “free love” to reformers was the Free Convention held at Rutland, Vermont, in June 1858. The convention was dedicated to discussion about every facet of antebellum reform, including the nature of government, slavery, free trade, women’s rights, land reform, spiritualism, Shakerism, and observance of the Sabbath. At the morning session on the second day, spirit medium Julia Branch delivered a passionate speech that denounced the institution of marriage. Branch argued that marriage had become virtually a “forbidden” subject even among reformers. She mentioned a private conversation with women’s rights leader Lucy Stone at a recent women’s rights convention. Stone refused to open the platform for the marriage question and suggested that women’s rights presently focus on the battle for suffrage, even though she hoped that the matter would be widely discussed “some day.” (As is well known, at Stone’s wedding ceremony with Henry Blackwell in 1855, Blackwell pledged to renounce all the privileges which conventional laws conferred on a husband over his wife. Stone also retained her surname after marriage.) Branch countered the popular view among women’s rights advocates that women’s winning the vote and thus political equality would open up ways to combat women’s inequality in other areas including marriage, once women were able to express their voices in politics. According to Branch, that logic was backwards: “the slavery and degradation of woman proceed from the institution of marriage” because, “by the marriage contract, she loses control of her name, her person, her property.” Branch claimed that marriage was the very cause of women’s

isolation and powerlessness, and that women needed to break their subjugation in the private sphere if they wished to become the equal of men.⁴⁶

Even bolder than Branch's attack on women's inferior legal standing within marriage was her conviction in "the absolute freedom of the affections." Branch argued that women should have the right to decide when and with whom to have sexual intercourse and bear children. Branch claimed that "*a woman should be the ruling power in all matters of love*, and when the love has died out for the man who has taken her to his heart, she is living a lie to herself, her own nature, and to him, if she continues to hold an intimate relation to him." Branch further argued: "Love is not dependent on reason, or judgment, or education, or mental acquirements, or society, or control of any kind. It is an aspiration of the soul. It is a holy, sacred, emanation from the most vital part of our natures, and to say when or where it shall be limited or restricted, is a violation of our individual rights." Branch's speech was bold and eloquent on the faults of marriage, but it was less clear on how to amend them. Branch stated nothing about whether her proposal was easier divorce or the abolition of marriage, or any other means.⁴⁷

⁴⁶ *Proceedings of the Free Convention: Held at Rutland, Vt., June 25th, 26th, and 27th, 1858* (Boston: J.B. Yerrinton and Son, 1858), 52-54; Andrea Moore Kerr, *Lucy Stone: Speaking Out for Equality* (New Brunswick: Rutgers University Press, 1992), 84-87. On the Rutland Convention, see also Taylor Stoehr, *Free Love in America: A Documentary History* (New York: AMS Press, 1979), 24-26; Luisa Cetti, "The Radicals and the Wrongs of Marriage: The Rutland Free Convention of 1858," in *Making, Unmaking and Remaking America: Popular Ideology Before the Civil War*, ed. Loretta V. Mannucci (Milan: The University of Milan Press, 1986), 77-94; Braude, *Radical Spirits*, 69-72; Thomas L. Altherr, "'A Convention of 'Moral Lunatics': The Rutland, Vermont, Free Convention of 1858," *Vermont History* 69 (2001): 90-104.

⁴⁷ *Proceedings of the Free Convention*, 54-55.

Julia Branch was then living at the “Unitary Household” in New York City, a cooperative household. The *New York Times* had run a story about this experiment just a few days earlier, and referred to the house as the new headquarter of New York’s free lovers.⁴⁸ In his letter to the editor of the *Times*, the community’s founder Edward F. Underhill argued that their experiment was dedicated to demonstrating the economic advantage of cooperation and the principle of equity based on the ideas of Charles Fourier and Josiah Warren, and that it had “never had anything to do with Free-love.” Nevertheless, Underhill, who had been an active member of Andrew’s Club, admitted that he himself was “a *free* lover, and not a *slave* lover.” He wrote:

... I believe the institution of civilized marriage to be at variance with the instincts of human nature, which rebel against all systems of slavery; that it is opposed to the principles of Christianity and Protestantism, carried out to their logical sequence. I believe that whatever is lovable to us we should love, as whatever is beautiful to us we admire, without the impertinent interference of either State, Church, or public opinion. ... It is an extraordinary fact that while free speech, free press, free conscience, free soil and free men, which in their time have been violently abused, and are now the ruling ideas, at least in the North, Love is the only thing which public opinion wants enslaved.

At the Unitary Household, Underhill’s wife held conversational soirees. As a participant of Underhill’s program, Branch was fully informed of free love ideology.⁴⁹

Branch’s speech on the marriage question provoked passionate discussion among many prominent reformers. Abolitionist Stephen Symonds Foster said that he

⁴⁸ “Radicals in Council,” *New York Times*, June 29, 1858, 1; “Practical Socialism in New-York,” *New York Times*, June 22, 1858, 5.

⁴⁹ “The Unitary Household: Letter from the Proprietor in Reply to the Times,” *New York Times*, June 25, 1858, 2; “The Free-Lovers’ Troubles: Hearing at the Mayor’s Office,” *New York Times*, October 20, 1855, 2.

was “with our sister [Branch] in her view of the evils,” but “not with her in her view of the remedy.” Foster agreed with Branch that current unfortunate situations surrounding marriage grew out of inequality between husband and wife, which needed radical improvement. Still, from his personal experience of the happy marriage with abolitionist Abby Kelley, Foster believed that the faults were not in the institution itself. He suggested that marital situations were remediable “under true and favorable circumstances, in which the parties shall enter into the relation on an equal footing.”⁵⁰ Women’s rights reformer Ernestine L. Rose defended Branch’s intention, arguing that her speech did not mean “to let loose the untamed passions either of men or women,” which Branch promptly affirmed. Yet, just like Foster, Rose, who began her work for married women’s property ownership in as early as the late 1830s, claimed that women’s subjugation and unhappiness in marriage would be improved when legal and social injustice toward women regarding property, education, and other areas ended. Rose stated that legal marriage must exist not for good people but for those among the population who recognized “no law but their own passions and lusts, and their own rights, at the expense and sacrifice of the rights of every one else.”⁵¹ Women’s rights advocates like Foster and Rose believed that the evils of marriage that Branch pointed out could be remedied by giving women perfect equality within marriage; in their view, disrupting the marriage system would do more harm than good.

⁵⁰ *Proceedings of the Free Convention*, 57.

⁵¹ *Proceedings of the Free Convention*, 60-61; Wellman, *The Road to Seneca Falls*, 146.

The attendants of the Rutland convention included a large number of Spiritualists.⁵² As will be discussed in Chapter 2, some adherents of Spiritualism—a popular movement aimed at proving the immortality of souls by establishing communication with the spirits of the dead—supported women’s rights and marital reform, and were theoretically in close proximity to free lovers. The Spiritualist doctrine of “spiritual affinity” claimed that, under the natural order, every individual had one true soul mate, and that the union of true affinities endured in the afterlife. The present conditions of women often put them in false, loveless marriages with unsuitable men, which brought disastrous consequences for their physical and mental health. Most spiritualists, however, opposed any move to sever the connection between sexual relations and the marriage contract, calling rather for easier divorce and women’s equal rights in marriage.⁵³ At Rutland, Ex-Presbyterian minister and spiritualist Henry Clarke Wright insisted there was no such thing as “free love”: “There is no freedom in conjugal love; it is . . . a law or necessity that points to an exclusive relation between one man and one woman” and true marriage thus was necessarily monogamous. At the same time, Wright stated that “true and natural marriage consists in a love between the two souls” and it was “not the ceremony, but

⁵² Altherr, “A Convention of ‘Moral Lunatics,’” 93-94, 98-99.

⁵³ Ann Braude, *Radical Spirits: Spiritualism and Women’s Rights in Nineteenth-Century America* (Boston: Beacon Press, 1989); John B. Buescher, “More Lurid Than Lucid: The Spiritualist Invention of the Word *Sexism*,” *Journal of the American Academy of Religion* 70, no. 3 (2002): 561-592; Molly McGarry, *Ghosts of Futures Past: Spiritualism and the Cultural Politics of Nineteenth-Century America* (Berkeley: University of California Press, 2008), Ch. 3; Cathy Gutierrez, *Plato’s Ghost: Spiritualism in the American Renaissance* (New York: Oxford University Press, 2009), Ch. 4.

in the love that blends the two souls into one.” Any marriage that lacked this love, he argued, was “prostitution, licensed or unlicensed.” Wright also stated that no third party could take part in marital relations and that the government’s role should be limited to keeping a record of marriages rather than actively regulating them.⁵⁴ John H. W. Toohey, editor of the *Christian Spiritualist*, sought a middle ground between “the Free-Loveism of the age, and the conservatism of old institutions,” and proposed more liberal divorce laws.⁵⁵ These Spiritualists upheld love and emotional attachment as the primal basis of marital relationships, but they rejected Branch’s demand for the “absolute freedom of the affections.”

Other reformers at Rutland were less liberal on the questions of marriage and free love. The more conservative faction of Spiritualists, more often men than women, attacked the sexual deviancy of “free love” in an attempt to repudiate the association between spiritualism and free love.⁵⁶ Spiritualist Joel Tiffany maintained that “people do not distinguish very clearly between love and lust” and that free love was “only another name for free lust.” According to Tiffany, the evils of marriage sprang from the fact that men and women were “lustful, and disposed to abuse their relations, and trample upon everything pure and holy.” The law must keep its hold over people until they were “brought up out of their sensual natures, and developed out of this place that leads them to seek association for purposes of self-gain or gratification.”⁵⁷ On the

⁵⁴ *Proceedings of the Free Convention*, 70-72.

⁵⁵ *Proceedings of the Free Convention*, 65-66.

⁵⁶ McGarry, *Ghosts of Futures Past*, 98.

⁵⁷ *Proceedings of the Free Convention*, 58-59.

issue of sexual freedom, the most extreme position was that of prominent Shaker Elder Frederick Evans. He proposed not to purify but crucify “lust,” stating, “A remedy for all the troubles of the marriage relation—a life of virgin purity.”⁵⁸ Evans’s view of sexuality reflected the Shaker belief that carnal lust, with or without the marriage contract, was inherently sinful and led to human depravity. The Shakers considered celibacy as an essential requirement for salvation.⁵⁹

Few among the assembly therefore agreed with Branch’s argument for sexual freedom. For one thing, most of the reformers believed in the necessity and reformability of legal marriage. Still, they broadly shared the sense that many married couples were enduring unhappiness and lovelessness, and the current marital arrangement was in serious need of reform; they only differed on the remedies. The participants in the discussion recognized the importance of the subject Branch had decided to bring up. Henry Clapp, who defended Stephen Pearl Andrews’s Club meeting at the night of its raid, applauded Branch’s courage and again asserted the right to discuss any reform subject, including marital reform. Clapp stated, “I do not hesitate to say, that the most touching spectacle I have witnessed for twenty years ... is the spectacle I have just seen ... ; a woman, ... with a woman’s sensitive nature, with a woman’s delicate reputations, to stand here upon this platform, ... and assert her right to discuss the marriage question. ... and as others have thoughts upon it, and as we need more light upon it than upon any other, I hope that it will be thoroughly

⁵⁸ *Proceedings of the Free Convention*, 61-63.

⁵⁹ Catherine A. Brekus, *Strangers & Pilgrims: Female Preaching in America, 1740-1845* (Chapel Hill: University of North Carolina Press, 1998), 101-102.

discussed, and that nobody will be afraid of it.”⁶⁰ During the rest of the convention, many other speakers took the opportunity to share their own thoughts about the marriage question.

Across the nation, the popular press went into an uproar. Newspaper reports directed their special attention to Branch’s “Free-Love speech,” mainly disregarding the numerous other topics discussed at the convention. The *New York Times* ran a full front-page story about the convention proceedings, including the script of Branch’s entire speech. The *Times* described Branch as a beautiful woman who was “*petite*, and on the sunny side of thirty,” with “[h]eavy masses of curling brown hair fall down her face” and her air “pleasing and taking.” The reporter wrote that Branch was “popularly known as the female leader of the Free-lovers,” and that “the Convention received Mrs. B. with immense favor.” In addition, according to the article, Philadelphia reformer Thomas Curtis made a “startling” confession that he had married his wife without the sanction of priest or magistrate, and that they would separate if they agreed to do so, again, without religious or legal permission. Curtis said, “We do not want to be united because God united us; *and we will not be separated because God separates us. We will act upon our own judgment and opinions.*” Another article asserted that, when Rutland residents learned of the coming “Free-Love Convention” in their vicinity, they sent good-looking local girls out of town “for the fear of accidents.”⁶¹ While some newspaper did mention that free lovers were in a decided

⁶⁰ *Proceedings of the Free Convention*, 56.

⁶¹ “The Reformers’ Free Convention,” *New York Tribune*, June 29, 1858, 5.

minority among the assembly, the popular press in general slandered the whole assembly by repeatedly calling the event a “Free-Love convention.”

Women’s rights activists like Ernestine Rose were particularly vulnerable to the newspapers’ accusations of free love. The same *New York Times* article regarding the Rutland convention portrayed Rose, along with Branch, as a free lover, writing, “Mrs. Ernestine L. Rose is active; so is Mrs. Julia Branch. Both these ladies go for Free-love, on principle.”⁶² In response, Rose wrote a letter of protest to the *Times* in order to make it clear that she had never advocated free love. Rose declared that she had “nothing to do with the marriage question,” except that she did hope to alter the existing marriage laws so that wives would attain equal rights. She noted, “when the laws proclaim woman civilly and politically equal with man, and she is educated to enable her to promote her own independence, then she will not be obliged to marry for a home and a protector, for she well knows that she can never be protected unless she protects herself, and matrimony (not a matter of money) will take place from pure affection.” Rose’s argument for women’s independence and equality and for mutual affections as the only ideal basis of sexual relationships was quite similar to that of free lovers, and this invited the (probably intentional) conflation between feminists like her and free lovers. Still, Rose believed in exclusive conjugal love *under law*, as long as it was based on perfect equality between husband and wife.⁶³

The anathema of the word free love stripped respectability from women’s claim for equal rights in marriage or rights to end unhappy, abusive marriages.

⁶² “Radicals in Council,” *New York Times*, June 29, 1858, 1.

⁶³ “The Free-Love Question: Letter from Mrs. E. L. Rose,” *New York Times*, July 2, 1858, 5.

Women reformers operated amid severe restrictions on their public words and actions. The reign of the “cult of domesticity,” which included notions of female domestic influence, spiritual superiority, and passionlessness were crucial factors that permitted women to engage in reforms in the public sphere and often combat the sexual double standards, but only so long as they remained “respectable.”⁶⁴ The stigma of espousing the presumably immoral, sensual cause of “free love” therefore could impair women’s qualification as reformers, let alone their personal reputations. Most likely, Branch learned this lesson; when she ascended the platform at a Spiritualist picnic held in Pleasant Valley, New Jersey, only a few months after the Rutland convention, she adopted a much more moderate stance. She called upon audience members to avoid side issues such as free love and abolitionism and urged them to concentrate on the messages of “the spirits from the Great Beyond.”⁶⁵ As in the case of many nineteenth-century free lovers, Branch’s idea of free love was perhaps based on a philosophical conviction rather than a desire to engage in unconventional sexual relationships. Branch had separated from her first two husbands only by their deaths, and, in the following spring of 1859, she remarried a *New York Tribune* reporter.⁶⁶

⁶⁴ Barbara Welter, “The Cult of True Womanhood: 1820-1860,” *American Quarterly* 18, no. 2 (Summer 1966): 151–74; Carroll Smith-Rosenberg, “Beauty, the Beast and the Militant Woman: A Case Study in Sex Roles and Social Stress in Jacksonian America,” *American Quarterly* 23, no. 4 (October 1971): 571–84; Nancy F. Cott, *The Bonds of Womanhood: “Woman’s Sphere” in New England, 1780-1835* (New Haven: Yale University Press, 1977).

⁶⁵ Cetti, “The Radicals and the Wrongs of Marriage,” 78-79.

⁶⁶ *New York Tribune*, April 29, 1859, 5.

The Rutland convention seems to have proved to some conservatives that social reform could lead to free love. The conservative press often argued that the “real purpose” of such reforms as abolitionism and women’s rights included free love, even if the advocates of these causes did not explicitly state so. According to the *New York Herald*, the principles of free love were that of “the abolitionists and women’s rights agitators, carried to their logical sequence.”⁶⁷ By associating radical reform movements with what they regarded as free love, conservatives tried to sexualize these causes, and thus to discredit them as something too outrageous or ridiculous to take seriously.

Antebellum reformers therefore needed to attack free love ideas all the more severely to sever their alleged association with free love and its licentiousness. A *New York Tribune* reader, who proclaimed him- or herself to be “a spiritualist, but not a free-lover,” was offended by the confusion of the two among newspaper editors and the general public. The correspondent denied any association between Spiritualism and free love, writing, “You have proscribed us; you have covered our faith with ridicule; you have put us beyond the pale of social sympathy.”⁶⁸ The connection with free love could jeopardize any reform causes, which were often controversial enough by themselves within the general populace. Many mid-nineteenth-century reformers who spoke out against the institution of slavery and women’s lack of the franchise thus chose to remain silent about any kind of marital reform for fear of the taint of a “free lover.”

⁶⁷ “The Berlin Heights Free Lovers,” *New York Herald*, January 21, 1858, 2.

⁶⁸ “Free Love and Spiritualism,” *New York Tribune*, October 15, 1855, 7.

Even Horace Greeley, a vocal antagonist of free love and easy divorce, could not escape suspicion of supporting free love because of his anti-slavery politics and particularly because of his close relationship with Fourierist associationism. Greeley was one of the most ardent and prominent advocates of American Fourierism, and he devoted a substantial amount of his financial resources to several projects of Fourierist Phalanx building. In 1850, Greeley served as the president of the American Union of Associationists, and he continued to retain his ties to associationist projects across the nation throughout his life.⁶⁹ Most American Fourierists, including Greeley, tried to distance themselves from Fourier's sexual reform schemes, but the opponents of the movement connected Fourierism with free love and unlimited licentiousness.

Greeley's political and business rivals tried to tarnish his reputation by associating him and his newspapers with free love. Greeley's *New York Tribune* began as a rather small business in 1841, but by 1860 it boasted the largest circulation of any other in the world. Its daily circulation stood at 45,000 by 1860 and rose to 90,000 by 1865, while the weekly edition reached 217,000 subscribers by the outbreak of the Civil War.⁷⁰ One of the paper's many New York rivals was James Gordon Bennett's popular penny paper, the *New York Herald*, which had dominated the market in the 1830s and 1840s. The *Herald* was known for its sensationalism and strident, vituperative editorials, and Bennett was politically conservative, vocally anti-Catholic and anti-abolitionist.⁷¹ The *Herald* took every opportunity to deride Greeley and his

⁶⁹ Williams, *Horace Greeley*, Chapter 3.

⁷⁰ Williams, *Horace Greeley*, 1.

⁷¹ Crouthamel, *Bennett's New York Herald*, 24-25.

reformist newspaper, and it did so often by linking them with free love. In many cases, these accusations were illogical and unfair. On one occasion, the *Tribune* condemned the accepted method of selecting chaplains for the federal army and navy because it worked to coerce the use of the Episcopal Liturgy with no regard for the denominations of laypeople, which was against religious freedom guaranteed in the Constitution.⁷² Reacting to this article, a correspondent of the *Herald* accusingly wrote, “No doubt your Fourierist free love contemporary would be glad to undermine the system of religious instruction, not only in the army and navy, but also all over the land, substituting therefore the principles of free love ... Of course it dare not do this openly and fairly, but shields its real object by the [pretence] that the system of selecting chaplains is wrong.”⁷³ In the editorials of the *Herald*, virtually everything Greeley or the *Tribune* said could be connected to the hidden, grand purpose of spreading free love all over the nation. Once loosed upon the public, “free love” could smear anyone, regardless of political party, marital status, or public statements to the contrary.

Greeley objected to these slanders, claiming that his paper never opened its columns to the doctrines of free love as his critics argued, “except to expose, denounce, and reprobate them.”⁷⁴ At the same time, ironically, he himself used “free love” quite casually to discredit many others, particularly those who attempted to challenge conventional indissoluble marriage. In the spring of 1860, the New York

⁷² *New York Tribune*, January 25, 1858, 4.

⁷³ “Our Washington Correspondence,” *New York Herald*, February 4, 1858, 5.

⁷⁴ “To the Hon. William Bigler, U.S. Senate,” *New York Tribune*, October 7, 1856, 4.

state legislature introduced a bill that was intended to liberalize grounds for divorce. At the time, New York had one of the most stringent divorce statutes in the nation, permitting divorce only for adultery. The new bill proposed to add desertion or persistent cruelty as sufficient grounds for divorce. Greeley used the columns of his paper to denounce this legislative move for liberalizing divorce by mentioning the notoriously liberal statutes of Indiana, where an omnibus clause and casual procedures granted comparatively easy divorces. Because Indiana was often lax in requiring proof of residency, some Eastern residents migrated westward to seek a divorce decree, which turned the state into what historian Norma Basch called the first “divorce mill” of the nineteenth century.⁷⁵ Greeley attributed the loose divorce statutes of Indiana, the “paradise of free-lovers,” to the “lax principles” of free-thinker and ex-Indiana politician Robert Dale Owen, observing that the law enabled men and women to “get unmarried nearly at pleasure” as a result. Rebutting Greeley’s criticism, Owen pointed out that he was by no means the framer of the Indiana law, for his only contribution for revision was to add habitual drunkenness for two years to already recognized grounds. Nor had Owen promoted free love principles; he observed, “It is in New York and New England, refusing reasonable divorce, that free love prevails; not in Indiana.”⁷⁶

⁷⁵ Basch, *Framing American Divorce*, 8. Norma Basch noted that, in general, western states tended to have more liberal divorce laws compared to eastern states, while the same could be said about the North compared to the South. (p. 23)

⁷⁶ Horace Greeley, *Recollections of a Busy Life* (New York: J.B. Ford and Company, 1868), 571-574. The disagreement on the marriage question between Horace Greeley and Robert Dale Owen developed into a two-month debate in the *New York Tribune* during March and April 1860. Greeley’s editorials and Owen’s responses were later

Conclusion

By the mid-1860s, the term free love carried multiple connotations within popular print culture. Even when free lovers defined free love according to their principles, many others simply refused to accept their definition and interpreted the phrase in other, contradictory ways. To the critics of free love, the sole purpose of “free lovers” was to abolish marriage, defy public opinion, and indulge in sensual gratifications not permitted in respectable society. Opponents of the free love movement anticipated that free love, or any attempt to loosen marital bonds, would unleash disorderly lust, destroy American families, and destabilize the wider society. As a result, this oppositional discourse drowned out free lovers’ civil liberties arguments against state regulation of citizens’ sexual lives, and their concerns about the physical, psychological, and sexual abuse of women within marriage. Chaotic “free love,” the critics imagined, directly conflicted with the right to secure a stable family, a legal and political principle that would become an ever more integral component of the notion of freedom in the wake of slave emancipation and Reconstruction after the Civil War.

The effectiveness of the term “free love” as a mocking epithet was apparent by 1870 when an anonymous writer under the pseudonym of A. Hunker published a humorous satire. In this fictional tale, Hunker, the protagonist, was an anti-reform conservative living in the village of “Hunkerville.” Hunker stated that, as a result of the Civil War and following Reconstruction, many former epithets such as abolitionism had turned into honorable titles worn as if they were “wreaths of laurel.”

reprinted in Greeley’s autobiography. On the Greeley-Owen exchanges, see also Basch, *Framing American Divorce*, 91-93; Stoehr, *Free Love in America*, 244-245.

Hunker declared that the term free love was “dear” to him, for it was “almost the only rotten-egg” that was left “to throw at American Agitators.” He wrote, “there is one missile remaining to me; there is one strong egg in my savory basket. When I see a Reformer in the distance, I pick up the last rotten egg, smell of it tenderly, and shout with a pious mouth, ‘Free-Lover!’”⁷⁷

⁷⁷ While Hunker spoke as an anti-free-love conservative in this book, his tale, through humor, seems not just to mock free love ideas but also to implicitly deride reactionary critics of free love. Hunker, A. (pseud.), *Four Epistles on Free-Love and Murder* (Troy, NY: A. W. Scribner & Co., 1870), 3-4.

Chapter 2

THE MULTIPLICITY OF “FREE LOVE” DISCOURSES

In late August 1857, several residents of Berlin Township, Ohio held a gathering to discuss the effect of the presence of a free love community on their township. Berlin Heights free lovers had often boasted that their neighbors were “not only perfectly tolerant, but decidedly and more and more in our favor” of their community since its founding in the previous year. The intentional community’s neighbors had been tolerant enough to accept the presence of free lovers without vocal protest. As summer drew to a close in 1857, however, a conservative faction of Berlin Township residents had grown indignant and impatient. These residents were distressed that the news of notorious free lovers at Berlin Heights had been circulating nationwide, and they feared the prospect of more sex radicals joining the settlement. The local farmers who led the opposition to the free lovers were particularly concerned that publicity about free lovers in Berlin Heights might damage the moral reputation of the whole township and eventually reduce the price of their houses and property. Anti-free love residents hoped that resolutions against free lovers would stop the incoming stream of free lovers and encourage those already residing at Berlin Heights to leave.¹

¹ “Berlin vs. Free Love,” *Daily Cleveland Herald*, August 27, 1857, 1; “Circular to Socialists Everywhere,” *Social Revolutionist*, September 1857, 88. See also Joanne Ellen Passet, *Sex Radicals and the Quest for Women’s Equality* (Urbana: University of Illinois Press, 2003), 84-85.

The free lovers of Berlin Heights eagerly disputed the association between free love and sexual promiscuity. At the meeting of the indignant Berlin township residents and farmers, the free love community's leading philosopher Joseph Treat rose to address the townspeople. Hardly a haven for sexual licentiousness, Treat claimed, his community fostered morality: "I am thirty years old, and I have never yet carnally known a woman. Can anyone of you, who persecute me, say as much?" Treat's sudden confession of his virginity dumbfounded the attendants. In a subsequent speech, the local spiritualist lecturer S. J. Finney appealed to the township residents for tolerance, stating that "as long as they [free lovers] obey the laws, their opinions are their own." Treat's unexpected testimony of his sexual modesty undermined the basis of anti-free lovers' argument and temporarily halted their momentum.²

As Joseph Treat's testimony revealed, the nineteenth-century free love movement that emerged in the 1850s and 1860s encompassed principles and causes beyond the realm of carnal desire. Free lovers pursued radical efforts to reshape not only marriage and sexuality but also the meanings of American freedom. Free lovers denied marriage as a means of regulating sexual relations, because the institution unnaturally controlled human affections and legally sanctioned women's unequal status. Free lovers insisted that mutual love, not marital law, was the only legitimate criterion for sexual unions, and that genuine love between men and women was possible only when both parties were completely equal and independent. Free lovers' claim for freedom in love was part of their larger ideology of individual freedom. Free lovers argued that freedom and bondage stemmed from sexual and domestic relations,

² Alvin Warren, "Reminiscences of Berlin Heights," *Our New Humanity*, June 1896, 37-38.

and that sexual autonomy thus was the most crucial component of freedom. This notion of “free love” enabled nineteenth-century sex radicals to connect their ideas about marriage and sexuality to discussions of freedom, which they considered a cornerstone of the nation.

This chapter will illuminate the multiplicity of “free love” discourses, by discussing both internal diversity within the free love movement and the variations of “free love” articulated by other related reformers. Free lovers unanimously agreed on the defects of the prevailing form of marriage, but not on the solutions. They often quarreled among themselves about what sexual freedom actually entailed. While free lovers like Joseph Treat promoted spiritual love and strict sexual continence, others had different ideas. Historians have understated the incoherency of free love ideology and, by focusing on the similarities between moderate free lovers and other middle-class reformers, often indicated that free love doctrines were tamer than their critics believed.³ It is true that no free lovers endorsed casual or frequent sex. Many free lovers essentially advocated serial monogamy like divorce reformers of their time did (although it was still controversial for most of their contemporaries). At the same time, some other free lovers believed in the “varietist” nature of human affection, which was more extreme and entirely foreign to the sensibility of middle-class Americans. On a superficial level, these radical free lovers’ ideas about alternative sexual and familial relationships might have allowed anti-free lovers to justify their definition of free love: the unlimited and lawless gratification of sexual desire.

³ Spurlock, *Free Love*; Braude, *Radical Spirits*, 128.

Furthermore, some groups of their contemporaries, notably Bible socialists at the Oneida Community and radical Spiritualists, employed the term “free love” without identifying themselves as “free lovers.” Sex radicals and Oneida communitarians relied on the notion of “free love” to describe a range of alternative sexual schemes. The inconsistencies and contrasts among their definitions of free love reflected the incoherency of their various understandings of sexual freedom. When free lovers, Spiritualists, and Oneidans could not agree about the meaning of “free love,” the general public used the term to their own advantage.

American Fourierism and Free Love

Sex radicalism sprang from religious revivals and reform culture of the antebellum period. Free love ideology’s components derived from several antebellum reform currents, but Fourierism was the cause that most directly affected the theory and demographic composition of the free love movement. Many of the first generation of prominent free love theorists—including Stephen Pearl Andrews, Marx Edgeworth Lazarus, and Mary Gove Nichols—had been active supporters of Fourierism at the movement’s peak during the 1840s. At the beginning of the nineteenth century, French philosopher Charles Fourier (1772-1837) envisioned communal living and corresponding reorganization of every aspect of social life as a solution to class conflicts and inequity created by the emerging capitalist system. Fourier’s theory about the ideal society was later classified under “utopian” socialism by Karl Marx and Friedrich Engels, who compared it to their own brand of “scientific,” and hence more practical and tough-minded, socialism. It was neither in his home country nor Europe but in the United States across the Atlantic that Fourier’s philosophy gained popular endorsement. Amid economic uncertainty after the panic of 1837, some

antebellum Americans looked to Fourierism to resolve the issues of wage labor and class antagonism, and achieve social harmony.⁴

Fourier's philosophy identified human passions at the core of the scientific law of unity that he claimed to have discovered. He believed that the passions were the fundamental driving forces of all human activities. In his theory, the passions in all its forms were innately good and needed to be liberated and gratified in order for individuals to create a harmonious society; yet "Civilization" and its institutions suppressed and perverted these natural instincts, hindering their proper manifestations. Fourier intended to present a comprehensive science of nature and humanity, arguing that his analysis of "Passional Attraction" was the human equivalent of the science of gravity developed by Isaac Newton. As to work, for instance, Fourier blamed the capitalist system for the division of labor and for wage workers' alienation from work. Fourier proclaimed that labor must be "whole," and also "attractive." In the Fourierist organization of cooperative labor, tasks were divided into different categories and rotated among teams. Work in groups was supposed to be voluntary, varied, and fulfilling, because human souls sought the stimulations of both mind and body, and desired variety and change to evade boredom. In contrast to the militant free thought of Robert Owen's utopian socialism, Fourier's philosophy assumed the existence of God, maintaining that human passions were naturally in accordance with the divine law on earth. American followers of Fourier particularly emphasized that Fourierist reform was compatible with, and even complementary to, Christian ethics.⁵

⁴ Carl J. Guarneri, *The Utopian Alternative: Fourierism in Nineteenth-Century America* (Ithaca: Cornell University Press, 1991).

⁵ Guarneri, *The Utopian Alternative*, 104-105, 115-120, 126-127.

Fourier urged the creation of cooperative communities, or what he named “phalanxes,” based on his philosophy. These communities, he explained, would unite people of different classes and interests. Because of its interest in cooperative community building, Fourierism was often called “Associationism” by its American advocates. The booming Fourierist movement quickly enlisted as many as 100,000 supporters; between 1841 and 1846, nearly thirty American phalanxes were created. The best-known among these communal experiments was Brook Farm in West Roxbury, Massachusetts. Founded in 1841 by George Ripley, Nathaniel Hawthorne and others, Brook Farm started as a Transcendentalist community and attracted visitors like Ralph Waldo Emerson, Theodore Parker, and Margaret Fuller. The community converted to Fourierism in 1844 and became the propaganda center of the American Fourierist movement. Besides phalanx building, Fourierists publicized Fourier’s ideas to a wider audience through magazines and newspapers (including the *New York Tribune* by Fourierist editor Horace Greeley and the *Harbinger* published at Brook Farm) as well as a number of pamphlets and books.⁶

Americans familiar with Fourier’s economic arrangements tended to know less about his critique of marriage or his vision of sexual freedom. Fourier encouraged people to follow their passions in every aspect of life—in work, leisure, and love. He argued that marriage prevented the healthy manifestations of passions, for monogamy and perpetual fidelity was against the nature of many people. Once people successfully created a true utopia, marriage would be replaced by alternative sexual systems that would allow people to enjoy the full potential of their individual sexual attractions,

⁶ Guarneri, *The Utopian Alternative*, 17-18, 44-59, 407-408.

ranging from exclusive monogamy to polygamy, homosexuality, and even incest. Fourier's critique of marriage was also part of his ideas about contemporary society's injustices toward women. Fourier supported women's equality and claimed that the progressive character of a society could be best judged by the social standing of the women in it. Yet civilization, he argued, deprived women of education and occupational pursuits, and forced them into "the servitude of marriage." When Albert Brisbane, Fourier's principal publicist in the United States, first introduced Fourier's ideas to an American audience by publishing *Social Destiny of Man* in 1840, he carefully omitted Fourier's potentially controversial theories about marriage and sexual passions. According to historian Carl J. Guarneri, Brisbane tamed and Americanized original Fourierism by simplifying "Fourier's eccentric system to a workable community blueprint" and stressing "this revised Fourierism's harmony with American democracy and millennial Protestantism."⁷

The general outline of Fourier's sexual schemes nevertheless came to be known to the American public as the movement's critics set out to disclose Fourier's radical views on love and sexuality in the mid-1840s. Religious journals like the Presbyterian *New York Observer* and the *Universalist Quarterly* claimed that Fourierism was antithetical to Christianity and that its disciples aimed to replace monogamous marriage with sexual licentiousness. A further severe blow came from Henry J. Raymond, who had once been Horace Greeley's assistant at the *New York Tribune* office and was now the editor of the rival paper *New York Courier and Enquirer*. Seeking to promote his own newspaper, Raymond dragged Greeley into a

⁷ Spurlock, *Free Love*, 64-67; Williams, *Horace Greeley*, 58; Guarneri, *The Utopian Alternative*, 94-98, 130.

prolonged and highly publicized debate between 1846 and 1847 about Fourier's heterodox ideas on social institutions including marriage. Through the controversies, Greeley and other American Fourierists insisted that Fourier's original ideas about sexual liberation had no place in the official agenda of the Associationist movement in the United States. The association between Fourierism and the destruction of marriage, however, critically damaged the movement's reputation and demoralized its members.⁸

The influence of Fourier's ideas surpassed the relatively brief life of Associationist communities in the United States, most of which fell apart within a decade of their founding in the early 1840s. The organized Fourierist movement's demise resulted from complex issues, but it was largely due to the failures of phalanxes as well as the return of national prosperity. When the depression of 1837-1843 lifted in the late 1840s, Fourierism lost its adherents who shifted from seeking alternatives to capitalism to advocating for such pressing national issues as antislavery.⁹ As a social and cultural ideology, however, Fourierism did not immediately fall into oblivion. In the 1850s, some of the younger generation of Fourierist-inspired intellectuals began to shift their focus to the social aspects of Fourier's ideas regarding marriage and sexuality, as this chapter will show. Fourierism provided the emerging free love movement with a reform network and leaders during its inaugural years. The Fourierist concept of "passional attraction" remained vital in shaping pro-free love discourse over the decades to come.

⁸ Guarneri, *The Utopian Alternative*, 274-279.

⁹ Guarneri, *The Utopian Alternative*, 252-267, 276-278.

At the same time, sex radicals of the 1850s acquired new vocabularies from other contemporary reform movements and ideologies, particularly Spiritualism. Most importantly, free lovers embraced the anarchistic theory of “individual sovereignty” first advocated by Josiah Warren, which made the notion of free love fundamentally individualist rather than communitarian. By the mid-1850s, free lovers moved beyond Fourierism and forged a distinct movement that pursued freer and more satisfying sexual unions.

The Meanings of Free Love: Marriage as Sexual Slavery and Legalized Prostitution

By the mid-1850s, sex radicals were rallying around the cause of free love, organizing meetings and lecturing in northern cities and towns. Perhaps because antebellum free lovers included many ex-Associationists, they also ventured to found several communities among like-minded radicals. (Postbellum free lovers, on the other hand, created fewer communities.) Print culture remained the most important means by which nineteenth-century free lovers fostered informal reform networks and a collective consciousness for a coherent movement. Free lovers relied on publications to circulate their radical views on marriage and sexuality and create virtual communities among contributors and readers scattered around the country. Between the 1850s and the turn of the century, sex radicals published over a dozen periodicals and a number of books, novels, and pamphlets.¹⁰ These printed media allowed

¹⁰ On the importance of a print culture in the development of the nineteenth-century free love movement, see Passet, *Sex Radicals and the Quest for Women’s Equality*, chap. 2; Jesse F. Battan, “‘You Cannot Fix the Scarlet Letter on My Breast!’: Women Reading, Writing, and Reshaping the Sexual Culture of Victorian America,” *Journal of Social History* 37, no. 3 (2004): 601–24.

ordinary free lovers as well as editors to share their radical views of legal marriage and of the conventional gender and sexual norms that, they argued, it underpinned.

Free lovers' critique of marriage revolved around advocacy of individual sovereignty and women's rights to their own bodies. Even though visible spokespeople of the nineteenth-century free love movement tended to be men, the movement also produced many female leaders who actively participated as lecturers, community organizers, editors, and contributors. As historian Joanne E. Passet has demonstrated, many other non-elite, rural women, particularly in the Midwest, played a crucial part in the grassroots expansion of the movement through a growing print culture. Many of these ordinary women had geographical, economic, and moral restrictions that prevented them from attending lectures and conferences that dealt with the controversial issue of free love, but they read, wrote, and talked about women's sexual and economic rights as well as reproduction in sex radical periodicals. Periodicals provided female readers with opportunities to contemplate their messages in private. Contact with free love discourses through sex radical periodicals as well as the popular press enabled some women to crystallize otherwise vague sentiments and disappointments and to transform their expectations about marriage and gender roles.¹¹

Female free lovers developed critiques of marriage grounded in their experience and direct observations of women's oppression. Whereas male free lovers were sometimes preoccupied with abstract discussions about the principles of individual freedom and equity, female free lovers' arguments addressed immediate

¹¹ Joanne E. Passet, *Sex Radicals and the Quest for Women's Equality*, chap. 2; Battan, "“You Cannot Fix the Scarlet Letter on My Breast!””

and practical concerns. In the case of prominent female advocates like Mary Gove Nichols and Victoria Woodhull, their personal experiences with abusive first marriages and with serving as their families' breadwinners seem to have convinced them of the legitimacy of free love for its emphasis on women's social, economic, and sexual autonomy when they encountered the ideology.¹²

The indissolubility of legal marriage except under limited circumstances was a primary source of free love agitation. This was because nineteenth-century free lovers invested love, or "passional attraction," with the central importance for one's life and existence. Free lovers identified romantic and passionate love—not companionate love—as the source of identity and happiness that needed to be achieved in sexual unions. For free lovers, sexual relationships must be based solely on mutual affection and nothing else. Free lovers stressed that love was an uncontrollable force of nature, which the artificial institution of marriage could not regulate or subdue, and it was thus impossible to pledge to love a single person perpetually. Numerous cases of unhappy marriage indicated the impossibility of lifelong monogamy for all. According to free lovers, prohibition of love and sexuality outside lifelong marriage not only brought unhappiness within the household but also had negative ripple effects on the wider society. Thomas L. Nichols insisted that "A large portion of the discord and

¹² For the biographical studies of Mary Gove Nichols and Victoria C. Woodhull, see Jean L. Silver-Isenstadt, *Shameless: The Visionary Life of Mary Gove Nichols* (Baltimore: Johns Hopkins University Press, 2002); Lois Beachy Underhill, *The Woman Who Ran for President: The Many Lives of Victoria Woodhull* (New York: Penguin Books, 1996); Mary Gabriel, *Notorious Victoria: The Life of Victoria Woodhull, Uncensored* (Chapel Hill: Algonquin Books, 1998); Barbara Goldsmith, *Other Powers: The Age of Suffrage, Spiritualism, and the Scandalous Victoria Woodhull* (New York: A. A. Knopf, 1998).

crime of civilization comes from the loveless and indissoluble marriage.”¹³ Free love advocates argued that many social problems and vices had stemmed from domestic discord, and that free love was essentially a panacea to cure them.

While critics accused free lovers of alleged licentiousness, free lovers subverted the meanings of licentiousness. According to free lovers, sex without love and mutual consent was immoral, with or without the sanction of the state and church. Refuting the charge of “free lust” for free lovers, John Patterson, the editor of the *Social Revolutionist* argued: “By free lust, I understand the freedom of coition unaccompanied by that love which melts the souls and bodies of the twain lovingly and livingly into one; and no where else in all God’s earth is there so much ‘free lust’ as in your ‘sacred marriage institution!’”¹⁴ Free lovers proclaimed that the abolition of marriage would purify sexual relationships, since men and women would stay together purely because they loved each other, not because they were bound by law to do so.

Free love ideas sprang not from libertinism but from ideals of romantic love. Influenced by evangelicalism, the emerging middle-class valued chastity and sexual restraint. The declining premarital pregnancy rate between the 1830s and 1850s suggested that middle-class Americans practiced sexual control and restricted intercourse within marriage. At the same time, as middle-class married couples tried to limit fertility by birth control, intercourse acquired a new meaning other than as a merely reproductive act. These couples brought the ideas of romantic love into

¹³ T. L. Nichols and Mary S. Gove Nichols, *Marriage: Its History, Character, and Results* (New York: T. L. Nichols, 1854), 84.

¹⁴ John Patterson, “To A. S. Davis—Freedom Defended,” *Social Revolutionist*, January 1857, 9.

marriage and viewed sex as a legitimate expression of conjugal love. According to Karen Lystra, Victorian Americans did not internalize passionlessness and sexual repression, because, in the romantic view, “sex was as much an emotional as a physical activity, and the emotional actually determined the purity of the physical.” As a result, sex was gradually separated from reproduction and connected to personal intimacy and self-expression.¹⁵ Free lovers’ insistence that love should be the sole criterion for sexual relations could be seen as a logical extreme of the contemporary middle-class ideal of romantic love.¹⁶

Free lovers’ larger understanding of individual freedom shaped their claims about intimate relationships. Free lovers were influenced by the individualist anarchist Josiah Warren’s concept of individual sovereignty. Warren advocated the doctrine of the Sovereignty of the Individual, which maintained that each individual possessed an absolute right to make decisions about him- or herself as long as his or her acts did not violate the sovereignty of others. These decisions should be completely free from the interference of others including the government, the church, or public opinion, yet each individual must assume full responsibility for the consequences of his or her deeds.¹⁷ Writings by Stephen Pearl Andrews, who was the faithful supporter of

¹⁵ John D’Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America*, 2nd ed. (Chicago: University Of Chicago Press, 1997), chap. 4; Karen Lystra, *Searching the Heart: Women, Men, and Romantic Love in Nineteenth-Century America* (New York: Oxford University Press, 1989), 69–85 quotation on 76-77.

¹⁶ For more detailed discussion on the middle-class origin of free love theory, see Spurlock, *Free Love*.

¹⁷ On Josiah Warren’s individualist anarchism and the doctrine of individual sovereignty, see William Bailie, *Josiah Warren: The First American Anarchist* (Boston: Small, Maynard & Company, 1906); James Joseph Martin, *Men Against the State; the Expositors of Individualist Anarchism in America, 1827-1908* (De Kalb, Ill:

Warren and cofounded the community of Modern Times with him, exemplified the essence of individual sovereignty when the doctrine was applied to sexual relations. In a letter to his opponent Horace Greeley, Andrews wrote, “My doctrine is simply, that it is an intolerable impertinence for me to thrust myself into your affairs of the heart, to determine for you what woman (or women) you love well enough or purely enough to live with, or how many you are capable of loving. I demand that you simply let me alone to settle the most intimate, and delicate, and sacred affairs of my private life in the same manner.”¹⁸

Free lovers argued that this pursuit of individual liberty in the intimate sphere was a quintessentially American value. Free lovers extended the Enlightenment ideal of individual rights to the private sphere. The United States Constitution guaranteed that American citizens could enjoy freedom of thought, speech, and religion. From the free lovers’ perspective, sexual freedom should be considered in the same context as politics and religion. Stephen Pearl Andrews argued that individual sovereignty was affirmed by the Declaration of Independence, which claimed that “all men are entitled to Life, Liberty, and the Pursuit of Happiness.”¹⁹ Victoria C. Woodhull addressed, “If individual sovereignty is the law of religion and of politics, it is also the law of the

Adrian Allen Associates, 1953); Ann Caldwell Butler, “Josiah Warren and the Sovereignty of the Individual,” *The Journal of Libertarian Studies* 4, no. 4 (1980): 433–48.

¹⁸ Henry James, Horace Greeley, and Stephen Pearl Andrews, *Love, Marriage, and Divorce, and the Sovereignty of the Individual: A Discussion by Henry James, Horace Greeley, and Stephen Pearl Andrews* (New York: Stringer & Townsend, Publishers, 1853), 67.

¹⁹ James, et al., *Love, Marriage, and Divorce*, 43.

social relations; and there is no method of argumentation by which an escape from this conclusion is possible.”²⁰ Free lovers believed that the principles of self-government and individual freedom that governed the public space should be applied to private decisions about intimate relationships. The role of the government was simply to guarantee that each individual could exercise their freedom, not deprive them of this right. By repudiating the assumed distinctions of the public and private, free lovers tried to infuse new meanings in the concept of freedom.

This emphasis on individualism dovetailed with the unorthodox religious views that many free lovers held. While free lovers included a small numbers of atheists or deists, most of them were Spiritualists. These Spiritualist free lovers believed in divinity yet were critical of organized religion. Free lovers did not believe that the church could or should sanction sexual unions. They argued that the church, like the secular law, perpetuated women’s obedience and servitude. Like their Fourierist forerunners, free lovers believed that God Himself had endowed human natures with affinities. These instincts were therefore innately good and divine, and their free expression obeyed the higher law of God, regardless of the opinions of clergy or the law of the land. According to John Patterson, “Divinity is in the affection, and Truth and Nature are mightier than the Will.”²¹ Mary Nichols similarly argued that, in remaining true to one’s emotions, “You are to cultivate in yourself constantly the feeling of fidelity, not to man, but to God; or in other words, to the

²⁰ Victoria C. Woodhull, *The Scare-Crows of Sexual Slavery* (New York: Woodhull & Claflin, 1874), 6.

²¹ “The Marriage Question,” *Social Revolutionist*, April 1856, 136.

highest in yourself.”²² Free lovers’ conception of the higher law thereby offered spiritual justification for individual sovereignty and passional attraction.

In free love discourse, marriage was harmful for both sexes, but particularly so for women because the marital law treated them unfavorably. Free lovers considered sexual relationships in marriage as the ultimate source of women’s oppression. Therefore, for women’s equal rights, sexual reform must precede political reform. Free lovers abjured sexual relationships that violated the individual sovereignty of either party. Marriage was problematic because the marriage contract made one partner the possession of the other, creating a false sense in men (but in women as well) that they could monopolize their partners’ bodies and affections. Legal ownership would destroy romance between the spouses; once the law granted a man the ownership of his wife, he would eventually stop caring for her feelings and needs. A *Social Revolutionist* editorial called for the removal of “the unnatural constraints of marriage” so that “[m]en will find it necessary to continue their attentions through life. Without slave-wives, subject to the master’s nod, they will have to respect woman as the INDIVIDUAL center of her own affectional sphere.”²³ According to free lovers, genuine love existed only when a man and a woman were independent and equal in every aspect. Without marriage, free lovers argued, men would need to acknowledge and respect women as independent, equal individuals.

In articulating the injustices of marriage for women, free lovers often relied on the metaphors of slavery and prostitution. Free lovers typically called marriage

²² Nichols and Nichols, *Marriage*, 235.

²³ “The Marriage Question,” *Social Revolutionist*, May 1856, 135.

“sexual slavery,” since the common-law doctrine of coverture, which incorporated the legal existence of a wife into that of her husband, supposedly turned women into “slaves.” Francis Barry, a free lover and one of the founders of the Berlin Heights community, wrote, “The right of another to claim one’s earnings, constitutes one a slave. Every farthing the wife earns, belongs to the husband. In this respect, the essential feature of chattel slavery, the wife and the chattel-slave stand on a level. They may wear fine clothes and fare sumptuously every day, but in both cases, the clothes they wear and the food they eat, are the property of the master, and may be withheld at his pleasure.”²⁴ It did not matter if there were happily-married couples who loved each other, just as it did not justify the morality of slavery even if there might have been some slaves who lived peacefully under lenient slave masters. As Barry argued, “Either the husband or the master, in his conduct, may be manly and pure, but if so, it is because he is too good to exercise the power placed in his hands.”²⁵ For free lovers, the existence of happy marriages did not change the fact that husbands legally owned their wives.

Among the abominations within marriage that most infuriated free lovers was the sexual abuse of women by their husbands. Free lovers warned that the institution of marriage legally sanctioned men’s unchecked access to their wives’ bodies. Thomas Nichols stated that a woman married a man expecting to “be united to a tender lover,” yet after marriage she would find in him “a monster of lust, who profanes her life with disgusting debaucheries.” Nichols wrote, “She is his slave, his victim, his tool. Her

²⁴ Francis Barry, “What Is Marriage,” *Social Revolutionist*, February 1857, 42.

²⁵ Barry, “What Is Marriage,” 42.

duty is submission. Her body is prostituted to his morbid passions, her mind must bend submissive to his will, which henceforth is her only law.”²⁶ Once affection was lost between a married couple, marriage became legalized prostitution, in that the wife was still obliged to obey the husband’s sexual demands and thereby give up control over her own body in exchange for monetary needs and social standing. Free lovers thus maintained that loveless marriage and prostitution operated according to the same mechanism; both compelled women to have sex without love in exchange for economic support.

Far ahead of their time, proponents of free love decried the prevalence of sexual abuse between married partners. They stressed how loveless, forced sex in marriage damaged women psychologically and physically. Francis Barry wrote:

This crime consists in imposing the sexual act upon a woman, or demanding sexual gratification, without exciting the reciprocal feeling on her part ... The wretched victim of lust is no doubt so crushed, so spirit-humbled, so ignorant of her own rights, and of what her nature demands of her, that she goes on submitting quietly, notwithstanding she submits in torture and unutterable loathing ... The advocates of Free Love are charged with being licentious. We plead guilty to the charge of fascinating woman, but we never commit rape. We resign that gentlemanly accomplishment to married men.”²⁷

As Minerva Putnam emphasized, a man who was publicly respected as a virtuous Christian could be a merciless “master” toward his wife behind the bedroom door, and casual visitors would never notice the problems happening within their seemingly happy household. The husband would not hesitate to use violence if his wife refused to

²⁶ Nichols and Nichols, *Marriage*, 85.

²⁷ Barry, “What Is Marriage,” 43.

have sex, let alone if she pleaded for a divorce. Putnam wrote, “a man, who it seems, thinks because a woman is HIS by legal sanction, he can give loose reins to his passions, nightly spares not the one he professes to love and has promised to protect; not even at those times when nature is monthly performing her work of purifying the system, does he give her rest, but demon-like pursues this course until exhaustion or death compels him to desist.”²⁸ Numerous women were, free lovers claimed, trapped in marriage and compelled to serve men often by the use of domestic violence and marital rape.

Forced sex also brought about numerous unwanted pregnancies. Elsy Gray testified that she had seen “the dread of excessive maternity” among American households. Gray argued that scores of women were exhausted by the agony of repeated pregnancies and deliveries, which often led to dangerous abortions and a high rate of infant mortality. Gray heard more than one woman say that they lived in “constant FEAR of becoming pregnant,” but their husbands, the law, and society denied them the right to live in continence when their bodies demanded it. Gray wrote, “If woman cannot in marriage refuse to give up her person to her husband’s wishes without gaining his displeasure, or in some way wounding his feelings, then is marriage, or mating, a barrier to happiness, and therefore a wrong.”²⁹ Free lovers believed that children’s mental and physical health was affected by their mothers’ physiological conditions at conception. Loveless and abusive sex resulted in defects in offspring born out of it. On the other hand, couples united by free love would

²⁸ Minerva Putnam, “Glimpses of Life,” *Social Revolutionist*, January 1857, 29-31.

²⁹ Elsy Gray, “Dread of Excessive Maternity,” *Social Revolutionist*, September 1857, 66-67.

allegedly produce mentally and physically healthier children. In this way, the early years of the free love began to express proto-eugenic concerns about “defective” offspring.³⁰

When free lovers attacked the evils of marriage for women, they advocated for women’s sexual and economic autonomy. The proponents of free love endorsed women’s choice regarding sex and reproduction, claiming that women had an absolute right to decide when, where, and with whom they had children. Free lovers also emphasized the necessity of education about reproduction and birth control, and encouraged a more democratic, public discussion about sexuality and human bodies. Free lovers’ claims for women’s ownership to their own bodies were connected to their support of women’s social and economic independence. In addition to law, women’s economic dependence on their husbands created unequal standing within marriage. Free lovers argued that women must be able to stand on their own socially and economically. Women must be freed from all obligations to serve their husbands; they should stay in sexual relationships not from necessity, but out of free choice.

Free lovers refuted their critics’ logic that individual freedom without government or social intervention led to anarchy and immorality; in their minds, freedom and individual sovereignty would promote social harmony as well as gender equality. Although the opponents of the free love movement equated free love with unrestrained carnal desire, free lovers maintained that the artificial institution of

³⁰ On the eugenic elements of free love theory, see Jesse F. Battan, “‘Sexual Selection’ and the Social Revolution: Anarchist Eugenics and Radical Darwinism in the United States, 1850-1910,” in *Darwin in Atlantic Cultures: Evolutionary Visions of Race, Gender, and Sexuality*, ed. Jeannette Eileen Jones and Patrick B. Sharp (New York: Routledge, 2010).

marriage perverted men's sexuality and created sexual excess. Free lovers believed that contemporary Americans had sex too frequently, without mutual consent and love, under the legitimating cover of marriage. John Patterson claimed that free love would never promote but circumscribe licentious sexuality because "[t]hose who would run into excess in freedom, would be quite likely to do so in wedlock, and there is this about it that freedom favors chastity, and marriage does not. In freedom, every woman may live out a woman's destiny, and never be compelled to submit herself to the loathsome embraces of a man she does not love; but it is not always so in marriage."³¹ From the free lovers' perspective, free love would modify sexual excess and lead to natural "equilibrium" by giving women the right to say no to male advances and thereby ending men's sexual privilege.

Free love advocates described how the popular notion of "free love" was distorted and misunderstood by the general public. Frances Barry ridiculed the lewd imagination of free love opponents, writing:

The representations of the doctrine of Free Love, which meet us at every hand, are excessively amusing, notwithstanding the disgust and pity which they excite. Judging from some of these representations, one would conclude, that in order to carry out the doctrine of freedom, every man must, 'in duty bound,' be attracted sexually to every woman of his acquaintance, and every woman must 'submit' to every 'demand' made upon her! (It is the WIFE and not the free woman who must 'submit' to every 'demand' made upon her!!) Humiliating as is the task, the advocate of Freedom must explain that he is simply in favor of FREEDOM(!) and that he has no idea of compelling people to love

³¹ John Patterson, "To A. S. Davis—Freedom Defended," *Social Revolutionist*, January 1857, 9-10.

more than they are inclined to, as they are now compelled to love less.³²

Again and again, free lovers had to stress to their opponents that what they meant by “love” was not casual sexual desire (or “lust”) that one might feel even toward countless and random attractive strangers, but more spiritual and uncontrollable admiration toward a particular person. Yet, so long as that “love” was beyond the constraint of conventional marriage, critics cared little about free lovers’ reasoning.

Free lovers claimed that their opponents condoned sexual licentiousness when it did not upset marriage or men’s sexual privileges. John Patterson asked why the police had raided Stephen Pearl Andrews’s so-called “Free Love League” of New York, not brothels of Mercer Street and Five Points. Patterson wrote, “All these places are known and acknowledged to be infamous, but law and custom sanction their existence. They are, I believe, held by the infallible public to be a necessary condition of civilized society, and must be tolerated, or worse will follow. And this is our glorious civilization!” In the eyes of free lovers, the booming prostitution business in New York City symbolized the hypocrisy of mainstream society, which preached the moral supremacy of lifelong monogamy but tolerated extramarital sex. Yet Patterson argued that the popular press that sensationalized the raid on the Club, against their intentions, contributed to the circulation of free love discourse. Horace Greeley’s *New York Tribune*, one of the major critics of the free love movement, “has done far more by its opposition, to spread Free loveism than to suppress it. . . . [W]ithout its opposition, the doctrines could not have attained such wide publicity, to the conviction of many. The late disclosures by the ubiquitous press of N. Y. City, are a godsend to

³² Frances Barry, “Individual Freedom,” *Social Revolutionist*, February 1856, 48.

the doctrine of freedom for the affections.”³³ Patterson’s comment that any publicity was good publicity was tit for tat to some extent. But free love editors like him must have noticed that anti-free-love editorials in the popular press ironically served to disseminate free love ideas far beyond the circulation of their own smaller-scale periodicals, informing people who otherwise would not have known the existence of free love theory.

Through the notion of “free love,” its advocates denounced the contemporary form of marriage that forcibly bound loveless couples and deprived women of sexual and economic autonomy. In the nineteenth-century, free love theory offered a radical feminist critique, maintaining that control over individual women within intimate relationships was a fundamental factor in the systematic oppression of women as a whole. Free love, or dismantling a permanent marital bondage, thus was supposed to lead to the radical reform of the wider society.

Internal Conflicts among Free Lovers

Like many other reform causes, free love was never a monolithic movement. The difficulty for historians in defining what “free love” meant for nineteenth-century Americans did not result only from the gulf between the public perceptions and its advocates’ ideas. While free lovers had a rough consensus on the evils of the existing marriage system, they were far from agreeing on what the “natural” state of human affections, freed from the arbitrary institution of marriage, should look like. Free lovers’ disagreement demonstrated how “free love,” the term that lay at the basis of the movement, meant different things to different advocates.

³³ “North Polar Sea and Free Love League,” *Social Revolutionist*, March 1856, 92.

One of the main points of internal disagreement among free lovers was the necessity of abolishing marriage to secure individual freedom. Hard-core free lovers adhered to the abolition of legal marriage, refusing more moderate or gradual paths such as easier divorce. Joseph Treat argued that “[t]he fault is in getting tied up at all; not in getting tied wrong.” For Treat, the option of divorce proved the unworkability of marital bondage in the first place. He wrote, “Divorce and Marriage are contradictions—if Divorce ought to be, then Marriage ought not to be. People are big fools, to believe in Marriage AND Divorce.” Treat advised his contemporaries to avoid legal marriage and practice sexual freedom if they wished: “if Society is not willing they should live this freedom [free love], then let them live it in spite of Society; for they have a perfect right to.”³⁴ For sex radicals who denied the state’s right to regulate sexual relationships at all, free love was synonymous with the total abolition of the marriage institution.

Other free lovers, however, believed that individual sovereignty could be compatible with the institution of marriage. They suggested that, although the wrongs of the prevailing form of marriage needed to be eliminated gradually, sex radicals had no choice but to work within the constraint of the laws and customs. The free love couple Anne Denton Cridge and Alfred Cridge claimed that the principles of individual sovereignty and spiritual affinity governed their marriage. Alfred wrote, “whatever be the defects of existing marriage regulations, progressive people must and will form conjugal relations more or less in accordance with the present social

³⁴ Joseph Treat, “Free Love Fairly Stated,” *Social Revolutionist*, February 1857, 53.

order.”³⁵ Even free lovers who advocated abolishing marriage in theory did not necessarily put the principle into practice. In fact, most nineteenth-century free lovers were legally married and maintained conventional family arrangements, and the most theoretical and radical free lovers were not exceptional. While Stephen Pearl Andrews defined free love as philosophy contemplating “the entire abolition of the Institution of Marriage *as a legal tie to be maintained and perpetuated by force*,”³⁶ he remained legally married most of his life. His first marriage with three children lasted seemingly amicably for twenty years. After his wife died in 1855, Andrews remarried, in 1856, to a reform-minded Spiritualist to whom he devoted his great love and respect.³⁷ Some other free lovers objected to marriage. When Marx Edgeworth Lazarus married a young woman several years after the publication of *Love vs. Marriage*, Francis Barry criticized Lazarus’s “surrender of the principle of ‘*Individual Sovereignty*.’” Mary and Thomas Nichols, on the other hand, vindicated the decision of Lazarus. They argued that no one could force Lazarus to risk being sent to a state prison for non-marital cohabitation, writing that “it is easy to talk of living up to our principles—but not so easy to do.” The Nicholsons also claimed that they only opposed “the wrongs of the conventional and legal relation,” not the institution of marriage itself.³⁸ After all, the

³⁵ Alfred Cridge, “Congenial Relations,” *Vanguard*, March 21, 1857, 21, quoted in Spurlock, *Free Love*, 144.

³⁶ Stephen Pearl Andrews, “Free Love,” *New York Tribune*, November 8, 1858, 3.

³⁷ Stern, *The Pantarch*, 90-93, 118-119.

³⁸ “Marriage: Defining Positions,” *Nichols’ Monthly*, January 1855, 31-32, reprinted in Stoehr, *Free Love in America*, 272-76.

Nicholses had a reason to defend Lazarus; the couple had wed in 1848, right after Mary formally escaped from miserable and abusive marriage with her first husband.³⁹

Many free lovers continued to obey the normative marital and sexual customs in the postbellum era. Replying to Francis Barry's criticism, Ezra Hervey Heywood, the editor of the free love periodical *The Word* between 1872 and 1893, admitted the contradiction between his belief and practice. Referring to his marriage in 1865 with abolitionist Angela Tilton Heywood, Ezra stated in 1877: "Since, at that time, it did not seem to fall to me to serve in a direct assault on marriage, I acquiesced in its forms, while I repudiated it theoretically; but, as every day's reflection deepens my sense of the imperative need of love reform, were I placed back twelve years, I should tread underfoot the forms of repression." He also declared that their marriage was "one of attraction and agreement," and that he would dissolve the marital tie if mutual love and choice ceased to sanction it.⁴⁰ Yet the Heywoods remained married until the death of Ezra in 1893. The couple's fellow reformers and town neighbors testified that the Heywoods retained a conventional, seemingly happy household in which the husband and wife were devoted to each other exclusively, and to their four children. Even the prosecutor of Ezra's obscenity court case later stated that he was "a perfectly decent man and a good husband"⁴¹ Some free lovers experimented with sexual freedom without abandoning their marriages. John Patterson and Minerva Putnam,

³⁹ Silver-Isenstadt, *Shameless*, 125-26.

⁴⁰ "Mr. Heywood's Reply to Mr. Barry," *The Word*, April 1877, 3.

⁴¹ Charles Almy to Zechariah Chafee, December 15, 1930. No. 730, Collection MS-1ZX. John Hay Library, Brown University, Providence, Rhode Island.

whose marital partners shared their belief in non-exclusive love, practiced open relationships while remaining legally married.⁴²

All in all, free lovers had mixed and ambiguous opinions about the necessity and immediate practicality of marital abolition. Perhaps an editorial of the *Social Revolutionist* expressed the general sentiment of free lovers when it concluded, “There’s freedom only in right doing. We must ascertain what is the right for us, before we can be free in action. Charity must have a basis in philosophy. Mutual toleration and social freedom can obtain only through the acceptance in faith of the essentials of freedom.”⁴³ Consciousness-raising about the marital question and public discussions of “free love” thus needed to precede the dismantling of marriage in the wider society. Marriage abolition, therefore, was probably something most free lovers imagined to be practiced in the future.

Another point of disagreement among free lovers was “variety,” or the plurality of the object of affection. Free lovers had varied assumptions about the “natural” state of human passions liberated from the artificial institution of marriage. Many free lovers believed that monogamy was the ideal and highest form of sexual relationships and that free love essentially implied serial monogamy. A more extreme faction of free lovers, however, denied the exclusiveness of human affections and advocated what was often called “varietism.” Varietist free lovers claimed that it was natural and healthy for an individual to be attracted to multiple people at the same

⁴² John Patterson, “Maintaining the Children,” *Social Revolutionist*, February 1857, 56-57; Minerva Putnam, “A Woman’s Experience in Freedom,” *Social Revolutionist*, March 1857, 71-72.

⁴³ “The Marriage Question,” *Social Revolutionist*, April 1856, 113.

time. Minerva Putnam argued that the adoption of free love—or non-exclusive relationships in her understanding—into her marriage had actually strengthened her emotional bond with her husband: “the fact that each had released the other, cemented more firmly the love already existing between us, and when he loved another I loved her too. I took [her] to my heart as a dear sister, the one whose love had made happier the heart I prized so much.”⁴⁴ Varietist free lovers viewed jealousy and possessiveness as the indication of a selfish heart that could not enjoy his or her loved one’s happiness.

While the issues of monogamy versus variety sometimes created heated debates among free lovers, they usually did not deny other people’s choice to practice alternative forms of sexual relationships. An exclusivist female free lover wrote: “I am still as much of a monogamist in theory as ever;—that seems to me, to be the highest idea of sexual relation and that all will, in the distant future, see it so. But it is not for me to say that those whose ideas of the HIGHEST LIFE differ from mine, are less pure in heart or sanguine in belief. I am perfectly satisfied to let time and a progressive nature decide.”⁴⁵ Because of their commitment to the principle of individual freedom in opinions, free lovers tended to believe that people had the right to experiment with the sexual arrangements they desired.

There was a wide spectrum of opinions within the free love movement about the frequency of sexual acts. Evident from Joseph Treat’s confession of his virginity in the opening anecdote, “free love” by no means meant free sex for nineteenth-century

⁴⁴ Putnam, “A Woman’s Experience in Freedom,” 71.

⁴⁵ Quoted in Francis Barry, “Individual Freedom,” *Social Revolutionist*, February 1856, 48.

free lovers. Some free lovers considered that sexual intercourse should take place only when the both parties desired children. In the second report of the Progressive Union—a reformers’ network that Mary Gove Nichols and Thomas L. Nichols developed—the Nicholsons proposed to its members that “material union is only to be had when the wisdom of the Harmony demands a child.”⁴⁶ Some free lovers similarly had rigorous views that approved sex only for procreation. A *Social Revolutionist* reader under the pseudonym of Silas deduced from his marital experience that, “where pure love exists between husband and wife, there will be no desire for sexual union except for parentage.” Silas wrote that a recent encounter with free love enabled him to identify the source of marital discord with his wife Louisa: “I have amativeness full, or large; Louisa has it small. She had submitted to sexual commerce when it was repulsive to her, because she felt bound to do so.” While reproaching himself for the mistakes of the past, Silas argued that he now believed that “pure love is an antidote for passion. It is the highest and most God-like principle in man or woman, and where that exists passion can not exist.”⁴⁷ Thomas Nichols had elsewhere noted the differences in sexual drive between men and women, writing that “few [women] in this country are controlled by passion, and a vast majority never feel the sexual desire as a controlling motive [for marriage]; perhaps we may say with truth that a large proportion never feel it at all.”⁴⁸ Whether from personal experiences or prevalent

⁴⁶ “The Law of Progression in Harmony,” *Nichols Monthly*, June 1856, 444.

⁴⁷ “Marriage Experience,” *Social Revolutionist*, September 1857, 68-69. See also Treat, “Retribution.”

⁴⁸ Nichols and Nichols, *Marriage*, 82-83.

cultural assumptions, some free love supporters including the Nicholises expected women to have less sexual passion than men. They believed that women's desire was largely motivated by their desire for maternity. (Some contemporary women might have been so fearful of pregnancy that they could not entirely enjoy sexual intimacy even if their husbands were not abusive at all.) Men thus had to be elevated so that they could respect their female partners' disposition and control their own sexual passions. For these sexually-conservative free lovers, true "love" was essentially spiritual and above mere carnal desire.

Many other free lovers objected to the Nicholises' narrow scope of acceptable sexual activities. A majority of free lovers asserted that true love was always spiritual and passionate at the same time. In a letter he wrote to the Nicholises' periodical, *Nichols Monthly*, James W. Towner justified sexual pleasure in non-procreative sex. He claimed that sexual acts between a loving couple enhanced the affection and enriched their lives.⁴⁹ Similarly, "Peter socialist," a regular contributor of the *Social Revolutionist*, rejected the notion that women felt a sexual drive only when they were ready to conceive a child. He argued that "there is yearning that does not lead to 'material union,' when conception cannot take place, and after it has taken place." Peter claimed that humans, unlike other animals, did not have particular breeding seasons, which could otherwise have affected their natural sexual desires. Peter wrote, "I am as much in favor of 'chastity' as any one can be; but I deny that celibacy in

⁴⁹ "The Law of Progression in Harmony," *Nichols Monthly*, June 1856, 445-446.

mature years, is chastity. There is unchastity in the extreme of celibacy as in the extreme of harlotry.”⁵⁰

Sex-positive free lovers like Peter redefined the meaning of chastity as well as that of license; while intercourse without love was licentious and immoral, sexual expressions that accompanied mutual spiritual love were not only natural but pure and “chaste.” For these sex radicals, complete celibacy was against chastity, since it signified that a certain person was alienated from the proper manifestations of his or her affective nature. Peter socialist suggested that, if a woman did not feel sexual attraction at all once she was pregnant, it was because of the prevalent assumption that denied women’s natural desire for other reasons than conception. This notion made the woman herself believe that she did not have such desire. Another possibility was that she did not love her partner sexually (and thus genuinely), even if she did love him with a “warm friendship love.”⁵¹ Sex-positive free lovers thereby emphasized the naturalness and morality of sexual desires in women as well as men, and asserted that mutual affections and attractions sanctified sex.

Critics often questioned the fate of children whose parents separated in order for one or both spouses to enter a new, free-love relationship. The issue of offspring in free love relationships was free love’s Achilles’ heel. Critics assailed free lovers on this point, and it provoked a series of internal conflicts and inconsistencies among free lovers, which they were unable to settle. Since the free love doctrine did not guarantee the permanency of sexual relationships, free lovers needed to deal with the question of

⁵⁰ Peter Socialist, “To T. L. N. [Thomas Low Nichols],” *Social Revolutionist*, February 1857, 49.

⁵¹ “The Nut Cracked by Peter,” *Social Revolutionist*, February 1857, 50.

parental responsibilities for children born of these unions. A *Social Revolutionist* reader, while sympathetic to the cause of free love, expressed his hesitation when he considered the fate of offspring in case of separation of couples. In his opinion, single-parent child support was “unnatural and unjust.” He stated that the mother usually had stronger affection and natural claim toward children, but under existing social conditions, it was unreasonable to compel her to support them on her own. Nor did he find the communitarian solutions that some free lovers proposed reliable enough in the long term. He concluded that joint custody seemed the most natural and likely to succeed. The reader nevertheless wrote, “My mind still requires a remedy which will do no wrong to the mother and children; I have read all on this subject in your paper; but the case to me is not met. To disorganize is one thing; to rebuild, quite another.”⁵²

Some ex-Associationist free lovers proposed that communities create a large extended household and take charge of child support.⁵³ Others including Stephen Pearl Andrews and Victoria Woodhull suggested a quasi-socialist scheme in which the government would take responsibility for children in case their parents could not.⁵⁴

⁵² B., “Sexual Relations,” *Social Revolutionist*, January 1857, 15.

⁵³ Joseph Treat, for instance, wrote that “Free Lovers are naturally and even instinctively Associationists; and in Association nobody so much as dreams of danger that the children will not fare.” Joseph Treat, “Free Love Fairly Stated,” *Social Revolutionist*, February 1857, 55. See also Joseph Treat, “Suggested Perpendicular,” *Social Revolutionist*, October 1857, 108-109.

⁵⁴ The *Woodhull & Claflin’s Weekly* advocated a “new sexual system, in which mutual consent, entirely free from money or any inducement other than love, shall be the governing law, individuals being left to make their own regulations; and in which society, when the individual shall fail, shall be responsible for the proper rearing of children.” “Prospectus,” *Woodhull & Claflin’s Weekly*, January 10, 1874, 14.

Meanwhile Ezra Heywood objected that this socialistic plan violated free lovers' anti-institutional principles. Heywood wrote, "In one sentence the [*Woodhull & Claflin's*] *Weekly* says children are to be provided for at the public expense: in another it says that the love which produces children is strictly a private matter!"⁵⁵ Many free lovers simply believed in the innate good of human beings and were convinced that both parents would continue to take care of children without legal enforcement even in cases of separation. Leo Miller stated, "The parental instinct, I believe, is as strong in mankind as in brute kind ... Laws might be enacted requiring it, but I think they would soon be found unnecessary under a social order in which all are free, and every case of loving fatherhood and motherhood is respected."⁵⁶

For varietist free lovers who did not believe in exclusive conjugal love, solutions to the problem of child care could be even more unconventional and drastic. John Patterson was married with several children. Before he and his wife both accepted the principle of free love, they had endured marital unhappiness for the sake of their children. Both parties were convinced that they were not proper "mates," but they did not want to separate and relinquish living with all of their children. The Pattersons realized that their unhappiness and dissatisfaction were rooted not in a wrong match but in the exclusiveness of their union. They certainly loved each other, but they also needed freedom to love other people to make them fully happy. They reached a conclusion that it was unrealistic to expect that they find a single person

⁵⁵ "Permitted Rights," *The Word* (July 1874), 2-3.

⁵⁶ Leo Miller and Mattie Strickland, *The Miller-Strickland Defense* (St. Paul: Pioneer Press Co., 1876).

who would satisfy him or her in every aspect and permanently. According to Patterson,

Others like ourselves, have come to a knowledge of this saving freedom, and we both find other loves. It is not necessary that all shall reside in the same house; all that is absolutely requisite in this respect, is that they shall be sufficiently near each other to enjoy their loves. Now, what is the consequence of the practice of this sort of freedom? Do we as parents, have to abandon our children? Do we love each other less for loving others? Just the reverse. For loving others, we love each other the more; we have not to abandon our children; for that we are more loving now, our children are dearer to us than they were before. Such Free Lovers as these will not abandon their children.

Based on his experience, Patterson argued that frustrated couples could be happier by having other lovers beside each other rather than retaining an exclusive relation in discord and entailing misery upon their children.⁵⁷ The family formation that Patterson proposed was probably entirely different from what those who desired monogamous relationships expected from the notion of free love.

Free lovers agreed about what they wished to be *free from*; but they were much more discordant about what “free love” would entail. Exclusivist and varietist free lovers as well as ascetic and sex-positive free lovers had vastly different expectations about alternative sexual and familial relationships. In November 1857, Joseph Treat decided to leave Berlin Heights, the community he had cofounded. Although Treat was a proponent of varietism, due to his belief in sexual intercourse only for procreation, his version of love was essentially spiritual. He felt compelled to leave the community because he thought “free lust” had overtaken free love among its

⁵⁷ John Patterson, “Maintaining the Children,” *Social Revolutionist*, February 1857, 56-57.

residents.⁵⁸ The doctrine of individual sovereignty permitted a wide range of opinions within the free love movement, convincing free lovers that they should engage in free discussions, yet that they were not entitled to force others to assent to their ideas. As a result, free love advocates did not try to arbitrarily resolve differences among themselves. Perhaps conventional marriage and public opinions that supported it were such powerful enemies that opposition against them was a reason enough to unite these sex radicals with diverse opinions under the single notion of “free love.”

Multiple Meanings of “Free Love”: Spiritualism and the Oneida Community

In antebellum America, free lovers were not the only reform group that attacked conventional marriage by supporting “free love.” Advocates of Spiritualism—an immensely popular religious and social movement aimed at proving the immortality of souls by establishing communication with departed spirits—employed the word “free love” in their call for reform of patriarchal marriage. The Spiritualist theory of “spiritual affinity” influenced free lovers, most of whom simultaneously identified themselves as Spiritualists. Members of the Oneida Community, a utopian commune based on religious beliefs, similarly used the term “free love” to attack conventional marriage, but their notion of free love was quite different from that of free lovers or Spiritualists.

Spiritualism began with a strange phenomenon widely known as the “Rochester Rappings.” One night in late March 1848, Kate and Margaret Fox, young

⁵⁸ Joseph Treat, “Retribution,” *Social Revolutionist*, November 1857, 154-157. For Treat’s advocacy of variety in love, see Joseph Treat, “Suggested Perpendicular,” *Social Revolutionist*, October 1857, 108-109.

sisters aged 12 and 15, claimed that they heard mysterious rappings while sleeping in their family's farmhouse in Hydesville, a village near Rochester, New York. The sisters soon found a way to communicate with the invisible noise-maker, who rapped in response to their questions. The family and the neighbors who flocked to the house were convinced that the strange sounds came from the spectral presence of a murdered peddler buried in the basement of the house years earlier. Accounts of the ghostly events in Hydesville spread across the country, bringing the similarly strange occurrences of raps, knocks, and levitating furniture in multiple places. Within a few months, thousands of Americans sat across the country around their parlor tables to see if they could witness manifestations from the other world.⁵⁹

While Spiritualism had secular functions such as entertainment, adherents of Spiritualism believed their cause to be a religious movement. According to historian Ann Braude, crucial factors that provoked popular interest in Spiritualism included “the rejection of Calvinism or evangelicalism in favor of a more liberal theology,” along with “the desire for empirical evidence of the immortality of the soul” and “the desire to overcome bereavement through communication with departed loved ones.”⁶⁰ Spiritualist philosopher and theologian Andrew Jackson Davis played a pivotal role in

⁵⁹ *A Report of the Mysterious Noises, Heard in the House of Mr. John D. Fox: In Hydesville, Arcadia, Wayne County, Authenticated by the Certificates, and Confirmed by the Statements of the Citizens of That Place and Vicinity* (Rochester: Canandaigua: Published by E.E. Lewis; printed on the power press of Shepard & Reed, 1848); Ann Braude, *Radical Spirits: Spiritualism and Women's Rights in Nineteenth-Century America* (Boston: Beacon Press, 1989), 10-11; Molly McGarry, *Ghosts of Futures Past: Spiritualism and the Cultural Politics of Nineteenth-Century America* (Berkeley: University of California Press, 2008), 1-2.

⁶⁰ Braude, *Radical Spirits*, 33-34.

creating a Spiritualist religion that imbued spiritual phenomena with religious meanings. Influenced by the metaphysics of the eighteenth-century Swedish mystic Emanuel Swedenborg, Davis's "Harmonial Philosophy" preached the harmony and unity between natural and spiritual worlds. Spiritualist theology shared with some other denominations the anti-Calvinist belief that heaven was not reserved for an elect few, but it parted with all evangelicals by renouncing the existence of hell altogether. In Davis's cosmology, human souls continued to advance after physical death through six progressive spheres of heaven with increasing harmony, beauty, and wisdom. Spiritualism assuaged the grief of the bereaved by preaching that all were destined to go to heaven, and that death was not a final separation. Compared to Christian orthodoxy, Spiritualism offered lenient, comfortable views of God and the afterlife to nineteenth-century Americans.⁶¹

Spiritualism had immense cultural influence on nineteenth-century American society despite its lack of institutional structures or membership rolls. Because of Spiritualism's decided avoidance of institutionalization—it had neither orthodox doctrine nor official membership—the historian struggles to define what Spiritualism was or who Spiritualists were, let alone to assess the exact number of believers. Spiritualist séances and lectures attracted casual investigators and skeptics as well as

⁶¹ Robert W. Delp, "Andrew Jackson Davis: Prophet of American Spiritualism," *The Journal of American History* 54, no. 1 (1967): 43–56; Braude, *Radical Spirits*, Chap. 2; Catherine L. Albanese, "On the Matter of Spirit: Andrew Jackson Davis and the Marriage of God and Nature," *Journal of the American Academy of Religion* 60, no. 1 (Spring 1992), 1-17; Sally Morita, "Unseen (and Unappreciated) Matters: Understanding the Reformatory Nature of 19th-Century Spiritualism," *American Studies* 40, no. 3 (October 1, 1999): 99–125. For more on the religious ideology and practices of Spiritualism, see Bret E. Carroll, *Spiritualism in Antebellum America* (Bloomington: Indiana University Press, 1997).

firm believers. The number of Spiritualists estimated by contemporary observers ranged from a few hundred thousand to eleven million, although the latter number no doubt must have been exaggerated, considering that the entire U.S. population numbered only twenty-eight million at midcentury.⁶² A skeptical reporter from *Frank Leslie's Illustrated Newspaper* argued that Spiritualism, for all of its popularity and influence, deserved serious investigation, however delusional it seemed: "Men of deep and varied science, learned theologians and cautious men of the world—some of the boldest and clearest thinkers of the day—have been captivated by this strange belief that the children of earth have direct communication with the spirit world."⁶³ The fact that the believers and investigators of Spiritualism included notable reformers and intellectuals as well as average citizens made it difficult for contemporary Americans to dismiss the faith merely as a delusion of the credulous.

Many ardent Spiritualists involved themselves with various antebellum reforms, out of their commitment to infuse the influence of the higher spheres into the social life on earth. Spiritualism grew increasingly individualist and anti-authoritarian, particularly because its practitioners directly communicated with the other world, bypassing the need for institutional religion to attain spiritual truths. Spiritualists believed that the conventional authority of the church and state hindered harmony between an individual and his or her inherently divine nature.

⁶² Braude, *Radical Spirits*, 25; Catherine L. Albanese, *A Republic of Mind and Spirit: A Cultural History of American Metaphysical Religion* (New Haven: Yale University Press, 2007), 220–21. McGarry, *Ghosts of Futures Past*, 3.

⁶³ "Miss Cora Hatch, the Eloquent Medium of the Spiritualists," *Frank Leslie's Illustrated Newspaper*, May 9, 1857, 358.

Spiritualism became connected specifically to the cause of women's rights. In contrast to established churches, Spiritualism allowed women to assume leadership roles. Central to Spiritualist practices was communication with the spirits of the departed, which necessitated mediumship performed by specific men and women with spiritual power. While mediumship was not gender-restricted, many popular mediums were adolescent girls and young women like the Fox sisters. Like many nineteenth-century Americans, Spiritualists believed that women and children were especially able to receive and transmit the power of spirits because of their inherent passivity and purity. Due to the vast number of female believers and the leadership roles women played as mediums and public speakers, Spiritualists pursued gender equality in their practice, polity, and ideology, and they advocated practical reforms to women's oppression in the wider society.⁶⁴

This concern with women's oppression led some Spiritualists to champion marital and sex reforms. Spiritualists believed that the natural order of the universe assigned one true mate for every individual; this permanent marriage united by "spiritual affinities" would endure in the afterlife. (Those who could not find their spiritual partners on earth would be united with them in heaven.) The social conditions of women in this life often put them in false, loveless marriages with unsuitable men, which brought disastrous consequences for women's physical and mental health. Some Spiritualists thus advocated for marital reform so that people could dissolve earthly marital bondage and attain the perfect union according to the higher law. "Harmonial Marriage" was, Andrew Jackson Davis wrote, "*a blending of the two souls*

⁶⁴ Braude, *Radical Spirits*, chaps. 3-4.

so absolutely, that no extrinsic influence can dominate over, or in any manner vitiate, the internal attraction.” True marriage was “an outward manifestation of internal principles,” and “the words, pronounced by the minister or the justice, are in themselves of no account for either in earth or heaven.”⁶⁵ The notion that spiritual affinities preceded the institution of marriage probably provided the moral justification that many men and women needed to end an unhappy marriage and pursue their destined soul mates. Sex radical Spiritualists, or Spiritualist free lovers in other words, employed the notion of free love to express their ideas about the higher law of spiritual attractions.⁶⁶

Meanwhile non-free-lover Spiritualists accepted “free love” in limited contexts. Trance medium Lizzie Doten observed that there were two different meanings to the term “free love.” She stated: “One is high and holy and pure, taking hold upon the holiest attributes of Deity himself; and the other, by reason of perversion, expresses, not free love, but, to speak plainly, *free lust*.” Doten supported free love if it meant the former, while rejecting the latter. According to Doten, these differences in the definition of the word resulted from the “degree of the development of the love principle in the soul” of each individual. “When the love principle is truly developed,” Doten argued, a man would “seek his counterpart with a due regard for his brother man and sister woman” and govern himself not to encroach on others’

⁶⁵ Andrew Jackson Davis, *The Great Harmonia: Vol. IV. Concerning Physiological Vices and Virtues, and the Seven Phases of Marriage* (Boston: Sanborn, Carter & Bazin, 1855), 306, 417, 418.

⁶⁶ For more on Spiritualists’ critique of marriage and idea of spiritual affinities, see Braude, *Radical Spirits*, Chap. 5; Cathy Gutierrez, *Plato’s Ghost: Spiritualism in the American Renaissance* (New York: Oxford University Press, 2009), chap. 4..

marriage, for his love would be directed not only to one particular person but also to “the whole great human family.”⁶⁷ Doten’s version of free love thus referred to a spiritually-developed person’s selfless, non-carnal affection for all humankind. Some other Spiritualists did not personally advocate free love yet admitted merits of the doctrine. Spiritualist and pro-divorce reformer Warren Chase wrote:

Some persons talk of free love as a state of wild, homeless mothers and children, reckless men, and full license to the passion of men to prey upon woman as if she had no authority or capacity to resist ... True, I have seen a few men, wild with passion (usually fanatically religious), who had attempted to neutralize society with lust ... These were not lovers at all, much less *free* lovers. The free lovers with whom I am acquainted have the best and happiest homes in the country, the pleasantest and happiest families, are the truest and happiest wives and husbands, most devoted to their homes and children of any people; and hence I think it might be an improvement to have a little more of it in society; for it would, to a great extent, obviate the necessity of loosening out divorce laws.

Even though Chase stuck to the necessity of marital law to regulate those who were spiritually and morally underdeveloped (and who thus confused lust with love), he recognized the sincerity of free lovers, and believed that divorce reformers and free lovers were working for the same grand purposes of mitigating women’s marital sufferings and creating happier sexual relationships.⁶⁸

Most reform-minded Spiritualists did not intend to sever the connection between sexual relations and the marriage contract, calling rather for easier divorce

⁶⁷ Lizzie Doten, *Free Love and Affinity: A Discourse Delivered under Spirit Influence, by Miss Lizzie Doten, at the Melodeon, Boston. Sunday Evening, March 20, 1859*, Second Edition (Boston: Bela Marsh, 1867), 3, 7, 8.

⁶⁸ Warren Chase, *The Fugitive Wife: A Criticism on Marriage, Adultery and Divorce* (Boston: Bela Marsh, 1861), 91-95.

and women's equal rights within and outside of marriage. They fundamentally believed in the permanency and monogamous nature of true love between a woman and a man, and often reacted negatively toward the varietist form of "free love." At the same time, almost all prominent nineteenth-century free lovers simultaneously regarded themselves as Spiritualists. Spiritualists and free lovers shared the same vocabularies (including "sexual slavery" and enforced maternity) in attacking the immorality of conventional patriarchal marriage, and free lovers' ideas about ideal sexual relations were greatly informed by Spiritualist terminology. As Alfred Cridge's statement that "Free love is THE doctrine of Spiritualism" exemplified, Spiritualist free lovers argued that Spiritualist philosophy supported the free love doctrine.⁶⁹ In other words, self-identified free lovers could be regarded as overlapping the radical end of Spiritualists.

The critics of Spiritualism often disparaged Spiritualists by associating them with the sexual licentiousness of "free love" theory. The popular press distributed numerous accounts about Spiritualists who allegedly acted on free love. The popular connection between Spiritualism and free love was enhanced by the highly publicized divorce case of trance medium Cora L. V. Hatch. Among many mediums, Cora Hatch was arguably the most popular and celebrated medium throughout the nineteenth century. Born Cora Scott in a small town in the interior of New York State in 1840, she started performing trance mediumship in her early teens to provide mortal seekers of light with advanced teachings from the other world. She was loved by séance-goers for her eloquence, childlike innocence, and feminine beauty. Cora was only sixteen

⁶⁹ Alfred Cridge, "Spiritualism, Socialism, and Free Love," *Social Revolutionist*, April 1856, 124.

when she married Benjamin F. Hatch, a doctor who was senior to her by more than twenty years, to become his fourth wife. Soon after marriage, Benjamin stopped his medical practice and began acting as Cora's stage manager, presiding at her public lectures.⁷⁰ In September 1858, however, Cora filed a suit for divorce against her husband. As in the case of many divorces, the perceptions of the situation significantly differed between the opposing parties. In Benjamin's version of the story, the separation was a bolt out of the blue. According to him, up to July of that year, everything was going well between him and Cora. But when he returned to their New York house from his travel to Chicago in early August, Cora suddenly turned remote and cold, scarcely speaking a word to him. Cora, on the other hand, argued that their separation was caused by Benjamin's domestic cruelty. A friend of Cora's testified that Cora was terrified of Benjamin. On one occasion when Cora saw Benjamin while staying at the friend's house, Cora "turned as pale as death, and trembled like an aspen leaf, and begging the privilege of concealing herself, hid in a bed-room."⁷¹ Meanwhile, John W. Edmonds, a notable Spiritualist and the former judge of the New York Supreme Court, suggested the alleged monetary motives in Benjamin's refusal to divorce. Through her public work, Cora had gained a substantial amount of income out of admission fees, usually fifteen cents per person, charged to the audience. Edmonds argued that Cora had earned between 6,000 and 7,000 dollars in two years,

⁷⁰ A. B. Child, "History of Mediums: Number IV," *Banner of Light*, July 17, 1858, 8; Harrison Delivan Barrett, *Life Work of Mrs. Cora L.V. Richmond* (Chicago: Hack & Anderson, 1895), 20-21, 108-112.

⁷¹ "Cora L. V. Hatch and Husband," *New York Post*, reprinted in *Alexandria Gazette*, September 17, 1858, 2; Benjamin F. Hatch, *Spiritualists' Inquiries Unmasked, and, the Hatch Divorce Case* (New York: B. F. Hatch, 1859), 24-26.

while Benjamin had not earned a cent. Edmonds blamed Benjamin for not only taking possession of Cora's earnings but also denying her the comforts and necessities of life. To this accusation, Benjamin retorted that he had expended a generous amount of money on Cora's jewelry and clothes as well as real estate under her name. In Benjamin's view, his unwilling separation from the "idol of his heart" was caused by "jealousy on the part of other spiritual exhibitors, who envy the tact with which he managed Cora's business."⁷²

Spiritualists who knew both members of the Hatch couple generally sided with Cora and supported her decision to leave her husband. As historian Daniel Herman pointed out, nineteenth-century Spiritualism operated on the boundary between religion and entertainment.⁷³ Benjamin Hatch at times appeared to break that delicate balance and push the aspect of Spiritualism as entertainment too far in the eyes of believers and non-believers alike. According to a non-Spiritualist journalist who attended Cora's lecture, although "Mr. Hatch showed an admiration of his wife's extraordinary powers that was pleasant to witness in a fond husband," his behavior on the stage was nevertheless disturbing. The journalist stated that "his style of puffing was not in the best taste, being more after the manner of the showman descanting on the attractions of some curious beast, and anxious to get from the crowd as many coppers as possible, rather than in that of an apostle of a purer and more disinterested

⁷² "Dr. Hatch, the Spiritualist, Rebels against His Spiritualist Judges," *Boston Courier*, January 6, 1859, 2.

⁷³ Daniel Herman, "Whose Knocking? Spiritualism as Entertainment and Therapy in Nineteenth-Century San Francisco," *American Nineteenth Century History* 7, no. 3 (September 2006): 417–42.

gospel than the world had yet received.”⁷⁴ An editorial of the spiritualist periodical *Banner of Light* likewise noted Benjamin’s unpopularity among the Spiritualist community: “He is disliked, for his sordid, money-grasping disposition, and we believe that not only will the public uphold Mrs. Hatch in the course she has taken, but will rejoice to see her free from the influence of her husband, which has been most assuredly injurious to her popularity and influence in this section.”⁷⁵ Spiritualists considered Benjamin Hatch an undesirable partner for their favorite medium since his explicit views of Cora’s trance lectures as “business” jeopardized their belief in Spiritualism as a religious movement.

Newspapers across the country sensationalized the separation of the famous Spiritualist couple by the accusation of easy divorce and “free love.” Benjamin Hatch further stirred the scene by sending letters to the editors of the popular and Spiritualist press, and eventually privately publishing a tract titled *Spiritualists’ Inquiries Unmasked, and, the Hatch Divorce Case*. In this exposé, Benjamin reproached Spiritualists for promoting “free love” and encouraging Cora to leave him for another man. Benjamin claimed that their happy marriage was destroyed due to Cora’s mediumship and Spiritualist faith, since her moral sensibility became corrupted by demoniacal influence. Whereas Spiritualists argued that childlike innocence and passivity were essential natures for mediumship, the very same characteristics were simultaneously considered to render mediums vulnerable to the influence of the evil spirits of the living and the dead. Relying on this notion, Benjamin wrote, “her gentle,

⁷⁴ “Angel Presence,” *Springfield Republican*, July 19, 1858, 4.

⁷⁵ “Mrs. Hatch,” *Banner of Light*, October 2, 1858, 5.

susceptible, ardent and yielding nature infested by demons within, and surrounded by those of a corresponding condition without, her own individuality is swallowed up in the vertex of evil.” Under this vicious influence, Benjamin asserted, Cora had become reckless of moral principle and pursued “free love” debauchery at the expense of family, as had many other mediums and Spiritualists.⁷⁶

Many Spiritualists, on the other hand, continued to encourage women like Cora to end “transient” marriages with husbands whose level of moral and spiritual development failed to match theirs. Warren Chase repudiated Benjamin Hatch’s attack against mediums’ morality, affirming Cora’s “meekness and forbearance of an angel” in domestic relations during her marriage. Chase claimed that “mediumship and spirit influence generally render the subject more sensitive, more ardent, more affectionate, more spiritual, and less sensual, and usually, more refined, more ambitious, and more truly religious, pure and devoted,” while “these condition do often render less harmonious unions with persons of sensual, tyrannical, vulgar, or animal conditions.”⁷⁷ Cora’s Spiritualist friends claimed that it was never immoral or irresponsible for women to leave false marriages that proved to have no spiritual affinities and caused them physical and emotional harm.

The issue of marriage inevitably created controversy and division within the Spiritualist movement. More moderate or conservative Spiritualists were afflicted by the association between Spiritualism and free love perpetuated by Hatch’s scandal. A

⁷⁶ Benjamin F. Hatch, *Spiritualists’ Inquiries*, 9-10, 12-15; McGarry, *Ghosts of Futures Past*, 35, 39.

⁷⁷ Warren Chase, “B. F. Hatch and the Mediums,” *Banner of Light*, October 2, 1858, 5.

Spiritualist who reported the Hatch's divorce protested against "that laxity with which many Spiritualists seem disposed to regard the marriage tie."⁷⁸ Some Spiritualists refused to believe that Spiritualism encouraged "free love." A Tennessee Spiritualist deplored that the opponents of Spiritualism falsely attributed free love to Spiritualism. He or she wrote, "This sensual doctrine, started by Mr. Nichols and others of New York, has been again and again denied and denounced by Spiritualists and spiritual papers everywhere." On the contrary, the Spiritualist argued, "moral purity is the main pillar in the Spiritual temple"; "nothing but chaste desire and the holiest affection—producing a oneness of nature—should ever actuate those who contemplate the marriage relation."⁷⁹ The conservative wing of Spiritualists tried to stay away from controversial reform politics including abolitionism, and particularly the marital question, wishing rather to concentrate on spirit manifestation.⁸⁰

The word "free love" signified a completely different set of marital and sexual schemes at the Oneida Community (1848-81) in central New York. This communal experiment at Oneida was based on the founder John Humphrey Noyes's Perfectionist theology, which was a product of the religious revivals of the 1830s and 1840s. Oneida Perfectionists rejected the concept of original sin, believing that all pious, true Christians could achieve salvation and live in sinless perfection in this world. Noyes preached that, when individuals surrendered to that inner sense of God's grace, their behavior would follow His will, regardless of the provisions of earthly law. As God's

⁷⁸ "New York Correspondence," *Banner of Light*, November 13, 1858, 5.

⁷⁹ "Metaphysicians," *Nashville Union and American*, November 30, 1854, 3.

⁸⁰ Braude, *Radical Spirits*, 75-76.

agents, Noyes and his followers sought to establish the millennium, or the kingdom of God, on earth. Noyes envisioned creating an enlarged household, in which all its members relinquished not only the possession of individual property but also the possession of persons in the form of marriage. In order to achieve non-exclusive unity among the faithful, Noyes implemented the “complex marriage” system, in which men and women were married to every one of the opposite sex of the entire community.⁸¹

Sexual intercourse was central to the religious practices at Oneida. In Noyes’s theory, the magnetically charged Spirit of God could be passed on from the more spiritual to the less spiritual through physical contact, particularly sexual intercourse. Noyes divided sexual acts into two categories, the “amative” and the “propagative,” and claimed the former was superior in that it enhanced spiritual development and social fellowship. To separate sex from procreation, Noyes introduced the technique of “male continence,” also known as *coitus reservatus*. Male continence was a contraceptive method in which men refrained from ejaculating during and after intercourse. Noyes argued that complex marriage emancipated women from the “sexual slavery” of exclusive marriage and unwanted pregnancy.⁸²

As historian Lawrence Foster states, Noyes and his followers “somewhat misleadingly” described complex marriage as a form of “free love.” In reality, sexual relationships at the Oneida Community were not so much free as ordered and regulated. Noyes and other community leaders carefully controlled the sexual life of

⁸¹ Lawrence Foster, “Free Love and Feminism: John Humphrey Noyes and the Oneida Community,” *Journal of the Early Republic* 1, no. 2 (Summer 1981): 165–83.

⁸² Ellen Wayland-Smith, *Oneida: From Free Love Utopia to the Well-Set Table* (New York: Picador, 2016), chap. 5.

community members. Theocracy at Oneida was strictly hierarchical and gendered. The system of “ascending fellowship” institutionalized a hierarchy among the community members according to the degree of spiritual advancement. Since both advanced age and maleness were considered more spiritual than youth or femaleness, Noyes was at the top, and a handful of selected elderly men collaborated with him in important community decisions. Those with higher status also had a larger pool of sexual partners. Because ascending fellowship encouraged sex between the more spiritual and the less spiritual, inexperienced girls and boys were sexually initiated by older, more spiritual members of the opposite sex. Young men were not allowed sexual contact with women of the same age group until they were into their twenties and had perfectly mastered the technique of male continence. The practice of complex marriage forced the followers to restrain their jealousy and selfishness. The Community forbade a continuing particular attachment, or what they called “special affection,” between a man and a woman, or between a parent and a biological child. After the Community finally commenced the eugenic experiment of selective breeding called “Stirpiculture” in 1869, Noyes and the “Stirpicultural committee” selected would-be parents based on their intellectual, physical, and spiritual characteristics to produce superior children. Even though women at Oneida enjoyed greater equality in many ways compared to those in the wider society—they were freed from the burden of child care through the system of communal childrearing and allowed to participate in any kind of communal work—the Oneida experiment ultimately did not spring from feminist concerns. Noyes was convinced that women were spiritually inferior; he adopted the contraceptive method of male continence because he believed that men were naturally more selfless and nobler, and more capable of self-control.

Fundamentally, the requirement for the divine commission was not self-ownership but selflessness; the followers had to subordinate their individualism and selfish interests to the will of God and the communal good. Oneidan “free love” therefore was quite antithetical to the individualist and feminist free love doctrine.⁸³

Noyes argued that he coined the term “free love” before free lovers appropriated the word to describe their own ideas about sexual relationships. Disturbed by public confusion between their community and free lovers, Noyes tried to distance the Oneida Community from those who advocated “free love” yet did not share belief in Noyes’s divine commission. Noyes wrote: “Free love with us does *not* mean freedom to love to-day and leave to-morrow; or freedom to take a woman’s person and keep our property to ourselves; or freedom to freight a woman with our offspring and send her down stream without care or help.” He contrasted “*reckless and cruel freedom*” of free lovers to the affectional communism of his colony, which he stressed was a family bounded permanently by responsibilities and love.⁸⁴

Despite differences between them, however, free lovers and Oneidans constituted a larger reform network of sex radicals, in which they shared the criticism of conventional marriage. Noyes was influenced by Fourierist socialism more than by any other religious sects, and described his community as the Fourierists’ successor.

⁸³ Foster, “Free Love and Feminism,” 165; Louis J. Kern, *An Ordered Love: Sex Roles and Sexuality in Victorian Utopias: The Shakers, the Mormons, and the Oneida Community* (Chapel Hill: University of North Carolina Press, 1981), 231–32; Martin Richards, “Perfecting People: Selective Breeding at the Oneida Community (1869–1879) and the Eugenics Movement,” *New Genetics and Society* 23, no. 1 (2004): 47–71; Wayland-Smith, 66–71.

⁸⁴ John Humphrey Noyes, *History of American Socialism* (New York: Hilary House Publishers, 1870), 639–40.

Even though Oneidan complex marriage largely stemmed from Noyes's religious belief and personal experience, Fourierists' attack on the "isolated household" and their theory of passional attraction inspired Noyes to implement his own sex radical ideas.⁸⁵ Before he realized that the public conflated his community and free lovers, Noyes's view of free lovers was critical but not quite acerbic. While Noyes rejected free lovers' solution of individual sovereignty separated from the influence of "the Gospel of Christ," he generally affirmed their attack on the existing marriage system. The emergence of free lovers, Noyes wrote in 1858, "indicate the working of new ideas in the public mind, tending to undermine the stability of the present social institutions, and prepare the way for a better social gospel. While we do not expect results of much practical value from such movements, we apprehend but little danger to mankind generally."⁸⁶

Free lovers had seemingly contradictory sympathy toward the anti-individualist experiment at Oneida. Free lovers read the Oneida *Circular*, the periodical published by Noyes, and Noyes wrote editorials related to the free love movement and published writings submitted by free lovers. Some Berlin Heights free lovers visited the Oneida Community and later thanked the Oneidans for the pleasant stay at their community.⁸⁷ Oneida Perfectionists and individualist free lovers were

⁸⁵ Carl J. Guarneri, "Reconstructing the Antebellum Communitarian Movement: Oneida and Fourierism," *Journal of the Early Republic* 16, no. 3 (Spring 1996): 463–88.

⁸⁶ "Free Love and Phrenology," *Circular*, March 25, 1858; "Free Love in Central New York," *Circular*, March 4, 1858, 24.

⁸⁷ "Extracts from Correspondence," *Circular*, August 2, 1860, 108.

loosely united by their shared commitment to pursuing alternative sexual relationships in place of lifelong monogamy.

The complex relations between Oneidans and free lovers became apparent during the eventual collapse of the Oneida Community. A group of former Berlin Heights residents, consisting of James W. Towner, his wife, and relatives, joined the Oneida Community in 1874. The free lovers brought with them the ideals of individual sovereignty into the community. After 1877, tension within the community increased as John Humphrey Noyes attempted to pass the leadership over to his son Theodore. While Noyes's personal charisma as the head of ascending fellowship had enabled his autocratic rule, Theodore failed to convince the community members to accept his absolute authority over their social and sexual life. Towner then formed an opposing group to depose the Noyeses' theocratic control. The Towner party called for a republican form of government, and demanded individual freedom in deciding sexual partners. The strife over community governance eventually led to the abolition of the Oneida's complex marriage in 1879. The Oneida Community disbanded in 1880 and converted into a joint-stock company.⁸⁸

Conclusion

Free lovers pointed out that the prevailing understanding of freedom stood on the violation of individual freedom and on the sacrifice of women, particularly at home. Their faith in individual sovereignty shaped their nonconforming attitudes

⁸⁸ Joanne E. Passet, "Beyond Berlin Heights: The Free Lovers in History and Memory," *Communal Societies* 25 (December 2005), 99-100; Wayland-Smith, *Oneida*, 153-154, 157-159, Chapter 10.

toward marriage and sexuality. Free lovers politicized the private sphere through their claim that freedom began in the control of one's body and sexual relationship. In the words of Joseph Treat, "If you are not free to love, you are not free."⁸⁹ To its opponents, free love posed a serious threat not simply because it might promote sexual immorality and perversion. The principles of individual sovereignty and free love inherently denied any form of gender hierarchy even in the domestic domain and thus implied the total reshaping of the existing organization of power in American society.

In print as well as in real life, free lovers combated the popular misrepresentations of their cause. They asserted that free love would actually enhance sexual purity and abate sexual excess by endorsing women's sexual autonomy and thus circumscribing men's unchecked access to their wives' bodies under the mantle of indissoluble marriage. Free lovers' definitions of free love, however, never became dominant in the wider culture. The popular press and local residents refused to interpret or use the term "free love" as the proponents defined it, arguing that free lovers were disguising their lascivious motivations by nonsensical talk of spirituality and women's rights. The popular misunderstanding of free love was partly intentional in order to debase the cause, but the meaning of the term was indeed murky. Sex radicals themselves disagreed on what "free love" actually meant or what its achievement entailed, and they used the term in various definitions. The elusiveness of free love, yet with real threats to overturn the sexual, political, and social order, made it an exceptionally potent rhetoric in nineteenth-century American politics.

⁸⁹ Joseph Treat, "Free Love Fairly Stated," *Social Revolutionist*, February 1857, 52

Chapter 3

THE POLITICAL USE OF “FREE LOVE” IN SECTIONAL DEBATES OVER SLAVERY

In February 1861, president-elect Abraham Lincoln left his hometown of Springfield, Illinois, heading for his inauguration in Washington, D.C. The nation was then in the midst of the greatest political crisis since the founding of the republic: shortly after Lincoln was elected the first president from the antislavery Republican Party in 1860, southern states resolved to withdraw from the federal Union to save their peculiar institution. En route by train for the capital, Lincoln stopped to address crowds and legislatures in cities across the North. In a speech he delivered in Indianapolis on February 12, Lincoln invoked the image of free love to denounce the secession of the slave states. He claimed that these southern states’ idea of the Union represented “no regular marriage, but rather a sort of free-love arrangement, to be maintained on passional attraction” and thus dissoluble at will. In this analogy of a familial and marital relation, secessionists, who gave priority to states’ rights over the unity of the nation, were similar to selfish and immoral free lovers who would stay in marriage as long as sexual attraction lasted but were ready to leave it when any undesirable issues arose. By linking the sacred tie of the Union with the irresolvable marital bond, Lincoln equated the secession with “free love” in politics.¹

¹ “The Presidential Elect,” *North American and United States Gazette*, February 12, 1861, 2; “Domestic Intelligence,” *Harper’s Weekly*, February 23, 1861, 119.

In the second half of the nineteenth century, the concept of free love stimulated sensations far out of proportion to the small size of the free love movement. Compared to the Mormons, who also defied conventional sexual morality by practicing polygamy yet counted 40,000 followers by 1860 according to the U.S. Census, the number of self-professed free lovers was quite limited. For instance, the *Social Revolutionist*, one of the leading organs of the free love movement prior to the Civil War, had merely four hundred subscribers.² Even when free lovers' concerns for women's subjugation within marriage managed to draw a certain degree of sympathy from divorce reformers and Spiritualists, their solution of dismantling legal marriage rarely obtained approval from contemporary reformers, let alone from the general public. Despite free love's apparent lack of popular support, however, mid-nineteenth-century Americans across the country spoke incessantly about "free love" and its alleged influence on society. The booming popular print culture of the mid-nineteenth century was to a large extent responsible for free love's disproportionate influence. The antebellum press widely distributed the exaggerated notions of free love to warn readers of the danger and folly of free love ideology. At the same time, the very availability of free love ideas through these popular publications as well as through the sex radical press enhanced anxieties that free lovers might encourage and justify morally deviant behaviors in wider society.

This chapter explores the use of "free love" as a political metaphor in sectional debates over racial slavery before, during, and right after the Civil War. As public

² Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 72; Taylor Stoehr, *Free Love in America: A Documentary History* (New York: AMS Press, 1979), 6.

discussions about free love multiplied in the 1850s, the term became one of the crucial components of antebellum political discourse. The return of slavery to the center of United States politics in the same decade defined the contours of these discussions. Under the intensifying sectional division, a wide range of Americans regardless of partisanship—slavery defenders and abolitionists, Democrats and Republicans, Northerners and Southerners—used the anathema of free love in order to condemn the immorality of their adversaries. The usefulness of free love as a rhetorical device lay in its extreme vagueness and plasticity, because the term could be appropriated to attack a variety of people. In some contexts, free love described the particular social theories of socialist communitarians, religious heretics, or radical Spiritualists; in others, the word could stand for broad efforts for liberal divorce and women’s rights, extramarital sexual practices like prostitution or adultery, or disunion for the preservation of slavery. In all of these contexts, the word represented a serious threat to the institution of lifelong monogamous marriage, which was understood to be the cornerstone of democracy, liberty, civilization, and the stability of the nation.

Free love became such an abominable label in nineteenth-century America not just because it supposedly threatened the integrity of marriage and conventional gender norms, but also because it might jeopardize the racial purity and dominance of whites. Despite the fact that free lovers were almost exclusively white, their critics nevertheless associated various practices of “free love” (polygamy, easy divorce, premarital sex, concubinage, and promiscuity) with Asian, African, and Middle Eastern populations as well as enslaved African Americans. Anti-free lovers claimed that free love practices exemplified sexual excess and barbarism among nonwhites, and that the prevalence of the free love ideology would lead to the degeneration of the

civilized white race in America. Anti-free love rhetoric thus served to legitimize and naturalize the moral supremacy of white Christian monogamy.

Even as these critics warned that free love might degrade an otherwise homogenous white race, they also feared that free lovers would abandon racial boundaries. Some anti-free love commentators claimed that freedom in the matter of love potentially had the power to annihilate legal and social taboos against love across the color line and thereby disrupt racial hierarchy. Anti-free lovers deduced from free lovers' opposition to public regulations of private relationships that the notion of free love included the abolition of anti-miscegenation laws and customs. The racial critiques of free love occurred as legislation against interracial marriage and sex were growingly complex and more stringently enforced, particularly after the abolition of slavery. The dissolution of racial slavery inevitably meant the fundamental transformation of race relationships, and increased white concerns about the disintegration of racial differences.

Despite their supposed opposition to any law that artificially controlled natural affections and desires, few free lovers explicitly questioned the legitimacy of anti-miscegenation laws. Free lovers' silence on the issue of interracial relationships indicated their insensitivity or indifference toward marital regulations that contributed to the maintenance of racial hierarchy. Free lovers presumed that affections were naturally intraracial; ultimately, they were only interested in freeing *white* women from the "sexual slavery" of marriage. The intentions of free love advocates aside, the suspicion that free love facilitated interracial intimacy added further infamy to its cause.

“Free Love” in Political Debates over Abolition and Disunion

From the late 1840s onward, political disputes over the institution of racial slavery divided the nation between the free and slave states. With massive westward expansion, the question of slavery in newly acquired territories made sectional hostilities come to the surface. The Kansas-Nebraska Act of 1854 angered northern public opinion by repealing the Missouri Compromise of 1820, which forbade the extension of slavery to the Kansas and Nebraska territories. The enactment of the law accelerated public support for antislavery congressmen in the North and led to the establishment of a new party based on an anti-Nebraska political coalition, namely the Republican Party, in the same year. As sectional contest over slavery intensified in the late 1850s and eventually led to the outbreak of the Civil War in 1861, the opposing political parties offered distinctive social and cultural worldviews in their appeal for votes. Gender occupied a primal place in these political discourses. As historian Michael D. Pierson has argued, “By politicizing gender, parties hit upon an easily understood shorthand by which less than fully engaged voters could form a sense of shared identity with mass politics.”³ Partisan politics over slavery became inextricably tied to contested ideologies about marriage and gender.

By the late 1850s, “free love” became one of the crucial vocabularies to highlight the partisan divisions on gender and sexuality. The fact that free lovers sprang from the radical faction of northern reformers made the epithet of “free love” an exceptionally useful tool for proslavery Democrats. In the North, social changes created by industrialization, a market economy, and evangelical Christianity

³ Michael D. Pierson, *Free Hearts and Free Homes: Gender and American Antislavery Politics* (Chapel Hill: University of North Carolina Press, 2003), 116.

transformed family formation over the first half of the nineteenth century. The new middle-class ideal of domesticity, with its ideas about the moral superiority and maternal duties of women, increased women's authority over the household and helped facilitate their activism in the public sphere as well.⁴ In contrast, the slave South retained patriarchal practices and an ideology based on male authority and female subservience. Owing to the existence of slavery, southern social structure remained built on the strict hierarchies of age, gender, race, and class; white husbands and fathers rejected any challenges to their patriarchal privileges. Specifically during sectional conflicts over slavery, patriarchy became the central component of proslavery politics. By drawing an analogy between slavery and marriage, proslavery theorists argued that slaves, like women, were naturally fitted to submit to the control of the male head of the household. They relied on patriarchy as a metaphor to naturalize hierarchy and thus rationalize the institution of racial slavery. The ideal of patriarchal mastery served to strengthen political alliances between wealthy planters and self-working yeomanry in the South, and between southern and northern proslavery Democrats. In proslavery discourse, women's nature and social role thereby assumed political significance. The defenders of slavery adhered to male authority over women within the household. They accused Republicans and northern reformers of allowing women to control the family, participate in public life, and even

⁴ Nancy F. Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835* (New Haven: Yale University Press, 1977); Mary P. Ryan, *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865* (New York: Cambridge University Press, 1981); Anne M. Boylan, *The Origins of Women's Activism: New York and Boston, 1797-1840* (Chapel Hill: University of North Carolina Press, 2002).

demand equal rights.⁵ In the eyes of Democrats and their constituents, free love ideology symbolically demonstrated the absurdity of the reformist North. Proslavery discourse frequently utilized the image of free love in order to prove the faults in abolitionism and the Republican Party and in the Northern political economy in general.

The alleged association between antislavery and free love ideology appeared in the political campaign for the 1856 presidential election. The Republican Party's first candidate in the presidential race was John C. Frémont, a celebrated ex-military officer well known for his frontier expeditions. The newly-founded Republican Party coalesced around opposition to the expansion of slavery into western territories, and appealed exclusively to northern voters. The core of the Republican ideology was the concept of "free labor," which embraced free and prosperous northern society characterized by economic growth, social mobility, and equality of opportunity. Believing in the dignity of labor, Republicans argued that, through hard work, most male laborers were able to achieve economic independence and own their own capital in the forms of a business, farm, or shop. They denied the existence of real class conflicts, because economic prosperity under the free labor system supposedly promoted the equal distribution of wealth rather than its accumulation in the hands of the elite. Those who most typically embodied the free labor spirit were westward

⁵ Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995); Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996); Christine Leigh Heyrman, *Southern Cross: The Beginnings of the Bible Belt* (New York: A.A. Knopf, 1997); Pierson, 95-114.

settlers who left eastern homes for a better life in the frontier lands. In contrast, Republicans viewed slavery as an economically, socially, and morally backward institution. While the slave South was an “unfree” society dominated by the antidemocratic, hierarchical plantation ideology, free labor ideology exemplified the superiority of the North and its socioeconomic system. Republicans claimed that the institution of slavery degraded labor, and that its extension into the West would end up excluding northern free laborers from the territories. The creation of the Republican Party and its rise to power in the North marked the culmination of sectional tension over the question of slavery.⁶

Responding to these attacks from Republicans, Democrats in the South and North questioned the quality of freedom that the Republicans endorsed. In Democratic propaganda, the anti-slavery Republican Party was suspected of advocating free love as well as free labor. Democrats took advantage of the fact that northern reformers usually opposed slavery, and spread a misrepresentation that Republican politicians embraced the most progressive and controversial reform causes of the era. Newspaper articles and political cartoons ridiculed Republicans for the party’s alleged willingness to support all kinds of radical reforms including not just abolitionism but also women’s suffrage, Spiritualism, and, ultimately, free love. In so doing, Democratic discourse asserted that a Republican victory would lead to the disruption of marriage and to sexual license. A political cartoon created before the 1856 election depicted a meeting of the “Black Republican party” (the derogatory term Democrats often used for the antislavery Republican party) comprised of “a representative of nearly all the

⁶ Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970).

isms.” A “disciple of Free Love and Fremont” joins other party members, including a “long-bearded spiritualist,” a “puritanical bigot,” an African American man, and a reformer “who is descanting upon woman's rights and niggers wrong.” (See fig. 1.) Another caricature by popular lithographer Louis Maurer depicted a similar image of a conglomeration of radical reformers under the Republican Party. It is worth noting that, in Maurer’s cartoon, a Catholic priest was among Frémont’s supporters. Frémont was an Episcopalian throughout his life, but the fact that his father was a French immigrant made him susceptible to the allegation of popery. Hoping to alienate nativist voters from Republicans, Democrats claimed that Frémont was a closet Catholic, although it was the Democratic Party that had traditionally attracted votes from Catholics and immigrants.⁷ Aligning with the Catholic priest were a temperance reformer, a socialist, a women’s rights activist, a black abolitionist, and a free lover. The elderly female free lover, caricatured as homely looking, says to Frémont, “Col. I wish to invite you to the next meeting of our Free Love association, where the shackles of marriage are not tolerated & perfect Freedom exists in love matters and you will, be sure to Enjoy yourself, for we are all Freemounters—.” (See fig. 2.) The last word, “Freemounters,” apparently had a double meaning: supporters for Frémont and sexually promiscuous women. Democratic propaganda asserted that “free love” would be among the inevitable consequences of Frémont’s presidency. In doing so, Democrats not only aimed to deprive the Republicans of moral credibility but also spread distorted representations of free love across the nation.

⁷ *Col. Fremont Not a Roman Catholic* (New York: n.p., 1856); Charles Wentworth Upham, *Life, Explorations and Public Services of John Charles Fremont* (Boston: Ticknor and Fields, 1856), 15; Foner, *Free Soil, Free Labor*, 249-250.

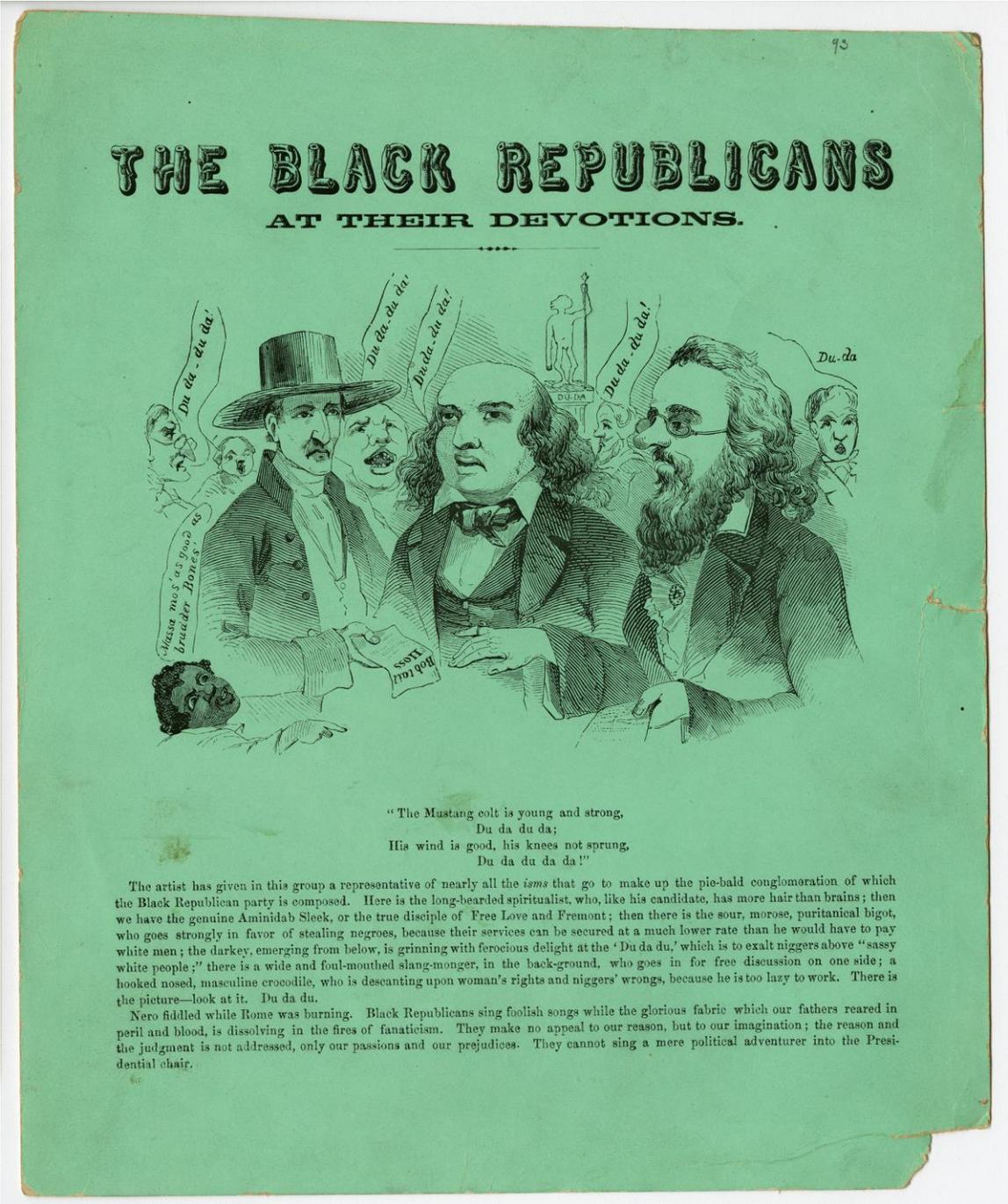


Figure 1 "The Black Republicans at Their Devotions," 1856. Courtesy of the Library Company of Philadelphia

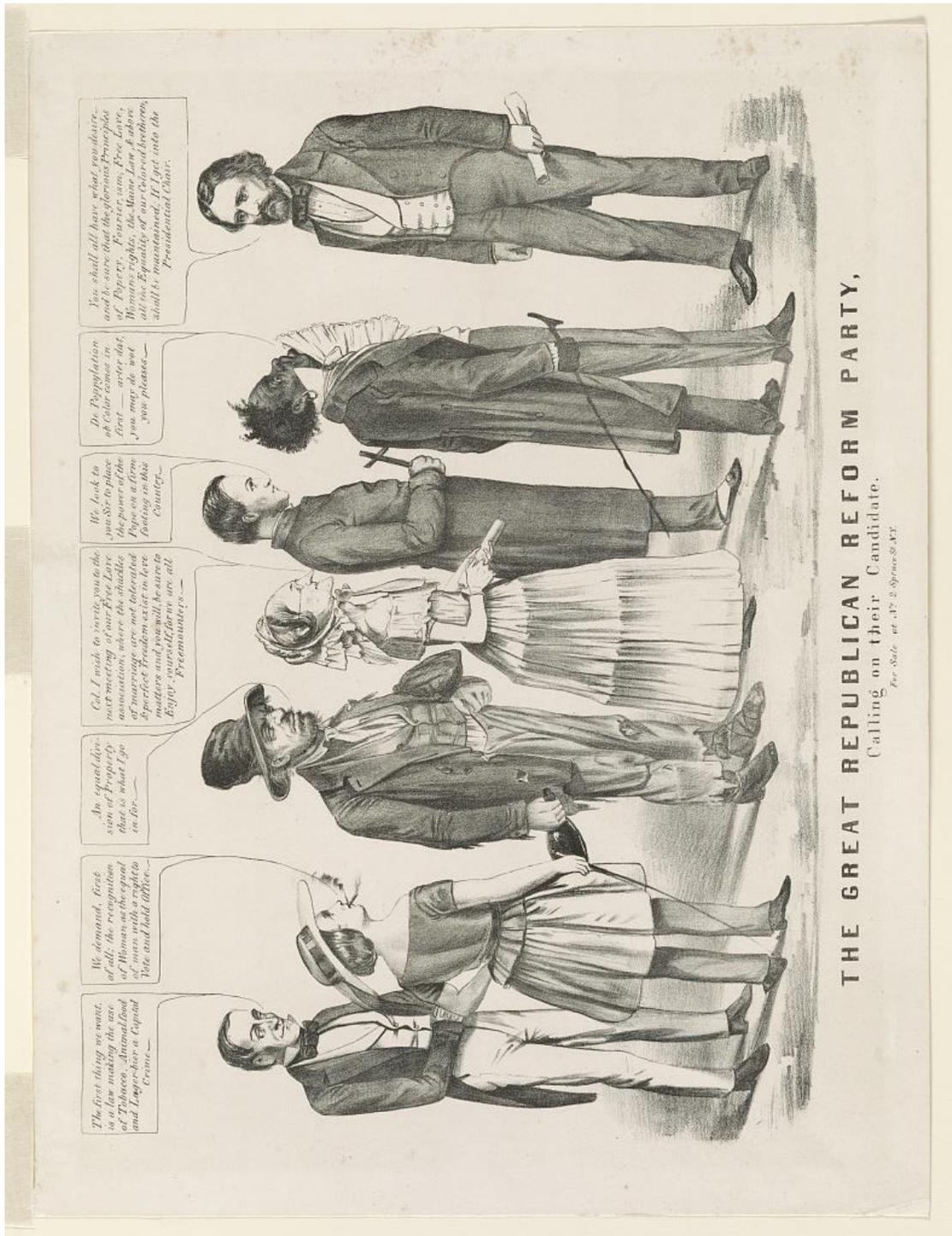


Figure 2 Louis Maurer, "The Great Republican Reform Party," Currier & Ives, New York, 1856. Courtesy of the Library of Congress.

Other aspects of Frémont’s personal and family history magnified the charge of “free love” against him. John Charles Frémont was born in 1813 to the French-Canadian *émigré* Charles Frémon and the upper-class Virginian Anne Beverly Whiting. When Charles met Anne, she was the wife of Major John Pryor, an aged wealthy planter. Charles and Anne fell in love and ran off. The couple was likely still unmarried when Charles died five years after the birth of John Charles. In 1841, just like his father, the young lieutenant John Frémont eloped with Jessie Benton, a sixteen-year-old daughter of Democratic senator Thomas Benton from Missouri, when the senator rejected the match. Learning that John and Jessie had wed without his consent, Senator Benton grudgingly acknowledged their marriage. As a veteran Democratic Party leader and an advocate of national expansion, Senator Benton used his power and influence to sponsor his unknown son-in-law in a series of western explorations. In the 1856 election, Frémont’s dashing reputations as a heroic explorer initially attracted nomination from the Democratic Party. Being a firm opponent of slavery, however, Frémont declined the Democratic bid conditioned upon the protection of southern slavery, and instead decided to accept the Republican nomination. Senator Benton tried to dissuade Frémont from running for a sectional party that he knew would divide the nation; when he failed, he chose to support James Buchanan, the Democratic Party nominee and Frémont’s rival. Although Benton had helped Frémont’s public career, relationship between the two men—with distinctive personalities but equally stubborn natures—remained tense.⁸

⁸Andrew Rolle, *John Charles Frémont: Character as Destiny* (Norman: University of Oklahoma Press, 1991), particularly chaps. 1, 3, 15.

The public disclosure of the two elopements in the Frémont family provided ammunition for the Democratic opponents. They asserted that the elopement episodes demonstrated the lack of moral integrity and sexual restraint among the Frémonts. Rumors about Fremont's past relationships with multiple women aggravated the charges of his sexual misconduct. A Vermont Democratic paper called the Republicans a "free love party," writing, "The *Fre*-monters are a *free* set of fellows, everyway, especially in love matters. Frémont's father ran away with old Pryor's wife, and 'begat' John Charles, who 'treading in the footsteps,' ran away with Col. Benton's daughter."⁹ Using the popular notion of free love, Democrats tried to defame Frémont and the Republican Party as promoting "freedom" to commit sexual promiscuity.

Frémont's supporters countered the criticism from Democrats by reframing the elopement stories. Republicans defended the elopement of Frémont's parents, arguing that Anne had been a victim of southern aristocratic culture. According to the Republican version of the story, Anne's first marriage to Major John Pryor was an unhappy one, arranged by her guardians after the death of her parents, in order to preserve her status and wealth. Anne was only seventeen when she married the sixty-two-year-old Pryor, and she endured twelve years of mistreatment from her elderly husband. A family-arranged marriage for financial motives symbolized the distinctively aristocratic and patriarchal nature of southern society, which was alien to northern voters by the 1850s. Similarly, Republicans argued that Senator Benton's initial refusal to permit the marriage of John and Jessie Frémont represented his

⁹ "Free Love," *Vermont Patriot & State Gazette*, August 22, 1856, 2. On the accusations of sexual promiscuity against Frémont, see also Rolle, *John Charles Frémont*, 167–68.

southern aristocratic attitude toward a young man who was talented but possessed neither wealth, slaves, nor a noble title by birth. On the contrary, John's marriage to Jessie and his eventual rise to prominence demonstrated the ideals of northern society, where couples were united by romantic affinities and virtuous individuals were given equal opportunities for success.¹⁰

Meanwhile, Republicans attacked the bachelorhood of the Democratic nominee James Buchanan, linking his single status with failed masculinity. In the aftermath of the Whig Party's collapse, the 1856 election pitted three nominees from Republicans, Democrats, and Know-Nothings. The nativist Know-Nothing Party, formally called the American Party, nominated the former President and conservative Whig Millard Fillmore. Fillmore was a widower, having lost his wife due to pneumonia in 1853. Among the three presidential candidates, the Democratic nominee James Buchanan from Pennsylvania, aged sixty-five, was the only lifelong bachelor. Republican supporter Horace Greeley mentioned Buchanan's bachelor status to refute the Democratic charges that Republicans promoted free love and the destruction of the family. In his *New York Tribune* editorial, Greeley questioned "how electing an old bachelor President [Buchanan] over a widower on one side [Fillmore] and an exemplary husband and father on the other [Frémont], is to uphold 'Christian Marriage,' or how such Marriage should 'look to him as its champion.'"¹¹ The Republicans argued that Buchanan's failure to marry manifested serious flaws in his character. Buchanan was not only coward in the face of women, but also was so

¹⁰ Pierson, *Free Hearts and Free Homes*, 118-133.

¹¹ *New York Tribune*, October 13, 1856, 4.

effeminate and weak-willed that he was controlled by southern proslavery politicians. In the Republican discourse, whereas Frémont's elopement story testified to his manliness, romantic courage, and independence, Buchanan's singleness proved his effeminacy, weakness, and emotional frigidity toward others.¹² By recounting the two elopements of the Frémont family and politicizing Buchanan's bachelorhood, Republicans claimed the superiority of northern culture of free labor and romantic love, and presented their party as the true defender of marriage.

The image of pro-free love Republicans created in Democratic discourse affected how some voting men cast their ballots. In a mass meeting held two years after the election, a participant claimed that he had supported James Buchanan and the Democratic Party in the 1856 election because the party did not include "an advocate of free love like Stephen Pearl Andrews or Wendell Phillips, who pronounced the Union an immorality."¹³ By disseminating a false association between Republican politics with "free love," Democrats and their sympathizers tried to deprive the opposing party of moral credibility.

The 1856 presidential election ended with a Democratic victory, but the colliding gender ideologies and the discussion of "free love" continued to shape political rivalries regarding slavery. Disturbed by an increase in popular support for antislavery and abolitionism in the North and by growing sectional tensions, Southerners and northern Democrats lumped together various reform movements and vilified them. They claimed that the abolition of slavery would lead at once to the

¹² Pierson, *Free Hearts and Free Homes*, 122-124.

¹³ "Administration Meeting at New Rochelle," *New York Herald*, March 1, 1858, 3.

dismantling of all other forms of social organization, including marriage and religion. By deploying the anathema of free love, Democrats implied that the radical reform movements of the era would eventually lead to sexual licentiousness and blur normative gender and racial distinctions. Democrats casually used the term free love to discredit opposing political views that challenged their ideology of white patriarchal privileges. A Vermont Democratic newspaper maintained that “Free love, Black Republicanism, Spiritualism, and Fourierism are all of the same school . . . Once relax the obligation that binds man to any laws but those of his own passions and prejudices, and government, marriage ties and religion sink into one mass of undistinguishable ruin.”¹⁴ For anti-abolitionist Democrats in the North and the South, free love was one of the most evident follies of Republican reform politics, and thus an extremely useful tool to debase it altogether.

Some defenders of slavery found the ultimate cause of free love in the socioeconomic system in the North, which was quite different from that in the South. According to one southern writer, modern political economy based on the free market theory of Adam Smith—laissez-faire, or what the writer called “Let Alone”—not only shunned government intervention and encouraged free competition out of personal interests in economic matters, but also intended to promote absolute liberty from public regulation and moral constraint in other areas of life. He wrote, “The consequences resulting, theoretically, historically, and practically, from this one leading axiom, ‘Let Alone,’ have been: Free trade, free competition, free speech, free press, free religion, free love, free negros, free land, free women, and free children; no

¹⁴ “Partnership of Errors,” *Vermont Patriot & State Gazette*, October 12, 1855, 2.

marriage, no private property, no churches, no law, and finally, no government.” Naming European and American socialists and abolitionists like Pierre-Joseph Proudhon, Louis Blanc, William Lloyd Garrison, and Stephen Pearl Andrews, the writer maintained that the disruption of social institutions including marriage was the inevitable consequence of laissez-faire policy.¹⁵ By reinterpreting the North’s “freedom” as limitless pursuit of selfish personal interests and promiscuous sexual pleasures, Southerners discredited the northern free-labor system and justified their distinct economy based on slave labor.

In proslavery discourse in the eve of the Civil War, free love was thus an important part of the symbolic differences between the North and the South. Proslavery extremists began to maintain that, because of these conflicting cultural values, the interests of southern slave states were incompatible with those of the federal union, which was increasingly controlled by northern powers. In his 1858 speech before the South Carolina House of Representatives, Leonidas W. Spratt, the editor of the *Charleston Standard*, called for repealing the federal ban on the transatlantic slave trade. Although Spratt himself was not a slaveholder, he was a proslavery extremist and an eventual secessionist. In the speech, Spratt argued that, unlike that of the Union, the southern political order was not a democracy but “the purest form of aristocracy the world has ever seen.” Spratt argued that hierarchy and racial differences enabled Southern society to be balanced and immune from class

¹⁵ G. F., “Political Economy,” *Charleston Mercury*, November 11, 1856, 2. For similar arguments about the connection between free labor economy and free love ideology in the North, See “South Carolina and the Union,” *Charleston Mercury*, May 7, 1856, 2.

conflicts. Spratt predicted that, in the North as well as in other European countries where the ideals of democracy and human equality prevailed, “all that is pure and noble shall have been dragged down” and “all that is low and vile shall have mounted to the surface.” In these states, Spratt declared, “woman shall have taken the places and habiliments of man, and man shall have taken the places and habiliments of woman—... free love unions and Phalansteries shall pervade the land—... the sexes shall consort without the restraints of marriage.”¹⁶ For proslavery proponents like Spratt, the image of the destruction of marriage and the subversion of gender order in the North was central to their demand for Southern states’ rights. By 1860, when Abraham Lincoln won the presidential election on a platform of limiting the extension of slavery, the notion of free love was thus well integrated into antebellum political debates over slavery.

Race in Anti-“Free Love” Rhetoric

As the free love movement grew increasingly notorious during the 1850s, journalists and writers loosely adopted the word “free love” to represent what they perceived as distinctively un-American sexual and marital customs. When anti-free love rhetoric included references to racial others within and outside the nation, it solidified a national identity based on individual autonomy and marital fidelity.

¹⁶ “Speech of Mr. L. W. Spratt on Re-opening the African Slave Trade,” *Daily Morning News*, December 28, 1858, 1. On Spratt and the efforts to reopen the slave trade in the 1850s, see Harvey Wish, “The Revival of the African Slave Trade in the United States, 1856-1860,” *The Mississippi Valley Historical Review* 27, no. 4 (1941): 569-88.

Anti-free love rhetoric emerged in tandem with pervasive anti-Mormon sentiments during the 1850s. The Church of Jesus Christ of Latter-day Saints, popularly known as the Mormons, was founded by Prophet Joseph Smith in upstate New York in 1830. In 1843, Smith received a revelation commanding polygamy, or “Celestial Marriage,” among the faithful, but the knowledge about the practice remained limited to the selected members of the church for the decade afterward. In the meanwhile, hostility and harassment of neighbors toward this new religious sect culminated in the mob murder of the prophet in 1844, and forced Mormons to migrate westward to avoid persecution. When Mormons finally settled in the western territory of Utah in the late 1840s, isolated from the rest of the nation, they embarked on the task of implementing a separationist theocracy. In 1852, the church’s new leader Brigham Young officially authorized the practice of plural marriage. Mormon polygamy, an overt defiance of conventional sexual morality, ignited popular outrage from their contemporaries, and became the staple source of dissent against Mormonism.¹⁷

Anti-Mormons employed stereotypes of the foreign “other” to portray Mormon religiosity as backward, antichristian, and un-American. The 1856 platform of the Republican Party promised to eliminate Mormon polygamy along with slavery in western territories, calling them the “twin relics of barbarism.” The phrase described slavery and polygamy as anachronistic, savage institutions in which Mormon women

¹⁷ Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002), 19-29.

as well as slaves were oppressed and sexually violated.¹⁸ In asserting the danger of Mormon theocracy and sexual morality, anti-Mormon writers particularly relied on the orientalist images of Eastern sexual lasciviousness and political despotism, calling Mormonism the “American Mohammedanism” and drawing a parallel between Mormon polygamy and Turkish harems. The prevalence of Islamic motifs in anti-Mormon discourse demonstrated what Timothy Marr calls “domestic orientalism,” the process of transposing negative images of Islam and Muslims onto communities within the United States. Equating domestic groups and actions with those ascribed to alien infidels “excommunicated them from the province of American acceptability,” while enabling those employing such rhetoric to “reassure themselves of the righteousness of their own vision of America as a nation with a Christian mission.”¹⁹ This logic permitted Mormonism’s opponents to portray the Mormons, all of whom were white, as guilty not only of religious and political deviance but also “race treason.” Mormonism’s critics warned that polygamy naturally belonged to the “Asiatic and African” races, below the advanced white race; Mormon practices would thus produce racial degeneration, physically as well as morally.²⁰ Until Mormons

¹⁸ Gordon, *The Mormon Question*, 55-57, 63-65.

¹⁹ Timothy Marr, *The Cultural Roots of American Islamicism* (New York: Cambridge University Press, 2006), 185-218, quotation on 136.

²⁰ Martha Ertman, “Race Treason: The Untold Story of America’s Ban on Polygamy,” *Columbia Journal of Gender and Law* 19, no. 2 (2010): 287-366. On Orientalism and racism in anti-Mormon discourse, see also Tammy Heise, “Marking Mormon Difference: How Western Perceptions of Islam Defined the ‘Mormon Menace,’” *Journal of Religion and Popular Culture* 25, no. 1 (2013): 82-97; Margaret Denike, “The Racialization of White Man’s Polygamy,” *Hypatia* 25, no. 4 (Fall 2010): 852-74; Christine Talbot, “‘Turkey Is in Our Midst’: Orientalism and Contagion in Nineteenth Century Anti-Mormonism.” *Journal of Law & Family Studies* 8, no. 2 (2006): 363-88;

relinquished polygamy in 1890, orientalist and white-supremacist views that identified monogamy with Christianity and whiteness continued to define the contours of anti-Mormon vocabularies.

Anti-Mormon sentiments significantly influenced popular perceptions of free love, not least because antebellum newspapers often considered Mormon practice to be a variety of “free love.” For many of their contemporaries, free love and Mormon polygamy were essentially the same things, in that they presumably shared a (particularly male) desire to strip off the restrictions of civilization and indulge in sensual pleasures. Conservative newspapers like the *New York Herald* suggested hidden mutual sympathies between Mormons and free lovers.²¹ Free love, therefore, faced the similar charges of race treason as Mormonism. The nineteenth-century free love movement consisted of white middle-class men and women, and the general public also acknowledged this as a fact. The press nevertheless denounced free love by connecting the concept, not as a reform ideology but as a set of practices, to marital and sexual customs among non-Christian, nonwhite people. Popular newspapers illustrated varied types of marriage and courting in other parts of the world under the headings of “free love.” As in the case of anti-Mormon discourse, anti-free love journalists and writers most often evoked images of Eastern polygamy.²²

Bruce Burgett, “On the Mormon Question: Race, Sex, and Polygamy in the 1850s and the 1990s,” *American Quarterly* 57, no. 1 (2005): 75-102.

²¹ For example, see “The Defeat of the Army Bill,” *New York Herald*, February 27, 1858, 4.

²² For example, see “Free Love in the East,” *New York Times*, October 23, 1855, 4.

Unlike Mormon polygamy, however, the notion of free love could describe various forms of deviant sexuality, as the term encompassed “non-marriage” in all its forms. Mainstream Americans believed that those practices described as “free love” were at odds with monogamous, lifelong Judeo-Christian marriage. After a small group of young evangelical ministers started the foreign missions movement in 1812, Americans sent Protestant missionaries overseas to proselytize pagans in various parts of the globe. Religious periodicals and secular newspapers disseminated excerpts from the foreign missionaries’ journals. Their descriptions about local cultures, religions, and peoples significantly influenced the way Americans perceived the world outside the United States.²³ In the missionary discourse, marital and sexual practices were among the most crucial markers dividing Christians and heathens. Take a newspaper article reporting the practice of trial marriage missionaries observed in Congo. According to the report, trial marriage for one year allowed affianced couples to examine their compatibility before the marriage bond became official and indissoluble. Despite Christian missionaries’ efforts to abolish it, the local people stuck to their custom. The article called the practice “African free love,” as cohabitation and premarital sex were immoral and unacceptable to the sensibility of the middle-class American audience.²⁴ In popular print culture, “free love” thus

²³ Christine Leigh Heyrman, *American Apostles: When Evangelicals Entered the World of Islam* (New York: Hill and Wang, 2015), 8–10, 20–22.

²⁴ “African Free Love,” *Columbus Tri-Weekly Enquirer*, December 29, 1855, 2. See also “African Free Love,” *Columbian Register*, December 22, 1855, 1. Other nineteenth-century newspaper reports on “free love” practices focused on the prevalence of informal marriage and concubinage in countries like Haiti, India, and Mexico. J. M. Hawks, “Letter from Hayti,” *The Liberator*, May 10, 1861, 4; “Hayti,” *Charleston Mercury*, April 28, 1859, 4; “The Experiment of Free Negroism,” *Semi-Weekly Mississippian*, May 6, 1859, 2; “Free Love,” *Semi-Weekly Mississippian*, May

functioned as a convenient, all-encompassing word for any marital or sexual practices outside of idealized Christian marriage.

For those who denied marital reform, lifelong monogamy was, even if not without minor flaws, the best possible form of regulating sexual unions that resulted from ages of Christianity and Western civilization. Free love, on the other hand, represented an underdeveloped state of society where men who lacked self-restraint and moral integrity dominated and sexually exploited women. The spread of free love ideology, in turn, would degenerate the white population of America. The *New York Ledger*, the most commercially successful magazine of the mid-century United States, wrote that free-love leaders were “persons dissatisfied with the entire present industrial and social order—persons bent on reconstructing society, by substituting the conceits of their own lusts and egotisms, in lieu of the prevailing, common-sense principles developed by ages.” The columnist argued that the ancient Greeks practiced free love long before the advent of Christ, indulging in sexual mingling according to “passional attraction” and “unrestrained individual sovereignty.” As to the present time, the *Ledger* continued:

In the East, where man is a sickly tyrant and woman a passive slave, Free-Loveism has done its work, and social, political and industrial imbecility, are the legitimate fruits. Out in Utah, Free-Loveism is also doing its perfect, abominable work. Those who are for subjecting the man to the animal, and for making woman the mistress of that animal—picking her up here in sunshine and casting her off there in storm, leaving her brood to scatter as fate wills—will all hasten to the Free-Love feast, and the devilish revel will go on, at first with dainty,

6, 1859, 4; “British India: Its Disloyalties, Free Love and Religion—The Russian Advance,” *New York Herald*, January 2, 1870, 6; “Marriage in Mexico,” *Freeman*, April 13, 1889, 3.

mincing step and seemly behavior, but at length with riotous swiftness, to end in a reckless debauch.²⁵

In exemplifying the harmful power of free love, critics used the analogies of pagans and nonwhites, whose “free love” practices demonstrated the uncivilized, animalistic state of their society. Free love was antithetical to Christian marriage, which operated from the premise that it permanently bonded the family with a sense of duty and responsibility as well as affection. By referencing non-Christians and nonwhite people in the world, anti-free love rhetoric legitimated the moral supremacy of American, Christian, and white heterosexual monogamy.

In the popular imagination, the practice of free love was associated not only with nonwhite pagans in foreign places but also to racial others within the country. Journalists and writers employed the phrase “free love” to describe the sexual and family relations among African American slaves. From the colonial period down to the Civil War, enslaved blacks were deprived of the right to make a marriage contract because of their status as property. Slaves often practiced informal marriage within and across plantations, and some slaveholders even encouraged them to do so. Under severe constraint, many slaves sustained strong marital and family ties. However, non-legal unions between slaves were vulnerable to slaveholders’ arbitrary decisions to sell or give away either of the party. As Brenda E. Stevenson has emphasized, monogamous marriage, patriarchal privilege, and a nuclear male-headed household composed the foundation of southern white families across class, cultural, and ethnic lines. Thus, the very fact that slaves had no legal right of marriage made the institution

²⁵ “Free-Loveism,” *New York Ledger*, August 7, 1858, 4. On the *New York Ledger* and its immense popularity in the mid-century, see Frank Luther Mott, *A History of American Magazines*, vol. 2 (Cambridge: Harvard University Press, 1938), 356-363.

much more essential to whiteness in the South. Up to the collapse of slavery, marriage marked and reinforced the boundary between freedom and slavery, between white and black in southern society.²⁶

In racist discourse in the popular print media, family formations among slaves were sometimes described as “free love,” which was meant to signify promiscuity outside monogamy. The *New York Herald* attributed the unavailability of legal marriage among enslaved African Americans to their inclination for free love, or, “the indisposition of one man to be satisfied with one wife.” The *Herald* wrote, “Sambo was a promiscuous husband on almost all plantations, and on many a first rate Mormon plantation law was loose, and there were very few planters who ventured to insist upon any morality in slave intercourse.”²⁷ While the economic needs of slaveholders denied marital and parental rights to slaves, whites blamed slaves themselves for the paucity of stable nuclear families on plantations. Unlike whites, enslaved African Americans were supposedly licentious by nature and unfit for normative monogamous relationships. The association between African Americans (particularly in the South) and free love continued well after abolition. *Pomeroy’s Democrat*, published by ex-Copperhead editor Mark M. “Brick” Pomeroy, asserted that southern blacks “adopted the free love system, which is even worse in its effects upon the whites and blacks than is polygamy, because there is an entailment of

²⁶ Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (New York: Basic Books, 1985); Emily West, “Surviving Separation: Cross-Plantation Marriages and The Slave Trade In Antebellum South Carolina,” *Journal of Family History* 24, no. 2 (April 1999): 212–31; Stevenson, *Life in Black and White*.

²⁷ “Free Love among the Niggers,” *New York Herald*, August 27, 1865, 4.

offspring that become homeless as the dogs of Constantinople.”²⁸ Discussion about free love took place in the larger discursive space where race and sex constituted one another, shaping the definitions of licit and illicit, normative and non-normative.

Free Love and Miscegenation

When Americans invested the term “free love” with expansive meanings, they were expressing their concerns about the supposed laxity of morals in the country. The various types of illicit behaviors that these people labeled free love included liaisons across racial boundaries. While American laws and customs had always prohibited interracial marriage between whites and blacks, the issue attracted special attention from whites in the 1850s. The mid-nineteenth-century popular press often conflated free love with amalgamation, implying to their readers that free love contained the notions of interracial love and race mixture. For instance, a newspaper article on Brazilian society reported how “miscegenation has full sway” in the area, writing, “The free population is of every shade and hue, propagated by untrammelled ‘free love.’”²⁹ In the midst of heated sectional contests over the destiny of racial slavery, the charge of promoting interracial marriage or sex was one of the most potent political tools by which the defenders of slavery attacked the northern reform culture that had produced abolitionism as well as free love ideology. The resulting (and often intentional) misperception that free love actively promoted intimacy across the color line aggravated negative responses to the already infamous cause.

²⁸ “Let Peace Prevail,” *Pomeroy’s Democrat*, October 13, 1877, 1.

²⁹ “Brazil,” *Daily Age*, January 2, 1865, 4.

Since the colonial period, white Americans had outlawed sexual unions between whites and blacks for fear of jeopardizing the stability of white dominance. Still, how strictly they enforced bans on interracial sex depended on social, political, and economic circumstances. In the early national and antebellum periods, even when state law explicitly forbade interracial coupling, whites could show indifference or a certain degree of toleration toward mixed unions.³⁰ By the early nineteenth-century, all southern states under racial slavery had statutes against interracial marriage and fornication. Nevertheless, neighbors and the judiciary rarely took legal or extralegal action to punish illicit relationships. While interracial marriages were relatively rare, interracial sex outside marriage was quite prevalent. Particularly, as in the case of male slave masters' sex with their female slaves, white men's sexual contacts with black women, with or without consent, seldom received serious social and legal penalties as long as these behaviors were kept private and discreet. Sexual unions between white women and black men incurred more severe legal treatment, for the ultimate purpose of public regulations of interracial sex was to separate white women from black men and thereby to preserve the fiction of white purity. Yet even these relationships could be tolerated and accommodated by their communities under some circumstances.³¹ In contrast, only a few northern states enacted laws banning

³⁰ In illustrating white responses toward miscegenation between white women and black men in the nineteenth-century South, Martha Hodes uses the term "toleration," which she differentiates from "tolerance." According to Hodes, the latter "implies a liberal spirit toward those of a different mind," while the former "by contrast suggests a measure of forbearance for that which is not approved." Martha Elizabeth Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997), 3.

³¹ Peter W. Bardaglio, "Shamefull Matches": The Regulation of Interracial Sex and Marriage in the South before 1900," in Martha Hodes ed., *Sex, Love, Race: Crossing*

interracial marriage. Northerners by no means supported interracial unions, but they believed that social custom and prejudice would suffice in inhibiting whites from marrying across the color line. Still, compared to their southern counterparts, northern states showed less unified legal opposition toward interracial marriage; many states remained void of anti-miscegenation laws, while others newly enacted statutory bans but repealed them during the course of the nineteenth century.³²

Interracial marriage and sex became central political issues when whites perceived challenges to existing racial boundaries. Notably, the emergence of radical abolitionism in the early 1830s caused a storm of anxiety about interracial sex, or “amalgamation,” in northern cities. While those who constituted the earlier generation of antislavery activists were elite white men who envisioned gradual abolition, the new abolitionist movement created a mass coalition of blacks and whites, men and women, to end slavery immediately and achieve racial equality. Their opponents portrayed such cooperation as equivalent to “amalgamation,” and vehemently propagandized that the abolitionist movement sprang from the desire of abolitionists to encourage race mixture through interracial marriage. The power of amalgamation discourse to stir white anxiety and hostility was evinced in such violent mob reaction against abolitionists and African American residents as the New York City riots in

Boundaries in North American History (New York: New York University Press, 1999), 113-121; Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003).

³² Bardaglio, “Shamefull Matches,” 116; Elise Virginia Lemire, “*Miscegenation*”: *Making Race in America* (Philadelphia: University of Pennsylvania Press, 2002), 57-58.

1834 and the Philadelphia riots in 1838. As Leslie M. Harris argues, “Amalgamation ideology sexualized all types of black-white interactions, and became a way to attempt to prevent black-white cooperation even on the most basic neighborly levels.”³³ Over the next two decades, southern as well as northern whites were increasingly preoccupied with regulating “amalgamation” on the streets of economically booming cities, where working-class whites and blacks closely mingled at workplaces and commercialized leisure venues.

Despite anti-abolitionists’ claims, only a few abolitionists openly challenged statutory bans on interracial marriage between whites and blacks. Starting from the early 1830s, white and black abolitionists, including William Lloyd Garrison and Lydia Maria Child, went on successive petitioning campaigns to repeal the 1705 Massachusetts law prohibiting interracial marriage. Child argued that “the government ought not to be invested with power to control the affections, any more than the consciences of citizens. A man has at least as good a right to choose his wife, as he has to choose his religion.”³⁴ The participants in the repeal effort rightly acknowledged that anti-miscegenation law was one of the cornerstones of white supremacy, and demanded interracial marriage rights as a prerequisite for black equal citizenship. The

³³ Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002); Leslie M. Harris, “From Abolitionist Amalgamators to ‘Rulers of the Five Points’: The Discourse of Interracial Sex and Reform in Antebellum New York City,” in Martha Hodes ed., *Sex, Love, Race: Crossing Boundaries in North American History* (New York: New York University Press, 1999), 191-212, quotation on 207; Lemire, “*Miscegenation*,” Ch. 3 and 4; Roediger, *The Wages of Whiteness*, 108-109; Rothman, *Notorious in the Neighborhood*, 113-129.

³⁴ Lydia Maria Child, *An Appeal in Favor of That Class of Americans Called Africans* (Boston: Allen and Ticknor, 1833), 196.

campaign convinced state legislators to repeal the law in 1843. Faced with anti-amalgamation hysteria, however, the majority of antebellum abolitionists evaded the issue of interracial marriage rights, stressing that they had no intention of encouraging interracial relationships.³⁵

Rather than the legalization of consensual unions between blacks and whites, abolitionists' interests regarding sexuality centered on the critique of coerced sex between male masters and female slaves in the South. The sexual deviance of slaveholders proved to be abolitionists' most effective theme for moral persuasion and mobilization. Abolitionists maintained that slavery's greatest injustices were its three-fold violations of the sanctity of marriage by denying legal marriage to slaves, by tolerating slaveholders' extramarital, coerced sex with their female slaves, and by precluding the efforts of male slaves to protect their partners from sexual aggression.³⁶ Abolitionists thus countered the accusation of promoting miscegenation by arguing that it was slave masters of the South that actually disgraced the institution of marriage and practiced illicit intercourse across the color line.

The increasing political importance of antislavery and the accompanying anxiety about interracial relationships during the 1850s gave new freight to the implications of free love. Some anti-free lovers argued that freedom of affection might erode prohibitions against love across the color line and thereby disrupt the existing racial hierarchy. Since free lovers argued that they opposed any form of intervention

³⁵ Lemire, "*Miscegenation*"; Harris, "From Abolitionist Amalgamators to 'Rulers of the Five Points,'" 194-195.

³⁶ Ronald G. Walters, "The Erotic South: Civilization and Sexuality in American Abolitionism," *American Quarterly* 25, no. 2 (May 1, 1973): 177-201.

in private relationships, those against the movement assumed that free love included the abolition of anti-amalgamation laws and customs. The *New York Herald* sarcastically wrote of “free love associations,” whose scheme was “to embrace in one common bond of union and passional affinity the whole human race.” The *Herald* continued, “How far the plan was reduced to practical execution, not having the reports and statistics of their societies before us, we are unable to state. Of course, the negro element was permanently recognized in their operations, and what figures are wanting to substitute we shall no doubt gather from the color of the next generation.”³⁷ The article thereby implied that the free love movement actively encouraged interracial relationships, and that the advocates were already acting on the principle. The conservative press indicated that free love contained the possibility of facilitating race mixture, probably often intentionally as a way of further deflecting popular sympathies from the movement.

Associating interracial marriage or sex with free love became a way to attack abolitionism. Defenders of southern slavery spread a false idea that antislavery reformers actively embraced both amalgamation and free love. The opponents of antislavery and abolitionism argued that political alliances between white and black reformers demonstrated their desire for interracial “free love.” In its report about a meeting of the city’s colored women’s association, the *New York Herald* attacked its reformist rivals, Henry J. Raymond of the *New York Times* and Horace Greeley of the *New York Tribune*. The *Herald* depicted how Raymond and Greeley, whose papers championed the antislavery Republican Party, had behaved toward African American

³⁷ “Progress and Prospects of Human Freedom,” *New York Herald*, November 19, 1858, 4.

female members at the meeting: “Conspicuous among the happy company were the representative philosophers of the *Times* and *Tribune*, whose polite attention to the ladies were generally commended. The condescension of the ladies in reciprocating their attentions and providing them with sweet mottoes, was amusing to witness. Whether the free love principles of these journals includes the colored race in the social circle, may not hereafter be a doubtful question.”³⁸ The *Herald* article assumed that the *Times* and the *Tribune*, for their advocacy of antislavery, supported free love; it also implied that these papers meant to apply the doctrine of free love to interracial intimacy as well. These assumptions were far from the truth, but the *Herald* continued making similar allegations against abolitionists and Republican supporters. By linking antislavery and abolitionism with free love, the anti-reform popular press demonized both of the causes, indicating to its readers that their ultimate purpose was promiscuous mingling across the color line.

For conservative newspaper editors and writers, “free love” was a particularly salient epithet because of free lovers’ antislavery and feminist attitudes; the term could effectively connect both abolitionism and women’s rights to licentious sexuality. Anti-free-love discourse also contained warnings about the dangers that free love posed to patriarchy, and the racialized sexual chaos that would result from its overthrow. Women’s public autonomy for the causes of antislavery and women’s rights might invite their sexual corruption and interracial intimacy. To its critics, free love represented the dangerous, disruptive power that love and desire could force upon the existing racial, gender, and sexual orders.

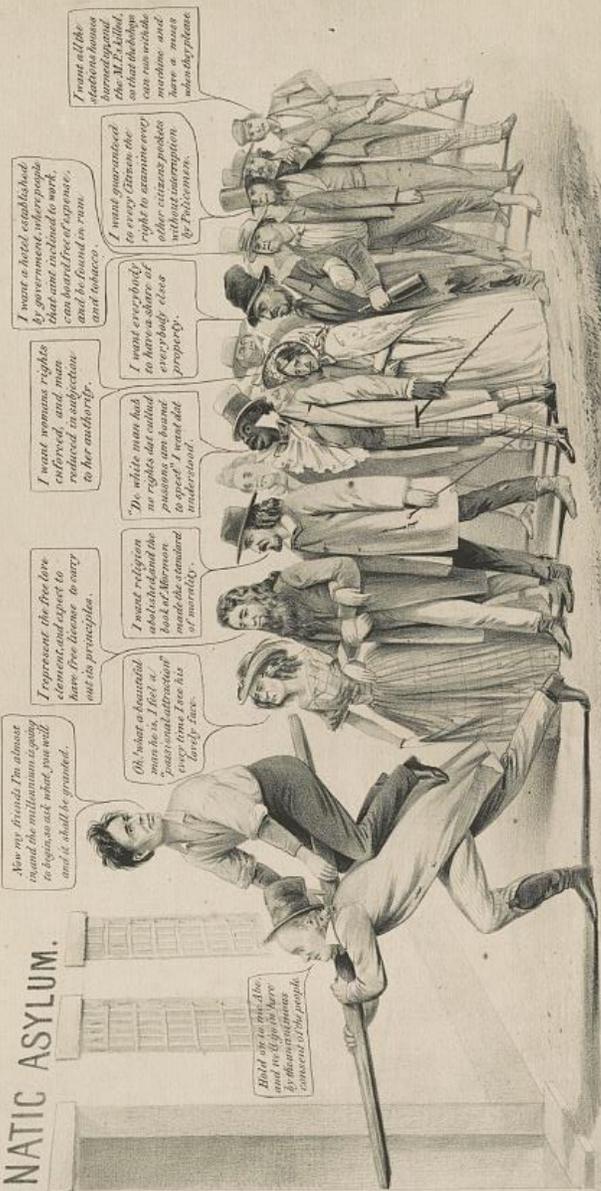
³⁸ “Meeting of Citizens of All Colors,” *New York Herald*, February 22, 1857, 5.

Free Love Rhetoric in the 1860 Election and the Civil War

During the 1860 presidential race, the Democratic Party again employed the stereotype of the pro-free-love Republican Party in their campaign. A satirical lithograph by Louis Maurer depicted the Republican presidential candidate Abraham Lincoln and his boosters as radicals and eccentrics who demanded all kinds of “rights.” (See fig. 3.) Among them stands a male free lover who proclaims, “I represent the free love element, and expect to have free license to carry out its principles.” His untrimmed beard and scholarly air might have reminded nineteenth-century readers of known free lovers like Stephen Pearl Andrews. (See fig. 4.) The male free lover links arms with another elderly female free lover with an unflattering masculine face and an exposed shoulder. She looks up to Lincoln and says, “Oh! What a beautiful man he is, I feel a ‘passional attraction’ every time I see his lovely face.” The female figure was based on the prevalent caricature of a female free lover who was devoid of feminine virtue and controlled by her libido yet who was too masculine and ugly to attract men. Free lovers’ gender nonconformity manifested in their appearance repeatedly turned up in anti-free-love rhetoric. Taking the other arm of the male free lover is a Mormon who asserts that he wants “religion abolished and the book of Mormon made the standard of morality.” These three figures—the two free lovers and the male Mormon polygamist—as a group represented the supposed sexual immorality of Republican supporters. The cartoon also depicted a fierce women’s rights activist, who wishes to subject men to the authority of women and who is as manly and unattractive as the female free lover. The free lovers and the women’s rights reformer thus threatens to overturn the conventional gender order. The rest of Lincoln supporters include a male black abolitionist and many other shady men who simply claim their rights to property and free access to food and housing. Lincoln,

who rides on a rail carried by the Republican publicist Horace Greeley, leads the way for this erratic band of people toward a lunatic asylum. The 1860 Democratic campaigns tried to tarnish the Republican Party by associating their policies and constituents with sexual licentiousness, gender subversion, and lunatic radicalism.

LUNATIC ASYLUM.



Now my friends, I'm almost
tired, and the million managers
to beggars ask what you will
and it shall be granted.

I represent the free love
element and expect to
have free license to carry
out its principles.

Oh, what a beautiful
man he is, I feel as
"radiant with attraction"
every time I see his
lovely face.

No white man has
no rights that colored
persons are bound
to respect. I want full
understanding.

I want everybody
to have a share of
everybody's close
property.

I want guaranteed
to every citizen the
right to examine every
other citizen's pocket
for Tolstoyism.

I want all the
national houses
harmed beyond
the M. B. killed,
so that the shops
can run without
merchandise and
when they please.

Hold on to this, the
and the people here
by themselves, the people
consent to the people.

THE REPUBLICAN PARTY GOING TO THE RIGHT HOUSE.

Published by Currier & Ives, 252, Broadway, N. Y.

REPLICATIVE NO.

Figure 3 Louis Maurer, “The Great Republican Party Going to the Right House,” Currier & Ives, New York, ca. 1860. Courtesy of the Library of Congress.

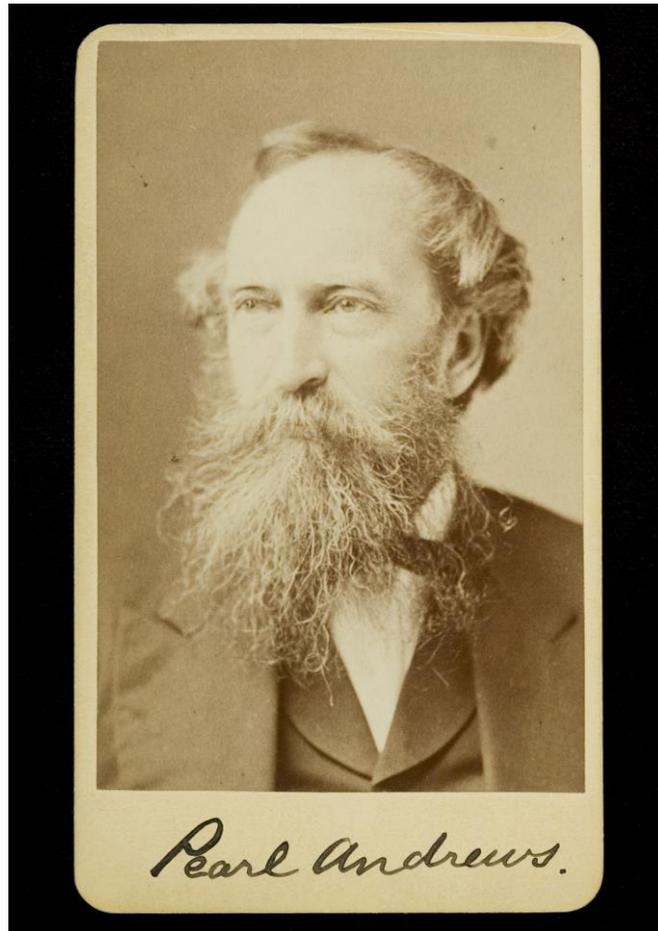


Figure 4 Stephen Pearl Andrews. Courtesy of Special Collections, Fine Arts Library, Harvard College Library.

When Lincoln won the 1860 election, the association of northern culture with the destruction of religion and family offered southern secessionists the symbolic justification of their withdrawal from the Union. They were convinced that secession

was the only means to repel the invaders at the threshold; as patriarchs and Christians, they vowed to defend their property and household from the northern power.³⁹ The ideological link between dismantling of slavery and marriage among southerners appeared in William Mumford Baker's novel *Inside: A Chronicle of Secession*. Born in Washington, D.C., Baker was a Presbyterian clergyman who ministered in Austin, Texas, between 1850 and 1865. He experienced the Civil War as a Unionist in the South. In the wake of the war, Baker serialized the novel *Inside* in *Harper's Weekly* under the pseudonym of George F. Harrington, fashioning himself as a native southerner with the Union allegiance. Although the story was a work of fiction, Baker intended to present *Inside* as the documentation of wartime southern society under the Confederacy. In the novel, during a discussion over the legitimacy of secession, a southern matron named Mrs. Juggins mentions a rumor that "marriage has been altogether abolished" among the Yankees in the previous week. According to Mrs. Juggins, "Up there the women all wear pants like men, make speeches, vote, and, I *do* suppose, carry their revolvers, curse and swear, drink and gamble, just like men! When any man and woman happen to meet any where and take a likin' to each other they just consider themselves married—free love, they call it!"⁴⁰ In Confederate

³⁹ McCurry, *Masters of Small Worlds*, chap. 8.

⁴⁰ George F. Harrington (William Mumford Baker), "Inside: A Chronicle of Secession," *Harper's Weekly*, February 3, 1866, 69. The novel was later reprinted as a book. By illustrating the tragedy of the Civil War from the perspective of a southern Unionist, Baker's novel sought to help restore unity to the divided nation after the war. George F. Harrington (William Mumford Baker), *Inside: A Chronicle of Secession* (New York : Harper & Brothers, Publishers, 1866); "William Mumford Baker" in Thomas William Herringshaw, *Herringshaw's Encyclopedia of American Biography of the Nineteenth Century* (Chicago: American publishers' association, 1898), 71. On the novel *Inside*, see also Patricia Okker, *Social Stories: The Magazine Novel in*

discourse, the distorted image of “free love” incited fears that the northern rule would blur the gender boundary, destroy Christian morality, and result in rampant sexuality.

The southern supporters of the Confederacy attacked northern free labor society for the charge of promoting free love, yet the ambiguity and malleability of “free love” simultaneously allowed Lincoln and the supporters of the Union to appropriate the same term to attack the southern slave power. *Harper’s Weekly*, a popular weekly journal that promulgated Republican propaganda during the war, used the rhetoric of free love to attack the Confederate states’ withdrawal from the Union. *Harper’s* wrote, “the principles of the Confederacy is ... the free-love principle. When a State is tired it goes off. Its whim is the constitutional justification of its course.”⁴¹ The War Democrat Daniel S. Dickinson compared the secessionists, who seemed to consider that “a nation may at pleasure withdraw from its treaty obligations without previous provision or consent of the other side,” to an unfaithful partner who would repudiate the marriage covenant just as he or she liked. Dickinson claimed that “[t]he right thus to secede must rest upon a political free love, where States unequally united, may on discovering their true affinities, dissolve the first condition and become sealed in confederate wedlock to their chosen companions during pleasure, and the authors of the discovery should go down to posterity as the Brigham Youngs of modern confederacies.”⁴² By using the metaphor of free love, Dickinson intended to address

Nineteenth-Century America (Charlottesville: University of Virginia Press, 2003), 110-112.

⁴¹ “The Lounger,” *Harper’s Weekly*, August 10, 1861, 499.

⁴² “The Union—It Must and Shall Be Preserved!” *New York Tribune*, July 11, 1861, 6.

Confederates' neglect of the indissolubility of the Union to form other political alliances. As an example of those who practiced free love, however, he referred to Brigham Young, the leader of Mormons who were *married* to multiple women. Mormon polygamy did not exactly make sense in this context, which was supposed to be about serial monogamy. The confusion surrounding "free love" in Dickinson's speech demonstrated how nineteenth-century Americans like him conflated different kinds of non-lifelong-monogamy under the term free love.

Some Union supporters turned to the term free love specifically to accuse Confederate slaveholders of practicing miscegenation. At the celebration of the emancipation day on August 1, 1862, the abolitionist John S. Rock illustrated interracial "free love" in the slave South, where slaves' domestic work within white households and forced sex between male slaveholders and female slaves destroyed both white and black families. Rock spoke to the audience: "The white child cries after the black wet nurse, and refuses to be comforted by its mother . . . , and the mulatto child is dandled on the knee of its white father until he gets 'hard up,' then he sells it. . . . Emancipation will entirely revolutionize society. This system of free love must be abolished."⁴³ Rock thus indicated that "free love" meant white men's exercise of unauthorized power to satisfy their sexual desire regardless of the color line. In Republican discourse that equated the federal union with marriage, the Union, which strove to hold the country together, was the true defender of the sacred bond of marriage. The Confederacy, on the other hand, represented free lovers: the un-

⁴³ "Celebration of the First of August," *The Liberator*, August 15, 1862.

American, infidel destroyers of marriage and the licentious practitioners of miscegenation.

Not all northerners were convinced by Republican ideology. In the North, growing fears of interracial sex since the antebellum period culminated in the invention of the term “miscegenation” during the Civil War years. In the midst of the 1864 presidential campaign, the Democratic pamphleteers David Croly and George Wakeman anonymously published a seventy-two-page tract entitled *Miscegenation: The theory of the Blending of the Races, Applied to the American White Man and Negro*. Croly and Wakeman coined a term “miscegenation” from the Latin *miscere* (to mix) and *genus* (race) to refer to interracial marriage, replacing the older term “amalgamation,” a less specific word that originally referred to the “union of metals with quicksilver, and was . . . only borrowed for an emergency.” The tract argued that the “blending of blood” from various races, particularly between white and black, through intermarriage was necessary for human progress and that it was the ultimate purpose of the Republican Party.⁴⁴ Disguised as a work by pro-Republican abolitionists, the tract was in fact an elaborate parody to convince readers of the possible consequences of abolition and to deflect public support for Abraham Lincoln’s reelection. While the authors’ hoax was soon debunked, the term “miscegenation” continued to appear in political debates over race and sexuality.⁴⁵

⁴⁴ *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro* (H. Dexter, Hamilton & Company, 1864), 7.

⁴⁵ Sidney Kaplan, “The Miscegenation Issue in the Election of 1864,” *The Journal of Negro History* 34, no. 3 (July 1, 1949): 274–343; David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso,

This new word was not created *sui generis* but rather grew out of decades of political discourse that equated the abolitions of slavery with race mixture,⁴⁶ and there free love functioned as an extremely potent rhetoric.

Reconstruction, and the Threat of Miscegenation and Free Love

As in the case of most antebellum reformers, the outbreak of the Civil War in 1861 halted the momentum of free lovers. Free lovers did not actively support the government's appeal to armed force as a measure of settling conflicts, for they were usually individualist and pacifist. In the emergency of war, however, radicals compromised their principles for the greater good of ending slavery. Editors of free love periodicals abandoned their publications, and refrained from the public advocacy of free love ideology. The free love movement remained virtually inert until a younger, and arguably bolder, generation of advocates rekindled the cause in the early 1870s.⁴⁷ The retreat of the free love movement from the public sight nevertheless did not silence anti-free-love discourse. During and after the Civil War, Americans continued to rely on the notion of free love to express their anxiety and discontent regarding ongoing changes in gender, racial, and sexual norms.

The war years and the era of Reconstruction that followed brought revolutionary changes to American society, especially in the defeated South. The

1991), 155-56; Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2009), 28.

⁴⁶ Harris, "From Abolitionist Amalgamators to 'Rules of the Five Points'"; Lemire, *Miscegenation*.

⁴⁷ Spurlock, 202-204; Passet, *Sex Radicals*, 88-90.

abolition of slavery inevitably brought about a radical change to the region's racial and economic order. After the Emancipation Proclamation of 1863 and the emancipation of all remaining slaves with the Thirteenth Amendment in 1865, former slaves as well as free blacks entered into the public domain and collectively gained significant political power by enrolling in the Union Army and joining the Union League. During federal Reconstruction, blacks secured citizenship, stabilized their families, seized control of their own churches, created and expanded their schools and benevolent societies, and seized their political and economic independence.⁴⁸

Despite the intervention of the national government, southern whites were resolved to reclaim hegemony and restore white supremacy. One of the main measures southern whites took in the face of black political mobilization was strengthening prohibitions against miscegenation. The postbellum era saw the enactment or enforcement of anti-miscegenation laws in many southern and western states and general intolerance toward interracial relationships. As discussed earlier, misgivings about sexual relationships between white women and black men had begun growing in the period prior to the Civil War. As long as these black men were property, however, their owners had reasons to protect them from actual white violence through the antebellum era. African Americans' emancipation and their entrance into public life as citizens during the Reconstruction period brought newly heightened concerns about interracial sexual relationships. Southern whites, especially those who participated in

⁴⁸ Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988); Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South, from Slavery to the Great Migration* (Cambridge: Belknap Press of Harvard University Press, 2003).

the newly-created Ku Klux Klan, linked political equality with “social equality,” which in their mind meant miscegenation. In other words, black men’s political rights were understood as their free access to white women. This caused southern states to renew or newly enact strict anti-miscegenation statutes. At the same time, the fear of miscegenation constructed the myth of the black male rapist. Black men increasingly became the victims of brutal violence for their alleged transgressions (mainly based on false accusations) of raping white women. Legal and physical sanctions against interracial marriage and sex contributed to the reproduction and hardening of racial differences.⁴⁹

Conservative northerners also reacted negatively toward the federal government’s enactment of national citizenship regardless of race. Immediately after the Civil War, newspapers like the *New York Herald* published incendiary columns intended to stir anti-miscegenation fear. A *Herald* article argued that now that immediate abolition had been achieved, abolitionists’ next goal was to promote interracial marriage. A *Herald* article asserted that abolitionists had been laboring since the antebellum period for “nothing more than the political reign of abolitionists, with universal negro suffrage, universal free love and amalgamation of races.”⁵⁰ After the abolition of slavery, the notion of free love thus continued to be tied to black political rights in anti-miscegenation discourse.

The fears of interracial “free love” persisted despite the fact that most emancipated African Americans not only did not seek out sexual relationships with

⁴⁹ Hodes, *White Women, Black Men*, chap. 7; Rosen, *Terror in the Heart of Freedom..*

⁵⁰ “The Abolitionists and Their New Crusade,” *New York Herald*, August 7, 1865, 4.

whites but rather invested in autonomous families and organizations. African Americans sought equal participation in the formal political sphere as the concrete expression of newly acquired freedom. Aside from electoral politics, however, former slaves often equated freedom and autonomy with independence from white control. Most African Americans were content with, and preferred, having their own churches, schools, and benevolent societies that were separated from those of whites.⁵¹ Those sympathetic to the circumstances of former slaves rebutted the claim that emancipation would create free love across the color line in the South. A newspaper article noted that emancipated blacks, far from seeking interracial relationships, generally avoided any form of association with whites. The article argued that it was instead whites, under the institution of slavery, who practically forced “miscegenation” on blacks. Now that blacks had been freed, they kept “their women away from ‘free love’ whites.” Therefore, “free-love” miscegenation was the result of sexual exploitation of blacks under the institution of racial slavery, not the emancipation of slaves.⁵²

Former slaves’ reception of marriage and normative gender norms with alacrity belied the connection between blackness and “free love” fostered in the hostile press. With emancipation, freedpeople finally obtained the legal right to marry. When slaves entered freedom, southern white politicians and legislators advocated and mandated exslaves’ legal marriage. These conservative elites feared that children born of slave unions might have to be cared for by the state unless freedpeople were legally

⁵¹ Foner, *Reconstruction*, chap. 3; Hahn, *A Nation Under Our Feet*, chap. 5.

⁵² “The North Carolina Negroes in Freedom,” *San Francisco Bulletin*, September 10, 1870, 4.

required to care for their children. If the state emphasized freedpeople's obligations with this policy, freedpeople themselves embraced their newly acquired right. During Reconstruction, the notion of freedom came to be explicitly connected to marriage and family. As historian Amy Drew Stanley argues, postbellum Americans discussed and defined the meanings of freedom in the language of “contract,” and freedom found concrete expression in the contracts of wage labor and marriage. The negation of chattel status lay not only in owning oneself, in selling one's labor as a free market commodity, and but also in marrying and maintaining a home, which was marked by distinctive gender roles and domesticity. Because marriage legitimized freedmen as heads of households, African American men became able to claim the rights attached to this status, such as the right to control the labor of their wives and children. Reconstruction politics encouraged African Americans to practice the dominant form of monogamy, reinforcing the belief that men should act as the heads of households who were fully empowered by the law to represent, protect, and provide for their women and children—and that only those who could play this role deserved freedom and citizenship.⁵³

While the white popular press had attributed “free love” to black as well as white abolitionists and sometimes to practices among slaves, the African American press described free love as something belonging to whites. The *Semi-Weekly Louisianian* praised a black female lecturer, whose appreciation of married life made

⁵³ Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997); Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 1998).

“a happy contrast to her strong-minded, free-love, white sisters of the North.” Indeed, the nineteenth-century free love movement was dominated by white men and women. In rare cases, a small minority of African Americans concurred with the principle of individual sovereignty that free lovers claimed. In a 1873 issue of *Woodhull & Claflin’s Weekly*, a black subscriber named James Jefferson reported that he had formed a club of forty readers in Providence, Rhode Island. The weekly’s editor Victoria C. Woodhull was then amidst of an obscenity trial for allegedly publishing sexually-explicit articles. Jefferson pledged to support Woodhull through her battle against censorship: “I am one of that unfortunate race who for more than a century was denied the ownership of our own bodies, our wives and husbands, homes and children, and the products of our labor. . . . the colored people of this country can never consent to see the freedom of the press and the free speech put down. The power that can crush that may enslave us again, and I feel when I am defending you I am only defending my own liberty.”⁵⁴ In general, however, the ideology of free love did not appeal to most African Americans. For the black population, particularly for ex-slaves, making a marriage contract and having a legally sanctioned family was not something they took for granted. Free love was essentially an ideology of individual freedom. For blacks, securing collective rights and needs preceded those of the individual. In addition, the advocacy of free love was dangerous enough for whites but even more so for blacks because African Americans had long been victims of racist discourse that portrayed them as naturally lewd. Free love thus was a racially coded ideology in the nineteenth century.

⁵⁴ James Jefferson, *Woodhull & Claflin’s Weekly*, March 29, 1873, 5.

Since free lovers claimed that they opposed every law that artificially controlled natural affections and desires in the private domain, anti-free-lovers speculated that the notion of “free love” could include the abolition of anti-miscegenation laws and customs. However, in reality, few free lovers explicitly opposed laws that forbade interracial intimacy. By presuming that spiritual affections were naturally intraracial, free lovers might have contributed to reproducing the perception of interracial relationships as illicit and unnatural. If free lovers were not outright racists compared to most of their contemporaries, their silence on the issue of interracial relationships nonetheless indicated their general insensitivity or indifference toward racial issues.

Before the Civil War, free lovers attacked the morality of slavery, and some of them were actively engaged with the abolitionist movement. Influenced by the anarchistic theory of individual sovereignty, free lovers rejected the exercise of arbitrary power in any form. Slavery was the most evident form of human dominance in American society, and that was why free lovers used the metaphor of slavery to highlight their claims against the evils of the marriage system for women. Francis Barry stated, “No reform can prosper where Slavery’s blighting curse is felt. What fools are they who think to carry forward this or that reform to a successful termination, without interfering with Slavery.”⁵⁵

However, in the analogical use of slavery in their critique of marriage, free lovers sometimes equated marriage with slavery too literally that they trivialized the suffering of enslaved African Americans. They tended to downplay the fact that,

⁵⁵ Francis Barry, “Philosophy of Reform,” *Anti-Slavery Bugle*, September 9, 1854, 1.

despite their alleged similarities, marriage and chattel slavery were quite distinct institutions. Some free lovers even indicated that the situations of wives were worse than those of actual slaves. In her 1874 speech, Victoria Woodhull proclaimed that “all the suffering of all the negro slaves combined, is as nothing in comparison to that which women, as a whole, suffer,” because the number of “women slaves” (wives) was greater than that of “negro slaves.” She added, “The negroes were dependent upon their masters for all the comforts of life they enjoyed; but it was to the interest of their masters to give them all of these that health demanded. Women are as much dependent upon men for their sustenance as were the negroes upon their masters, lacking the interest that they had in the negroes as personal property.”⁵⁶ Woodhull thereby suggested that slaves had fared better in slavery than wives did in marriage since slaves’ health had been profitable and important for their masters. When free love advocates like Woodhull pitted marriage against slavery, they failed to acknowledge that racial slavery had put slaves in uniquely cruel conditions.

White free lovers’ tendency to use the image of African Americans to suit their own purpose continued in the later decades. As violence against African Americans spread after the 1870s, free love periodicals published articles decrying the lynching of alleged black rapists. Yet their criticism against brutal lynching ironically failed to address the issue of race. In an article in Moses Harman’s sex radical periodical *Lucifer, the Light-Bearer*, the free love advocate J. H. Cook argued,

If rape “is sexual intercourse with a woman against her will” then some of that negro's murderers, doubtless, have committed rape, or some of friends or neighbors; then there are far more rapes in marriage than

⁵⁶ Woodhull, *The Scare-Crows of Sexual Slavery*, 19.

outside of it. But, says one, the law does not license rape—no, not directly and designedly, but it does virtually and practically, by not protecting woman in her sexual and maternal functions, and her individuality while she is her husband's sexual property and is expected to gratify him, if he demands it.⁵⁷

Describing a lynching in Port Huron, Michigan in 1889, Moses Harman similarly wrote: “The crime for which the negro Martin was so brutally murdered was rape—a fearful crime most truly—but it is probable that few, if any, of the men who were concerned in the lynching were free of guilt—if their secret lives could be revealed—the guilt of abusing the person of some woman in the sex relation. . . . A guilty conscience often tries to atone for past misdeeds by an excess of zeal in behalf of injured innocence.”⁵⁸ Free lovers thus assumed that the allegations of rape against the black men were legitimate. They nevertheless attacked extralegal violence toward black rapists, claiming that those who engaged in lynching also committed rapes within marriage. Free lovers rarely discussed the racial implications of the fact that black victims of lynching had been often charged with raping *white* women. White supremacists fabricated fake charges of rape against black men as a way to keep them from asserting their rights and maintain white supremacy. Yet free lovers were so consumed by their own agenda of saving white married women from “sexual slavery” that they could hardly recognize the gendered racial ideology in creating the stereotype of the black male rapist.

In sum, nineteenth-century free lovers rarely if ever questioned contemporary anti-miscegenation laws and customs, far less advocated for interracial relationships.

⁵⁷ J. H. Cook, “Sexual Rapacity: Rape, Legal and Illegal,” *Lucifer, the Light-Bearer*, March 18, 1887, 1.

⁵⁸ “Lynching Manias,” *Lucifer, the Light-Bearer*, June 28, 1889, 2.

In their minds, free love theory did not have anything particular to do with racial relations. Free lovers' intention aside, in a society characterized by growing white concerns about the disintegration of racial differences and hierarchy after the abolition of slavery, the link to miscegenation in the public imagination added further infamy to an already infamous cause.

Conclusion

As Americans underwent the intensifying sectional conflict, the bloody Civil War, and the radical reconstruction of southern society, free love appeared in every corner of political debates. Just like marriage and gender roles became political issues that highlighted partisan divisions in the decades preceding the war, their imagined antithesis, free love, provided a vocabulary by which Americans articulated their worldviews. The vagueness and plasticity of free love permitted various groups of Americans to define the phrase in different ways and employed it to stigmatize their political foes as immoral, un-American, and antichristian. While southern proslavery commentators emphasized the northern origin of free love ideology to attack the socioeconomic system and reformist culture of the North, northern Union supporters used the metaphor of free love to chastise slaveholders' sexual exploitation of female slaves as well as southern states' secession from the federal union. The ubiquity of free love rhetoric in political contests over the abolition of slavery and its aftermath demonstrated how ideas about marriage, gender, and sexuality shaped American political discourses in crucial ways.

The use of the notion of free love by Americans with a wide spectrum of political allegiances strengthened the social stigma of "free love." The Civil War halted the momentum of free lovers, and the movement remained virtually inert until a

younger generation of advocates rekindled the cause in the early 1870s; nonetheless, by the late 1860s, the term “free love,” the enemy of marriage, was fixed in American common usage.

Chapter 4

FREE LOVE AND WOMEN'S RIGHTS

In 1871, Elizabeth Cady Stanton delivered her major lecture on divorce reform before a private club of women and men in New York City. This “Marriage and Divorce” lecture, which Stanton had introduced to her popular lyceum tour in the previous year, illustrated her belief that women should be able to obtain divorces from discordant marriage. Although Stanton’s demand for liberalized divorce was often deemed too radical and controversial even by many women’s suffragists, her female audiences’ reaction was surprisingly affirmative. Stanton was convinced of the importance of marriage reform for the feminist cause. In a letter she wrote after her first two lectures on the subject to Susan B. Anthony, she confided that “Women responded to this divorce speech as they never did to suffrage... Oh, how the women flock to me with their sorrows.” In addressing the closed circle of New York reformers, Stanton supplemented the lyceum-tested lecture with a short speech that endorsed an even more radical vision of sexual freedom. In the new speech, Stanton attacked the “compulsory bond” of marriage imposed by law and public opinion, and contrasted it with “natural and free adjustments which the sentiment of love would spontaneously organize for itself, and I do not know that I or you have the right to say what these adjustments should be.” Stanton continued:

But at this point probably your suspicions are aroused. Freedom and on this subject! Why that is nothing short of unlimited freedom of divorce, ... love put above marriage and in a word the obnoxious doctrine of Free Love. Well yes that is what I mean. We are one and all free lovers

at heart although we may not have thought so. We all believe in a good time coming either in this world or another, when men and women will be good and wise, when they will be ‘a law unto themselves,’ and when therefore the external law of compulsion will be no longer needed.

Stanton’s criticism of the arbitrary regulation of sexual relationships was, as she recognized, firmly in line with the free love doctrine.¹

This chapter demonstrates how the prevailing epithet of “free love” affected the platforms of nineteenth-century women’s rights activists, and restricted their vocabularies about gender norms in the private sphere. The fear of being associated with free love in the popular press drove the majority of women’s rights activists away from publicly discussing the issues of marriage and divorce, particularly during the antebellum period. Under the political climate of Reconstruction after the war, however, a radical cohort of women’s suffragists maintained that conventional lifelong marriage constituted the core of women’s subordination, and demanded the liberalization of divorce laws. Because they attacked the sanctity and indissolubility of marriage, these radical suffragists were accused of promoting free love.

The popular association between women’s rights and free love was further strengthened by the sudden appearance of sex radical and suffragist Victoria C.

¹ Ann D. Gordon speculates that the audience Stanton addressed here was probably radical reformers in the Reform Club or the Liberal Club of New York City. “Speech by ECS on Free Love” in *The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony, Vol. 2: Against an Aristocracy of Sex, 1866-1873*, ed., Ann D. Gordon (New Brunswick: Rutgers University Press, 2000), 392–98; Elizabeth Cady Stanton to Susan B. Anthony, June 27, 1870 in *Elizabeth Cady Stanton as Revealed in Her Letters, Diary and Reminiscences*, vol. 2, eds., Theodore Stanton and Harriot Stanton Blatch (New York: Harper & Bros., 1922), 127; Tracy A. Thomas, *Elizabeth Cady Stanton and the Feminist Foundations of Family Law* (New York: New York University Press, 2016), 142–43. On Stanton’s free love speech, see also Ellen DuBois, ed., “On Labor and Free Love: Two Unpublished Speeches of Elizabeth Cady Stanton,” *Signs* 1, no. 1 (1975): 257–68.

Woodhull in the national political arena in the early 1870s. Woodhull's flamboyant public performances—from opening a brokerage firm on Wall Street to campaigning for the 1872 presidential election—attracted a great deal of media attention, which turned her into what historian Amanda Frisken has called “one of the modern world's first celebrities.”² Internal conflicts over political strategies and priorities had caused the women's suffrage movement to splinter into two factions during the Reconstruction era. Woodhull joined the more radical, New York-based wing called the National Woman Suffrage Association led by Elizabeth Cady Stanton and Susan B. Anthony. Woodhull's public declaration of herself as a free lover, along with a series of scandals surrounding her personal life, aggravated division among suffragists, and attracted popular hostility to the cause of women's suffrage as a whole. Since the antebellum era, those against women's rights had employed the trope of free love to argue that women's rights would destroy the family and promote sexual licentiousness; in the early 1870s, these anti-reform conservatives found the perfect embodiment of the alleged connection between free love and women's rights in Victoria Woodhull.

Women's Rights, Divorce, and Free Love

Marriage, divorce, and free love were among the most divisive and explosive topics for nineteenth-century reformers, and this was particularly true for women's rights activists. From the movement's inception, women's rights reformers were

² Amanda Frisken, *Victoria Woodhull's Sexual Revolution: Political Theater and the Popular Press in Nineteenth-Century America* (Philadelphia: University of Pennsylvania Press, 2004), 15.

unanimous in opposing the common law definition of marriage, which subjected the person, property, earnings, and children of married women to the control of their husbands. This unanimity did not lead to a coherent feminist plan for divorce reform. Only a minority of women's rights reformers supported liberal divorce as a solution to women's marital subordination. Women's rights reformers' reluctance to even mention the subject of divorce on their platform reflected the threat of the anathema of free love prevailing in popular print culture. In the popular press after the mid-1850s, anyone who challenged conventional marriage and gender arrangements was vulnerable to the charge of advocating "free love." Opponents of women's rights tried to taint the cause by associating it with free love and thus with the destruction of the family; they disparaged demands for women's political autonomy as threat to men's authority as the heads of their households and to the fiction of gendered separate spheres.³ Within this political climate, the majority of women's rights reformers feared—probably correctly—that mere discussion of divorce within the movement would fuel accusations that they supported free love.

Questions of marriage, divorce, and free love provoked major disputes at the tenth National Woman's Rights Convention, held at New York's Cooper Institute in May 1860. At the convention, the iconoclast Elizabeth Cady Stanton created a stir when she introduced resolutions that favored divorce reform. The principle of permanent marriage, Stanton argued, compelled many women to live in marital misery

³ On the alleged connection between women's suffrage and free love in anti-suffrage discourse, see also Lisa Cochran Higgins, "Adulterous Individualism, Socialism, and Free Love in Nineteenth-Century Anti-Suffrage Writing," *Legacy* 21, no. 2 (2004): 193–209.

under tyrannical and debauched husbands. These violent, loveless unions were technically “legalized prostitution.” Stanton insisted that marriage should be regarded not as a divine, indissoluble tie but as a civil contract: a contract which was “made by equal parties to live an equal life, with equal restraints and privileges on either side,” and which could be annulled when the union proved to be ill-suited or harmful. As a legal contract, marriage should be subject to the restraints and privileges of other contracts, including the ability to dissolve it at the will of either party. Stanton emphasized an inalienable right of individuals to pursue happiness, arguing that it was false to assume that “the same law that oppresses the individual can promote the highest good of society.” “When society or government, by its laws or customs, compels its continuance, always to the grief of one of the parties, and the actual loss and damage of both,” she declared, “it usurps an authority never delegated to man, nor exercised by God himself.”⁴

Stanton’s advocacy of liberal divorce law found support among some radical reformers like feminist and freethinker Ernestine L. Rose. While the existing New York state statute granted divorce on the sole ground of adultery, Rose insisted that divorce grounds should be expanded to include domestic cruelty, willful desertion for one year, habitual intemperance, and other vices. “The question of a Divorce law seems to me one of the greatest importance to all parties,” Rose stated, “but I presume that the very advocacy of divorce will be called ‘free love.’” Having been accused herself for advocating free love for her criticism of gender inequality in marriage, Rose acknowledged the malleability of the term “free love” in popular print culture.

⁴ Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, *History of Woman Suffrage, Vol. 1: 1848-1861* (New York: Fowler & Wells, 1881), 716–22.

Unlike many contemporary reformers, however, Rose refused to employ familiar anti-free-love rhetoric in defending her pro-divorce stance: “For my part . . . , I do not know what others understand by that term [free love]; to me, in its truest significance, love must be free, or it cease to be love. In its low and degrading sense, it is not love at all, and I have as little to do with its name as its reality.” At the same time, Rose claimed that it was unreasonable for those against “free love” to oppose divorce as well, because, in her view, the very unavailability of divorce was fostering what was popularly understood as free love, or infidelity and promiscuity. She maintained, “I ask for a law of Divorce, so as to secure the real objects and blessings of married life, to prevent the crimes and immoralities now practiced, to prevent ‘Free Love,’ in its most hideous form, such as is now carried on but too often under the very name of marriage, where hypocrisy is added to the crime of legalized prostitution. ‘Free Love,’ in its degraded sense, asks for no Divorce law. It acknowledges no marriage, and therefore requires no divorce.” Rose, like Stanton, argued that permitting ill-suited married couples to separate more easily would support the institution of marriage by promoting true unions based on pure affection and respect. Although both Stanton and Rose believed in marriage as a legal institution, their emphasis on equality and mutual love as the basis of sexual unions—let alone their use of “legalized prostitution” to attack loveless marriage—were strikingly similar to the rhetoric of free lovers.⁵

⁵ Stanton, et al., eds., *History of Woman Suffrage, Vol. 1*, 729-32. New York State had one of the most stringent divorce laws in the nation up to the twentieth century. J. DiFonzo and Ruth Stern, “Addicted to Fault: Why Divorce Reform Has Lagged in New York,” *Pace Law Review* 27, no. 4 (Summer 2007): 559-603.

Many other activists in attendance, however, responded less positively toward the proposal of easier divorce. Antoinette Brown Blackwell firmly insisted that marriage must be “permanent and indissoluble.” Although Blackwell admitted that many women were tormented by abusive husbands under lifelong marriage, her solution to their problems sounded somewhat ruthless; “If my husband was wretched and degraded in this life,” Blackwell stated, “I believe God would give me strength to work for him while life lasted.” Wendell Phillips even objected to the discussion on marriage and divorce being recorded in the proceedings of the convention. Phillips argued that the question of marriage was irrelevant to the platform of women’s rights, because it did not exclusively involve women but rested equally men and women. But Phillips’s main concern lay elsewhere:

The reason why I object so emphatically to the introduction of the question here is because it is a question which admits of so many theories, physiological and religious, and what is technically called “free-love,” that it is large enough for a movement of its own. Our question is only unnecessarily burdened with it. . . . If the speeches are reported, of course the resolutions will go with them. Most journals will report them as adopted. But I say to those who use this platform to make speeches on this question, that they do far worse than take more than their fair share of the time; they open a gulf into which our distinctive movement will be plunged, and its success postponed two years for every one that it need necessarily be.

Phillips thus implied that any attack on the lifelong tie of marriage would invite the stigma of free love in the press and alienate popular support for women’s rights. Some participants concurred with Phillips’s suggestion, while others did not. William Lloyd Garrison supported Stanton’s right to free speech on the podium, and Antoinette Blackwell and Susan B. Anthony strongly asserted that the issue of marriage was, and always had been, within the scope of women’s rights reform. The heated discussion at the convention illustrated how marriage and divorce were important yet potentially

dangerous topics for women's rights activists. In antebellum America, one could not discuss these issues without the risk of being labeled a free love advocate.⁶

Women's rights activists' debate on marriage and divorce, or on women's rights in general, was temporarily halted amid the emergency of the Civil War, but Reconstruction gave feminists new energy to take up their cause. The triumph of abolitionism and Reconstruction politics' focus on equality offered radical possibilities to other reform movements, including women's suffrage. During the antebellum years, voting rights had been considered the most progressive and controversial among all the demands for women's rights, even within the movement. When black enfranchisement became a principal goal for postwar abolitionists to protect the citizenship of freedpeople after their emancipation, women's rights reformers reached a consensus that suffrage was also fundamental to women's status. Postbellum feminists' focus on suffrage transformed the antebellum women's rights movement into the women's suffrage movement. Feminists called for women's suffrage along with black suffrage, based on the notion that the vote was a natural right with which all individuals were equally endowed by birth. Women's suffragists were convinced that their antebellum allies among abolitionists and radical Republicans would collaborate with them to achieve universal adult suffrage regardless of race and gender.⁷

⁶ Stanton, et al., eds., *History of Woman Suffrage, Vol. 1*, 725, 732-33.

⁷ Ellen Carol DuBois, *Feminism and Suffrage: The Emergence of an Independent Women's Movement in America, 1848-1869* (Ithaca: Cornell University Press, 1978), 40-47, 54-55.

Feminists' hopes were quickly replaced by disillusion and disappointment. It soon became clear that dominant abolitionists and radical Republicans regarded Reconstruction as the "negro's hour" and expected women to wait their turn for the vote. They were afraid that the introduction of women's suffrage into their platform would undermine the prospect of securing black suffrage. Women's rights reformers were divided over the Fourteenth and Fifteenth Amendments to the Constitution, whose provisions extended the ballot only to black males at the expense of women of all colors. Elizabeth Cady Stanton and Susan B. Anthony strongly opposed the adoption of the amendments as they were, while the majority of suffragists, including Lucy Stone and Henry Blackwell, concluded that black male suffrage was the immediate priority of the moment and conceded to support the amendments. The division among suffragists resulted in the creation of two separate organizations in 1869, the New York-based National Woman Suffrage Association (NWSA) led by Stanton and Anthony, on the one hand, and the New England-based American Woman Suffrage Association (AWSA) led by Stone and Blackwell, on the other. Whereas AWSA reformers continued to rely on support from powerful Republican and abolitionist men including Henry Ward Beecher, Wendell Phillips, and William Lloyd Garrison, Stanton and Anthony intended the NWSA specifically to be a politically-independent organization directed by women.⁸

Disagreements over the questions of marriage and divorce resurfaced among suffragists after the war, and this time with full force. In the words of historian Ellen Carol DuBois, the Reconstruction years saw "the radicalization of suffragists' analysis

⁸ DuBois, *Feminism and Suffrage*, 55-78, 162-96.

with respect to the issue of male supremacy, and particularly the sexual oppression of women.”⁹ After the war, Stanton, Anthony, and some of their feminist allies were determined to investigate women’s oppression in sexual contexts, and they occasionally recognized marriage as a crucial institution in producing and stabilizing the inferior status of women. Radical suffragists’ protests against the “sexual slavery” of marriage inevitably invited the public charge of free love. The issues of marriage, divorce, and free love aggravated the tension between sex-radical suffragists in New York and more conservative or moderate suffragists in Boston.

The popular (mis)understanding of free love stood at the center of a heated debate over the murder of *New York Tribune* journalist Albert D. Richardson in November 1869. Richardson was fatally shot in the *Tribune* office by Daniel McFarland, who was outraged that Richardson planned to marry his ex-wife Abby Sage. Sage had left Daniel’s bed and board in early 1867, after having endured eleven years of verbal and physical violence from her alcoholic and impecunious husband. Albert Richardson, with whom Sage had become acquainted through friends, provided her with sympathy and help during her struggle after the separation, and the two gradually fell in love. Since New York State permitted divorce only on the ground of adultery, Sage took up residency in Indiana, whose liberal divorce law enabled her to sever the tie to her husband and remarry Richardson. When Richardson’s wound from the shot turned out to be mortal, he desired to marry Abby Sage before his impending death. The *Tribune* editor Horace Greeley—a staunch opponent of easy divorce,

⁹ Ellen Carol DuBois, “The Nineteenth-Century Woman Suffrage Movement and the Analysis of Women’s Oppression (1978),” in *Woman Suffrage and Women’s Rights* (New York: New York University Press, 1998), 75.

ironically—helped arrange a wedding ceremony and served as a witness. At the deathbed, Richardson and Sage were married by Reverend Henry Ward Beecher, renowned liberal clergyman and brother of Harriet Beecher Stowe, with the aid of Reverend Octavius B. Frothingham, a Unitarian minister of the church Richardson attended.¹⁰

For the next several months, newspapers and magazines across the nation were flooded with sensational reports regarding the tragedy and subsequent trial of Daniel McFarland. At the trial, Daniel McFarland's defense lawyers argued that McFarland and Abby Sage were still married, and that he, as a husband, had a right to vindicate his honor by killing the libertine who had seduced his wife. They claimed that Sage's Indiana divorce was fraudulent and invalid, since precedents in New York State did not recognize out-of-state divorce procured without the presence or notice of either party. McFarland's lawyers castigated Horace Greeley, other *Tribune* colleagues, and Abby's sympathetic friends, declaring that they were all driven by a "free love conspiracy" to alienate Sage's affections from her virtuous husband and break up their happy marriage. Beecher and Frothingham were also accused of aiding and abetting bigamy and promiscuity. The common-law principle of coverture that prohibited a wife from testifying against her husband at court also worked to Daniel McFarland's advantage. The New York court acquitted McFarland on the ground that he was temporarily insane when he killed Richardson, and granted him custody of his two sons with Sage. The press and the general public applauded the verdict as the

¹⁰ Robert M. Ireland, "Death to the Libertine: The McFarland-Richardson Case Revisited," *New York History* 68, no. 2 (April 1987), 191-97.

vindication of marriage, while labeling Richardson, Sage, and those who helped them as a bunch of free lovers.¹¹

The taint of free love also fell on people who were not directly involved in the affair yet publicly sided with Albert Richardson and Abby Sage. Theodore Tilton's *Independent*, the reform-minded Congregationalist weekly, was one of the few periodicals aside from the *New York Tribune* that insisted on the criminality of McFarland. (Tilton had replaced Henry Ward Beecher as the *Independent's* editor in 1863.) Tilton, as Richardson's friend and colleague in the journalism business, assured readers of Richardson's honorable personality, while attacking the current legal restrictions that had not permitted Sage to end her abusive and unhappy marriage. Tilton wrote, "There is no divine, and there ought to be no human, law to compel the continuance of any marriage which, so long as it continues, is nothing better than legalized prostitution. . . . To chain two human beings fast to each other's side, against the perpetual protest of galled and wounded human nature, is an offense at which angels weep."¹² Tilton called for a uniform divorce legislation to avoid divorce being first legalized in one state and nullified in another. Tilton's editorial attracted sharp criticism from both the religious and secular press. The Congregationalist periodical the *Advance* asserted that the *Independent's* argument was "the essential doctrine of free-love": "It is a direct denial of the Bible doctrine of marriage as the life-union of

¹¹ Ireland, "Death to the Libertine," 197–217; Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 68–71. On the precedents that denied the validity of out-of-state divorces in New York State, see "The Richardson Assassination," *The Independent*, December 9, 1869, 4.

¹² "The Richardson Assassination," *The Independent*.

husband and wife ... It is the substitution for marriage of the free-love doctrine of 'affinity,' or that husband and wife should live together as such only so long as they are attracted to each other, and are happy in each other's society!"¹³ The *Christian Advocate* similarly decried that Tilton's argument was "the very essence, and the entire substance, of *free-loveism* ... Such doctrines, unhappily, are not new in the land; but it is something new to see them thus boldly stated and avowed by an accepted leader of public opinion in the Church and country."¹⁴ The common-use definition of free love allowed McFarland to claim a righteous defense against his ex-wife's "infidelity" while diverting the attention of the jury and the public from his domestic cruelty or his failure to fulfill marital duties.

In the minds of some women's suffragists, the Richardson-McFarland tragedy and the legal proceedings of the case represented the epitome of marital injustices for women. Despite the risk of the label "free love," women's suffrage advocates—those in the NWSA faction, more specifically—began openly questioning the conventional form of lifelong monogamy that granted a husband the right of property in his wife's person and forbid her to escape from it. At a NWSA weekly meeting held shortly after Richardson's death, New York suffragists introduced a resolution that attributed the shooting of Richardson by McFarland to "the slavish and debasing condition of woman by the statute of common law of the State of New-York." One male participant even stated that he preferred "free love" to the present system of marriage, which to

¹³ "Free Love," *The Advance*, December 16, 1869, 4; "In Vain," *The Advance*, December 30, 1869, 4.

¹⁴ "'Free Love' on the Rampage," *Christian Advocate*, December 16, 1869, 396.

him was “nothing but a public system of prostitution.”¹⁵ Elizabeth Cady Stanton, who had called for divorce reform since the prewar years, was particularly involved with the case. In her speeches before audiences and in the columns of *The Revolution*, published with Susan Anthony, Stanton defended the morality of Abby Sage’s divorce from her abusive ex-husband, and appealed for the liberalization of New York’s stringent divorce law: “I rejoice over every slave that escapes from a discordant marriage. With the education and elevation of women we shall have a mighty sundering of the unholy ties that hold men and women together who loathe and despise each other.” Stanton attacked “the popular idea of the sacredness of the marriage institution,” which demanded a woman to “love and adore her husband, and, like the slave, to be contented and happy under all circumstances” and to “continue to be his wife as long as he lives.” Stanton also chastised deceptions in the press coverage of the affair, writing, “What folly to talk of McFarland’s devotion to his wife! His cowardly assault on Richardson shows the nature and temper of the man, and if a man has any mean, petty traits, his wife learns them in shame and bitterness long before the world finds him out.”¹⁶ In May 1870, when the court found Daniel McFarland not guilty, Stanton and Anthony organized a mass public meeting, open

¹⁵ “The Bureau Suffrage Meeting,” *The Revolution*, December 16, 1869, 373; “The Free Love Question,” *New York Times*, December 9, 1869, 5; “National Suffrage Meeting,” *New York Herald*, December 9, 1869, 7; “Progress of the Women’s Rights Women—Horrible Revelations,” *New York Herald*, December 10, 1869, 6. For a similar speech Sarah Norton made regarding the murder at the city’s “Reform Club,” see “Reform Club,” *New York Herald*, December 3, 1869, 3.

¹⁶ Elizabeth Cady Stanton, “Editorial Correspondence,” *The Revolution*, December 23, 1869, 385; “Anniversary of the National Woman Suffrage Association,” *The Revolution*, May 19, 1870, 307.

only to women. The participants at that meeting unanimously adopted resolutions that demanded that, if McFarland had really acted out of insanity and was morally irresponsible for his murder as the verdict declared, he be confined in an asylum.¹⁷

Stanton and her allies' open attack on indissoluble marriage seemingly proved the anti-suffragists' suspicion that feminists' ultimate goal was to destroy the family and promote free divorce and free love. Conservatives claimed that the freer divorce that suffragists supported would destabilize the marriage institution and inevitably lead to free love. The association of women's suffrage with free love in anti-suffrage discourse reflected fears about eroding separate spheres. Male identity had been shaped by patriarchal control over an impermeable private sphere within which women remained. While men participated in public life as individuals separated from the private sphere, women were defined only by their familial roles as wives and mothers. The inclusion of women into the polity would mean that they would be recognized as individuals in their relation to the government. Suffragists' demand for women's admission into the public sphere and their rejection of men's property rights in their wives in the private both questioned the traditional notions of marital unity and patriarchal authority. In that sense, women's suffragists fundamentally challenged the existing organization of the family as free lovers did. The conservative press therefore utilized the specter of free love in their opposition to female suffrage in order to demonstrate their point that women's political autonomy and domestic happiness were incompatible.

¹⁷ "Speech by Elizabeth Cady Stanton to a Mass Meeting of Women in New York," in *The Selected Papers of ECS and SBA, Vol. 2*, ed. Gordon, 336–56; "Mrs. Stanton at Apollo Hall," *The Revolution*, May 26, 1870, 324–25.

The aspersions cast against free love succeeded in pushing a prominent faction of suffragists away from divorce reform, whatever the personal convictions of the group's leaders. As Stanton and her allies in the NWSA became radicalized in their stance toward marriage, suffragists in the rival (and more mainstream) AWSA became more conservative. Those affiliated with or sympathetic to the AWSA passionately denounced NWSA leaders' call for divorce reform. AWSA women and men reacted quite negatively to proposals for liberal divorce. As women's suffrage gained recognition and respect as a mainstream reform cause after the war, any public association with free love threatened to deprive the movement of its moral power or credentials. Lucy Stone and Henry Blackwell—who openly protested the marriage laws at their wedding in 1855—now directed AWSA reformers to work for women's political, educational, and economic rights while avoiding such “side issues” as marriage and divorce in the private sphere.¹⁸ The Stone-Blackwell marriage had been frequently cited as a proof of suffragists' supposed “free-loveism” in anti-suffrage newspapers,¹⁹ and this might have helped gradually lead the couple to a more conservative public stance regarding the marriage question. Lucy Stone now emphasized that, unlike the Stanton-Anthony faction, AWSA suffragists “believe in *marriage for life*, and deprecate all this loose, pestiferous talk in favor of *easy divorce*.” Stone argued that Stanton's theories of marriage and divorce, if “legitimately carried out,” would “abrogate marriage, and we have then the hideous thing known as

¹⁸ Henry B. Blackwell, “Woman Suffrage and Divorce,” *Woman's Journal*, June 4, 1870, 173.

¹⁹ For example, see Lucy Stone to Susan B. Anthony, May 9, 1867, in *The Selected Papers of ECS and SBA*, vol. 2, ed., Gordon, 57-58.

‘free love.’ Be not deceived—*free love means free lust.*”²⁰ As a friend of the cause, liberal Methodist bishop Gilbert Haven advised suffragists to “keep free love from their platforms if they wish their cause to succeed.” “This country is possessed of two ideas,” Haven wrote, “faith in Christ, [and] belief in the purity and perpetuity of marriage vows. If they flout these, they will put back their cause. Not until the people are sure that its triumph is not to be the triumph of such evils, will it be allowed to prevail.”²¹ Suffragists who criticized Stanton’s preoccupation with the divorce question believed that the success of women’s suffrage required its advocates to demonstrate allegiance to Christian lifelong monogamy and middle-class propriety. In fact, the majority of reformers in the NWSA were less progressive about marriage than Stanton, and some expressed uneasiness with the discussion of divorce reform.²² Although Stanton and some of her coworkers sharply criticized the sexual oppression of women within marriage, their radicalization left them open to the epithet of free love and alienated more sexually conservative feminists and the general public.

²⁰ “The New York ‘Revolution,’” *Woman’s Journal*, October 22, 1870, 332; “Marriage and Divorce,” *Woman’s Journal*, November 5, 1870. Although these editorials are unsigned, Andrea Moore Kerr judges that, from “Stone’s distinctive prose style and idiosyncratic punctuation,” they were written by Lucy Stone. Kerr, *Lucy Stone*, 156, 272.

²¹ “Woman Suffrage,” *Zion’s Herald*, May 26, 1870, 247.

²² “The Bureau Suffrage Meeting,” *The Revolution*, December 16, 1869, 373; Lillie Devereux Blake, “The Woman Suffrage Association Defended,” *The Revolution*, December 23, 1869, 388; DuBois, *Feminism and Suffrage*, 192.

Victoria C. Woodhull and the National Woman Suffrage Association

The polarization within the women's suffrage movement was further intensified by the emergence of a vocal spokeswoman of free love theory. In January 1870, a young, beautiful, obscure woman named Victoria Claflin Woodhull seized the spotlight when she and her younger sister Tennessee (Tennie) Claflin opened a brokerage firm on Wall Street and became the nation's first female stockbrokers. For the next six years until her departure for England, American popular newspapers and magazines followed her every move; Woodhull, for her part, embraced and skillfully manipulated publicity in the print media to promote her broad agenda for social reform, which included free love.²³ Although free lovers had not been part of the organized women's suffrage movement, Stanton and Anthony's split from more conservative suffragists during Reconstruction allowed Woodhull to play a leading role in the suffrage cause for a brief period between 1871 and 1872. NWSA suffragists' alliance with Woodhull infused new energy and hope into the movement, but Woodhull's uncompromising advocacy of free love coupled with rumors about her private life endangered the respectability of women's suffrage and deepened the gulf between the two factions of suffragists.

²³ Woodhull's dramatic life story has drawn attention of many biographers. The important works include Emanie Sachs, *"The Terrible Siren": Victoria Woodhull, 1838-1927* (New York: Harper & Bros., 1928); Johanna Johnston, *Mrs. Satan: The Incredible Saga of Victoria C. Woodhull* (New York: Putnam, 1967); Lois Beachy Underhill, *The Woman Who Ran for President: The Many Lives of Victoria Woodhull* (New York: Penguin Books, 1996); Mary Gabriel, *Notorious Victoria: The Life of Victoria Woodhull, Uncensored* (Chapel Hill: Algonquin Books of Chapel Hill, 1998); Barbara Goldsmith, *Other Powers: The Age of Suffrage, Spiritualism, and the Scandalous Victoria Woodhull* (New York: A.A. Knopf, 1998); Myra MacPherson, *The Scarlet Sisters: Sex, Suffrage, and Scandal in the Gilded Age* (New York: Twelve, 2014).

By the time Victoria Woodhull embarked on her career in New York City, she was long accustomed to public life as a spirit medium. Victoria Claflin was born in 1838, as the seventh child of a large transient family in the rural frontier town of Homer, Ohio. Her father, “Buck,” was prone to gambling and swindling, while her mother, Roxanna, was a religious, illiterate woman. Victoria was a peculiar child gifted with an astonishing memory, oral eloquence, and, most significantly, spiritual power to communicate with departed souls. Her father took advantage of Victoria’s visionary talent for profit, promoting her as an itinerant medium who preached Christ’s teaching while in trance state. Later, Tennie, the family’s youngest daughter who had a similar magnetic power, joined the circuit. At the age of fifteen, Victoria married twenty-seven-year-old Canning Woodhull. Canning professed himself to be a physician, but Victoria learned after marriage that he had never gone through legitimate training and had no regular income. While her husband wasted money on alcohol and brothels, Victoria worked as a magnetic healer to support him and their two children.²⁴

In the spring of 1864, however, Victoria met and fell in love with Colonel James Harvey Blood, who had visited her office at a St. Louis hotel. A celebrated veteran of the Union Army, Blood was also an ardent proponent of Spiritualism, and had been appointed chairman of the St. Louis Society of Spiritualists in 1864. After she obtained a divorce decree from her husband in 1866, Victoria married Blood. In 1868, the couple moved to New York City, accompanying Victoria’s closest sister Tennie. Eventually, not only Victoria’s two children but also her parents, siblings, and

²⁴ Underhill, *The Woman Who Ran for President*, chaps. 1–2; Gabriel, *Notorious Victoria*, 7–9, 11.

their families joined them, creating an unconventional extended household. Victoria even permitted her impoverished and now sick ex-husband Canning to be part of the household.²⁵

Blood was well versed in various strains of radical thought, including socialism and women's rights; through him, Victoria first learned about free love. Victoria's reaction to free love reflected her own bitter experience with her husband and, more fundamentally, the developmental disability of her first son, Byron, born out of this dysfunctional marriage. Free lovers and many mainline health reformers of her day attributed a child's mental or physical disability to the nature of the parents' relationship. They argued that loveless marriages were likely to produce unhealthy children because the mental, emotional, and physical conditions of parents were transmitted to their offspring. In concert with temperance advocates, Victoria believed that husbands' habitual drinking caused hereditary damage (as in the case of her alcoholic ex-husband). Drunkenness also incited lust in the men, yet their wives were, under the institution of marriage, obliged to submit to their sexual demands. Victoria later claimed, "Causes of partial and total idiocy have been traced to the beastly inebriation of the partners at and previous to conception." When she said that "Many mothers can trace the irritable and nervously disagreeable condition of their children to their own condition" during conception and gestation, she definitely had in mind her own responsibility for Byron's perpetual condition.²⁶ Free lovers' discussion of

²⁵ Underhill, *The Woman Who Ran for President*, 35–39; Gabriel, *Notorious Victoria*, 22–23, 29–36.

²⁶ "Official Report of the Eighth National Convention—The American Association of Spiritualists," *Woodhull & Claflin's Weekly*, October 7, 1871, 4–5. On the hereditary theory of free lovers and health reformers, see Linda Gordon, *Woman's Body*,

marital oppression would have been familiar to her. As an itinerant medium, she had heard similar personal stories of domestic unhappiness, poverty, and physical, psychological, and sexual abuse from women and men who consulted her.²⁷ Free love theory offered her a crucial framework to understand and reinterpret a series of struggles she experienced through life.

Newly settled in New York City, Victoria and Tennie became acquainted with railroad proprietor and millionaire Cornelius Vanderbilt, who was interested in the existence of the afterlife. While Tennie allegedly formed a sexual liaison with Vanderbilt through her service of magnetic healing, Victoria won his trust by offering him contact with his deceased mother and clairvoyant advice about the stock market. Under Vanderbilt's generous patronage, Victoria and Tennie established a brokerage business, Woodhull, Claflin & Company, in January 1870.²⁸

Woodhull claimed that her entry into Wall Street was intended to prove that women were able to work successfully in the male-dominated world of stock trading and achieve economic independence. Seeking equal rights not just for herself as an individual but for all women, Woodhull resolved to venture into the sphere of politics. The April 2, 1870 issue of the *New York Herald* published a letter from Woodhull, in

Woman's Right: Birth Control in America, 2nd ed. (New York: Penguin Books, 1990), 118–124; Hal D. Sears, *The Sex Radicals*, 120–122; Battan, “‘Sexual Selection’ and the Social Revolution,” 37–40.

²⁷ Victoria C. Woodhull, *And the Truth Shall Make You Free: A Speech on the Principle of Social Freedom, delivered in Steinway Hall, Monday, November 20, 1871* (New York: Woodhull and Claflin, 1874), 29.

²⁸ Underhill, *The Woman Who Ran for President*, chaps. 3, 6; Gabriel, *Notorious Victoria*, 32–36, 40–50.

which she nominated herself as a candidate for president in the 1872 election. Woodhull asserted her qualifications by contrasting herself with other women's suffragists: "While others of my sex devoted themselves to a crusade against the laws that shackle the women of the country, I asserted my individual independence; while others prayed for the good time coming, I worked for it; ... while others sought to show that there was no valid reason why woman should be treated socially and politically as a being inferior to man, I boldly entered the arena of politics and business and exercised the rights I already possessed."²⁹ An encounter with veteran free lover and anarchist reformer Stephen Pearl Andrews influenced Woodhull's decision to actively engage in social reform and electoral politics. The two had met shortly after she arrived in New York City. Andrews impressed her with his radical reform ideas, and she provided him with economic support in exchange for his intellectual input. In May 1870, Victoria and Tennie launched a newspaper, *Woodhull & Claflin's Weekly*, as a vehicle to promote Victoria's presidential campaign. The *Weekly* covered not only politics and finance but also a range of radical topics such as women's rights, Spiritualism, free love, prostitution, labor reform, and internationalism. The paper boasted that its circulation rose to 20,000 by the fall of the same year. Although the masthead listed Victoria and Tennie as the editors, Blood and Andrews were largely in charge of writing and editing of the columns.³⁰

One crucial event that pushed Victoria Woodhull to be a powerful advocate for women's voting rights at the national level was a pro-suffrage memorial she read

²⁹ "The Coming Woman," *New York Herald*, April 2, 1870, 8.

³⁰ Underhill, *The Woman Who Ran for President*, 86–93; Gabriel, *Notorious Victoria*, 58–65.

before the House Judiciary Committee in January 1871. Woodhull became the first woman to obtain a hearing with a congressional committee through her close association with Benjamin Butler, a Representative of Massachusetts and a radical Republican who championed labor reform and women's rights. In the memorial, Woodhull argued that it was unnecessary to enact another constitutional amendment to gain female suffrage because women were already entitled to vote by the Fourteenth and Fifteenth Amendments. According to Woodhull, a provision of the Fourteenth Amendment ensured that women, as well as men, born or naturalized in the United States were all citizens and thus entitled to all the rights and duties of citizens. So long as a distinction among citizens on account of sex was not explicitly written in the Constitution, she argued, female citizens were also granted the right to vote. Because the Fifteenth Amendment vitiated any state law that denied the vote to citizens, Woodhull demanded that Congress enact a declaratory act to prohibit states laws from denying women's constitutional right to vote. Missouri suffragists Virginia and Francis Minor had argued that women were already entitled to vote in 1869; this idea had become a new strategy called the "New Departure" among NWSA suffragists. What was innovative about Woodhull's memorial, however, was that it simply demanded a declaratory act by Congress, while the Minors' strategy required women to vote and appeal to state courts when those votes were discredited.³¹ Woodhull's congressional hearing was scheduled in the same week as a NWSA meeting, and

³¹ "Congressional Reports on Woman Suffrage (1871)," in *The Victoria Woodhull Reader*, ed. Madeleine B. Stern (Weston, Mass.: M&S Press, 1974); Ellen Carol DuBois, "Taking the Law into Our Own Hands: Bradwell, Minor, and Suffrage Militance in the 1870s (1990)," in *Woman Suffrage and Women's Rights*, 117-119, 122-123.

suffragists were then staying in Washington, D.C. Learning about the memorial, suffragist leaders including Susan B. Anthony and Isabella Beecher Hooker (the militant suffragist affiliated with the NWSA, despite her half-brother Reverend Henry Ward Beecher being the current president of the rival AWSA) came to listen to her. By the end of Woodhull's address, the suffragists were thoroughly enchanted and welcomed her into their cause.³²

NWSA leaders found in Victoria Woodhull a powerful figure who would revitalize the suffrage movement with her charisma, oratory skills, and wealth, despite her dubious reputation in the media. Anthony wrote in excitement to Woodhull, "Bravo! My Dear Woodhull ... I have never in the whole twenty years' good fight felt so full of life and hope."³³ Isabella Beecher Hooker was particularly enthralled by Woodhull's magnetic personality, and defended her against accusations from Hooker's more conservative siblings and friends. "I shall always love her," Hooker wrote to Anthony, "for I never saw more possible nobilities in a human being than in her."³⁴ Woodhull was invited to the NWSA convention held at New York City's Apollo Hall in May 1871. Standing before a large audience of curiosity-seekers who had flocked to the convention hall in response to advance publicity, Woodhull delivered an incendiary keynote address emphasizing that constitutional amendments

³² Underhill, *The Woman Who Ran for President*, 100–104.

³³ Susan B. Anthony to Victoria Claflin Woodhull, February 4, 1871 in *The Selected Papers of ECS and SBA*, Vol. 2, ed. Gordon, 415.

³⁴ Isabella Beecher Hooker to Susan B. Anthony, March 11 [and 14], 1871, in Jeanne Boydston, Mary Kelley, and Anne Throne Margolis, *The Limits of Sisterhood: The Beecher Sisters on Women's Rights and Woman's Sphere* (Chapel Hill: University of North Carolina Press, 1988), 205–9.

protected women's right to vote as citizens. Woodhull declared, "If Congress refuse to listen to and grant what women ask, there is but one course left them to pursue ... We mean treason; we mean secession, and on a thousand times grander scale than was that of the South. We are plotting revolution; we will overslough [overthrow] this bogus republic and plant a government of righteousness in its stead, which shall not only profess to derive its power from the consent of the governed, but shall do so in reality."³⁵ Later in November 1871, Woodhull, Tennie Claflin, and ten more female suffragists attempted to exercise their "constitutional" suffrage in the preliminary election of New York State. They had managed to register as voters, but election inspectors refused to count their votes at the polls.³⁶

Ever since Victoria and Tennie started a stock trading business and drew the media's attention, rumors about their past had been whispered around the city. In order to evade criticism and retain their respectability, the sisters often falsified their family background and personal histories. Nonetheless, the unconventional Claflin family members caused a series of disturbances, which further imperiled Woodhull's reputation. Finally, in May 1871, Victoria's mother, Roxanna, made a criminal complaint against Victoria's second husband, Colonel James Harvey Blood that he had alienated her from the affections of her daughters and threatened her life with violence. Newspaper reporters and onlookers crowded to hear the case. Roxanna's

³⁵ Victoria C. Woodhull, "The New Rebellion: The Great Secession Speech of Victoria Woodhull, Before the National Woman's Suffrage Convention, at Apollo Hall, May 11, 1871," in *A History of the National Woman's Rights Movement for Twenty Years*, ed. Paulina Wright Davis (New York: Journeymen Printers Co-operative Association, 1871), 112-119, quotation on 117-118.

³⁶ Underhill, *The Woman Who Ran for President*, 125-126, 176-177.

eccentric behavior in court exposed the falsehood of the upper-class, genteel origins with which Victoria and Tennie had disguised themselves. When Blood took the witness stand at trial, forced by necessity to explain the family situation, he admitted that he and Victoria lived with Victoria's ex-husband, Canning Woodhull, along with the Claflin clan. Blood argued that Canning, as a physician, helped look after his and Victoria's developmentally disabled first son at home. When this fact—Woodhull and her current and ex-husbands lived together under the same roof—came under the spotlight through newspaper reports, people were shocked and criticized Woodhull's unusual family formation as evidence of her licentiousness.³⁷

Although Woodhull obviously believed in the importance of female suffrage, she simultaneously believed that women would not be completely emancipated as long as gender equality was understood only in political and legal terms. Like typical free lovers, Woodhull located the source of women's subjection in sexual relationships in the private sphere. She was determined to incorporate the ideas of free love into feminist platforms. In November 1871, Woodhull finally declared herself a free lover before a large audience of more than three thousand people who came for her lecture at Steinway Hall. Woodhull exclaimed: "Yes, I am a Free Lover. I have an *inalienable, constitutional and natural* right to love whom I may, to love as *long* or as *short* a period as I can; to *change* that love *every day* if I please, and with *that* right neither *you* nor any *law* you can frame have *any* right to interfere."³⁸

³⁷ Underhill, *The Woman Who Ran for President*, 134–42.

³⁸ Victoria C. Woodhull, "*And the Truth Shall Make You Free*": *A Speech on the Principles of Social Freedom* (New York: Woodhull, Claflin & Co., 1871), 23.

The NWSA suffragists' association with Victoria Woodhull legitimized popular suspicion that women's rights advocates intended to encourage free love. The *Chicago Tribune* concurred when it wrote, "There are many earnest, sincere, pure, and high-minded women advocating these reforms, but their cause will never advance one inch so long as they permit it to be engineered, in whole or in part, by the firm of Woodhull, Claflin & Co."³⁹

NWSA leaders supported Woodhull even after the gossip about Woodhull's past and current private life circulated in the popular press. Isabella Beecher Hooker was convinced that the presence of Woodhull's ex-husband in her household demonstrated her selfless and merciful nature. Hooker wrote to her journalist friend Anna Savery that Woodhull's "standard of benevolence is unapproachable to most of us—and yet *she has lived up to it* in the case of her first husband and though all the world should condemn and thrust at her, she will care for that man as a mother for her wayward child till the Heavenly Father takes him away from her pure guardianship to a higher one above." Although Hooker admitted that some of Woodhull's messages sounded somewhat questionable and that Woodhull was a "mystery" to her, she believed that Woodhull's motive behind her acts and words was always the "purest and highest." Woodhull was "a born Queen," Hooker claimed, "and I owe her the allegiance of my heart."⁴⁰ In a letter to Lucretia Mott, Elizabeth Cady Stanton stated that they should not pry into Woodhull's private affairs. Stanton wrote:

³⁹ "The Woodhull Revolution," *Chicago Tribune*, February 20, 1872, 4.

⁴⁰ Isabella Beecher Hooker to Anna Savery, November 12 and 18, 1871 in *The Limits of Sisterhood*, eds., Boydston, etl., 311-313.

Victoria Woodhull stands before us to day one of the ablest speakers & writers of the century sound & radical, alike in political, religious, & social principles. Her face form manners & conversation, all indicate the triumph of the moral, intellectual, spiritual over the sensuous in her nature[.] The processes & localities of her education are little to us, but the result should be everything ... We have had women enough sacrificed to this sentimental, hypocritical, prating about purity. This is one of man's most effective engines, for our division, & subjection. He creates the public sentiment, builds the gallows, & then makes us hangman for our sex. Women have crucified the Mary Wolstencrafts [Wollstonecrafts], the Fanny Wrights and the George Sand's the Fanny Kemble's the Lucretia Mott's of all ages, & now men mock us with the fact, & say, we are ever cruel to each other. Let us end this ignoble record, & henceforth stand by womanhood.⁴¹

Stanton also noted, “When the men who make laws for us in Washington can stand forth and declare themselves pure and unspotted from all the sins mentioned in the Decalogue, then we will demand that every woman who makes a constitutional argument on our platform shall be as chaste as Diana.”⁴² Stanton thus did not so much attempt to disprove the charges against Woodhull as reject the sexual double standard employed to undermine sisterhood among feminists. Stanton now openly attacked the popular use of the term “free love” intended to deter feminist criticism regarding marriage and divorce. Writing to Theodore Tilton’s *Golden Age*, Stanton argued that “free love” could not be defined because “it really means nothing; it is simply the cry of ‘wolf, wolf,’ to frighten the mind.” Just like older epithets like “infidel” and

⁴¹ Elizabeth Cady Stanton to Lucretia Coffin Mott, April 1, 1871 in *The Selected Papers of ECS and SBA*, vol. 2, ed. Gordon, 427-429.

⁴² Ida Husted Harper, *The Life and Work of Susan B. Anthony: Including Public Addresses, Her Own Letters and Many from Her Contemporaries During Fifty Years*, vol. 1 (Indianapolis: The Hollenbeck Press, 1898), 379. For a similar argument by Susan B. Anthony, see Susan B. Anthony to Martha Coffin Wright, March 21, 1871, in *The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony*, vol. 2, ed. Gordon, 425.

“strongminded,” this new one, free love, operated as an empty, yet powerful stigma to “keep rebellious womanhood in check,” and to “condemn the virtuous and confound the brave.”⁴³ In addition, as apparent in her 1871 “free love” speech discussed earlier in this chapter, Stanton herself had come close to endorsing certain components of free love theory and did not consider it necessary to justify Woodhull’s sexual non-conformity.

Other suffragists were much more dubious of or hostile toward Woodhull’s involvement in the suffrage movement. They feared that the publicity surrounding Woodhull’s free love advocacy in the popular press would jeopardize women’s suffrage. Suffragists affiliated with the Stone-Blackwell faction ferociously denounced Woodhull in their effort to deny the link between free love and women’s suffrage, declaring that their single purpose was to secure women’s rights to vote. Miriam M. Cole reported to the AWSA’s *Woman’s Journal* that reformers at an Ohio state suffrage convention deemed it necessary to repudiate any association with Victoria Woodhull since the state’s daily newspapers had been ridiculing their cause by linking it with free love. “‘Free-Love,’ whatever it means,” Cole wrote, “is the most efficient agent employed to frighten people from our ranks.”⁴⁴ Jane G. Swisshelm accused

⁴³ Elizabeth Cady Stanton, “The Greatest of Bugaboos,” *Golden Age*, September 9, 1871, reprinted in *The Selected Papers of ECS and SBA*, vol. 2, ed. Ann D. Gordon, 442-443.

⁴⁴ Miriam M. Cole, “Woman Suffrage Convention in Xenia, Ohio,” *Woman’s Journal*, November 23, 1871, 369. Ohio suffragists felt it necessary to repeat the same claim at an 1872 convention. “Woman Suffrage Convention in Ohio,” *New York Times*, February 17, 1872, 3. For similar resolutions that AWSA-wing women adopted to deny the association between women’s suffrage and free love, see “Woman Suffrage,” *New York Tribune*, May 11, 1871, 8; “The Woman Suffrage Convention,” *Boston*

Woodhull and other free lovers of taking advantage of the women's suffrage movement to promote free love theory. Swisshelm claimed that "thousands of good and true Christian men and women enlisted as the friends of woman's enfranchisement, before Free Lovers discovered the fancied opportunity of aiding their cause by attaching it to ours."⁴⁵

Woodhull's advocacy of free love not only exacerbated internal divisions among women's suffragists but also created a split within the socialist movement. By the summer of 1871, Woodhull sought to expand her constituency by actively engaging with the international socialist movement. Woodhull, Stephen Pearl Andrews, and other radical reformers formed Section 12 of the American branch of the International Workingmen's Association (also known as the First International) in July 1871. Woodhull's *Weekly* devoted increasing numbers of its columns to exposing the corruption of large railway and insurance companies and their capitalistic monopoly. The *Weekly* published important socialist documents, including the English translation of the *Communist Manifesto* for the first time in the United States. Woodhull's involvement in the IWA connected her with American radicals. The German American leaders of Section One, however, detested that Woodhull's presence in their organization allowed the popular press to associate the IWA with free love. In September, Woodhull's Section 12 issued an appeal to American citizens, which linked the issue of labor with broad reforms in politics, education, racial

Daily Advertiser, May 31, 1871, 1; "The Woman's Suffrage Convention," *New York Tribune*, November 23, 1871, 5.

⁴⁵ Jane G. Swisshelm, "Free Love and Female Suffrage," *The Independent*, February 1, 1872, 2.

equality, and women's rights, without the consultation of other American sections. Friedrich A. Sorge, the leader of the North American Federal Council, reported to the General Council in London that "we were attacked on all sides & ridiculed by the press for the declarations of S. 12." "We insisted on *this*," Sorge wrote, "that our movement is a labor movement, no more,—and that the I. W. A. is & ought to be a *Workingmen's* organization—nothing else. We intended & still intend to guard it against being made the tool of designing intriguers and the stepping stone for politicians & self-aggrandizement seeking individuals." Sorge and other leaders claimed that Section 12 and its affiliated sections, which consisted of American-born radical reformers, threatened to undermine the purity of the IWA as a labor organization with bourgeois concerns of women's rights and free love. Sorge also viewed Woodhull's defiance against the control of immigrant leaders in the IWA as the expression of "the old prejudices of nativism." Although the Woodhull faction operated independently after confrontations with the Sorge faction, Section 12 was formally purged from the IWA by the General Council in 1872.⁴⁶

Even Susan B. Anthony, despite her initial enthusiasm, grew increasingly intolerant of Woodhull's political tactics. Just like Stanton and Hooker, Anthony defended the NWSA's association with Woodhull. Anthony believed that women's private lives mattered little as long as they were united for the cause of the ballot,

⁴⁶ F. A. (Friedrich Adolph) Sorge to the General Council of the International Workingmen's Association, December 17, 1871. International Workingmen's Association Records, Wisconsin Historical Society, Madison, WI; Timothy Messer-Kruse, *The Yankee International: Marxism and the American Reform Tradition, 1848-1876* (Chapel Hill: University of North Carolina Press, 1998), chaps. 5–6; Frisken, *Victoria Woodhull's Sexual Revolution*, 33-37, 43-46.

although Anthony privately opposed to the varietist form of free love that Woodhull promoted. Anthony's main issue with Woodhull was that she seemed to be manipulated by the men around her. Woodhull had attracted and formed strong connections with men who had power to support her ambitions. Anthony feared that, through Woodhull, men like Stephen Pearl Andrews were taking advantage of their movement for purposes other than women's suffrage. (Woodhull also claimed that she had been guided by the male spirit of the ancient Greek politician Demosthenes.) Anthony complained to Stanton and Hooker that Woodhull "persistently means to run our craft into her port and none other. If she were influenced by *woman* spirits, either in the body or out of it, in the direction she steers, I might consent to be a mere sail-hoister for her; but as it is, she is wholly owned and dominated by *men* spirits and I spurn the control of the whole lot of them, just precisely the same when reflected through her woman's tongue and pen as if they spoke directly for themselves." Stanton shared this particular concern, as she had earlier written to Anthony that Woodhull "must not trust those men about her so implicitly I shall write to her & say so." In spring 1872, the *Woodhull & Claflin's Weekly* announced that it would convene a major political convention, jointly hosted by the NWSA in early May, to inaugurate a new political party whose principles "represent equal rights for all." Woodhull planned to unite eclectic supporters from various reform movements—women's suffragists, labor reformers, socialists, Spiritualists, free lovers, and anarchists—under her grand visions of social freedom and universal equality. Susan Anthony was infuriated when she found out that Woodhull's *Weekly* had used her

name, without her permission and against her will, in the list of the new party's sponsors; Anthony was determined to oust Woodhull from the NWSA.⁴⁷

The NWSA convention, held at Steinway Hall in May 1872, gathered not only women's suffrage advocates but also many labor activists, sex radicals, and Spiritualists (Woodhull's most faithful constituency), who rallied to support Woodhull. Adhering to the priority of women's suffrage, Anthony rejected Woodhull's plan to launch her new political party, which endorsed a variety of radical causes besides suffrage, at the NWSA meeting. Anthony and Stanton fiercely disagreed about whether to aid Woodhull's new party. Stanton openly disobeyed Anthony; in her keynote speech, she appealed to suffragists to support Woodhull as members of the new "People's Party." Because neither Democrats nor Republicans were willing to include women's suffrage in their platforms for the coming presidential election, Stanton considered it necessary to establish a new third party to secure women's right to vote. At the end of the first day of the two-day convention, Woodhull announced a meeting of a People's Party, which would be held in Apollo Hall on the next day. While Stanton and Hooker decided to remain loyal to Anthony and returned to Steinway Hall the next day, many delegates favored Woodhull and left

⁴⁷ Susan B. Anthony to Elizabeth Cady Stanton and Isabella Beecher Hooker, March 13, 1872, in *The Selected Papers of ECS and SBA*, vol. 2, ed., Gordon, 485; Elizabeth Cady Stanton to Susan B. Anthony, May 27, 1871, in *The Selected Papers of ECS and SBA*, vol. 2, ed., Gordon, 430-431; "People's Convention," *Woodhull and Claflin's Weekly*, April 6, 1872; Barbara Goldsmith, *Other Powers: The Age of Suffrage, Spiritualism, and the Scandalous Victoria Woodhull* (New York: A.A. Knopf, 1998), 316. On Woodhull's self-professed spiritual connection with Demosthenes, see Woodhull's biographical essay written by Theodore Tilton. Theodore Tilton, *Victoria C. Woodhull: A Biographical Sketch* (New York: Golden Age, 1871), 11-12.

for the Apollo Hall gathering. At this point, the brief period of Woodhull's leadership in the NWSA came to an end.⁴⁸

At the convention of the newly-founded Equal Rights Party on May 10, 1872, 668 delegates nominated Victoria Woodhull for President of the United States. The delegates also picked former abolitionist and women's suffrage advocate Frederick Douglass, who was absent from the convention, as Woodhull's running mate. By selecting Douglass alongside Woodhull, radicals in the Equal Rights Party aimed to demonstrate their uncompromising commitment to the Reconstruction dream of universal rights. The newspaper coverage of the Woodhull-Douglass ticket reflected heightened postbellum anxiety toward miscegenation between white women and African American men. The press produced negative caricatures of Woodhull—a "shameless prostitute"—and Douglass, stirring the fear of interracial sex.⁴⁹ The conservative rhetoric that women's rights would promote free love (meaning sexual licentiousness) and ultimately interracial sex, which had been already familiar in popular print culture by 1872, materialized in the single figure of Victoria Woodhull.

The Meanings of Free Love for Women

Despite their shared commitment to gender equality, free lovers and mainstream suffragists had irreconcilable opinions about what constituted the foundation of women's oppression, what changes would give women the ownership of

⁴⁸ Diary of Susan B. Anthony, May 6-14, 1872, in *The Selected Papers of ECS and SBA*, ed. Gordon, 492-94; Barry, *Susan Anthony*, 245-246; Underhill, *The Woman Who Ran for President*, 204-205.

⁴⁹ Frisken, *Victoria Woodhull's Sexual Revolution*, chap. 2.

their destinies and bodies, and whether or not “free love” would promote the feminist cause. Nineteenth-century free lovers were ardent supporters of women’s rights and believed in the inherent equality of women and men. They offered a feminist critique of marriage, arguing that the institution forced women to abandon their own earnings, property, and bodies to their husbands. Yet many mainline feminists, with the exception of such radical women as Elizabeth Cady Stanton and Paulina Wright Davis, rejected the idea of free love, even though many of them were aware of problems in conventional, patriarchal marriage, and desired more equal partnership.

A primary reason for this difference was that free lovers and anti-free-love feminists differently viewed the meanings and consequences of “free love,” or sexual relationships based solely on mutual affection, for women. Anti-free-love feminists described free love as a male-centered ideology that enabled men’s sexual freedom. Free lovers, on the other hand, argued that men were already exercising unlimited freedom toward their wives inside the legal matrimonial bond. Free love was supposed to curtail husbands’ unchecked freedoms within (and without) marriage, forcing them to acknowledge and respect women as independent, equal individuals. The arguments of both free lovers and women’s rights reformers reflected ambivalent relationships between marriage and women’s subjectivity.

Women’s rights activists who opposed both liberal divorce and free love feared that loosening of the conjugal bond might expand *men’s* freedom to act on unrestrained desires, leaving women alone to bear the burden of childrearing. Henry B. Blackwell wrote:

Free love is not for the interest either of man or woman, but its consequences are far more fatal to women than men. Freedom of divorce for trifling causes is cruelly unjust to woman. The wife and mother is in no condition to earn her subsistence by labor. She does it at

a terrible disadvantage. If, as Bacon has said, a man with wife and children 'hath given hostages to fortune,' far more may we say that a wife with children, who has lost the help of her husband, hath undertaken a contest with fortune against heavy odds.⁵⁰

Spiritualist and women's rights advocate Aaron Hayward argued that "marriage law in its present imperfect adaptation is preferable to a life of sexual freedom." Hayward asked, "If it is wrong for men to live a life of promiscuity, why should women be encouraged to follow in their steps? Would it not be better to reform the men if they are living a false life, and bring them up to the standard of women instead?"

Convinced of women's moral superiority and sexual purity, Hayward maintained that women's rights activists should strive to limit men's sexual prerogatives rather than enhance women's sexual autonomy.⁵¹ Even though marriage laws often treated women unfavorably, anti-free love feminists argued, the institution of marriage essentially served as a protection for women. In the words of Eliza B. Duffey, marriage's "very permanency gives a sense of freedom and security."⁵²

The majority of nineteenth-century suffragists believed that they could protect women's rights and equality in marriage not by weakening legal matrimonial ties, but by strengthening them so that men would fulfill their responsibilities. Despite pro-divorce feminists' claims that divorce would provide women with relief from abusive and unhappy marriages, most women who sought divorce in nineteenth-century courts

⁵⁰ Henry B. Blackwell, "Woman Suffrage and Divorce," *Woman's Journal*, June 4, 1870, 173.

⁵¹ Aaron S. Hayward, *An Exposition of "Social Freedom.": Monogamic Marriage the Highest Development of Sexual Equality* (Boston: The author, 1875), 5.

⁵² Eliza B. Duffey, *The Relations of the Sexes* (1876; repr., New York: M.L. Holbrook & Company, 1889), 94.

had been abandoned by their husbands. These women needed the legal recognition of the *de facto* situation in order to obtain the single status that entitled them to own their wages, change their domicile, and potentially remarry.⁵³ Sexually conservative or moderate feminists supported women's equal rights in marriage, including married women's property rights and custody rights, yet strongly opposed free divorce and free love in their effort to balance between women's domestic subordination against the sanctity and security of lifelong marriage.

Feminists' concerns about the potential hazards of free love ideology for women were perhaps not entirely groundless. There were some men whose motive for advocating sex radicalism seemed questionable. Sarah Gillespie, a young school teacher in rural Iowa, mentioned in her diary a conversation she had with a male Spiritualist physician who had performed magnetic healing on her sick mother. The doctor, who was married and much older than the twenty-one-year-old Gillespie, confessed to her that he was a "free-lover." Gillespie noted: "[the doctor] [s]aid he believed if he was a young man he would court me and get me. Well I rather think not. He is not exactly the sort of a fellow I should admire. The idea of an old man wanting to kiss & hug me—Its surely unreasonable & below my dignity."⁵⁴ Judging purely from Gillespie's account, the male doctor might have appropriated free love philosophy to suit his sexual desire while disregarding some of its central components including women's sexual autonomy. Anti-free love feminists feared that, when

⁵³ Basch, *Framing American Divorce*, chap. 4.

⁵⁴ Sarah Gillespie Huftalen, *All Will Yet Be Well: The Diary of Sarah Gillespie Huftalen, 1873-1952*, edited by Suzanne L. Bunkers (Iowa City: University of Iowa Press, 1989), 118.

individual sovereignty rejected government intervention and relied solely on private conscience, free love doctrines might only end up legitimating men's libertine behavior that was already prevalent.

The different meanings and connotations that suffragists and free lovers attached to the notion of free love reflected their disagreements over the place of sexual love in relationships. Free lovers like Woodhull viewed sex the essential part of relationships; she not only celebrated sex as natural but also criticized "sexual estrangement" within marriage. She argued that human sexuality was "the physiological basis of character and must be preserved as its balance and perfection."⁵⁵ Free lovers regarded sexuality as the core of one's self that needed proper and healthy expressions. Free lovers' emphasis on the importance of romantic attraction and bodily pleasures were encouraging for some women, but it could be demoralizing for others. Most free lovers contended that men and women were supposed to achieve heterosexual romantic love and sexual gratification within marriage. They asserted that, if people stayed in marriage for any other reasons but love, they were morally wrong and prostituting themselves.⁵⁶

Like free lovers, most women's rights reformers advocated women's equality in marriage and marriage based on mutual affection. Rejecting patriarchal domestic order and emphasizing sexual autonomy for women, women's rights exponent Eliza Duffey insisted that a wife is "no more bound to yield her body to her husband after the marriage between them, than she was before, until she feels that she can do so with

⁵⁵ Victoria C. Woodhull, *Tried as by Fire; Or, the True and the False, Socially* (New York: Woodhull & Claflin, 1874), 24.

⁵⁶ Woodhull, "And the Truth Shall Make You Free," 34–35.

the full tide of willingness and affection.” Simultaneously, however, Duffey attacked free love’s emphasis on sexual and spiritual attraction as the sole criteria for sanctioning sexual relationships. Duffey wrote:

Love is not everything in this world. Sensual love, which is so extolled, might occupy a far less important place in the regards of men and women, and still the world would go on quite as smoothly. I believe men and women can be happily and even truly married with scarcely an atom of it, and I furthermore believe that as a man and a woman continue in the conjugal relation, this passionate feeling should be refined away and die out by degrees, and another feeling just as strong, and a great deal more to be depended upon, take its place.

Passionate, sexual love, she argued, would disrupt healthy marriage and society at large through its unpredictability.⁵⁷ For women like Duffey, the “companionate” marital model that should replace the older patriarchal ideal emphasized equality, mutual respect, and emotional intimacy, yet it did not necessarily include sexual satisfaction.

Conclusion

Since the antebellum period, women’s rights activists were among the groups of reformers most afflicted by the false allegations of supporting free love theory. Anti-suffrage dissenters tried to discredit women’s rights reformers by maintaining that women’s political autonomy and equal rights in marriage would destroy the American family and lead to free love. Victoria Woodhull, who joined in the cause of female suffrage in the 1870s, personified the alleged association between women’s rights and free love that had been cultivated in the hostile print media for the decades. Some of the boldest suffragists like Elizabeth Cady Stanton, Ernestine Rose, and

⁵⁷ Duffey, *The Relation of the Sexes*, 96-97, 209.

Paulina Davis criticized the distorted representations of free love they encountered in the popular press. Even if they did not entirely agree with Woodhull and other free lovers' views of sexual freedom, these women recognized that they shared with free lovers concerns about women's subordination and suffering in the existing form of indissoluble, patriarchal marriage. The majority of women's suffragists, however, despised Woodhull's leadership in the NWSA and tried to oust her from their movement. Woodhull, for her supposed sexual promiscuity in practice as well as in theory, represented everything that suffragists had strove to disassociate to protect their moral reputation and achieve the movement's success.

Chapter 5

CRUSADE AGAINST THE “NATIONAL SIN”: FREE LOVE AND FEDERAL CENSORSHIP

An April 1876 issue of Massachusetts’s *Salem Register* published a letter from a (presumably male) reader with the pseudonym “Woman’s Friend.” The letter’s author was gravely concerned about the demoralizing and contagious influences of Mormon polygamists and free lovers on the American family. The correspondent recalled that when he was quite young, a distinguished missionary had visited the seaport city of Salem and described his discovery in “heathen countries” of “one of the most appalling evils ... the sin of Polygamy.” The writer lamented that the prevalence of polygamy in Utah and free love in other areas of the country had brought these heathen practices to American shores, threatening the moral reputation of the United States as a “civilized and Christianized country.” He believed that, after the elimination of slavery, the practices of polygamy and free love were the new, and equally abominable, “national sins.” Yet he was frustrated by the dearth of concerted efforts to suppress their extension. Politicians and reformers, who had once dedicated their energies to abolishing slavery, now turned a deaf ear toward these threats to marriage. How could Americans keep sending missionaries abroad to spread Christianity and morality while tolerating and sanctioning polygamy and free love within?¹

¹ Woman’s Friend, “National Sins,” *Salem Register*, April 3, 1876, 1.

The presence of a notable circle of sex radicals in his state may have exacerbated anxiety of “Woman’s Friend.” The New England Free Love League, established by the leading free lover and Massachusetts local Ezra Heywood, was attracting a large crowd of men and women at their first annual convention held in Boston at the time the author wrote this letter. Mentioning the Hawaiian Islands (then known as the Sandwich Islands), where Christian missionaries first introduced indissoluble monogamy, the author wondered “what the Sandwich Islanders would say respecting this Christian country if they could read the sickening account of a free love convention now in session at Boston, where both male and female take a part.” According to the author, whereas England and the United States under the influence of Christianity were the only countries that respected women and elevated them “to their true position,” the barbaric practices of free love and polygamy dishonored and demoralized American women. As a proclaimed “Woman’s Friend,” he solicited women to take initiative in mass petitioning to Congress for the extermination of these deviant practices.²

The surprising culprit for these moral sins was print culture. At the end of his letter, the writer abruptly blamed the proliferation of “free love” ideas on commercial prints, particularly novels—the literary genre that had been frequently associated with pornography and obscenity:

Novels and free loveism are sapping the very foundation of society. I contend that most of the foolish matches, elopements, and divorces can be traced back to novel reading. I sincerely believe that crying evils would be less frequent, married life more peaceful, and happy children more affectionate and content if most of the fictitious reading books

² Woman’s Friend, “National Sins,” *Salem Register*.

were destroyed. It may be safe for well-trained disciplined minds to read the high standard novels, but the weaker minds will take advantage of their example and acquire a taste for nothing but light literature which is injurious.

“Woman’s Friend” thus alluded to the publication of morally “low” books and their deleterious effects on the excitable imaginations of some readers.³ He blamed the practice of reading popular, cheap literature for promoting free love practices including divorce, infidelity, and promiscuity. Eradicating the vice of free love, therefore, might necessitate regulations not just of actual illicit behaviors but also of morally dubious publications. “Woman’s Friend” joined a chorus of other Christian reformers who supported anti-obscenity laws as ways to eliminate “free love” from American print culture.

This chapter examines the implications of the 1873 federal anti-obscenity law, colloquially known as the Comstock Law, on public discussions about free love, marriage, and sexuality in the United States. Evangelical reformers in the anti-vice crusade shared with the *Salem Register*’s reader concerns with rampant licentiousness and popular print culture in postbellum American society. Victoria Woodhull’s disclosure of the Beecher-Tilton Scandal in 1872 instigated decades of confrontation between anti-vice reformers and free lovers. Although antebellum free lovers were not entirely immune from prosecutions, legal sanctions against them were sporadic and local. When free lovers were arrested in the years before the Civil War, they were charged by state and municipal authorities for their allegedly disorderly acts like

³ Woman’s Friend, “National Sins,” *Salem Register*; “Free Love,” *Boston Daily Advertiser*, March 27, 1876, 4.

concubinage.⁴ In contrast, after the creation of the Comstock Law, free lovers faced the risk of federal obscenity prosecutions simply for publishing free love ideas and birth control information. The enactment of the Comstock law (which had many imitators at the state level) and anti-vice crusaders' prosecution of free lovers transformed the rhetorical mode of the free lovers. Rather than employing ambiguous language to evade prosecution like many other contemporary reformers, post-Comstock-Law free lovers adopted the strategy of wielding direct sexual language to defy government authority.⁵ By provoking Comstock's wrath and risking obscenity charges, free lovers vocally demanded free speech, free press, and democratic access to sex knowledge.

The proliferation and democratization of print culture convinced Anthony Comstock and his allies in anti-vice societies to regulate the print trade. The anti-obscenity crusade constrained public discourse of marriage and sexuality, and it resulted in repeated prosecution and imprisonment of uncompromising free lovers. At

⁴ For instance, in 1854, Maine free lover James A. Clay was sentenced to six months in prison for "lewd and lascivious cohabitation with an unmarried woman" he brought into his house. (Clay was legally married and had children.) Although two shared the same bed, a medical examination by two physicians proved that Clay's lover was still a virgin and thus they never had had sex. See James A. Clay, *A Voice from the Prison* (Boston: Bela Marsh, 1856), 28-29.

⁵ Robin E. Jensen argues that, with the exception of free lovers, late nineteenth-century advocates of public sex education adopted "strategic ambiguity" to circumvent censorship. According to Jensen, "The problem with strategic ambiguity in the case of sex-education discourse is that, although it may allow for a wider berth of acceptance for controversial education programs, such programs often fail to provide students with enough accessible information about sex to foster public health and individual wellness." Robin E. Jensen, *Dirty Words: The Rhetoric of Public Sex Education, 1870-1924* (Urbana: University of Illinois Press, 2010), xii-xiii.

the same time, free lovers took advantage of the publicity these confrontations brought them in the popular press to promote their causes and publications.

The Beecher-Tilton Scandal and the Creation of the Comstock Law in Postbellum America

Anthony Comstock's career as a social purity crusader reflected the rise of the Christian lobby and the federal government's increasing role in enforcing morality after the early 1870s. In the November 2, 1872 issue of the *Woodhull & Claflin's Weekly*, Victoria C. Woodhull exposed the extramarital affair of the nation's most celebrated preacher, Reverend Henry Ward Beecher. Beecher's alleged lover was Elizabeth Tilton, his parishioner and the wife of journalist Theodore Tilton. The publication of the Beecher-Tilton scandal in the *Weekly* triggered evangelical anti-vice reformers' decades-long crusade against free lovers. A young, zealous agent of the New York branch of the Young Men's Christian Association (YMCA), Anthony Comstock seized the opportunity to punish Victoria Woodhull for her free love advocacy. His desire to convict Woodhull for obscenity charges led directly to the creation of the 1873 federal anti-obscenity law, which would be widely—and infamously—known as the Comstock Law.

American trade in “the obscene” in print had proliferated in the antebellum years. New York was the center of the production and commerce of erotic print culture. Beginning in the early 1840s, multiple forms of sexually-titillating publications—imported novels, lithographs, flash weeklies, “fancy” books, sensational fiction, and photographs—contributed to the thriving marketplace in erotica. In the antebellum years, municipal authorities were the primary enforcers of obscenity prosecutions against cultural representations regarded as offensive to the city's moral

order. To escape the jurisdiction of city officials, innovative New York publishers like George Akarman took advantage of the postal network and started a mail-order enterprise in the late 1850s. While the flash press of the early 1840s catered to a select group of urban sporting males who bought and read these papers in theaters, saloons, and barbershops, mail-order papers and books entered private, middle-class homes across the country, and they reached female as well as male readers. By the outbreak of the Civil War, the U.S. mail had become the crucial vehicle for advertising and distributing pornographic commodities.⁶

Regulating the traffic of interstate commerce through the U.S. mail required federal power. Before the enactment of the Comstock Law in 1873, however, federal censorship of obscene publications was relatively weak. Because pornographic publications came primarily from France and England until midcentury, anti-obscenity efforts first focused on preventing their influx into the United States. The 1842 amendment of the Tariff Act prohibited the importation of “obscene or immoral” prints and pictures. With the expansion of commercial print culture in the decades before the Civil War, however, domestic pornographic production grew. In wartime, these erotic publications became immensely popular among soldiers, and they usually circulated via the mail. To regulate the distribution of erotic publications, a provision in the Postal Act of 1865 made it a misdemeanor to “knowingly” send any “obscene book, pamphlet, picture, print, or other publication of a vulgar and indecent character” through the U.S. mail. Yet, because the law forbade postmasters from opening sealed

⁶ Donna Dennis, *Licentious Gotham: Erotic Publishing and Its Prosecution in Nineteenth-Century New York* (Cambridge: Harvard University Press, 2009), chaps. 2–6.

envelopes, its enforcement was virtually impossible except for publications that were “obscene on their faces.” The 1872 amendment reaffirmed the ban on obscene mailings yet barely strengthened or expanded the 1865 statute. Generally, Congress had been reluctant to legislate the aggressive censorship of items sent through the mail, weighing moral regulation against First Amendment principles and the preservation of privacy.⁷

The creation of a new legal climate for government regulation of obscenity required the obsession and rigidity of a man like Anthony Comstock. Born in rural Connecticut in 1844, Comstock was a fervent Congregationalist who had worked from his youth to eliminate vice and promote moral order based on the Christian faith. During his service in the Union Army, Comstock was appalled by his fellow soldiers’ propensity for what seemed to him sinful behaviors like smoking, drinking, gambling, and swearing. He refused to take part in these practices. He deliberately poured out his whiskey rations on the ground instead of giving them to other soldiers. Throughout his service Comstock attempted to guide other soldiers by organizing prayer meetings and distributing religious literature. His voluntary effort was soon acknowledged, and he was appointed as an agent of the United States Christian Commission, a national organization created by the YMCA to send ministers, Bibles, tracts, and daily necessities to Union troops. Yet few soldiers shared his dedication to the evangelical faith and its strict moral code; many of Comstock’s peers in the army ridiculed his

⁷ Gaines M. Foster, *Moral Reconstruction: Christian Lobbyists and the Federal Legislation of Morality, 1865-1920* (Chapel Hill: University of North Carolina Press, 2002), 48; Sears, *The Sex Radicals*, 70; Helen Lefkowitz Horowitz, *Rereading Sex: Battles Over Sexual Knowledge and Suppression in Nineteenth-Century America* (New York: Knopf, 2002), 312–13.

moral rigorousness. After the war, Comstock moved to New York City, where he observed a variety of evils in the thriving urban space. While working as a dry goods salesman, he embarked a personal campaign to suppress vice by getting local authorities to arrest saloon owners for violating the Sabbath law and bookdealers for selling sexually explicit publications. In 1872, after learning about the New York YMCA's efforts against obscene literature, Comstock convinced its wealthy members to financially support his anti-vice crusade.⁸

Just as Comstock was building his alliance with the New York YMCA sponsors, the exposé of the Reverend Henry Ward Beecher's adultery with Elizabeth Tilton threw the nation into an uproar. A son of the Reverend Lyman Beecher and a brother of Catherine Beecher and Harriet Beecher Stowe, Henry Beecher was the era's most celebrated minister. He was known for his liberal theology and charismatic oratory as well as for his ties to antislavery politics. In contrast to his father's strict evangelical Calvinism based on the notions of sin and God's wrath, Henry Beecher preached the buoyant and permissive "Gospel of Love" that emphasized the power of God's parental affection.⁹ Elizabeth and Theodore Tilton were devout parishioners of Beecher at Brooklyn's Plymouth Church. A young, intelligent journalist and protégé

⁸ Charles G. Trumbull, *Anthony Comstock, Fighter: Some Impressions of a Lifetime Adventure in Conflict with the Powers of Evil* (New York: Fleming H. Revell company, 1913), chaps. 2–4; Heywood Broun and Margaret Leech, *Anthony Comstock: Roundsman of the Lord* (New York: A. & C. Boni, 1927), chaps. 2–5; Horowitz, *Rereading Sex*, 305–12, 317–18, 367–74.

⁹ Debby Applegate, *The Most Famous Man in America: The Biography of Henry Ward Beecher* (New York: Doubleday, 2006), 11–13, 171–172, 291–292; Thomas E. Jenkins, *The Character of God: Recovering the Lost Literary Power of American Protestantism* (New York: Oxford University Press, 1997), chap. 4.

of Beecher, Theodore ghostwrote for him in the *Independent*, a religious newspaper for which Beecher served as a nominal editor after 1858. The relationship between the two began to fracture after the Civil War, when Theodore and Beecher publicly disagreed over President Andrew Johnson's conservative Reconstruction plans. (Beecher supported Johnson, while Tilton sided with Radical Republicans and abolitionists.)¹⁰ Elizabeth Tilton, on the other hand, deepened her religious devotion and emotional attachment to Beecher in the absence of her busy husband. In 1870, she confessed to Theodore about her sexual relationship with the preacher. Although Beecher and the Tiltons were determined to keep the matter secret to protect their reputations, rumors about the affair had begun circulating among friends and reformers in New York.¹¹

Victoria Woodhull saw in this open secret an opportunity to advance her own cause. She first learned of Beecher's affair from her National Woman Suffrage Association friends like Paulina Wright Davis and Elizabeth Cady Stanton, who were close with both of the Tiltons. Woodhull had meanwhile learned that some notable suffragists in the conservative camp of the American Woman Suffrage Association were allegedly involved in similar extramarital affairs.¹² It infuriated her that the very

¹⁰ Applegate, *The Most Famous Man in America*, 290-292, 359-362.

¹¹ For the full account of the Beecher-Tilton affair, see Robert Shaplen, *Free Love and Heavenly Sinners: The Story of the Great Henry Ward Beecher Scandal* (New York: Alfred A. Knopf, 1954); Richard Wightman Fox, *Trials of Intimacy: Love and Loss in the Beecher-Tilton Scandal* (Chicago: University of Chicago Press, 1999).

¹² "Victoria C. Woodhull's Complete and Detailed Version of the Beecher-Tilton Affair (1872)," reprinted in Victoria C Woodhull, *The Victoria Woodhull Reader*, ed. Madeleine B. Stern (Weston, Mass.: M&S Press, 1974), 10-12; Barbara Goldsmith, *Other Powers: The Age of Suffrage, Spiritualism, and the Scandalous Victoria Woodhull* (New York: A.A. Knopf, 1998), 281-86. See also Elizabeth Cady Stanton

same people who accused her of promiscuity for her public advocacy of free love ideology secretly committed marital infidelity. In a letter she wrote to the editor of the *New York Times* in May 1871, Woodhull asserted that some of her critics were, in private, “deeply tainted with the vices they condemn.” She declared: “I do not intend to be made the scape-goat of sacrifice, to be offered up as a victim to society by those who cover over the foulness of their lives and the feculence of their thoughts with [the] hypocritical mouth of fair professions, and by diverting public attention from their own iniquity and pointing the finger at me.” Woodhull also insinuated that she had knowledge of the Beecher-Tilton affair—concubinage between “a public teacher of eminence” and “the wife of another public teacher of almost equal eminence”—and hinted that she could expose these parties at any time.¹³ Threatened, Theodore Tilton promptly visited and befriended Woodhull to silence her. Woodhull’s charm won him over in return, and their friendship briefly turned into an intimate affair.¹⁴ Through Tilton, Woodhull sought an alliance with Beecher. According to Woodhull, Beecher wholeheartedly agreed with her in the denunciation of the present marriage system, telling her that “marriage is the grave of love, and that he never married a couple that

to Isabella Beecher Hooker, in *The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony, Vol. 2: Against an Aristocracy of Sex, 1866-1873*, ed. Ann D. Gordon (New Brunswick: Rutgers University Press, 2000), 535-37.

¹³ “Mrs. Woodhull and Her Critics,” *New York Times*, May 22, 1871, 5.

¹⁴ Underhill, *The Woman Who Ran for President*, 149–51.

he did not feel condemned.” Woodhull tried, yet eventually failed, to convince Beecher to publicly defend her free love advocacy.¹⁵

In the November 2, 1872 issue of the *Woodhull & Claflin's Weekly*, Woodhull published “The Beecher-Tilton Scandal Case” to prove to the world the legitimacy of free love, taking advantage of Beecher’s moral reputation and immense popularity. Woodhull insisted that marriage, “as a *bond* or *promise* to love one another to the end of life, and forego all other loves or passional gratifications, has outlived its day of usefulness; that the most intelligent and really virtuous of our citizens, especially in the large cities of Christendom, have outgrown it.” The purpose of the exposé was not to accuse Beecher for his extramarital intimacy with Elizabeth Tilton. As Woodhull put it, Beecher’s fault was his hypocrisy in that he believed in free love principles, practiced them in secret, yet continued to bend to public opinion and preach the sacredness of marriage. Whatever his transgressions with Elizabeth Tilton, Beecher had a reputation for loose behaviors with female parishioners who admired him. Woodhull insisted that she was not trying to shame him for his extramarital sexual adventures but rather to highlight the importance of sexuality to human nature. She claimed that his amorous nature fueled his charisma and personal magnetism: “The amative impulse is the physiological basis of character,” which “emanates zest and magnetic power to his whole audience through the organism of the great preacher.” A proponent of the varietist version of free love, Woodhull asserted that sexual desires, not just love, constituted the core of one’s being and that they needed healthy expressions unbounded by a single partner or public opinion. The Beecher-Tilton

¹⁵ “Victoria C. Woodhull’s Complete and Detailed Version of the Beecher-Tilton Affair,” 15-18.

affair developed into a sensation overnight. The issue of the *Weekly* sold about 150,000 copies.¹⁶ The scandal eventually led to a civil court trial when Theodore Tilton filed a law suit against Beecher in 1874.

Immediately after Victoria Woodhull published the exposé of Beecher's extramarital affair in the *Weekly*, Comstock sought the arrest of Woodhull under the existing 1872 federal postal law against obscenity in the mail. Using an alias, Comstock requested a mailed copy of the *Weekly*. He then obtained a warrant for the arrest of Victoria Woodhull, her sister Tennie Claflin, and other *Weekly* staff members including Colonel James Harvey Blood and Stephen Pearl Andrews. They thus became the first free lovers to be targeted by Comstock's moral crusade. The obscenity trial started in June 1873. The jury returned a verdict of not guilty, from a technical standpoint that the 1872 federal postal law under which Woodhull was arrested did not include newspapers in its provisions.¹⁷

¹⁶ "Victoria C. Woodhull's Complete and Detailed Version of the Beecher-Tilton Affair," 3, 9-10, 20; Lois Beachy Underhill, *The Woman Who Ran for President: The Many Lives of Victoria Woodhull* (New York: Penguin Books, 1996), 228. On Henry Beecher's sexual liaisons with multiple female parishioners, see Applegate, *The Most Famous Man in America*, 197-198, 303-305, 318-320. Although Woodhull denied any interference into individuals' private decisions about their sexual life, she maintained that monogamy was the spiritually highest form of sexual relationship. According to Woodhull, "Promiscuity in sexuality is simply the *anarchical stage of development* wherein the passions rule supreme. When spirituality comes in and rescues the real man or woman from the domain of the purely material, promiscuity is simply impossible." Spiritual development required not coercion in the form of law, but individual freedom and private judgment and conscience. Woodhull, "*And the Truth Shall Make You Free*," 39.

¹⁷ Underhill, *The Woman Who Ran for President*, 228-32, 245-46.

Postbellum anti-vice reformers, just like those working for other reform causes, turned to the expanding power of the federal government to execute moral reform. Realizing that the existing federal law was not strict enough to eradicate social vice, Comstock went to the nation's capital to lobby for stronger anti-obscenity legislation. His revised bill also called for prohibiting the circulation of devices and information related to birth control. With Comstock's effort, the bill passed on March 2, resulting in the 1873 federal postal act for the "Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use," which would be widely known as the Comstock Act. The enactment of the law also brought Comstock an appointment as special agent of the United States Post Office. This position endowed him with the authority to scrutinize the mails and arrest violators he found objectionable, without due process. In the same year, the New York YMCA created the New York Society for the Suppression of Vice (NYSSV) as a separate branch to eliminate obscene literature from the market, and employed Comstock as Secretary. Following the passage of the Comstock Law, twenty-two state legislatures enacted general anti-obscenity statutes and another twenty-four specifically prohibited contraception and abortion.¹⁸

Among many social vices under his purview, Comstock was obsessed with eliminating obscene literature from public circulation. He adhered to an evangelical Christian framework that viewed sexual passion as a disease and a deadly sin. Obscene publications inflamed lustful passions in vulnerable readers and brought them

¹⁸ Horowitz, *Rereading Sex*, 378–83; Foster, *Moral Reconstruction*, 51–54; Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985), 176–77.

to moral and physical ruin. Comstock believed that children and youth were particularly liable to be aroused by immoral literature, a condition Comstock considered inherently sinful. Young people received inexpensive erotic literature through the mail, evading the surveillance of their parents. The moment boys and girls became excited by the titillating contents of the words and images of these books and pamphlets, Comstock warned, was the moment of their fall from grace:

Lust defiles the body, debauches the imagination, corrupts the mind, deadens the will, destroys the memory, sears the conscience, hardens the heart, and damns the soul. . . . It robs the soul of manly virtues, and imprints upon the mind of the youth, visions that throughout life curse the man or woman. Like a panorama, the imagination seems to keep this hated thing before the mind, until it wears its way deeper and deeper, plunging the victim into practices that he loathes.¹⁹

Salacious reading directly led to the practices of prostitution, promiscuous sexual intercourse, and other forms of sexually deviant behaviors.

Licentious literature also served as a tool for masturbation. After antebellum health reformers like Sylvester Graham began lecturing the danger of the “solitary vice,” anti-masturbation sentiments had become a social norm by the mid-nineteenth century.²⁰ Anti-obscenity reformers viewed masturbation as a soul-destroying and life-threatening act. Educator and Comstock’s supporter Homer B. Sprague noted grave consequences of this practice—“too disgusting to be mentioned in print, yet too common to go unnoticed”—which was induced by lascivious publications. According

¹⁹ Anthony Comstock, *Frauds Exposed; or, How the People Are Deceived and Robbed, and Youth Corrupted* (New York: J. H. Brown, 1880), 416.

²⁰ April R. Haynes, *Riotous Flesh: Women, Physiology, and the Solitary Vice in Nineteenth-Century America* (Chicago: University Of Chicago Press, 2015); Horowitz, *Rereading Sex*, chap. 5.

to Sprague, “The race are less manly; they are physically, mentally, and morally lower, by reason of this universal scourge. The sins of the fathers are visited with terrible retribution upon the children through many generations.”²¹ Anti-obscenity reformers believed that masturbation not only harmed individuals who practiced it but also negatively affected the physical, moral, and psychosocial condition of their offspring. Comstock warned: “This traffic has made rakes and libertines in society—skeletons in many a household. The family is polluted, home desecrated, and each generation born into the world is more and more cursed by the inherited weaknesses, the harvest of this seed-sowing of the Evil one.”²² Sexually-arousing print materials thus threatened to destabilize society by demoralizing the younger generation.

Comstock’s desire to control the print trade reflected his concerns about the democratizing effects that commercial print culture had across class, age, gender, ethnic, and racial boundaries. The word pornography entered the English vocabulary only in the mid-nineteenth century; as Lynn Hunt put it, “pornography as a regulatory category was invented in response to the perceived menace of the democratization of culture. . . . It was only when print culture opened the possibility of the masses gaining access to writing and pictures that pornography began to emerge as a separate genre of representation.” With the increasing availability of cheap publications and the growth

²¹ Homer B. Sprague, “Societies for the Suppression of Vice,” *Education*, September 1882, 75.

²² Comstock, *Frauds Exposed*, 416.

of literate readers in the United States, Comstock and his genteel supporters felt the urgent need to regulate the content and flow of print materials.²³

In the age of mass production, the boundaries between the obscene and the decent were anything but clear. Comstock took issues with not only lowbrow fiction in dime novels and story papers, but also with cheap reprints of so-called classic novels. He was skeptical of novels in general as a cultural form, as he believed that even “classical” writers often disguised licentiousness and impurity with their eloquent prose. According to Comstock, since the anti-obscenity law made it difficult to continue to sell racy books, obscene traders began circulating inexpensive copies of literary works whose erotic descriptions had escaped scrutiny. These high-brow books, “heretofore carefully concealed from public view, and kept by booksellers only to meet what some consider the legitimate demand of the student, or gentlemen's library,” became advertised and available to the masses. The same thing could be said about Comstock’s views on visual materials. The advent of photography during the 1860s provided Americans, including the illiterate and poor, with easy access to cheap erotic images, often sold for a quarter or less. Comstock abhorred the photographic reproduction of nudity in artistic works. Instead of being “confined within the narrow restrictions of ‘art gallery’ or ‘museum,’” these copies were “now paraded before the eyes of the public, flaunting their shame indiscriminately, whether youth are

²³ Lynn Hunt, “The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800,” in *The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800*, ed. Lynn Hunt (New York: Zone Books, 1993), 9–45, quotation on 12-13.

debauched or not.” Cheap reproductions of literary and artistic works left out of the control of educated elite adult males, and circulated freely in public.²⁴

The Comstock Law did not explicitly define what constituted obscenity; prosecutors, judges, lawyers, and juries constructed its meaning. The open interpretation of obscenity permitted Comstock to arrest a wide range of people whose ideas he believed were immoral and indecent. To him, any literature containing sexual language, regardless of the writers’ intention, had a destructive mental and physical influence on vulnerable readers. Comstock refused to differentiate between pornography and publications written for educational or reform purposes. Publishers of erotica had long since learned to assume the guise of moral reform in order to evade censure, so Comstock may have believed there was no way to differentiate between moral and immoral sexual language. During the early 1840s, for instance, New York’s flash weeklies provided sporting male readers with sexually titillating images and texts portraying prostitution and other illicit behaviors. Yet, in order to protect their risky business from the charges of libel and obscenity, they often did so under the pretense of exposing these vices to the public as moral guardians of society.²⁵

²⁴ Anthony Comstock, *Traps for the Young* (New York: Funk & Wagnalls, 1883), chap. 11, Quotation on 168; The New York Society for the Suppression of Vice, *The Fifth Annual Report of the New York Society for the Suppression of Vice* (New York: n.p., 1879), 15–17; Dennis, *Licentious Gotham*, 202–5; Molly McGarry, *Ghosts of Futures Past: Spiritualism and the Cultural Politics of Nineteenth-Century America* (Berkeley: University of California Press, 2008), 111–14.

²⁵ Patricia Cline Cohen, Timothy J. Gilfoyle, and Helen Lefkowitz Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s New York* (Chicago: University of Chicago Press, 2008), 74–76. In *The Flash Press*, Patricia Cohen, Timothy J. Gilfoyle, and Helen Lefkowitz Horowitz argue that the trials of flash press editors for libel and

Comstock's willful ignorance of the differences between pornography and the literature of sex education or reform was also due to his unmistakable desire to punish radical reformers for their religious and sexual views. Comstock attacked prints by certain groups while tolerating others, even when both prints contained similar language. When Comstock arrested the Woodhull-Claflin sisters in 1872, the eccentric entrepreneur George Francis Train was one of the very first people who defended them. Train was the millionaire organizer of Credit Mobilier; he sponsored Elizabeth Cady Stanton and Susan B. Anthony in the Kansas suffrage campaign of 1867 and funded the publication of their periodical *Revolution*. (Other reformers severely criticized Stanton and Anthony for working with Train, who was an ex-copperhead Democrat and outright racist.) In order to prove that Woodhull's paper was not obscene according to Christian standards of purity, Train published a few sections of the Old Testament in his periodical *The Train Ligue*. As Train later noted, "Every verse I used was worse than anything published by these women [Woodhull and Claflin]." He also challenged Comstock by demanding that he prosecute the Bible Publishing Company for obscenity. Comstock promptly had Train arrested and imprisoned. Rather than accepting offers of bail, Train wanted a trial by jury in order to publicize that he had been charged for quoting the Bible. He had to wait in a prison cell for four months before Judge Noah Davis, Beecher's Plymouth Church deacon, dodged the obscenity charge and acquitted him on the ground of insanity.²⁶

obscenity charges and the suppression of their papers in the 1840s established crucial legal precedents for the shaping and implementing of the Comstock Act. (Chap.4)

²⁶ George Francis Train, *My Life in Many States and in Foreign Lands* (New York: D. Appleton and Company, 1902), chap. 27, quotation on 324; DuBois, *Feminism and*

Comstock used obscenity prosecutions to enforce Christian morality and chastise those who challenged the authority of the Bible and church. Comstock's favorite target, the freethinker D. M. Bennett later asked Comstock in person why he would not indict the Bible society when the Bible contained more morally dubious accounts of concubinage, incest, adultery, and rape than the books Bennett was arrested for in 1878. According to Bennett, Comstock "evaded these inquiries by remarking that some ladies near us might hear our remarks," thus virtually admitting that he considered those biblical episodes to be too indecent to speak about in public. Bennett concluded that, although he was charged for obscenity, "the real offense is that I presume to utter sentiments and opinions in opposition to the views entertained by the Christian Church."²⁷

Although Comstock denied the accusations as the "most malicious statements," his enforcement of the anti-obscenity law was indeed arbitrary and selective.²⁸ Numerous commercial newspapers of New York City and around the country, whose circulation often surpassed that of the *Woodhull & Claflin's Weekly*, published detailed accounts of the Beecher-Tilton scandal every day after the Woodhull exposé. Comstock did not seek to prosecute editors of these popular papers. His investigation also revealed his class and gender bias. When Comstock and other

Suffrage, 93–101; Broun and Leech, *Anthony Comstock: Roundsman of the Lord*, 110–13.

²⁷ D. M. (DeRobigne Mortimer) Bennett, *The Champions of the Church: Their Crimes and Persecutions* (New York: D. M. Bennett, 1878), 1063-65.

²⁸ The New York Society for the Suppression of Vice, *The Sixth Annual Report of the New York Society for the Suppression of Vice* (New York: n.p., 1880), 17.

agents of anti-vice societies pursued vendors of contraceptive devices, their victims tended to be small proprietors, and many of them were immigrants, Jews, or women. Meanwhile, Comstock dismissed established and wealthy manufacturers like Samuel Colgate, who was president of the New York Society for the Suppression of Vice and the millionaire heir of the soap maker Colgate and Company. Colgate was the general agent for the sale of Vaseline in the United States, and, in the mid-1870s, the company mailed a promotional pamphlet to physicians across the country. In the pamphlet, Colgate advertised that Vaseline, blended with salicylic acid, was effective in preventing and aborting conception. As free lovers and freethinkers pointed out, Colgate was hypocritical in that he was a major patron of Comstock's crusade against petty sellers of contraceptives while profiting from the same trade. Yet, as long as Colgate was a member of an orthodox church and sponsored the anti-vice campaign, Comstock spared him. Comstock's decision to prosecute someone for obscenity, therefore, depended on their class, race, and gender status, as well as their alleged rejection of organized Christianity and the sanctity of marriage.²⁹

Anthony Comstock and his supporters firmly believed that free love publications fell within the definition of obscenity. For Comstock, free love was nothing short of "free lust," which would "sap the physical well-being in the man or

²⁹ Andrea Tone, "Black Market Birth Control: Contraceptive Entrepreneurship and Criminality in the Gilded Age," *Journal of American History* 87, no. 2 (2000): 442–44; D. M. (DeRobigne Mortimer) Bennett, *An Open Letter to Samuel Colgate: Touching the Conduct of Anthony Comstock and the N. Y. Society for Suppression of Vice* (D.M. Bennett, 1879), 2, 9–11; Edward Bond Foote, Jr., *The Radical Remedy in Social Science; Or, Borning Better Babies Through Regulating Reproduction by Controlling Conception: An Earnest Essay on Pressing Problems* (New York: Murray Hill Publishing Company, 1887), 89–92.

woman, and reduce humanity below the level of the brute.” For free lovers, Comstock claimed, “marriage is bondage; love is lust; celibacy is suicide; while fidelity to marriage vows is a relic of barbarism. All restraints which keep boys and girls, young men and maidens pure and chaste, which prevent our homes from being turned into voluntary brothels, are not to be tolerated by them.”³⁰ Free love literature allegedly incited in the minds of youth a desire to experience the sensual pleasures of promiscuous sex.

In many ways, Comstock’s views on the immorality of free love were based on cultural assumptions that had been cultivated and circulated in print media since the antebellum era. The press had long associated lifelong marriage with Christianity, and sex radicalism with irreligion. To Comstock, Victoria Woodhull’s sex radicalism perfectly demonstrated the mutually enhancing connection between religious licentiousness, gender nonconformity, and sexual perversion.

In stressing the danger of free lovers to American society, Comstock invoked Islamic motifs of sexual licentiousness and gender perversion. In his book, Comstock quoted an article in the London magazine *Saturday Review*, which described how “the Turks have degenerated physically during the past two hundred years” due to their rampant sensuality:

That the conquerors of Constantinople were a hardy race of great physical strength there can be no doubt; that the great majority of modern Turks are of an effeminate type is equally certain; very many of them are persons of fine appearance, but they are physically weak, without elasticity, giving the impression of men who have lost their vitality. The same may be said even more emphatically of Turkish

³⁰ Anthony Comstock, *Traps for the Young* (New York: Funk and Eagnalls, 1883), 158-59, 167.

women; they are small in stature, of a sickly complexion, easily fatigued by slight exertion, and become prematurely old. . . . Another immediate result of the prevailing sensuality is the mental imbecility of multitudes of the Ottoman Turks; great numbers among them are intellectually stupid. Many even of the young men have the vacant look which borders close on the idiotic state.

The practice of promiscuous sex under polygamy degraded the moral, mental, and physical qualities of the race. It also blurred the boundary between men and women. According to Comstock, these tendencies of contemporary Turkish people all applied to free lovers. Comstock argued that free love would “sap the physical well-being in the man or woman, and reduce humanity below the level of the brute. What license has done for the Turks, this free-love doctrine is doing for America.”³¹ To Comstock, free lovers threatened to destroy American, Christian, and white heterosexual monogamy and thereby bring about moral anarchy and racial degeneracy. In essence, they were enemies within.

**Ezra and Angela Heywood:
Battle over Free Love and Access to Sexual Knowledge**

Anthony Comstock intended for his law to suppress the publications of free lovers. Instead, it radicalized them. As historian John C. Spurlock states, what set postbellum self-proclaimed free lovers apart from their antebellum counterparts was their verbal frankness about sex.³² Postbellum free lovers’ strategy of “plain” words in discussing sexuality and the human body was an aggressive response to Comstock, who was resolved to eliminate sexually explicit language from the public sphere. In addition to criticizing marriage, free lovers defended a free press, birth control, and

³¹ Comstock, *Traps for the Young*, 161-162, 167.

³² Spurlock, *Free Love*, 225–26.

sex education. Ezra Hervey Heywood and Angela Heywood, the radical couple from Massachusetts, embodied this new militancy within the free love movement. In their opposition to Comstock's moral crusade, the Heywoods and other free lovers claimed that women could never be free, autonomous citizens unless they gained an absolute ownership of their bodies and free access to sexual knowledge, independent of the government, church, or their husbands. Denying the monopoly of sexual information by the powerful few, free lovers and their allies emphasized the importance of a democratic, open discussion in print about sex and reproduction.

Ezra Hervey Heywood was a seasoned abolitionist when he entered the arena of sex radicalism in the 1870s. He went to Brown University in 1852 to pursue the ministry, yet an encounter with Garrisonian abolitionism convinced Heywood to relinquish that career path. Young Heywood grew indignant that the church did not act decisively against the institution of slavery. Soon after graduation from Brown, he became a circuit lecturer on abolitionism. Between 1859 and 1864, he served as general agent of the Massachusetts Anti-Slavery Society at the request of Wendell Phillips. After the outbreak of the Civil War, however, Heywood gradually severed his ties to mainstream abolitionists, who abandoned their earlier stance of nonresistance and embraced the North's military campaign to end Southern slavery. As a pacifist, Heywood argued that to kill a person was a greater sin than to enslave him or her. As much as he decried the tyranny of slavery, Heywood equally maintained that the North had no right to suppress the South. His philosophy even conceded the morality of secession: "American government of the people, by the people, for the people, resides in moral power, [and] is grounded in the consent of the governed... peaceful secession is a moral right." Emancipation won by military means, Heywood claimed, would not

change racial hierarchy in the South. Heywood was also critical of Garrisonian abolitionists who jettisoned their prewar skepticism of the government and electoral politics.³³

Cut off from the mainline abolitionist movement, Heywood grew attracted to individualist anarchism and free love. Heywood first met individualist anarchist Josiah Warren in June 1863.³⁴ The encounter with Warren and his philosophy of individual sovereignty introduced Heywood to a whole new set of radical social reformers, including free lovers. Heywood became an ardent follower of Josiah Warren's theory of economy based on equity. Warren shaped Heywood's approach to labor issues after the Civil War. In the meantime, Heywood met a lifelong companion who shared his reform drive: on June 5, 1865, he married Angela Fiducia Tilton.³⁵

Angela Heywood has remained in the shadow of her better-known husband (because of his legal battle against Anthony Comstock), but she was herself a determined feminist and sex radical.³⁶ Angela had been an active abolitionist in the Garrisonian circle. After marriage, she committed herself to broader social issues with

³³ Martin Henry Blatt, *Free Love and Anarchism: The Biography of Ezra Heywood* (Urbana: University of Illinois Press, 1989), 8, 15–37; *The Liberator*, July 17, 1863.

³⁴ “The Tax Swindle—Wordocracy,” *The Word*, March 1893.

³⁵ Blatt, *Free Love & Anarchism*, 41, 67; “Purpose of the Free Love Bureau,” *The Word*, June 1883.

³⁶ As a biography of Ezra Heywood, James M. Blatt's monograph pays considerable amount of attention to Angela Heywood. Blatt, *Free Love & Anarchism*. Jesse E. Battan also offers a discussion on Angela Heywood's battle for the freedom of expression on sexual matters. Jesse E. Battan, “‘The Word Made Flesh’: Language, Authority, and Sexual Desire in Late Nineteenth-Century America,” *Journal of the History of Sexuality* 3, no. 2 (1992): 223–44.

Ezra. Yet Ezra and Angela presented a stark contrast in terms of personality and expression. The reformer and friend Lucien V. Pinney stated, “while Mr. Heywood is methodical and moderated in his thought, arriving at his conclusions by the toil of intellect, she [Angela] is quick and impulsive, arriving at her conclusions by the flash of intuition.” Pinney opined that Angela had “the same infatuation for the human race that leads her husband through the fires of persecution to ideal Liberty, but she has a more attractive and vivacious way of expression, and is as sunny and winsome in various notions as he is solid and sedate.”³⁷ In comparison to Ezra, who was often described as educated and calm, Angela was lively in character, fierce in tongue.

As a man of principle, Ezra was absorbed in a range of issues for social justice, while Angela almost always spoke for women. According to Ezra’s biographer Martin Blatt, the scarce evidence available suggests that Lucy M. Tilton, Angela’s mother, was a widow for most of her life, and that the Tiltons suffered from economic hardships when Angela was young.³⁸ Angela worked prior to and after her marriage as a shop girl and book-canvasser. Throughout her life she identified with working women. She did not hesitate to criticize her husband whenever he showed the slightest sign of neglect of women’s issues. At the 1875 convention of the New England Labor Reform League (NELRL), a labor organization Ezra established in 1869, Angela condemned Ezra for disregarding the “girl side of labor.” She lamented that she “sometimes wished to stone or scalp him to wake him up to the claims of working

³⁷ Lucien V. Pinney, “The Man and the Woman of Princeton,” *The Word*, June 1890, 1.

³⁸ Blatt, *Free Love & Anarchism*, 68-69.

women.” Angela’s sensitivity to gender as well as class issues helped Ezra become a zealous defender of women’s economic and sexual rights.³⁹

Ezra and Angela Heywood moved back to Ezra’s hometown of Princeton, Massachusetts, in 1871. They started publishing the monthly reform periodical called *The Word* the following year. Although *The Word* mainly functioned as a forum for the exchange of ideas between the Heywoods and their fellow reformers, it also carried a section called “The Opposition” every month. This section featured writing by Ezra’s critics, which reflected Ezra’s belief in the importance of mutual criticism for human advancement. The periodical identified Ezra as its editor, but Angela served as the de facto co-editor and contributed numerous articles under her own name. While the periodical suspended publication several times due to Ezra’s imprisonment, *The Word* continued from 1872 to 1893, which was a long period run for an independent reform periodical in the nineteenth century. The Heywoods also established their own publishing press, The Co-operative Publishing Company. *The Word* was dedicated to multiple causes ranging from labor reform to hard money and women’s suffrage, yet a greater portion of the paper dealt with sex reform.⁴⁰

Victoria Woodhull’s exposé of the Beecher-Tilton scandal provoked the couple’s increasing dedication to sex radicalism. Ezra and Angela Heywood protested against Woodhull’s arrest in *The Word*. Ezra defended Woodhull’s exposure of Beecher, stating that “Mrs. Woodhull’s articles were a clear, chaste, and direct statement of facts.” He argued that Comstock’s expanded interpretation of obscenity

³⁹ “The Platform,” *The Word*, July 1875, 4.

⁴⁰ Blatt, *Free Love & Anarchism*, 51-52.

threatened the freedom of the press not just for free lovers but for all political minorities. Ezra appealed to his readers: “Whatever Mrs. Woodhull’s views upon social reform or other questions may be, every friend of impartial liberty should now stand by her; for in her person, the freedom of the press and the freedom of the mails is struck down.”⁴¹ He also chastised Woodhull’s critics as hypocritical. Ezra wrote: “The ‘respectable’ people who say, ‘such revolting facts should never have been made public,’ thereby concede that the marriage system will not survive criticism.”⁴² Angela was no less critical. She attacked married men like Henry Ward Beecher who pretended to be faithful to their partners yet secretly seduced other women. “There is no love,” Angela wrote, “under heaven, or in heaven, that can be justified privately, which one should be ashamed to have publicly known.” Angela argued that public attitudes toward the Beecher-Tilton scandal demonstrated American society’s sexual double standard. She took issue with those who scrutinized Victoria Woodhull’s private life and her sexual morality, yet willingly overlooked Beecher’s infidelity and hypocrisy.⁴³

The Heywoods’ preoccupation with the Woodhull’s prosecution by Comstock led to a resurgence of free love as a reformist movement. Provoked by Comstock’s efforts to silence Woodhull’s sex radicalism, Ezra and Angela Heywood deepened their conviction to defend free love and free speech. After she was released from prison, Woodhull sought to deliver a lecture on the Beecher-Tilton scandal and the

⁴¹ *The Word*, December 1872, 2.

⁴² “Wedded Bliss,” *The Word*, August 1874, 2.

⁴³ Angela T. Heywood, “Correspondence,” *The Word*, January 1873, 3.

Comstock Law in Boston, a city under the influence of the Beecher families. Every hall shut its door to her by the order of Massachusetts governor William Claflin. As a gesture in defense of free speech, Heywood's New England Labor Reform League offered Woodhull a platform at its convention. Out of this sponsorship of Woodhull, a radical element of the NELRL founded the New England Free Love League. Anarchist Benjamin R. Tucker served as corresponding secretary and general agent. Angela Heywood was one of the vice presidents, while Ezra joined the Executive Committee.⁴⁴

In 1876, Ezra Heywood clarified his position as a free lover when he published a pamphlet entitled *Cupid's Yokes: or, The Binding Forces of Conjugal Life*. In this twenty-three-page tract, Heywood sharply criticized the institution of marriage, which he regarded not as "a finality, but, rather, a device to be amended, or abolished, as enlightened moral sense may require." He asserted that marriage destroyed the natural expression of love and deprived women of autonomy. He denied the exclusive nature of love, stating "the secret history of the human heart proves that it is capable of loving any number of times and persons, and the more it loves the more it can love." State- and church-controlled marriage, Heywood declared, must be replaced by a free contract which was dissolvable at will.⁴⁵ Ezra viewed free contract, including free love, as a marker of human advancement. He elsewhere articulated that "the progress of civilization is from status to contract, from having one's destiny determined by conventional authority, to the *regime* of consent, to an original acquaintance with

⁴⁴ Blatt, *Free Love & Anarchism*, 79-83.

⁴⁵ Ezra H. Heywood, *Cupid's Yokes, or, the Binding Forces of Conjugal Life* (Princeton: Co-operative Pub. Co, 1876), 3-6, 14.

truth.”⁴⁶ Believing in the power of individualism and freedom for human progress, he declared that virtue required not coercion in the form of marriage but the free exercise of private judgment and individual conscience.

Cupid's Yokes was intended not only to explain the doctrine of free love, but also to defy the legitimacy of Comstock's federal censorship. In the tract, Heywood repeatedly claimed the absurdity of the anti-obscenity law. He wrote: "Liberty ... is the primary and indispensable condition of Virtue; while vice originates in stagnant ignorance, which the policy of repression enforces." Heywood referred to Comstock as "a *religious monomaniac*, whom the mistaken will of Congress and the lascivious fanaticism of the Young Men's Christian Association have empowered to use the Federal Courts to suppress free inquiry." Heywood included in the footnotes a description of multiple contraceptive methods. Although he regarded mechanical contraceptives as unnatural and injurious compared to more "natural" means of limiting fertility, such as abstaining from intercourse during a certain period of the month, Heywood elaborated on the marketplace's many contraceptive offerings. Citing *Elements of Social Science* written by British medical author George Drysdale, the footnote read: "Various unnatural means are employed to prevent the seminal fluid from entering the womb, thus preventing the union of the sperm and germ cell which is the essential part of impregnation; among these means are withdrawal before emission; the use of safes, or sheathes; the introduction of a piece of sponge so as to guard the mouth of the womb, and the injection of tepid water into the vagina

⁴⁶ "Permitted Rights," *The Word*, July 1874.

immediately after coition.”⁴⁷ No doubt, he knew that such information was specifically prohibited by the Comstock Law.

In the fall of 1877, Anthony Comstock arrested Ezra Heywood for distributing *Cupid's Yokes* and *Sexual Physiology* (1864), by health reformer R. T. Trall. Shortly after the arrest, Heywood asked how his tract, written to “promote discretion and purity in love by bringing sexuality within the domain of reason and moral obligation,” was obscene. “Twenty years, before the intelligent eyes and pure minds of New England citizens have I pursued my work unmolested, except by sporadic mobs from the streets which all reformers have to encounter; never before was my ability to use intelligent and chaste language questioned.” Now, he was under arrest simply for disseminating his reform ideas. Heywood claimed: “When Southrons invaded the freedom of the mails to suppress anti-slavery publications, which they called ‘incendiary literature,’ the Union rung with denunciations of the outrage. The same spirit of tyranny, which assailed reformers then, now labels exposures of social evil ‘obscene’ literature!”” The trial of Heywood’s case began in January 1878, and the court proceedings put him at a disadvantage. Neither Heywood nor his witnesses were allowed to discuss his moral character or the purpose of *Cupid's Yokes* or *Sexual Physiology*. Judge Daniel Clark held that Heywood should be guilty if any little part of the books suggested immoral ideas, regardless of their larger context. Clark influenced

⁴⁷ Ibid., 4, 12, 20; A Doctor of Medicine (George R. Drysdale), *The Elements of Social Science: Or, Physical, Sexual and Natural Religion*, 4th ed. (London: E. Truelove, 1861), 349. Under anonymity, Drysdale first published *Physical, Sexual, and Natural Religion* in 1854 and retitled its 1859 revised version *The Elements of Social Science*. Simon Szreter, *Fertility, Class and Gender in Britain, 1860-1940* (New York: Cambridge University Press, 2002), 398.

the jury's decision by insisting that Heywood's free love doctrine could turn Massachusetts into one great house of prostitution. The jury found him not guilty for distributing *Sexual Physiology*, but guilty for *Cupid's Yokes*. The court denied an appeal by Heywood's lawyers, and sentenced Heywood to two years' imprisonment at hard labor.⁴⁸

Freethinkers and free lovers vocally dissented from Comstock's moral crusade. The 1870s and 1880s saw the rise of religious skepticism and unbelief. The American freethought movement quickly expanded. Among the factors behind the phenomenon was Charles Darwin's theory of evolution and natural selection in *On the Origin of the Species* (1859), which denied the existence of divine design. An example of this fusion of free love with freethought was the National Liberal League, established in Philadelphia in July 1876, the centennial year of the Declaration of Independence. The organization's chief goals were the total separation of church and state, and freedom of religion—enlightenment ideals promised at the founding of the nation. Their specific objectives included the secularization of all public schools, fair taxation of church property, and repeal of Sabbath laws. While the League attracted progressives from various denominations, it also contained significant numbers of agnostics and atheists.⁴⁹ These freethinkers viewed organized religion as inherently irrational and

⁴⁸ Ezra H. Heywood, "The Impolicy of Repression," *The Word*, December 1877, 3; Blatt, *Free Love and Anarchism*, 113–18.

⁴⁹ "Constitution of the National Liberal League," *The Index*, July 13, 1876, 325–326; Sears, *The Sex Radicals*, 35–41; James Turner, *Without God, Without Creed: The Origins of Unbelief in America* (Baltimore: Johns Hopkins University Press, 1985), pt. 2. On nineteenth-century freethought, see also Leigh Eric Schmidt, *Village Atheists: How America's Unbelievers Made Their Way in a Godly Nation* (Princeton: Princeton University Press, 2016).

repressive. They abhorred superstition, dogma, and clerical authority, and instead embraced science, reason, free inquiry, and humanism. The postbellum generation of free lovers constituted a radical segment of this larger community of freethinkers.

To religious liberals, the Comstock Law was nothing less than a state-endorsed “Inquisition.” In February 1878, Robert G. Ingersoll, a successful lawyer and the nation’s most prominent agnostic, and other Liberal Leaguers had presented Congress with a petition bearing seventy thousand names. The petition protested the provisions and enforcement of the Comstock Act, and demanded its repeal or revision. The House committee on Revision of the Laws rejected the petition, declaring that “the Post-Office was not established to carry instruments of vice, or obscene writings, indecent pictures, or lewd books.”⁵⁰

Shortly after Heywood was sentenced in June 1878, his supporters rallied to his cause. Benjamin Tucker called a meeting in August 1878 at Faneuil Hall to protest Heywood’s arrest and imprisonment. Between four and six thousand people attended the event. Many of the reformers who gathered there were freethinkers affiliated with the National Liberal League.⁵¹ The delegates included freethinkers who specifically engaged in anti-Comstock efforts at the National Defense Association. The National Defense Association had been just founded in June 1878 by Dr. Edward Bond Foote and eight other liberals. They created the association to examine questionable cases

⁵⁰ Comstock, *Frauds Exposed*, 418–30; House Committee on the Revision of the Laws, *Repeal of Certain Sections of the Revised Statutes*, 45th Cong., 2nd sess., 1878, H. Rpt. 888 (SS1826).

⁵¹ *Proceedings of the Indignation Meeting Held in Faneuil Hall, Thursday Evening, August 1, 1878, to Protest Against the Injury Done to the Freedom of the Press by the Conviction and Imprisonment of Ezra H. Heywood* (Boston: B. R. Tucker, 1878).

under the Comstock Law and related state laws, and to aid victims of unjust prosecutions. Foote's father, Dr. Edward Bliss Foote had himself been convicted in 1876 for circulating his medical pamphlet; the elder Foote helped finance the enterprise. Benjamin Tucker was an active member of the National Defense Association, and Tucker and the association organized the Faneuil Hall meeting about Heywood's case. Activists in the association were also behind the successful petitioning campaign to secure Heywood's release. After having served six months in prison, Heywood was pardoned by President Rutherford B. Hayes and released in December 1878.⁵²

Comstock used the obscenity charge to punish freethinkers, whose irreligion he viewed as a major threat to the social order. Comstock was annoyed by liberals' persistent efforts to repeal the Comstock Law for its alleged violation of free speech and free press. Whereas freethinkers asserted that they never favored obscenity, Comstock claimed, "at the same time they are organized and are raising funds to fight the powers that are earnestly seeking to destroy these sources of corruption."⁵³ Comstock emphasized the alliance of the "free-lust" party and the liberals particularly because it was difficult to arrest freethinkers purely for blasphemy. Comstock's New York Society of the Suppression of Vice declared its intention to "stamp out" the publications of free lovers and free thinkers: "The public generally can scarcely be aware of the extent that blasphemy and filth commingled have found vent through

⁵² Samuel P. Putnam, *400 Years of Freethought* (New York: Truth Seeker Company, 1894), 538–39; Blatt, *Free Love and Anarchism*, 126–31; Horowitz, *Rereading Sex*, 410, 422–24; *Boston Daily Globe*, December 20, 1878, 4..

⁵³ Comstock, *Traps for the Young*, 160.

these varied channels. Under a plausible pretense, men who raise a howl about ‘free press,’ ‘free speech,’ etc., ruthlessly trample under feet the most sacred things, breaking down the altars of religion, bursting asunder the ties of home, and seeking to overthrow every social restraint.”⁵⁴ Comstock asserted that freethinkers’ defense of free speech and free press was merely a guise to conceal their religious and sexual license: “Liberty means license with them, and freedom of press and speech, means that they may ... blaspheme and deride the holiest things, while any one opposed to their views is to be held to strict accountability.”⁵⁵

Comstock soon had the federal courts on his side. Shortly after the imprisonment of Ezra Heywood, Comstock arrested De Robigne Mortimer Bennett, known simply as D. M. Bennett, for distributing *Cupid's Yokes*. Bennett was the founding editor of the *Truth Seeker*, one of the most influential freethought papers of the era. Bennett did not share Heywood’s belief in free love, but as a defender of free speech and a Comstock opponent, he aimed to provoke Comstock by selling copies of Heywood’s pamphlet. (Bennett had already been arrested under the anti-obscenity law in 1877.) At court, Bennett was found guilty and sentenced to thirteen months in prison. The New York appellate judge Samuel Blatchford confirmed the constitutionality of the Comstock Law. Blatchford also upheld Comstock’s criteria in judging obscenity when his decision relied on the “Hicklin test,” adapted from the English obscenity case of *Regina v. Hicklin* (1868). Lord Cockburn, the Chief Justice of Queen’s Bench, declared that “whether the tendency of the matter charged as

⁵⁴ *The Fourth Annual Report of the New York Society for the Suppression of Vice* (New York: n.p., 1878), 7.

⁵⁵ Comstock, *Frauds Exposed*, 394.

obscenity is to deprave and corrupt those whose minds are open to immoral influences,” regardless of the work’s intention and merit as a whole. Blatchford’s ruling in Bennett’s trial became the key precedent, all the more because he was later appointed to the United States Supreme Court in 1882. The Hicklin test employed in the Blatchford decision would be the criterion of obscenity cases for more than five decades to come. Freethinkers, on the other hand, appealed to President Hayes with a petition bearing two hundred thousand signatures for Bennett’s release. Unlike in the Heywood case, however, their campaign failed to win a presidential pardon.⁵⁶

After Ezra Heywood was released from prison, he and Angela continued fighting back against Comstock’s moral enforcement. In 1881, *The Word* advertised a syringe which the Heywoods humorously named the “Comstock syringe.” The advertisement offered the syringe for ten dollars, claiming: “Woman’s natural right to *Prevent Conception* is *unquestionable*: to enable her to protect herself against invasive male use of her person the celebrated Comstock Syringe, designed to prevent disease, promote personal purity and health, is coming into general use.”⁵⁷ Although Ezra and Angela did not personally advocate artificial contraceptive devices, they nevertheless believed that women should have options to protect their bodies from male aggression. In October 1882, Ezra faced a four-count indictment, which included two counts regarding the advertisement of the contraceptive device.⁵⁸ The Heywoods’ challenge

⁵⁶ James C. N. Paul and Murray L. Schwartz, *Federal Censorship; Obscenity in the Mail* (New York: Free Press of Glencoe, 1961), 15–17; Horowitz, *Rereading Sex*, 424–36.

⁵⁷ *The Word*, August 1881, 4.

⁵⁸ Blatt, *Free Love & Anarchism*, 143.

to Comstock's moral crusade rarely failed to draw Comstock's attention. Over fewer than fifteen years, Ezra Heywood was arrested five times on obscenity charges.

Despite Comstock's censorship, the Heywoods employed the strategy of direct language, using explicit terms of sexual organs and acts in their publications. Angela in particular promoted frank discussion of sex. She believed that free love doctrine meant that women had the right not only to their bodies but also to sexual knowledge and vocabulary. Angela claimed that false notions of delicacy and virtue prevented women from acquiring factual, scientific information about their own bodies. She declared that "this preten[s]e that English words, which so exactly define sex-organs and their mutual use, are indelicate, is a part of that *mental* disease which, insisting that ignorance guarantees social purity, enacts 'obscenity statutes' to *hinder increase of physiological knowledge.*"⁵⁹ While Angela criticized coercive marital sex, she celebrated sex based on mutual love and consent. She believed in the innate goodness of the human body and sexual pleasures. She argued that "the sexual organs are as necessary, useful and beautiful as the eye or hand," and praised the natural sexual vitality of men and women.⁶⁰ She asked, "What mother can look in the face of her welcome child and not religiously respect the rigid, erect, ready-for-service, persistent male organ that sired it?"⁶¹ In Angela's observation, since the human body was innately beautiful and pure, there was no reason to be embarrassed to express its

⁵⁹ Angela T. Heywood, "Sex-Nomenclature—Plain English," *The Word*, April 1887, 2-3.

⁶⁰ Angela T. Heywood, "The Obscenity Raid," *The Word*, January 1880, 1.

⁶¹ Heywood, "Sex-Nomenclature."

names—even such words as penis, cock, womb, fuck, and semen. “The central, integral use of penis and womb, their wonder working ability to serve as well as to rule humankind will, someday, glorify good behavior of men towards women, sexually,” Angela said.⁶² Direct reference to sex organs and acts also added shock value to the criticisms she and Ezra had of the respectability of mainstream society. Mocking the present form of marriage, Ezra wrote: “The irrational tie is supposed to be necessary to control man’s passion; yet the ‘law,’ which gives his penis leave & right of way, takes from woman power to resist rape and even, inside the marital cage, while this married penis becomes an active creator of ‘prostitutes,’ —married men being the most constant & lucrative patrons of houses of ill-fame.”⁶³ By using such shocking terms as penis, Ezra emphasized that, far from guarding sexual purity, the marriage system sanctioned men’s unchecked exercise of lust toward their wives and prostitutes.

The Heywoods’ use of plain sexual language in *The Word* challenged Comstock’s campaign to eliminate discussions about sex and reproduction from print culture. Angela argued that obscenity existed not in the human body or in language, but rather in prosecutors’ cheap imaginations about women’s bodies and other men’s minds.⁶⁴ She stressed the masculine nature of anti-obscenity law, which was intended to preserve male domination by denying women the most fundamental right to

⁶² Angela T. Heywood, “Creative Dualism—Motherhood,” *The Word*, November 1888, 3.

⁶³ “Marriage, the Penis Trust—Free Love,” *The Word*, July 1889, 2.

⁶⁴ Heywood, “The Obscenity Raid.”

understand their maternal functions. Censorship of sexual knowledge also represented “*Class-usurpation of Education*” by elite Christian men who backed anti-vice societies.⁶⁵ Comstock had Ezra arrested in 1883, this time for publishing in *The Word* an article from Angela’s “Leaflet Literature” series. Angela was infuriated that Comstock arrested not her but her husband. According to Stephen Pearl Andrews, Angela regarded her writings “as her fight, as the woman’s fight for freedom” and wanted to assume full responsibility for her own deeds and expressions.⁶⁶ Comstock pursued Ezra instead of Angela not so much because she was a woman, for Comstock rarely hesitated to prosecute women. Rather, as an editor, Ezra was technically responsible for distributing *The Word*. (Another possibility was that Angela was pregnant with her son Angelo at that time, and imprisoning a pregnant woman perhaps offended Comstock’s sensibilities.)⁶⁷ Angela still believed that, by arresting her husband, Comstock attempted to silence her on sexual subjects; yet she assured the readers of *The Word* that she had no intention to stop. Angela declared, “I am still at it; penis, womb, vagina, semen are classic terms” that should be in everyday usage.⁶⁸

Free lovers were divided over the Heywoods’ bold strategy. Some radicals considered Ezra and Angela Heywood’s policy of using frank terminology to describe sex as misguided or self-defeating. Free lover Moses Hull complained that rather than

⁶⁵ Angela T. Heywood, “The Woman’s View of It—No. 2,” *The Word*, February 1883, 2.

⁶⁶ Stephen Pearl Andrews, “The Heywoods, Princeton, Worcester County, and Massachusetts,” *Truth Seeker*, August 11, 1883, 498.

⁶⁷ Blatt, *Free Love and Anarchism*, 147.

⁶⁸ Heywood, “Sex-Nomenclature.”

making contraceptives and sexual knowledge easier for the average person to obtain, the Heywoods were ensuring their suppression: “Mr. & Mrs. Heywood will never be satisfied until they find themselves in prison, & the reforms they seem to wish to forward set back another century.”⁶⁹ But the Heywoods were not alone in their fight to expand the available sexual vocabularies in print. Moses Harman was an influential anarchist and free love philosopher whose periodical, *Lucifer, the Light-Bearer*, published in Valley Falls, Kansas, was the central medium for Western sex radicals. Beginning in 1887, Harman was repeatedly arrested for printing correspondence that frankly described marital rape and birth control. Harman’s acts were intentional. As a firm opponent of government regulation of words, he was willing to be a martyr in test cases of anti-obscenity statutes.⁷⁰

Free lovers dared to risk obscenity charges because they knew that, if Comstock arrested them, their cases would be scrutinized and publicized in the popular press. Newspaper coverage of their arrests and trials would offer them opportunities to widely disseminate their opinions about the rights of free press and free speech. Their prosecutions would expose the injustice of Comstock’s social purity campaign. The obscenity prosecutions of free lovers and freethinkers generated a certain degree of criticism against the anti-vice crusade. Prosecutions of free love and freethought advocates often had an unintended effect of drawing public interest to their existence and their radical ideas. According to Ezra Heywood, D. M. Bennett’s arrest and imprisonment for distributing *Cupid’s Yokes* “boomed his [Bennett’s]

⁶⁹ Moses Hull, *Des Moines New Thought*, reprinted in *The Word*, August 1889, 2.

⁷⁰ Sears, *The Sex Radicals*, 74–80, 107–14.

books” and “made his paper a paying, world-wide power.”⁷¹ Comstock was aware of this problem. In his book *Traps for the Young*, Comstock described how he arrested Ezra Heywood at a New England Free Love League convention. But Comstock refused to give Heywood free publicity by naming him in print.⁷² Popular print culture allowed free lovers to manipulate obscenity prosecutions and promote their reform agenda.

Anti-Vice Crusade and Antidemocratic Impulses in the Post-Reconstruction Era

Postbellum American society experienced the expansion of industrialization, urbanization, commercial culture, and influx of immigrants. In the North, antebellum defenses of free labor, social mobility, expansive democracy and republicanism were replaced by property rights, social Darwinism, economic laissez-faire, and fears of the dangerous classes. Distrust of the masses and democracy. Anti-vice crusade was part of the larger impulses to regulate popular culture after the demise of Reconstruction promises. Move toward a coercive Christian state led by property-owning elites emboldened by with moral reform, law, and Protestantism. Embrace of hierarchy, ambivalence about.

Comstock’s evangelical, so-called “Victorian” ideal of sexual purity represented only one of the multiple, contested discourses about sexuality in the nineteenth-century United States.⁷³ While Comstock criminalized contraception along

⁷¹ “Ethical Health—Language,” *The Word*, August 1889, 2.

⁷² Comstock, *Traps for the Young*, 159, 163–66.

⁷³ Helen Lefkowitz Horowitz, for instance, discusses four major frameworks through which nineteenth-century Americans understood and debated sex: (1) vernacular sexual culture based on a humoral theory (2) evangelical Protestantism, (3) reform

with abortion, many middle-class Americans embraced contraception as the more acceptable measure of family limitation.⁷⁴ The absence of organized resistance to the Comstock Law, aside from that of free lovers and freethinkers, did not mean that anti-obscenity crusaders received the enthusiastic support of their contemporaries. Comstock's moral reform often met with criticism and skepticism, as it had during his Union Army days. In the words of his defender Homer B. Sprague, Comstock had been "more virulently belied than any other living American."⁷⁵ Comstock himself acknowledged, and frequently complained, that his hard work was underappreciated. Comstock wrote: "Not unfrequently, after long and patient endeavors to arrest and punish men who exult in the destruction of whatever is pure and beautiful in the domain of virtue, it is found that professedly good men, professing Christians, for that matter, appear on behalf of the culprits, to stop the prosecution, claiming to be actuated by a humane sympathy for the prisoner or his family, on this false plea losing sight of the debauchery and ruin already brought upon many a fair youth from an execrable traffic."⁷⁶

Comstock's critics tended to focus more on his means than his ends.

Comstock's use of deception and decoy in executing the law was particularly

physiology, which associated sexuality with the nerves and health, and (4) freethought and sex radicalism, which placed sexuality at the center of the self. Horowitz, *Rereading Sex*, 4–9.

⁷⁴ Grossberg, *Governing the Hearth*, chap. 5.

⁷⁵ Sprague, "Societies for the Suppression of Vice," 76.

⁷⁶ *The Fourth Annual Report of the New York Society for the Suppression of Vice* (New York: n.p., 1878), 9.

criticized as unsavory. In obtaining evidence against his targets, Comstock wrote decoy letters under false names and asked the sellers to send questionable commodities through the mail. When they complied with Comstock's requests, he then prosecuted them as offenders of the law. Comstock and religious leaders asserted that the nobility of their cause justified their shady methods.⁷⁷ But others questioned the idea that law enforcement would devote its resources not to detecting crimes already commissioned but to inducing the parties in question to commit them. The *New York Tribune* asked "whether society can authorize a system of tempting the viciously disposed into crime merely in order to make a case for locking them up out of the way of further transgression."⁷⁸ Critics argued that Comstock's method could be regarded as entrapment.

Some editors and writers in the mainstream print media also claimed that, even if free lovers' arguments were misinformed or wrong, they were not "obscene." Some secular newspaper editors criticized Comstock's crusade against sex radicals. Massachusetts newspaper *Springfield Republican* observed that Comstock failed to differentiate between "circulating obscene literature" and "the advocacy of mischievous opinions concerning society." The paper's editor maintained that the arrest of Heywood and Bennett was "unjust to the freedom of opinion, for the work in

⁷⁷ For instance, see F. Courtney, "The Suppression of Vice," *New York Tribune*, June 29, 1878, 2; *Christian Union*, July 3, 1878, 1-2.

⁷⁸ "Detective Methods," *New York Tribune*, June 24, 1878, 4; "Tempting People to Crime in Order to Punish Them," *Orange Journal*, reprinted in *New York Tribune*, June 5, 1878, 6.

question [*Cupid's Yokes*] was obviously not designed for an obscene purpose.”⁷⁹ James Gordon Bennett, Jr.’s *New York Evening Telegram* was more openly acerbic about Comstock’s obsession with harassing those who had unconventional ideas about politics, religion, and sexuality: “Mr. Anthony Comstock has been granted by a stupid Legislature powers with which he should never have been trusted, simply because he is not intellectually and morally competent to use them aright ... [I]t is an outrage upon individual and social rights that he should be permitted to assail with impunity men whose lives, taking them as a whole, are mainly in the right, and who, by stimulating thought on important sexual questions, accomplish incalculably more good than Mr. Comstock ... can hope to accomplish.”⁸⁰ Most editors and writers did not support free love ideas, but they argued that free lovers had a constitutional right to voice their opinions, however radical or ridiculous they were. They agreed with free lovers in that the federal policing of whatever anti-vice agents regarded as obscene violated the freedom of the press ensured in the First Amendment.

Comstock’s campaign nevertheless found avid support from certain portion of upper- and middle class Americans. Their approval of the anti-obscenity crusade reflected a conservative shift in public opinion after the demise of radical Reconstruction. By the 1870s, the optimistic vision of democratization and free labor had begun eclipsed by the distrust of the masses and the embrace of social hierarchy. Rapid industrialization and booming economy in postbellum America created and consolidated a capital-owning industrial class. Meanwhile the majority of productively

⁷⁹ “Anthony Comstock’s Work,” *Springfield Republican*, April 22, 1879, 4; *Springfield Republican*, March 22, 1879, 4.

⁸⁰ “The Case of Mr. D. M. Bennett,” *New York Evening Telegram*, March 24, 1879, 2.

engaged Americans consisted of wage laborers for many of whom economic independence was no longer attainable. The Panic of 1873 and subsequent depression between 1873 and 1877 intensified class conflict. The prevalence of labor agitation drove northern reformers away from their antebellum defense of free labor, social mobility, and expansive democracy. They feared that propertyless, uneducated workers and immigrants threatened to corrupt the political system in the North just like newly-enfranchised blacks did in the Reconstruction South. A growing number of urban Americans advocated various restrictions on popular democracy while relying on the government in ensuring order (including breaking up labor protests) and morality based on Protestant Christianity. Comstock's censorship of obscene publications could be regarded as part of the post-Reconstruction project, backed by the elite and the federal government, to suppress dissenting voices toward the dominant economic, sexual, religious, and political order.⁸¹

Christian moral reformers' idea of individual freedom clashed with that of free lovers. Religious leaders and editors upheld prosecutions of free lovers under the obscenity charges. The *Christian Union* defended the Comstock Law, arguing that there was "more danger of too great license than of too restricted liberty." While free

⁸¹ David Montgomery, *Beyond Equality; Labor and the Radical Republicans, 1862-1872* (New York: Knopf, 1967); Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 512–24; Eric Foner, *The Story of American Freedom* (New York: W.W. Norton, 1998), 116–23; Heather Cox Richardson, *The Death of Reconstruction: Race, Labor, and Politics in the Post-Civil War North, 1865-1901* (Cambridge: Harvard University Press, 2001); Sven Beckert, *The Monied Metropolis: New York City and the Consolidation of the American Bourgeoisie, 1850-1896* (New York: Cambridge University Press, 2001), chap. 6; David Quigley, *Second Founding: New York City, Reconstruction and the Making of American Democracy* (New York: Hill and Wang, 2004).

lovers believed in the primacy of individual sovereignty and individual freedom, Comstock's supporters believed that the welfare of society took precedence over that of the individual. The *Christian Union* editor wrote: "The right to protect the morals is not inferior to the right to protect the body ... Self-preservation is the first law of society as of the individual."⁸² If society as a whole constituted a body, then to protect its health, the government was justified in its use of power to restrain pernicious influences that could infect components of the body. In anti-vice reformers' view, the freedom of the press did not warrant publication of obscene and demoralizing ideas.

Comstock received approval mainly from the upper and middle classes who were concerned about the deterioration of sexual morality. They feared that sexuality's separation from reproduction, which had already resulted in the commercialization of sex, might create social chaos. As Nicola Beisel argues, upper- and upper-middle-class men constituted the majority of sponsors of anti-vice societies. These elite men supported an anti-obscenity crusade due to their concerns about their families' social position in a precarious world. They believed that morality and social status correlated to each other. An individual's failure to succeed assumedly resulted from his moral failings and the poor were thus responsible for their conditions. This also meant that those at the top of the social hierarchy must imbue their children with moral integrity and a work ethic in order to maintain their families' status. Obscene literature escaped the surveillance of parents and slithered into homes and schools, corrupting and

⁸² "Liberty and License of the Press," *Christian Union*, September 25, 1878, 242.

pervverting youth regardless of their class. Comstock's wealthy supporters thus felt the need to protect their children from the pollution of immoral print materials.⁸³

Anti-vice reform also drew support from middle-class Americans. Middle-class female activists in groups like the Woman's Christian Temperance Union (WCTU) particularly shared Comstock's concern for the sexuality morality of youth. They became major supporters of federal censorship. The WCTU was founded in 1874 as a temperance organization. Under the "Do Everything" policy of their long-time leader Francis E. Willard, however, the WCTU expanded their Christian reform agenda. Though begun to prohibit the sale of alcohol, the WCTU soon supported causes ranging from establishing rescue homes for prostitutes to strengthening age of consent laws. Policing impure cultural expressions was one of these efforts. In 1883, the WCTU established the Department for the Suppression of Impure Literature. Female activists worked to exert a moral authority by stressing their roles as mothers in protecting children and society in general from vice. These women viewed women's virtuous influence, either in voluntary organizations or in the home, as the source of social salvation.⁸⁴

The dearth of strong opposition to obscenity prosecutions might have been due to the social stigma of free love. Religious liberals who worked for the repeal of the Comstock Law faced the allegations of advocating free love. Accusing liberals who demanded the abrogation of the postal law, Comstock's friend and Congregationalist

⁸³ Beisel, *Imperiled Innocents*, 49-53, 73-75; Beckert, *The Monied Metropolis*, 262-63..

⁸⁴ Alison M. Parker, *Purifying America: Women, Cultural Reform, and Pro-Censorship Activism, 1873-1933* (Urbana: University of Illinois Press, 1997).

minister Joseph Cook claimed that their “cry of free speech and a free press is but a poor covering for the real objects of the free-love enthusiasts.”⁸⁵ Not a few freethinkers viewed the connection with free lovers as dangerous for their movement’s moral reputation. At the 1878 annual meeting following the arrests of Ezra Heywood and D. M. Bennett, the members of the National Liberal League polarized over measures against the Comstock Law. A great majority of Liberal Leaguers led by Bennett, Elizur Wright, and Thaddeus B. Wakeman demanded the full repeal of the law for its unconstitutionality. A minority faction led by Francis Abbot and Robert Ingersoll, on the other hand, argued that the law needed reform so that it would not violate the freedom of the press but still prohibit pornography. Abbot, the editor of the freethought paper *Index* and the league’s president, and Ingersoll both opposed free love ideology, and believed that an alliance with free lovers would endanger the freethought movement. At the annual meeting, the conflicting opinions of Liberal Leaguers on the anti-obscenity legislation compelled Abbot to resign from presidency.⁸⁶ In the wake of the gathering, Liberal Leaguer Courtlandt Palmer strongly objected to the *New York Times*, which reported the Liberal League’s methodological division, describing repealers as “free-lovers” and their opponents “anti-free-lovers.”⁸⁷ Palmer stressed that Liberal Leaguers defended free lover Ezra

⁸⁵ “Joseph Cook’s Monday Lectures,” *The Congregationalist*, January 22, 1879, 3.

⁸⁶ “Freedom of the Press,” *The Index*, July 25, 1878, 354-55; “Two Phases of ‘Repeal,’” *The Index*, September 26, 1878, 462-63; “‘Repeal’ or ‘Reform’—Which?” *The Index*, October 3, 1878, 474-75; Sears, *The Sex Radicals*, 37-38; Schmidt, *Village Atheist*, 46.

⁸⁷ “A Liberal League Fight,” *New York Times*, October 28, 1878, 5.

Heywood not because of his advocacy of sex radicalism but because “we all felt that his punishment was an attack on American liberty.” Palmer repudiated the *Times* article’s assumption that the Liberal League included many free lovers, declaring, “Both factions in the convention, those for the repeal as well as those for the reform of the United States Comstock Postal Law, were opposed to free love and obscenity in every shape, form or fashion.”⁸⁸ Palmer, a freethinker who supported the total repeal of the Comstock Act, not only denounced free love but also juxtaposed it with obscenity. If iconoclastic atheists and agnostics even felt uneasy defending the free speech of free lovers, more ordinary Americans probably found it almost impossible to side with free lovers to protest against Comstock’s anti-vice crusade.

Conclusion

The 1873 enactment of the Comstock Law transformed the boundaries of public discourse about marriage and sexuality in the United States. Anthony Comstock and his supporters argued that sexual morality among Americans, particularly the youth, was deteriorating and threatening the country’s future. They attributed the alleged phenomenon to the rapid expansion of inexpensive “obscene” publications. In enforcing the anti-obscenity law, Comstock utilized the social stigma attached to free love; he took advantage of the fact that the general public had failed to comprehend the logic of free lovers and simply associated free love with sexual and religious licentiousness. For Comstock, free love publications were forms of obscene literature because they might excite susceptible readers’ imagination and induce them to experiment with subversive sexual pleasures. In his evangelical crusade to eliminate

⁸⁸ “National Liberal League and Its Objects,” *New York Times*, October 31, 1878, 2.

sexual expressions from public display, Comstock not only targeted free lovers but also labeled those whom he viewed immoral as free lovers, notably religious nonconformists who rejected the authority of the church. This also meant that anyone who questioned the legitimacy of anti-obscenity laws in suppressing free lovers and similar radicals (for the sake of free speech or fair legal procedures, for instance) might face the allegation of supporting or condoning free love. Comstock, in other words, used the obscenity charge to punish certain groups of people for their alleged rejection of organized Christianity and the sanctity of marriage.

Even though free love advocates suffered from repeated arrests under the anti-obscenity legislation, anti-vice crusaders' attempt to silence them ultimately proved to be unsuccessful. Federal censorship led by Christian lobbyists energized iconoclastic free lovers, convincing them of the crucial importance of individual freedom untethered to the arbitrary power of government and church. In opposing the Comstock Law, free lovers also formed an influential political alliance with freethinkers who advocated for the separation of church and state. Far from avoiding public discussion of marital reform and sexual issues to evade prosecutions, free lovers challenged Comstock's censorship by vocally demanding democratic access to accurate sexual education, particularly among women. The conflict between anti-vice crusaders and free lovers continued for the next few decades.

CONCLUSION

In their critique of the institution of marriage, nineteenth-century free lovers challenged the gender and sexual norms that it underpinned. Influenced by the anarchistic theory of individual sovereignty, free love advocates maintained that sexual relationships between men and women should be voluntary based purely on mutual affection and consent, and that genuine love could exist only when partners were independent from each other. They strongly believed in the principle of self-ownership separated from the power of state and church. They believed in the innate goodness of human nature, arguing that people could exercise appropriate self-control and live harmoniously once the constraint of the law was abandoned. A contributor to the *Social Revolutionist* illustrated this optimistic sentiment when he wrote: “We need more freedom; less government; less artificial rules; more natural instinct; more natural and less artificial gods; ... more love and less hate.”¹ Free love advocates considered sexual attraction between women and men as natural and healthy, and they praised sex that accompanied love. Even if free love theory did not instantly lead to its practice, it legitimated the disappointments and hopes that men and particularly women felt about their own marriages.

¹ W. Gould, “A Creed,” *Social Revolutionist*, March 1856, 72.

After its emergence in the 1850s, free love quickly became an anathema in American culture and a source of social and political divisions. The term “free love” signified different sets of assumptions for those inside and outside the movement. Free lovers’ ideas about freedom of affections and women’s sexual rights were certainly quite radical and far ahead of their time. At the same time, popular perceptions of “free love” differed from what the free love advocates intended to convey by the term. Aside from a small group of sympathetic reformers, most Americans ridiculed free lovers as lunatic radicals and intentionally used the exaggerated or distorted notion of “free love” as a derogatory term. Rather than fairly examining and criticizing the arguments of free lovers, the popular press redefined “free love” and then denigrated the notion based on these revised definitions. Anti-free love discourse expressed popular concerns about the supposed laxity of morals in the country. The conservative press had derided free love as freedom to engage in promiscuous sex, which was not so far from the licentious lifestyle of sporting men who flocked to brothels and saloons. Without rigid legal restraints on sexual relationships, some critics also argued, women as well as men might follow their lust, seek sexual encounters with various men, and bear children whose fathers could not be discerned.

In hostile discourse in popular print media, free love lost its intended agenda for gender equality and individual sovereignty and turned into a toxic stigma thrown at anyone who failed to conform to gender and sexual conventions. From the inception of the free love movement, popular misrepresentations of free love were used to discredit certain groups of antebellum reformers. Women’s rights activists were among the most common targets of the anathema of free love. Those against women’s rights interpreted demands for female enfranchisement as selfish and adulterous

individualism that threatened to destroy the American family. By amplifying women's legal rights as individuals, women's suffrage might lead to new rights for married women to disobey the authority of their husbands. Conservative commentators associated women's rights with free love. In their efforts to discredit feminist demands as selfish and licentious, conservatives attacked radical women for abandoning their supposedly natural domesticity and desiring to enter the public sphere. Anti-free love discourse thus reflected male discomfort toward the changing understanding of gender and sexuality.

The political implications of free love sharpened as the term became a blunt instrument in sectional debates. Between the 1850s and 1860s, the intensifying sectional conflict, the Civil War, and the following radical reconstruction of Southern society aggravated the social anathema of "free love." Similar forms of sex radicalism existed well before the emergence of free love ideology; some antebellum readers of popular newspapers had been familiar with sexual schemes of Charles Fourier, for instance. Yet "free love," with the combination of such simple but powerful words as freedom and love, provoked popular imaginations in ways that the Fourierist notion of "passional attraction" did not. During the decades when Americans fought over the meanings and conditions of freedom, free love offered language by which Americans could articulate the limits of freedom and individual rights. For them, free love stood the limitless pursuit of selfish personal interests and sexual desires as well as the negation of obligations to the family, community, and state. Free love would not only jeopardize the gender and sexual norms, but also disrupt the existing racial order. Tying lifelong monogamy with Christianity, Western civilization, and whiteness, anti-free lovers claimed that the spread of free love within the country would result in

racial degeneration by promoting barbaric sexual behaviors and by permitting interracial intimacy.

Controversies over free love continued well into the twentieth century, but the meanings attributed to the words were historically contingent. The movement by nineteenth-century free lovers, mostly native-born Anglo-Americans, perished by the first decade of the twentieth century due to internal fracture, the decreasing number of advocates, and the death of elderly leaders.² From the turn of the century onward, a new set of urban radicals, who included many immigrants and Jews, upheld the cause of free love. With changes in mainstream American attitudes toward marriage and sexuality, these modern advocates' understandings of sexual freedom slightly differed those of nineteenth-century free lovers, who essentially adhered to the ideal of sexual purity and in many cases (though not always) the supremacy of monogamous relationships.³ What remained consistent over time in the public debates of free love, however, was the political importance of sexual and domestic relations in the private sphere. Just as free love advocates believed that reform in sexual relationships between individual women and men would radically transform the structure of the entire society, their opponents feared that love and desire innately had dangerous power to erode the existing gender, sexual, class, and racial orders.

² Spurlock, *Free Love*, 229-230; Passet, *Sex Radicals*, 14-15, chap. 7.

³ Christine Stansell, *American Moderns: Bohemian New York and the Creation of a New Century* (New York: Metropolitan Books, 2000), chap. 8; Christina Simmons, "Women's Power in Sex Radical Challenges to Marriage in the Early-Twentieth-Century United States," *Feminist Studies* 29, no. 1 (2003): 169-98.

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