

# The Origins Of The First Women S Rights Convention: From Property Rights And Republican Motherhood To Organization And Reform, 1776-1848

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THE ORIGINS OF THE FIRST WOMEN'S RIGHTS CONVENTION: FROM PROPERTY  
RIGHTS AND REPUBLICAN MOTHERHOOD TO ORGANIZATION AND REFORM, 1776-  
1848

by

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## ABSTRACT

The purpose of this thesis is to examine the origins of the first women's rights convention held at Seneca Falls, NY during the summer of 1848. Taxation without representation was one of the foundations that the Continental Congress used as a basis for Independence from England. But when the revolution ended and the Republic was formed, the United States adopted many English laws and traditions regarding the status of women. Women, who were citizens or could be naturalized, were left civically invisible by the code of laws (coverture) once they married. They were not able to own property, form contracts, sue or be sued. In essence, they were "covered" by their husbands under coverture. Single women who owned property or inherited property were subject to taxation, though they had no voice in the elective franchise. Therefore, women, both married and single, who were counted for legislative purposes, were given no voice in choosing their government representatives.

I conclude that there were three bases for women's rights: equity, Republican Motherhood, and women's organizations. The legal concept of equity, the domestic ideology of Republican Motherhood combined with the social model of women's organizations formed the earliest foundation of what would become the first feminist movement, leading directly to the Declaration of Sentiments at Seneca Falls in 1848. Through an analysis of the changes in women's property ownership to the enhancement of the female domestic role in the early nineteenth century, women challenged their place in the public sphere. The sisterhood that was created as a result of the new domestic ideology and improved female education led to the creation of organizations to improve women's place in society. Through an almost fifty year evolution, the earliest women's volunteer organizations became the mid-nineteenth century reform organizations, leading to a campaign for woman's suffrage.

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## TABLE OF CONTENTS

CHAPTER ONE: THE HISTORIOGRAPHY OF EIGHTEENTH AND EARLY NINETEENTH CENTURY AMERICAN WOMEN .....	1
CHAPTER TWO: THE TRANSFORMATION OF IDENTITY: EIGHTEENTH CENTURY AMERICAN WOMEN – FROM COMMON LAW TO MARRIED WOMEN’S PROPERTY ACTS .....	26
CHAPTER THREE: AMERICAN WOMEN AND REPUBLICAN MOTHERHOOD – VOCATION AND EDUCATION .....	54
Women and Vocation .....	57
Women and Education .....	62
CHAPTER FOUR: AMERICAN WOMEN AND ORGANIZATION.....	76
CONCLUSION: TOWARDS WOMEN’S RIGHTS .....	95
LIST OF REFERENCES .....	111
Archives.....	111
Primary Sources .....	111
Secondary Sources .....	114

CHAPTER ONE  
THE HISTORIOGRAPHY OF EIGHTEENTH AND EARLY NINETEENTH CENTURY  
AMERICAN WOMEN

When in 1848 Elizabeth Cady Stanton came to write the Declaration of Sentiments for the New York Women's Rights Convention in Seneca Falls, she shaped it as a direct echo in form and substance of the Declaration of Independence. This did not represent a failure of imagination – Stanton would show in the course of a long career that she could write forcefully in her own voice. Rather, it was a conscious effort to make a political point. There had been a blind spot in the Revolutionary vision. The promises of the Revolution had not been explored for what they might mean to women. The obvious way to make this point was to make a parallel declaration; to ask what the Declaration of Independence might have been like had women's private and public demands been included.<sup>1</sup>

According to Marylynn Salmon, two sets of principles determined the status of American women, during the early republic: common law and equity law. Under the provisions established within the parameters, “women have been workers, consumers, child bearers, and educators throughout history, but as property holders their identity has been debatable.”<sup>2</sup> Under common law, single women (*feme sole*) were legally on the same level as men regarding property rights, even though they did not have the political rights associated with property ownership. Married women (*feme covert*) faced a more complex legal status. Legally they could not own property or exercise legal control over property brought into marriage, Salmon noted. Since a husband and wife were considered one person under the law, husbands maintained all legal control; only marriage settlements gave women a certain level of financial security. Under equity law, formal contracts, such as marriage settlements, permitted married women to own and control property

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<sup>1</sup> Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980), xii.

<sup>2</sup> Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830,” *William and Mary Quarterly*, Third Series, vol. 39, no. 4 (Oct., 1982): 655; Maxine Berg, “Women's Property and the Industrial Revolution,” *Journal of Interdisciplinary History* 24, no. 2 (Autumn 1993): 233.

brought into marriage, allowing a woman to keep property separate from that of her husband. In the event of a husband's death, his creditors could not claim her property. However, many women did not utilize the benefits that marriage settlements offered. These were mainly sought by the wealthy in order to protect inheritance rights. Historian Anya Jabour stated that separate estates and marriage settlements were not meant to favor women. Instead, she argued, they "were intended to protect family property from ne'er-do-well husbands." Without a separate estate, property could be seized by creditors to repay debt. Though "equity did not challenge men's dominance," it did, she contended, lead to questions regarding women's legal status.<sup>3</sup> It is arguable that the level of economic independence established for women through limited property rights became influential in establishing the women's rights movement of the mid-nineteenth century, and the gender distinctions of this era provided the foundations for women's rights ideology. The historiographical scholarship has not fully encompassed this theory.

"For over fifty years one theme has dominated historians' thinking about women in early America: the notion that colonial women were better off than either their English contemporaries or their nineteenth-century descendents." According to Mary Beth Norton, Elisabeth Anthony Dexter originated this theory in the 1920s. Dexter asserted that women and their work were of great importance to men and society; "needed to sustain the growing settlements," women's "productive contributions" were valuable to men in the colonial era, therefore, specific gender roles were virtually non-existent. Arguing that English Common Law was "either never fully enforced in colonial America...or was circumvented through the use of equity jurisdiction," Dexter found that the contributions of women were "vital to the survival of colonial

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<sup>3</sup> Marylynn Salmon, "Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830," 655-656; Anya Jabour, *Marriage in the Early Republic: Elizabeth and William Wirt and the Companionate Ideal* (Baltimore: The Johns Hopkins University Press, 1998), 19-20.

households.”<sup>4</sup> Norton contended that Dexter’s conclusion greatly inspired the scholarship of the 1960s and 1970s, providing a strong foundation for further inquiries into nineteenth-century domesticity. As the 1970s progressed, scholarship on American women’s history questioned Dexter’s conclusions. Inquiring whether women faced a loss of status in colonial America, the new scholarship recognized that the lives of colonial women were not as “golden” as previously believed.<sup>5</sup> Scholars were largely focusing on “the identification of major changes and continuities in women’s lives during the Colonial and Revolutionary period.” Norton argued that a “three-part chronological division more accurately reflects women’s experiences” during the colonial era.

First was the initial period of settlement, roughly congruent with the lifespan of the migrant generation, when American patterns of family and community were first laid down (from the 1620s to about 1660); then came a long period of transition, during which those patterns were reinforced, challenged, and eventually reshaped (roughly from 1660 to 1750). Finally, the era of the American Revolution brought other changes to women’s lives and altered the definition of their role in society and polity (approximately from 1750 to 1815).<sup>6</sup>

Influenced by the modern women’s movement, scholars focused on the ideology of Republican motherhood, property rights for women, and women’s suffrage. Historian Nancy F. Cott admitted to being influenced by the women’s movement of the 1960s and 1970s, which put much greater emphasis on “women’s consciousness” rather than solely on their economic status in society.<sup>7</sup> Taken as a whole, Mary Beth Norton argued, the scholarship of the 1970s suggested

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<sup>4</sup> Mary Beth Norton, “The Evolution of White Women’s Experience in Early America.” *The American Historical Review* 89, no. 3 (June 1984): 593.

<sup>5</sup> *Ibid.*, 594.

<sup>6</sup> *Ibid.*, 595.

<sup>7</sup> Nancy F. Cott, *The Bonds of Womanhood: “Women’s Sphere” in New England, 1789-1835* (New Haven: Yale University Press, 1977 and 1997), xi. In the preface of the second edition, Cott openly admits to how the world



that the “Revolutionary years brought accelerated change to the lives of American women and their children.”<sup>8</sup>

A women’s primary role during the Revolutionary era was that of domesticity. The relationship between domesticity and feminism has been of interest to many historians who have generally agreed that conducting daily business in the household provided the foundation for the ideology that the traditional domestic sphere became the woman’s sphere. Women showed that normal domestic tasks such as spinning wool, dipping candles, and soap making were an occupation, albeit a household occupation. Ultimately, they had the responsibility to care for the well being of society while men shouldered the burden of the economic well being of the family. Placing a greater emphasis on women’s role in private life, the success of the nation, therefore, depended largely on women’s success in their sphere.<sup>9</sup>

Carrying with them the obligation of child rearing, historian Nancy F. Cott argued that the ideology of a woman’s sphere gave women more opportunity in religion and child nurturing. “The ideology of a woman’s sphere formed a necessary stage in the process of shattering the hierarchy of sex and, more directly in softening the hierarchical relation of marriage.” In other words, the domestic sphere opened new avenues for women, while at the same time closed others. She argued for a level of importance of women as wives, mothers, and mistresses of households. The emergence of feminism in the United States largely depended on the ideology of domesticity. Gender would define the societal role of women during the colonial period. The “bonds of womanhood” created within this sphere, according to Cott, increased in significance as

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around her had an impact on her thought process when the book was originally written, stating that “my assumptions owed a great deal (more than I recognized at the time) to the emphasis on women’s consciousness and on ‘consciousness-raising’ in the women’s liberation movement, of which I felt myself a part.”

<sup>8</sup> Mary Beth Norton, “The Evolution of White Women’s Experience in Early America,” 614.

<sup>9</sup> Ibid., 616-618.

a result of the American Revolution. Women sought and valued friendships with other women. They bonded through work, education, religion, and domesticity; a “shared sexual destiny.” Upholding the women’s sphere, according to Cott, enhanced women’s status.<sup>10</sup>

At the time of the Revolution, Americans accepted the fact that women should be politically informed while also maintaining their domestic duties. The rise in female education combined with increased political awareness led to a new role for American women. Women’s education, though limited and not as extensive as men’s education, was beginning to emerge. Charged with raising republican sons, women’s domestic role became essential to the growth of the new nation. Nurturing the next generation of Americans constituted an essential task for the survival of the Republic and Linda K. Kerber claimed that it established the basis for what she identified as Republican Motherhood. During the Revolution, women kept family farms intact and performed physical tasks generally associated with men’s work. Women were also essential participants in pre-revolutionary activities; signing petitions and partaking in boycotts (principally those focusing on domestic goods or labor). While this period allowed women to become more ‘politically’ active, what remained afterward left little room for women politically. The Revolution made it clear that women were able to express political behavior. The question then became, according to Kerber, whether women would have to make political decisions conflicting with those of her husband. Lawmakers did not, however, want to completely abandon British legal tradition. As a result, by choosing coverture over female independence, common law was retained. The domestic relationship that followed provided the ideological bridge between women’s activities during the Revolution and their familial duties after the

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<sup>10</sup> Nancy F. Cott, *The Bonds of Womanhood*, 2, 9, 190-192, 197-200, 203-206.

Revolution, affording them a political role within the confines of domesticity. Kerber, like Cott, contended that women had a large political role, it was just one taking place inside the home.<sup>11</sup>

Mary Beth Norton expanded upon the interpretations of both Cott and Kerber by arguing that women played integral roles in mobs and boycotts of the Revolutionary era. Women affected society through their participation. However, after the Revolution, women's lives were changed in a variety of ways. White women were charged with being mistresses of their families and households, and this determined the parameters of their lives. During the eighteenth century, society determined appropriate behavior for women, and functions women were expected to perform. Without compromising what was considered to be their feminine identity, women were also able to discuss politics. Contrary to Kerber, Norton argued that the Revolution increased the importance of domesticity while, at the same time, expanded the limitations created by the woman's sphere. While Kerber and Norton seem to agree that women's participation was essential to the success of the Revolution, the two historians disagree with their assessment of how the expansion of the woman's sphere was viewed by those who inhabited it. Overall, Norton argued that the Revolution had a tremendous impact on the lives of American women. Concerning herself with the continuities in women's lives, Norton argued that the Revolution broke down the barrier that seemed to insulate women from politics.<sup>12</sup>

Other historians have tried to synthesize the histories of women and politics. Paula Baker argued that there was both a "basis and rationale for women's political involvement" during the Revolution: they were just as affected by the war as men. Women were essential to

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<sup>11</sup> Linda K. Kerber, *Women of the Republic*, 7-12, 119-121.

<sup>12</sup> Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (Ithaca, NY: Cornell University Press, 1980), xiii-xx; Richard R Beeman, "A New Era Female History," *Reviews in American History* 9, issue 3 (Sep., 1981): 336-341.

independence but were not given the political rights often associated with that independence. The actions many women took were domestic in nature, merely expanding upon traditional duties. Like historians Cott and Kerber, Baker suggested that gender, rather than economics, was the political division between men and women. She argued that because women expressed “feminine” behavior, including “an attraction to luxury, self-indulgence,..., passion,” they “posed a threat to republicanism” and political participation. Therefore, republican motherhood provided women’s only indirect political participation in the new republic. Direct political activity was often linked to owning land, and since women could not own land, they could not participate in politics.<sup>13</sup>

Lee Virginia Chambers-Schiller focused attention on single women and their “search for autonomy...in the waning years of the eighteenth and the first half of the nineteenth centuries.” Contrary to Norton, who argued that many women felt that remaining unmarried was both a burden and a form of failure, Chambers-Schiller suggested that single women usually “rejected” familial obligations because they wanted to “expand” their knowledge, become better members of society through their service to God, and avoid the economic “costs of supporting a family.” She also noted that some women had to take care of parents while others feared that marriage would conflict with their personal “autonomy.” While single women were in the minority, “the percent began to rise in the last decades of the eighteenth century and continued though the nineteenth.” Chambers-Schiller focused on white, northeastern, upper-class women who were both educated and well read. She argued that “they had the time, education, and inclination to

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<sup>13</sup> Paula Baker, “The Domestication of Politics: Women and American Political Society, 1780-1920,” *American Historical Review* 89, no. 3 (June 1984): 622-625.

write diaries or books.” At a time when women were known for domestic skills, single women challenged traditional ideals, fighting to remain single and achieve personal autonomy.<sup>14</sup>

Suzanne Lebsock makes a similar claim in *The Free Women of Petersburg*. Based on an extensive study of local records and documents, Lebsock found that “women in Petersburg experienced increasing autonomy, autonomy in the sense of freedom from utter dependence on particular men.”<sup>15</sup> Through an analysis of free black women, equity and separate estates, widows, female employment, and female organizations, Lebsock sought to understand the differences in “women’s status,” and whether or not there was “a women’s culture.” Demonstrating that women of the antebellum period found increasing economic independence, she argued that this new-found economic independence was a prerequisite for autonomy. The use of separate estates grew during the antebellum period, however little power was actually allocated to the wife. It was believed that any separate estate was better than none and most were done to protect the economic interests of the family, not necessarily the woman. While attaining more autonomy in their personal lives, Lebsock showed that women “lost both the symbols and structure of autonomy” in their public lives.<sup>16</sup>

The status of women was changed during the revolutionary era due in part to the increased responsibilities within the domestic sphere but also as a result of the search for more autonomy through separate estates, prenuptial agreements, and married women’s property acts. Historian Norma Basch explored the nineteenth-century “social and ideological conflict over the role of American women in marriage, in the economy, and in political life.” Expanding the ideas

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<sup>14</sup> Lee Virginia Chambers-Schiller, *Liberty, A Better Husband: Single Women in America: The Generation of 1780-1840* (New Haven: Yale University Press, 1985), 1-4, 9; Mary Beth Norton, *Liberty’s Daughters*, 40-42.

<sup>15</sup> Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (New York: W.W. Norton & Company, 1984), xv.

<sup>16</sup> *Ibid.*, xiii-xvi, 236.

set forth by Cott, Kerber, and Norton, Basch analyzed the effects of coverture along with the reasons for the passage of married women's property legislation between 1840 and 1860 in New York. She provided an assessment of how this legislation fared through judicial review. Basch offered an account of the legal reforms that nineteenth-century women hoped would politicize the ideology of the domestic sphere with the intent to improve the legal status of women. However, prior to the property acts, women in New York could enter into marriage contracts in an effort to secure their own property. By expanding Kerber's argument, as Emily F. Van Tassel noted, Basch contended that the ideology of domesticity laid the foundations for arguments in favor of married women's property rights thereby improving women's legal status. The idea was that in order to properly maintain the domestic sphere, married women should be given property. However, Basch suggested that the New York property acts were not ground-breaking because they did not improve women's public identity.<sup>17</sup>

In an exploration of the traditional ideals that "women were members of a subject sex throughout history," Mary R. Beard provided a study on Sir William Blackstone's *Commentaries on the Laws of England*, American common law, women's property rights, and the growth of equity in the United States. This was the earliest discussion of equity jurisdiction. Beard argued that "it was widely known in England that Blackstone disliked equity jurisprudence, which invaded common law doctrines." However, as Beard argued, equity offered solutions for injustices that common law did not provide for. Unlike Common Law, equity ensured married women's property rights. "In the absence of valid agreements and actions to the contrary, the

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<sup>17</sup> Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth Century New York* (Ithaca: Cornell University Press, 1982), 10, 15; Elaine Tyler May, "In the Eyes of the Law: Women, Marriage, and Property in Nineteenth Century New York," *The American Historical Review* 88, Issue 2 (April 1983): 485-486; Emily F. Van Tassel, "Women, Property, and Politics in Nineteenth-Century Law," *Reviews in American History* 11, Issue 3 (Sep., 1983): 374-380.

husband may, if he so desires, or his creditors or other litigants may, assert a husband's rights over the wife's property within the limits set by specific rules of the common law." Equity, Beard suggested, offered a means for married women to protect their property rights. Most notable though, was the fact that men and women alike, "untrained in law and equity," usually "accepted Blackstone's statements" regarding a "husband and wife as the 'whole truth' of married women's status."<sup>18</sup>

Beard pointed out that except for Connecticut, all the American colonies adopted common law and that the adaptation of the common law "varied from colony to colony. The leaders of the "organized movement for 'women's emancipation,'" Beard contended, were not "students" of equity. Women's education had experienced many improvements by the time the first women's rights convention occurred in 1848, though "legal training" was still not an option. However, "after the American Revolution, nearly all states recognized equity in some measure and all of them made modifications in their laws governing the distribution of interstates' estates, following, often line by line, an old English statute governing personal estates." Basically, Beard argued, the idea that the "legal existence of woman is suspended during marriage" was false. This was not the universal rule of American law. Beard convincingly argued that equity "had long been shooting holes in the list of the married woman's disabilities."<sup>19</sup>

Building on previous scholarship, historian Marylynn Salmon focused on explaining the two different, often contradictory, legal systems that governed the status of women during the Revolutionary period - Common Law and Equity Law. Under common law, ownership of property for married women was not an option. Regardless of how much property she brought to

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<sup>18</sup> Mary R. Beard, *Women as Force in History: A Study in Traditions and Realities* (New York: Octagon Books, 1976), preface, 91-95.

<sup>19</sup> *Ibid.*, 117-118, 124-126.

the marriage it became open to the sole use and discretion of her husband at the time of marriage to do anything he wanted with it. There were however, some protections with regards to property for widows. Under the law, a widow could keep only “one-third of the family’s real property” regardless of the amount of property she brought to the marriage, if no debts were incurred. Therefore, it was possible for a widow to lose all rights to the property if her husband had been indebted at the time of his death. According to Salmon, under common law women were “virtually powerless.”<sup>20</sup>

However, as Salmon explained, under equity law, formal contracts were created that allowed married women to own and control property. Salmon showed that marriage settlements (formal contracts) gave married women and widows a small, yet important, sense of security. They protected a portion of the family’s property from creditors who would otherwise confiscate the property to pay off any debts. Settlements, written before or after the marriage ceremony, granted women separate estates. However, approximately 87 percent of the settlements Salmon examined were prenuptial. Her main argument is that given the differences in common law and equity law, each state was required to establish its own standards of equity law. South Carolina, for example, had liberal attitudes toward property rights as evidenced in the legal record. Given South Carolina’s conservative social structure, this is surprising. Salmon contended the Courts of Chancery in South Carolina acted liberally in an effort to provide women with a sense of security, and in doing so also provided families with economic support. Salmon also recognized that marriage settlements were mainly utilized by wealthy women, which likely explained why chancellors tended to have liberal attitudes toward them.<sup>21</sup>

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<sup>20</sup> Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830,” 655-656.

<sup>21</sup> *Ibid.*, 657, 681, 684-685 .



Each colony, and later each state, as Salmon established, had its own laws governing women's property rights. Single women maintained a similar legal status to men in terms of property rights. They, however, did not enjoy political rights (such as voting) often associated with property ownership. Through marriage settlements, married women could act as unmarried women in order to maintain legal control over their own property, though neither married or unmarried women received any political rights associated with property ownership. Salmon showed that there was not a sudden change in the status of married women. She did suggest, however, that there were increased opportunities for wives to own and control property. Property rights reform for married women occurred slowly, "hampered" by the strong hold of coverture. However, like Cott and Kerber, Salmon argued that with a newfound emphasis on "individual freedom, increased education for women," and political status, Revolutionary ideals laid the groundwork for nineteenth-century change.<sup>22</sup>

Expanding upon Salmon and Kerber, B. Zorina Khan focused on the "relationship between married women's property rights laws and patenting activity." However, by disagreeing with historian Lee Virginia Chambers-Schiller, Khan argued that "in an era when relatively few females remained single, the status and economic welfare of the majority of women were affected by laws regarding married women's property rights." Married women's property rights acts afforded many women the ability to control separate property. Consequently, Khan argued, the new legislation prompted an increase in patenting activity among women. Common law constricted women from entering into contracts without their husbands consent and participate in trade. Conventional wisdom held that property-owning women threatened the institution of

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<sup>22</sup> Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 191-193.

marriage by leading to greater female independence. However, legislation of the 1830s that was intended to protect family property from creditors actually provided financial security to married women and widows. Later legislation allowed married women to own and control separate property. Khan argued that since legislation allowed women to own property, they could equally claim ownership to their inventions and expect financial returns and financial security. Typically those women who filed patents were motivated by the same incentives as men. She contended that due to legislation which reformed women's status, including married women's property acts and feme sole trader laws, women were more likely to participate in patenting activities. Therefore, she argued that many economists attributed the growth of the market economy directly to these legal actions. They impacted patenting in a positive manner due, in part, to the ability they afforded women to secure better returns.<sup>23</sup>

While Salmon and Khan analyzed wealthy women's activities, historian Victoria Bynum studied who she termed "ordinary" women. These women also "behaved in atypical fashion." They complained about abusive husbands, engaged in socially unacceptable behavior, and "defied the authority of the Confederate state during the Civil War." In her study, Bynum analyzed the ways that gender, race, and class affected the lives of both black and white women in antebellum North Carolina. By exploring the ways in which these *unruly* women behaved, either because they believed "it was expected of them" or because they wanted more from life than to be the "property of another," she was able to draw connections between their diverse experiences and how they were able to influence the changing "social structure" and "political economy." Through an increased understanding of these connections, she was able to show how "power flowed between the private and public spheres of society." She showed how these

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<sup>23</sup> B. Zorina Khan, "Married Women's Property Laws and Female Commercial Activity: Evidence from United States Patent Records, 1790-1895," *Journal of Economic History* 56, no. 2 (June 1996): 357-61, 385-86.

women challenged the ideology of domesticity while the courts often upheld traditional ideals of a woman's proper place in society. Regardless of these constraints, Bynum contended that women were able to "sustain themselves and their families in a society in which gender, race, and behavior limited their resources in crucial ways."<sup>24</sup>

The vocation eighteenth-century American woman had was that of wife and mother. Obligations of the household and the family elevated her status through the increase in demand for her economic contributions. Through an analysis of loyalist claims, many of which were made by women, Mary Beth Norton sought to gain a better understanding of the female experience in colonial life. What she found was that women's lives were almost completely centered around the domestic sphere. While male claimants were typically able to provide very detailed assessments of their property, female claimants were not. However, some wealthy women were able to provide these details. Usually, Norton argued, these women had either brought the property into the marriage, or were acting as the executor of the estate due to widowhood. However, as Norton showed, most female claimants were able to give descriptions of items such as dishes and furniture; the actual wealth of the family was insignificant. This argument is congruent with Revolutionary era women's identification with the home. Norton contended that women also placed a much greater emphasis on familial ties, not household economics. Women's lives, either by choice or through force, Norton argued, were confined to the house. Though some women did attempt to support themselves by running boarding houses, taverns, and through other forms of work, many thought of themselves as "helpless" and valued

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<sup>24</sup> Victoria E. Bynum, *Unruly Women: The Politics of Social & Sexual Control in the Old South* (Chapel Hill: The University of North Carolina Press, 1992), 1-14, 151-157.

families. These women, Norton contended, were “almost wholly domestic.”<sup>25</sup> This ideology is consistent with Blackstone’s idea of coverture and common law.

Expanding on the effect coverture laws had on women, Linda K. Kerber cited the Massachusetts Supreme Court Case of James Martin. He wanted the property that was confiscated from his mother twenty years prior to be returned. Therefore, he submitted a writ of error. Under coverture laws, the property a woman brought into marriage became the property of her husband at marriage, along with her public identity. But since her husband was loyal to England, when he chose to flee with the British, Anna went at well. Because she fled her property, the land was taken under the Confiscation Act of April 30, 1779. The Court, however, sided with Martin’s claim that his mother had no choice but to leave since she was bound by coverture to obey her husband. Kerber argued that although women were able to own property, wives were still subject to their husband’s commands. She also argued that “women’s national citizenship contained deep within it an implicit challenge to coverture, the legal system that governed relationships between men and women.” In this case, the obligation of Anna Martin’s citizenship was to leave with her husband.<sup>26</sup> Looking at Loyalist claims in general, women frequently claimed title to property that had been confiscated from their Loyalist husbands by citing their own political invisibility. This complicates our understanding since it protects women’s property rights by citing their lack of political rights.

Building from *Martin vs. Massachusetts* (1805) and the scholarship of Salmon and Khan, Linda Kerber further suggested that what was revealed in women’s own words was a picture of

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<sup>25</sup> Mary Beth Norton, “Eighteenth – Century American Women in Peace and War: The Case of the Loyalists,” *The William and Mary Quarterly*, 3<sup>rd</sup> Series, 33, no. 3 (Jul., 1976): 386-409.

<sup>26</sup> Linda K. Kerber, “The Paradox of Women’s Citizenship in Early Republic: The Case of Martin vs. Massachusetts, 1805,” *American Historical Review* 97, no. 2 (April 1992): 349, 351, 357, 373, 378.

American society constructed through readjustments in the relationships between women and the state. Women were given passports, naturalized, and had to pay taxes, but they were treated differently than their male counterparts. They were not given the same rights of citizenship, including the right to vote, the ability to sue or be sued, among others; however, they were obligated to “bear the burdens of citizenship,” including paying taxes and being subject to accusations of treason.<sup>27</sup> “Rights and obligations are reciprocal elements of citizenship.” Obligations defined the relationship between women and the state, Kerber argued, while coverture determined the rights of, and set societal standards between, men and women. She further argued that originally, coverture established boundaries between a father and his children, but it also came to define the relationship between a husband and wife. Married women, it was assumed, surrendered their public obligations to their husband; their obligation was to the family while men’s obligation was to both the family and the state. Kerber suggested that women were not given privileges under coverture laws, instead they were left vulnerable and unprotected. Nevertheless, “like men, women have always been a part of the national political culture.”<sup>28</sup>

One underlying theme that can be found throughout much of the scholarship is that women’s expansion of their domestic role along with limited property rights provided the foundations necessary for an even larger women’s rights movement – a movement in which women would utilize their role as Republican Mothers and property owners to fight for the rights often associated with property ownership, namely the right to vote. During the Jacksonian era, as Norma Basch suggested, there was a “modest transition in the legal culture (the passage of legislation granting property rights for married women)” which provided the foundation for a

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<sup>27</sup> Linda K. Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998), xx-xxi, 303.

<sup>28</sup> *Ibid.*, xxiii-xiv, 304-305, 308.

“significant transition in the political culture.” This shed light on the origins of nineteenth – century feminism. As dialogue increased regarding the property rights of married women, Basch contended that two schools of thought emerged regarding the “appropriate status of American women” – on one side the “concept of equity,” on the other the “concept of equality.” Equity legally afforded a wife to own and control property separate from property owned and controlled by a husband. It gave her a certain sense of economic security and privileges. However, as Basch pointed out, a wife was still politically invisible, “represented in politics by her husband.” On the opposite side, proponents of equality argued that “every woman, married or single, was a discrete legal and political personality and possessed an individual relationship to the state.” Both arguments challenged coverture and a woman’s invisibility. By the 1840s, several states had some type of married women’s legislation which coincided with the emergence of a women’s rights movement, though married women’s property laws were not intended to grant women additional rights. The purpose of early legislation was to protect the financial stability of the family from creditors in reaction to the “panic of 1837 and the depression beginning in 1839.” Basch argued that “these reforms stood a chance because there was something in them for men, and it had nothing to do with feminism.” However, she showed that granting married women property rights “was to create an important new class of disfranchised property owners.”<sup>29</sup>

Basch argued that during an era when married women were primarily defined as Republican Mothers, steps were being made to include women in the political arena. In doing so, Basch looked at “women on their own terms and in their own words.” She also noted that “one of the hallmarks of scholarship in women’s history has been...to see history through

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<sup>29</sup> Norma Basch, “Equity vs. Equality: Emerging Concepts of Women’s Political Status in the Age of Jackson,” *Journal of the Early Republic* 3, no. 3 (Autumn 1983): 297-318.

women's eyes."<sup>30</sup> The lives of two active figures in the early women's rights movement, Elizabeth Cady Stanton and Susan B. Anthony, were explored through the scholarship of Geoffrey C. Ward, which was based on a documentary film. In the preface to Ward's *Not for Ourselves Alone*, Ken Burns noted that both women were born during the early nineteenth-century when women had limited educational opportunities, could not "serve on a jury"... "testify in court," or "sign contracts." They could not "invest earnings," and had very limited rights to property, mainly through dower rights. Burns also stated that women had experienced limitations in divorce as well, often losing custody of children. Women were also not allowed to vote. "Nowhere in America – nowhere in the world – did women have the right to vote." According to Burns, "women were the property of their husbands." This extends to the laws of coverture and English Common Law. Citizenship, as Kerber contended, demanded obligations and provided privileges. Since women's lives were vested in domesticity and Republican Motherhood, their obligation was the care and organization of the household and raising children. Therefore, voting was not a concern for women. It was not a privilege of their citizenship nor was it within the context of their obligations. Instead it was a privilege of white maleness. Susan B. Anthony, Elizabeth Cady Stanton, and other women's rights activists wanted to expand the traditional societal boundaries to give equal rights to all.<sup>31</sup>

The incorporation of women's rights and other reform movements of the nineteenth-century, along with their diverging paths at the end of the nineteenth-century is a topic that historian Ellen Carol DuBois sought to debate. She placed the politics of equal rights and

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<sup>30</sup> Ibid., 297.

<sup>31</sup> Geoffrey C. Ward, *Not For Ourselves Alone: The Story of Elizabeth Cady Stanton and Susan B. Anthony, An Illustrated History* (New York: Alfred A. Knopf, 1999), vii-ix. This book was "based on a documentary film by Ken Burns and Paul Barnes," and is notable for its 'bottom up' approach to history. Linda K. Kerber, *No Constitutional Right to be Ladies*, xx-xxiv.

women's suffrage within three distinct time periods during the nineteenth-century – “the demand for women's political equality, 1820-1869; women's rights and universal suffrage, 1863-1869; women's suffrage and the meaning of the Reconstruction Amendments, 1870-1878.” During the first period, women's activism was linked with other movements, challenging the traditional ideology of “separate spheres” and women's subordination. According to DuBois, this is when the demand was for women's rights (equality with men), as opposed to women's suffrage (which the demand for came decades later). She showed how abolitionism fostered the ideology of equal rights for women, though it was done so “within a movement that was not initially political.” DuBois argued that abolitionism elevated the movement for women's suffrage making it more visible to women “who had never before identified themselves with the idea of women's rights.” “Women's suffrage carried with it the unmistakable message of women's desire for independence, especially from men within the family.” In fact, as a means to “protest” and “criticize” common law control of a husband over a wife, Lucy Stone refused to take her husband's name at marriage. “Political equality had been the first principle of the women's rights movement for almost two decades, but it was the historical consequences of the Civil War that began to make it a political possibility.”<sup>32</sup>

During the second period of DuBois' argument, women's rights activism was centered on “constitutional change.” She showed that the Civil War and the Reconstruction Amendments reinforced the idea that suffrage was a natural right contained within the Constitution. “To bury the black man and the woman in the citizen,” the abolitionist and women's rights activists joined together to organize the American Equal Rights Association in an effort to “demand...universal suffrage.” However, the impending dialogue focused more on race than on suffrage for all. It

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<sup>32</sup> Ellen Carol DuBois, “Outgrowing the Compact of the Fathers: Equal Rights, Women Suffrage, and the United States Constitution, 1820 – 1878,” *The Journal of American History* 74, no. 3 (Dec., 1987): 836-844.



was during this period that the ideological differences between universal suffrage and universal male suffrage began to emerge. DuBois showed that since women's rights activists were "angered by their exclusion from the Fifteenth Amendment" and with the failure to attain universal suffrage, they "abandoned the American Equal Rights Association and formed...the National Women's Suffrage Association (NWSA)." In 1870, Isabella Beecher Hooker stressed "the importance of political equality for mothers because it would permit them to better carry out their responsibilities to their children." DuBois argued that motherhood and women's duties were now being included under the umbrella in the new demand for women's rights.<sup>33</sup>

During the third period of DuBois' argument, activists within the women's movement began to question already existing Constitutional Amendments rather than pushing for additional amendments. Husband and wife team, Francis and Virginia Minor, posed an argument in October 1869 "that the Constitution...already provided for women's...rights" and that "women were already enfranchised." They argued that "suffrage was a right of national citizenship." During most of the 1870s, as DuBois showed, women activists stood on the ideology that voting was a right that already belonged to them. In fact, as DuBois pointed out, during 1872 in Rochester, NY, Susan B. Anthony went to the polls with fifteen of her friends to vote. She was later arrested, however, found to have acted in violation of the Enforcement Act. Victoria Woodhull, a women's rights leader, drew attention to the connection "between women's political equality and the women's rights critique of women's subordination in marriage." She felt that "when the Thirteenth Amendment abolished slavery, it also abolished the subordinate condition of women." However, by 1878, the NWSA began to employ a new strategy, one that pushed for

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<sup>33</sup> Ibid., 844-852.

a constitutional amendment that would “prohibit disfranchisement by sex,” leading eventually to the Nineteenth Amendment.<sup>34</sup>

As historians Basch and DuBois sought to bring the voices of ordinary (and some extraordinary) women to the forefront, so too did the scholarship of Ruth Barnes Moynihan. She offered an interesting analysis of the life of Abigail Scott Duniway, a remarkable woman who, along with the women in DuBois’ work, also participated in the early women’s rights movement. Moynihan suggested that the life of Duniway provided an excellent example of the nineteenth-century frontier woman. Duniway was not formally educated; she spent only about twelve months in school, however, Moynihan argued, that did not shake her personal confidence as she was still stubborn and “straightforward.” Moynihan suggested that while Duniway’s education limitations were evident in her writings and speeches, her tough nature is what gave her acceptance within the women’s rights movement. According to Moynihan, Duniway was a “first-generation suffragist” whose foundations were rooted in “Jeffersonian tradition.” She “based her equal rights arguments on...the Declaration of Independence – no taxation without representation.” She believed, according to Moynihan, that all members of society were entitled to suffrage, “individual financial autonomy,” and “entrepreneurial ambition.” Duniway opposed prohibition, as well as “big business” and “monopoly finance.” She did not agree with Christian temperance suffragists who wanted to impose moral reforms on society. These suffragists would often persuade “politicians and capitalists” to challenge Duniway’s work. However, Duniway maintained her beliefs and insisted on individual autonomy for women. In 1912, Oregon granted women the right to vote, becoming the seventh state to have done so and this was, Moynihan argued, a major victory for Duniway. “Abigail Scott Duniway’s greatest achievement was her

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<sup>34</sup> Ibid., 852-862. The Enforcement Acts were meant to protect the rights of southern blacks following the passage of the Fourteenth and Fifteenth Amendments.

lifelong example and the never-ending publicity she gave to the cause for women's rights." Duniway "kept the subject of the right to vote and the right to one's autonomy constantly present in the consciousness of Oregonians, making herself a symbol which could not be ignored." She would eventually "write the official Woman Suffrage Proclamation" that would be signed into law. Moynihan argued that, as a pioneer for women's rights, Duniway provided the movement with a large amount of publicity, with "most of her arguments" still "relevant today."<sup>35</sup>

In addition to the scholarship of Moynihan, historian Suzanne M. Marilley offered an interesting look at the early feminist movement from the early American Republic through the ratification of the Nineteenth Amendment, focusing on the years between 1820 and 1920. Marilley argued that three phases of feminism developed during this period, each mobilizing different groups of supporters during different phases. These included what Marilley termed "the feminism of equal rights,...; the feminism of fear,...; and the feminism of personal development." Feminism of equal rights, she argued, dominated from the 1820s through the Civil War period. Very simply, the demand was for "freedom through equality." This was the movement of Elizabeth Cady Stanton and the abolitionists. By the 1870s, she argued, feminism of fear began to materialize. During this phase, Marilley showed that the focus among suffragists was on providing women the right to vote so as to protect themselves, their homes, and their children from abusive men. It was the period of Frances Willard and the Women's Christian Temperance Union. By the end of the nineteenth century into the early twentieth century, feminism of personal development began to surface. The ideology of this phase placed suffrage at the forefront, Marilley argued. Ultimately, Marilley showed how ideology and politics were essential to the policy process. Ideology was necessary to get the movement

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<sup>35</sup> Ruth Barnes Moynihan, *Rebel for Rights: Abigail Scott Duniway* (New Haven: Yale University Press, 1983), xiii – xv.

started. The public support of the ideology was then used to move the agenda to the political arena, followed by its movement into the policy making process. Women, according to Marilley, were essential to this process.<sup>36</sup>

Both before and after the American Revolution, common law and equity jurisdiction defined the legal status of women within society while determining the parameters of women's lives. Under common law, married women's level of independence was severely restricted. Once she married, all of her property would legally become the property of her husband. Through dower rights legislation, reforms, and marriage settlements, women were able to gain some control and ownership of their property. Marriage settlements, though originally intended to protect the financial security of the family, turned out to be a loophole in the law women were able to take advantage of, and with it came a greater sense of financial security for themselves, though most women who took advantage of these were wealthy. As citizens of the new republic, women were subject to its laws and as property owners, also subject to taxation. However, with no civic voice, property owning women were subject to the same revolutionary ideology of the founders, taxation without representation that influenced the movement for independence.

What defined a woman's civic identity if it was not as property owners? A more gender specific role Linda Kerber termed Republican Motherhood was taking root, placing women in charge of managing the domestic sphere and educating children in their proper gendered role (that of wives and mothers for daughters and virtuous republicans for sons). As the care and education of children increased in importance, so too did an improved level of education specifically for young ladies. Though early education for women was inherently domestic in nature, improvements in female education during the early nineteenth-century through the

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<sup>36</sup> Suzanne M. Marilley, *Women Suffrage and the Origins of Liberal Feminism in the United States, 1820-1920* (Cambridge: Harvard University Press, 1996), ix, 1-3, 6-11.

opening of academies specifically for young ladies began to emphasize the limitations of Republican Motherhood.

By the early nineteenth-century, women found themselves entering the public sphere as reformists and activists, though their causes were a reflection of their domesticity. The pre-Revolutionary petition utilized by women to affect change grew into post-Revolutionary women's associations in an effort to pursue a collective goal. These associations grew and changed over time, combining the public role of fixing social problems with traditional domesticity. Without threatening their femininity, associations gave women the ability to act politically.

The vocabulary and gender distinctions established by the Revolution combined with property rights legislation laid the foundation for the early women's rights movement. Traditional historical thought places the women's rights movement growing out of the abolitionist movement. However, there was a gradual path from early demands for women's property rights to the women's rights movement that held its first convention in Seneca Falls, NY during the summer of 1848.

This study is an analysis of what were the three bases for women's rights: equity, Republican Motherhood, and women's organizations. Though they did not form a continuous path with step by step patterns to follow, each opened the door for women to question their right to suffrage. The legal concept of equity afforded some women the right to own and control property, the basis for white male suffrage in the early republic. However, not all women were fortunate enough to have a separate estate or prenuptial agreement which would secure their separate property. Most women, however, did enjoy an enhanced domestic role in the early nineteenth-century that ultimately placed them in charge of the household and future civic virtue

of the nation. The sisterhood that existed within the domestic sphere during the colonial period was reinforced by the new domestic ideology and improved female education in the post-revolutionary period. Over an almost fifty year evolution, the sisterhood that established the earliest women's volunteer organizations became the mid-nineteenth century reform organizations. Through equity and republican motherhood women found themselves, as Nancy Cott noted, "classed by sex."<sup>37</sup> The seed of women's suffrage was planted during the colonial and post-revolutionary period; equity, Republican Motherhood, and women's organizations provided it with the foundation from which to grow.

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<sup>37</sup> Nancy F. Cott, *The Bonds of Womanhood*, 206.

CHAPTER TWO  
THE TRANSFORMATION OF IDENTITY: EIGHTEENTH CENTURY AMERICAN  
WOMEN – FROM COMMON LAW TO MARRIED WOMEN’S PROPERTY ACTS

Women’s citizenship... became a touchstone to justify less-than participatory citizenship, and in this connection marriage was central. The institution of marriage required the wife to serve and obey her husband – to become his dependent – as he was to support and protect his wife. Participatory citizenship in the American political tradition required the opposite, however; independence.<sup>38</sup>

The modern definition of citizenship states that it is the “status given to a legal member of the country” and “involves rights, duties, and privileges.”<sup>39</sup> Prior to the Fourteenth Amendment, which granted United States citizenship to those born in the United States, states played a large part in defining their citizens. As Nancy Cott noted, “the new republic presented itself as offering civic incorporation to all those willing to consent to allegiance and adhere to democratic principles.” According to the Constitution, free women and children were to be included in the population that was counted for legislative representation, therefore they were citizens of the republic. In 1790, the first federal legislation was passed allowing “free white persons” to be naturalized. Citizenship, however, did not guarantee suffrage, political rights, or for married women, property ownership. In *Minor vs. Happerset* (1875), the Supreme Court defined citizenship as, “membership of a nation,” recognizing that the Constitution failed to define it and creating the ideology of a dependent citizenry.<sup>40</sup>

What was the “nature of citizenship” during the colonial period and in the early republic, as Judith Wellman asked, for the propertyless, “African Americans, and women?” She argued

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<sup>38</sup> Nancy F. Cott, “Marriage and Women’s Citizenship in the United States, 1830-1934,” *The American Historical Review*, 103 no. 5 (Dec., 1998): 1451.

<sup>39</sup> United States Immigration Support, “US Citizenship Application,” [http://www.usimmigration.org/citizenship\\_application.html?NS\\_cid=7&gclid=CN...](http://www.usimmigration.org/citizenship_application.html?NS_cid=7&gclid=CN...) (accessed August 22, 2007).

<sup>40</sup> Nancy F. Cott, “Marriage and Women’s Citizenship in the United States, 1830-1934,” 1440-1446.

that the debate over women's public role emerged as the nation sought to clarify the "meaning of the Declaration of Independence." She went on to ask, "What did the Declaration of Independence, with its vision of 'all men are created equal,' really mean?" Did the creed that everyone was entitled to "unalienable rights" including "life, liberty, and the pursuit of happiness" mean for women what it had meant for men, she continued. "Since a married woman had no legal existence, the argument ran, she could not own property. Since she could not own property, she did not pay taxes. Since she did not pay taxes, she could not make independent political decisions." But feme soles and other property owning women created a direct challenge to this ideology. However, as Wellman pointed out, the founding fathers never meant for women to be more than members of society to be counted among the represented population - the basis for representation in the Legislature.<sup>41</sup>

The meaning of citizenship, and its relation to the public sphere, has been gendered since its early beginnings. As Linda Kerber explained, "citizenship involves claims of rights, notably suffrage but also the right to pursue happiness and to be free of constraints. It involves a wide range of civic obligations, among them patriotic loyalty, the payment of taxes, and service on juries and in the military." While women were considered citizens of the nation who could be naturalized and who were subject to its laws, single adult women were subject to the obligation of taxation without representation. However, women's citizenship challenged coverture, the legal system that defined the relationship between men and women. Coverture transferred a woman's civic identity to her husband at marriage, thereby giving him total control of the use of

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<sup>41</sup> Judith Wellman, *The Road to Seneca Falls: Elizabeth Cady Stanton and the First Women's Rights Convention* (Chicago: The University of Illinois Press, 2004), 135-137.



any property she brought to the marriage. This was incompatible with revolutionary ideology and the new liberal society that formed during the early republic.<sup>42</sup>

Americans did not intend to give up the entire British legal tradition, therefore, according to Kerber, many colonies (later states) adopted law codes that “specifically reenacted” parts of the common law and equity jurisdiction. The ideology of domesticity and the relationship between British “Baron and Feme” were transferred into the new American legal tradition. This tradition gave one status and gender, while at the same time identified the other only by their gender. For women, citizenship and marriage had a profound impact on one’s personal identity. When men married a foreigner their citizenship status was unchanged. This was untrue for women, according to Cott, thus creating a “difference in the relation between marriage and citizenship for women and men.” When women married a foreigner, she took on the citizenship of her husband. The gendered relationship between citizenship and marriage was deeply rooted in the tradition of coverture.<sup>43</sup>

Once married, a wife’s identity became ‘covered’ by her husband’s. As a result, they shared one public voice (the husband’s) and could not testify against one another. Additionally, no colony or state granted married women the ability to maintain independent control over property. Single women, however, maintained a certain level of independent property rights, though they did not have the political rights often connected to property holding status. Thus, in many aspects, women, whether married or single, were politically invisible.<sup>44</sup>

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<sup>42</sup> Linda K. Kerber, “The Paradox of Women’s Citizenship in the Early Republic: The Case of Martin vs. Massachusetts, 1805,” 350-353.

<sup>43</sup> Linda K. Kerber, *Women of the Republic*, 119-121; Nancy F. Cott, “Marriage and Women’s Citizenship in the United States, 1830-1934,” 1440-1442.

<sup>44</sup> Linda Kerber, *Women of the Republic*, 119-121; Marylynn Salmon, *Women and the Law of Property in Early America*, xv.

Some colonies and states permitted the use of separate estates that allowed married women to own and control property separate from their husbands. Equity, as it was termed, let married couples enter into marriage settlements that, in some cases, gave feme covert the ability to act as feme soles. Under these laws, wives could sue husbands, and judges were not bound by coverture. Yet women could not create such estates without the consent of their husbands. Even though few women took advantage of the benefits equity jurisprudence offered, the existence of separate estates “continually pushed outward the boundaries of what women might do under the law.”<sup>45</sup>

What did citizenship in the new republic mean for women, specifically married women? Under the confines of coverture and equity laws, a limited definition of female citizenship developed through the ideology of republican motherhood. As Linda Kerber argued, women, as citizens, had their “own responsibilities to the state.” Republican Motherhood allowed women to “claim political participation only so long as they implicitly promised to keep their politics in the service of the men of their family, using it to ensure republican authenticity on the part of their husbands and sons.”<sup>46</sup> Men could not imagine adult women as anything other than wives. Kerber argued that they could not distinguish between the sexual power that a man held over his wife during marriage from the political power he had over property.<sup>47</sup> The confines of common law and coverture, and the limited level of economic independence provided for women through equity jurisprudence laid the foundation for the formation of the ideology of Republican Motherhood. This, in turn, provided the vocabulary for early women’s rights ideology.

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<sup>45</sup> Marylynn Salmon, *Women and the Law of Property in Early America*, xv.

<sup>46</sup> Linda K. Kerber, “The Paradox of Women’s Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805,” 354-355.

<sup>47</sup> *Ibid.*, 378.

A woman's status under the law with regards to inheritance and property has been questioned throughout history. Some ancient states did not distinguish between men and women, however, the Greeks and Romans generally thought that sons should inherit in preference to daughters. With military service as a prerequisite and a woman's inability to perform such a service, Salic law barred female inheritance completely. And with the establishment of the feudal system William the Conqueror introduced to England after 1066, princes granted lands to loyal followers for a lifetime of military and political service.<sup>48</sup>

William also established the foundation for what would become English Common Law. Before 1066, each village and town established local rules, but after the Norman Conquest, William established a more uniform legal system through a system of king's judges. It was their responsibility to hear the issues of the people and to base their current decisions regarding the complaints of the townspeople on past decisions. Sheryl J. Grana suggested that the result was a "judge-made" law based on what modern historians "call precedent." The premise for this foundation of law in precedent, she argued, became the ideological basis for common law. Precedent set a standard of continuity and its enforcement pushed society to follow the same rules unless those rules were judged to be "sufficiently wrong." This ideology, however, has hindered the lives of thousands of women.<sup>49</sup>

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<sup>48</sup> *The Laws Respecting Women; as they regard their natural rights, or their connections and conduct; in which their interests and duties as daughters, wards, heiresses, spinsters, sisters, wives, widows, mothers, legatees, executrixes, &c. are ascertained and enumerated; also, the obligations of parent and child, and the condition of minors. The whole laid down according to the principles of the common and statute law, explained by the practice of the courts of law and equity, and describing the nature and extent of the ecclesiastical jurisdiction. In which are inserted a great variety of curious and important decisions in the different law courts, and the substance of the trial of Elizabeth, Duchess dowager of Kingston, on an indictment of bigamy before the House of Peers, April 1776,* (London: Johnson, 1777), 107-108.

<sup>49</sup> Sheryl J. Grana, *Women and (In)Justice: The Criminal and Civil Effects of the Common Law on Women's Lives* (Boston: Allyn and Bacon, 2002), 17-18.

It was not until the 1770s, as Grana noted however, that the English Common Law was written by Sir William Blackstone. She argued that he believed all citizens should have a clear understanding of the law, and writing his *Commentaries* was a means to provide this understanding. At the same time, however, his personal beliefs were included in documenting the common law. The development of coverture was influenced by his upbringing, his religious beliefs, and his personal views towards a woman's proper place. In his *Commentaries on the Laws of England*, Blackstone argued that there "were a set of absolute rights given to every man." This was the form of natural liberty which allowed each individual to act as one thought he should act. He also argued that the rights of the people of England could be condensed to three principle "articles; the right of personal security, the right of personal liberty, and the right of private property."<sup>50</sup>

"The right of personal security consists in a person's legal and uninterrupted enjoyment in his life, his limbs, his health, and his reputation."<sup>51</sup> Life was the first of God's gifts, Blackstone said. Man had a right to protect himself and he had a right to protect his name from "distraction and slander." And the law, Blackstone believed, protected every man and his enjoyment of life.<sup>52</sup>

"Next to personal security, the law of England regards, asserts, and reserves the personal liberty of individuals. This personal liberty consists of power of loco-motion, of changing

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<sup>50</sup> Ibid., 18-19; William Blackstone, *Commentaries on the Laws of England, Volume I* (Chicago: The University of Chicago Press, 1979), 121-125. The *Commentaries* were originally published in 1771. It is, as Stanley N. Katz suggested, "the most important legal treatise ever written in the English language." It also had a "unique role in the development of the" new "American legal system." Blackstone's intent for writing the *Commentaries* was to strengthen the idea of "university education in law" and to "educate" citizens on the "character of English law." (iii-v) Interestingly, the three principle "articles" Blackstone outlines are evident in the *Constitution of the United States*, specifically the references to "life, liberty, and the pursuit of happiness."

<sup>51</sup>Ibid., 125.

<sup>52</sup>Ibid., 125-130.

situation, or removing one's person to whatsoever place one's own inclination may direct; without imprisonment or restraint, unless by due course of law."<sup>53</sup> Blackstone argued that no man should be imprisoned without cause. No man should be imprisoned for a "long" time, except in cases where the law required it as well as justified it. Personal liberty was of such great importance because it forbid the magistrate from imprisoning whomever he or his officers chose. If the desires of the magistrate were left unchecked and his ideals were to come to fruition, an end to all other rights would follow. The danger, therefore, was that of tyranny throughout the land.<sup>54</sup>

"The third absolute right, inherent in every Englishman, is that of property: which consists of free use, enjoyment, and disposal of all his acquisition, without any control or diminution, save only by the laws of the land."<sup>55</sup> The laws of England, Blackstone noted, were very protective of this right. The King could not seize a man's lands. The law for private property did not end, even for the general good of the whole community.<sup>56</sup>

It was the birthright of Englishmen to enjoy these rights. The subjects of England were afforded the right to petition the King and Parliament for any redress of grievances. Englishmen had the right to have and use arms "for self preservation and defense." Blackstone believed that all men should be able to do what it was they desired to do without restraint. He argued that England was "the only nation in the world, where political or civil liberty is the direct end of its Constitution."<sup>57</sup>

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<sup>53</sup> Ibid., 130.

<sup>54</sup> Ibid., 130-134.

<sup>55</sup> Ibid., 134.

<sup>56</sup> Ibid., 134-136.

<sup>57</sup> Ibid., 136-141.

While Blackstone argued that these three basic principles defined the rights of the people of England, inherently missing from the discussion is the presence of women. The principles defined the roles for Englishmen, arguably the foundation for the fundamental absence of women from political involvement. Furthermore, Blackstone pointedly spelled out the common law tradition of *coverture*, thereby defining female invisibility and explaining the “legal consequences” of marriage.”<sup>58</sup>

By marriage, the husband and wife are one person in law: that is, the very being and legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and *cover*, she performs everything; and is therefore called in our law – French a *feme covert*; is said to be *covert-baron*, or under the protection and influence of her husband, her baron, or lord; and her condition during her marriage is called her *coverture*. Upon his principle, of a union of person in husband and wife, depend almost all the legal rights duties, and disabilities, that either of them acquire by the marriage. I speak not at present of the rights of property, but of such as are merely personal. For this reason, a man cannot grant anything to his wife, or enter into covenant with her: for the grant would be to suppose her separate existence; and to covenant with her, would be only to covenant with himself: and therefore it is also generally true, that all compacts made between husband and wife, when single, are voided by the intermarriage.<sup>59</sup>

Blackstone went further to explain the role of both the husband and wife. A husband can leave anything to his wife. If a wife is “indebted before marriage,” her husband became responsible for the debts. A wife could not sue, nor could she be sued. A husband and a wife could not bear evidence against the other, because of the ideology of the “union of person.” If they were to be witnesses against each other, they would “contradict” basic principles of law.<sup>60</sup>

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<sup>58</sup> Ibid., 429.

<sup>59</sup> Ibid., 430.

<sup>60</sup> Ibid., 430-431.

Blackstone, it can be noted, also briefly introduced the ideology of equity jurisdiction during his discussion of a husband and wife. Four simple lines discuss how under “civil law the husband and wife” can be “considered as two distinct people.” They may then have “separate estates, contracts, debts, and injuries.” The woman in this case, through the use of “ecclesiastical courts,” can “sue and be sued without her husband.” However, these were to be considered very rare circumstances.<sup>61</sup>

The law, in general, considered a husband and wife as one person, she inferior to him. In theory then, a married woman lacked free will and thus was not responsible for her actions. Common law exempted a married woman from punishment for most crimes when performed with her husband because of the strength of his “authority” and “her duty of obedience.”<sup>62</sup> Blackstone condescendingly noted, “that even the disabilities, which the wife lies under, are for the most part intended for her protection and benefit. So great a favourite is the female sex of the laws of England.”<sup>63</sup>

The United States, born out of the English legal tradition, as Sheryl J. Grana established, is considered to be a “common-law” country. Blackstone argued that “as the power of making law constitutes the supreme authority, so whenever the supreme authority in any state resides, it is the right of that authority to make laws.”<sup>64</sup> It is only natural then that Americans would utilize the common law in the post-Revolutionary era. “Americans increasingly turned to the

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<sup>61</sup> Ibid., 432.

<sup>62</sup> Carol Berkin and Leslie Horowitz, eds., *Women's Voices, Women's Lives: Documents in Early American History* (Boston: Northeastern University Press, 1998), 54; Linda K. Kerber, “The Paradox of Women's Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805,” 372.

<sup>63</sup> William Blackstone, 433.

<sup>64</sup> Ibid., 52; also quoted in the introduction by Stanley N. Katz, vi; Sheryl J. Grana, 16.

*Commentaries* as a model for the legal system of a democratic republic.”<sup>65</sup> However, virtually the only discussion of women in the *Commentaries* was in relation to their position in marriage. A woman’s legal existence was very different from that which was occupied by men. They could not own property or exercise legal control over it. At the point of marriage, everything became the husband’s and he was given total control over all monies made off that property, even if she brought it to the marriage. Women were left virtually powerless and civically invisible. Even during widowhood women were treated poorly with regard to common law. Regardless of what property had been hers before marriage, she was only given entitlement to one-third of the family’s property as a widow and that was condition upon the estate being free of debts.<sup>66</sup>

Dower rights were one way which women were able to attain control of property, therefore offering them some sense of economic security. In many instances, widows pursued legal actions to retrieve their dower. On January 24 1831, Mr. Whittlesey submitted a report to the Committee of Claims of the House of Representatives on behalf of Elizabeth Owens. She was the wife of William Owens and claimed to be the “sole heir at law of James Shirley, a soldier in the service of the United States, and who was killed...in 1817.” She claimed she was entitled to “the amount due him for his services, clothing, &c. at the time of his death.” Martin Shirley and James Shirley had formed a friendship during their military service. James told Martin that he had a sister who had died. The two then agreed that, “in the event of the death of either, the other should be entitled to his pay.” Upon hearing of the death of James, Martin

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<sup>65</sup> William Blackstone, in the introduction by Stanley N. Katz, xii.

<sup>66</sup> Thomas Barret-Lennard, bart., *The Position in Law of Women; Concise and Comprehensive Treatise on the Position of Women and Common Law as Modified by the Doctrines of Equity and by Recent Legislation* (London: Waterlow, 1883), xxvii, 69; Nancy F. Cott, “Marriage and Women’s Citizenship in the United States, 1830-1934,” 1452; Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830,” 655-656.



Shirley told his mother, Messeniah Shirley, about this conversation. She then “gave her affidavit before Judge Simpkins on the 13<sup>th</sup> of April, 1822, that Martin Shirley was the sole heir of James Shirley.” However, prior to this, on November 21, 1821, the Second Auditor, Mr. Esteridge, sent a letter to Mrs. Owens informing her of her brother, James’ death and “that she was the only heir, ...entitled to his land and any pay due him.” Mr. Esteridge testified that “he was acquainted with the parents of James Shirley, and that he believes Elizabeth Owens is his legal heir at law, and that he had no other legal heir at law but her.” The committee, therefore, thought that “Martin Shirley improperly received the money, and that Mrs. Owens is justly entitled to it.” Ironically, however, the “payment” was “to be made to her husband.”<sup>67</sup>

On December 14, 1827, Mr. Whittlesey provided a report to the Committee of Claims referring to the petition of Catharine Stearns. She was claiming “she was entitled to the right of dower in about three acres of land, ...occupied by the United States, as part of the Navy Yard in Charlestown, Massachusetts.” Catharine Cochran was born on October 5, 1777 in Watertown, Massachusetts. She married David Stearns on October 30, 1796. By 1798, his business had failed and several pieces of his real estate were taken by creditors. “One of these pieces” was the property in Charlestown. This piece of land was given to John Larkin on April 29, 1799 and “was then appraised at the sum of *fifteen hundred* dollars.” David Stearns died in Virginia on August 7, 1804 and Catharine claimed to have never signed any “release of dower” on the land. However, John Larkin sold the three acres to the United States on October 27, 1800. His wife, Ruth, withdrew her right of dower to the land. Catharine argued that she became entitled to dower at the time of her husband’s death and never gave up her right to dower, and since the land was now being used by the Navy Yard, she had been prevented “from using and enjoying her

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<sup>67</sup> House Committee on Claims, Elisha Whittlesey, *Elizabeth Owens*, 21<sup>st</sup> Cong., 2d Sess., U.S. Congressional Serial Set 210, January 24, 1831.

just rights and interest in the said tract of land.” After a careful and critical investigation, it was determined by the District Attorney of Massachusetts that the petition set forth by Catharine Stearns was “well founded” and “just.” Three men were then sent to determine the value of the land, which was estimated to be worth \$873.74. The United States was required to pay the amount of the dower, the amount of which could easily “be recovered from the property of Larkin, who died possessed of considerable property.”<sup>68</sup>

On February 22, 1828, Edward Livingston communicated to the House of Representatives the petition of Rebecca Blodget. She claimed her “right of dower in two lots of land.” At the time of purchase by Samuel Blodget, the land was “an equitable estate alone in the husband,” and therefore “would not entitle the widow to dower.” The law of Maryland, however, had since changed and “now entitled the widow to her dower.” There was also another reason some on the committee believed she was entitled. The United States was now the holder of the Blodget’s title. They could not “get rid of the claim of his widow by denying his title; if she has no title, they have none.” Ultimately the “conclusion” was made “that the petitioner was entitled to her dower.” The committee determined Blodget would receive \$1000, giving “one-third of this sum to the petitioner during her natural life.”<sup>69</sup> In a second report on behalf of Rebecca Blodget on May 4, 1832, the petitioner claimed a “further sum from the United States for her right of dower on lands in Washington, DC. In 1828, she was awarded an annual dower of \$333.33 retrograded to begin in 1826, when she originally petitioned Congress. However, the committee that ruled on her petition agreed “that her claim for dower arose on the death of her

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<sup>68</sup> House Committee on Claims, Elisha Whittlesey, *Catherine Stearns and George Blake*, 20<sup>th</sup> Cong., 1<sup>st</sup> Sess., U.S. Congressional Serial Set 176, December 14, 1827.

<sup>69</sup> House Committee on the Judiciary, Edward Livingston, *Rebecca Blodget*, 20<sup>th</sup> Cong., 1<sup>st</sup> Sess., U.S. Congressional Serial Set 178, February 22, 1828.

husband in 1814.” Her “allowance” was, however, confined “to the time of demand.” The Committee of the Judiciary agreed that since “the United States” had “enjoyed the property during all the time since the death of the husband of the petitioner,” combined with the fact that “soon after the decease of her husband, the petitioner adopted measures for the purpose of seeking out and abolishing her dower rights,” Rebecca Blodget was entitled to her dower from 1814 to 1826, “at the rate of the former adjustment, making, in the whole, the sum of \$3999.96.”<sup>70</sup>

In these instances, Congress protected a widow’s right of dower, and by effect the widows were afforded some sense of financial security. As noted in the third instance, however, women were only provided a life interest in one-third of the family’s real property. In other instances, a last will and testament was created by husbands to determine how property would be divided amongst family members. Women often benefited from these but it is reasonable to assume that property was willed to wives in an effort to protect property for heirs, presumably male, who may have been too young to inherit the property. Harriet Cash, in the territory of Florida, county of Gasden, was found to be “duly qualified according to the law” and became the “Administratrix of all and singular, the goods and chattels, rights, and credits, of Francis A. Cash deceased.”<sup>71</sup>

The last will and testament of General Duncan Lamont Clinch states that his lands in the State of Florida should be sold and disposed of in order to pay any debts. He wanted the “plantation on the Zatilla river to be cultivated by slaves for ten years” after his death, with the

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<sup>70</sup> Senate Committee on the Judiciary, Theodore Frelinghuysen, *In the Senate of the United States*, 22<sup>nd</sup> Cong., 1<sup>st</sup> Sess., U.S. Congressional Serial Set 214, May 4, 1832.

<sup>71</sup> Appointment of Harriet Cash as Administratrix of the Estate of Francis A. Cash, October 4, 1833, Florida Manuscript Collection, 00, 372, University of Florida.

“net proceeds..., after paying yearly the sum of fourteen hundred dollars to my beloved wife Sophia H. Clinch, during her natural life, be annually and equally divided between my children to be expended...for their support and education.” He also gave his “beloved wife Sophia H. Clinch, during her natural life the use of the house and furniture known as the Refuge, house, garden, and grounds appertaining to it, carriages and horses.” On top of this, he bequeathed her the “house, furniture, and grounds known as Lament in Habersham County.” Finally, he also gave her “negros Frank, his wife Emily, and her son Edward, along with Frank (F), his wife Dolly, and their daughter Ann.” He also made some arrangements for his children. His daughter Eliza B. Anderson was given Charlotte and Willis, a \$1000 value “to be deducted from her estate.” Finally, after the ten year condition was met, “all property except heretofore mentioned” was to go to his “dear children Eliza B. Anderson, J.H.M., Mary L., D.L., H.A., N.B., and G.W. – equally divided among them and shared.”<sup>72</sup>

The amount of property willed to Sophia H. Clinch is certainly a sign of General Clinch’s wealth and societal standing. Even with wills and dower rights providing, in most cases, a limited amount of property rights and financial security, and given the effect of coverture on women’s lives throughout the mid-1800s, a small percentage of women remained single.<sup>73</sup> Mrs. A.J. Graves attempted to improve the public perception of a spinster or old-maid, the terms that often identified single women, in her fictional *Girlhood and Womanhood: Sketches of my Schoolmates*. She told the story of an “old-maid” in an effort to show that it was a status that should not be feared. In fact, through the voice of the “old-maid,” Graves stated that some of her “happiest and most delightful companions have been those of my own sisterhood.” There were

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<sup>72</sup> General D.L. Clinch Papers, Typed Copy of Will, May 12, 1849, Florida Manuscript Collection, 99, 020, Folder 3, p. 1-2, University of Florida. It is assumed that Charlotte and Willis are “negros” as Clinch termed them.

<sup>73</sup> Lee Virginia Chambers-Schiller, 3.

various reasons that influenced women's choice to remain single. Some women were the "high-minded intellectual women, who could not stoop to ally themselves with those whom they could not truthfully promise to love, honor, and obey, and others are those who have been unable to overcome the affects of a disappointment in early life, or whose faithful consistency to the memory of the loved and lost, would never permit them to transfer their affections to another." In addition, the "old-maid" stated that "single life is happiness too but to a different degree."<sup>74</sup>

While it is debatable whether women were better off single than married, most women did not remain single. However, single or married, some women became concerned with how the newly formed government would affect their lives. The letters exchanged between Abigail Adams and her husband John between March 31 and early May 1776 revealed "Abigail's acute perception, deep concern, and style of advocacy," that she had for women's rights.<sup>75</sup> On March 31, 1776, Abigail wrote John that she longed "to hear that you have declared an independency... and by the way in the new code of laws which I suppose it will be necessary for you to make I desire you would remember the ladies, and be more generous and favourable to them than your ancestors." She urged him "not to put such unlimited power into the hands of the Husbands," stating that "all men would be tyrants if they could." She also informed him that "if particular care and attention is not paid to the Ladies we are determined to foment a Rebellion, and will not hold ourselves, bound by any laws in which we have no voice, or Representation."<sup>76</sup> Concerned with the property rights "provisions" that gave the husband total control and rights over all

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<sup>74</sup> Mrs. A.J. Graves, *Girlhood and Womanhood: Sketches of my Schoolmates* (Boston: T.H. Carter & Co., 1844), 212, 214-215.

<sup>75</sup> Rosemary Keller, *Patriotism and the Female Sex: Abigail Adams and the American Revolution* (New York: Carlson Publishing, Inc., 1994), 89.

<sup>76</sup> *Ibid.*, 89; L.H. Butterfield, Marc Friedlaender, and Mary-Jo Kline, eds., *The Book of Abigail and John: Selected Letters of the Adams Family* (Cambridge: Harvard University Press, 1975), 121. Letter from Abigail to John, March 31, 1776.

personal property, she disappointedly wrote that “you insist upon retaining an absolute power over wives.”<sup>77</sup> However, being married to a lawyer, she understood how the common law “robbed women of personhood before the law,” writing in 1782 that “patriotism in the female sex is the most disinterested of all virtues.”<sup>78</sup>

A “Matrimonial Republican” concurred with Abigail’s assertion that men had “absolute power over wives,” arguing that “the word obey in the promise or vow to be made by the woman was very improper and ought not to be.” She wrote that she had “bound” herself though marriage “to be his slave...to all intents and purposes.” However, she continued, they were “intents to which I have no design, purposes which I have no interest and which I derive no happiness.” It was suggested that the word obey was “a general word without limitation,” and in what most considered to be a liberal era, to preserve the traditional service with the word obey was difficult to comprehend. The word obey only meant that “the wife is to obey all things lawful,” however, “obedience between a man and a wife ought to be mutual.” Instead “marriage ought never to be considered as a contract between a superior and inferior, but a reciprocal union of interest, an implied partnership of interest...” It was not just to demand and “enforce obedience” through “a promise before marriage from one party and not from the other.”<sup>79</sup>

Interestingly, Lucretia Coffin Mott, a pioneer of women’s rights, made similar statements during the second half of the nineteenth century writing in 1852 to Nathaniel Barney that she wished that “...part of the *church* marriage, promise, of *obedience on the part of the wife*, were omitted. I could never submit to that.” In a letter to Josephine Butler in 1869 she wrote that in a marriage

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<sup>77</sup> Rosemary Keller, 93-94; L.H. Butterfield, Marc Friedlaender, and Mary-Jo Kline, eds., 126-127. Letter from Abigail to John, May 7, 1776.

<sup>78</sup> Rosemary Keller, xix, 93-94.

<sup>79</sup> A Matrimonial Republican, “On Matrimonial Obedience,” *The Ladies Magazine*, vol. 1, Philadelphia, July 1792, 64-66.

“there is no assumed authority or admitted inferiority; no *promise of obedience*. Their independence is equal, their dependence mutual, and her obligations reciprocal.”<sup>80</sup>

Women’s national citizenship challenged the ideology of coverture, Linda Kerber argued, due to the fact that as citizens, not only could women be naturalized but they were also subject to its laws. Coverture, which prevented women from owning separate property, was not compatible with the founding father’s ideology of independence and was also not compatible with growing commercialism. Probate records from eighteenth-century Maryland and Virginia suggest that, while most inventories were taken from male heads of households, this was not always the case. “A probate record...is a list of possessions recorded after someone dies.” Local men, who were county court appointed appraisers, would visit an estate. They would then list what they found and provide an estimated value. These records are very illuminating because not many items were mass produced. They not only shed light on a family’s activities and societal status, but also on the economy of the region.<sup>81</sup>

Maryland and Virginia women, during the late 1700s into the mid-1800s, were property owners according to probate records. These women undermined common law and tested the boundaries that had been established. Though women property owners were unusual during this period, some women proved that female property ownership was not impossible.

Who, then, were these women property owners? The limited number of inventoried estates and the fact that they were slave holders would indicate that these women were wealthy. Most of the women owned more than twenty slaves, and slaves were the type of property that carried the most value, according to the estate appraisers. Male slaves were of greater value than

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<sup>80</sup> Beverly Wilson Palmer, ed., *The Selected Letters of Lucretia Coffin Mott* (Chicago: The University of Illinois Press, 2002), 213, 415. Letter to Nathaniel Barney, March 19, 1852; Letter to Josephine Butler, April 20, 1869.

<sup>81</sup> Linda Kerber, “The Paradox of Women’s Citizenship,” 351; Probing the Past database, “Interpreting the Collection,” <http://chnm.gmu.edu/probateinventory/interpreting/readingtips.php> (accessed March 20, 2007).

female, middle aged of more value than either young or old. The estate of Mrs. Margaret Murdock of Prince George's County, Maryland lists fifteen slaves, among them were Bob, Andrew, William, Polly, Sall, and Rachell. Of the men, Bob at 60 years old was worth only £5.0.0 and William at one year old only £6.0.0, however, Andrew at 26 years old was worth £85.0.0. Of the women, Polly at 41 years was worth £50.0.0 and Rachel at 9 years was worth £30.0.0, while Sall at 16 years was worth £70.0.0.<sup>82</sup>

These women were also participants in an agricultural economy. The estate of Mrs. Margaret Ball of Lancaster County, Virginia lists weeding hoes, plows and gears, along with iron wedges and axes. Her estate also notes cows, calves, bulls, and sheep, all of which are prominent in farm based economies.<sup>83</sup> This evidence suggests that these women came from plantation owning families. At the very least it suggests that these women were widows of plantation owners (often the women were identified as Mrs. on the probate records) who may have exercised their right of dower, or who may have inherited the estates, upon their husbands death.

Females were also holders of smaller estates in Virginia, though the estates were still agricultural in nature. The probate record of Mrs. Ann Hooe does not list any slaves however it does list hoes, axes, other farming equipment, and livestock. The majority of the record consists of household items including dishes, cups, cloth, and furniture. In this instance, a "parcel of corn" and 11 head of cattle carried the most value, worth £76.10.0 combined. The probate record suggests that Mrs. Hooe owned a farm though it was likely not a large plantation.

However, due to dower laws and a woman's right to only one-third of the estate at the time of a

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<sup>82</sup> Probing the Past database, *Inventory of Sundry Goods & Chattels of Mrs. Margaret Murdock*, Prince George's Inventories 1781, pp. 77-75.

<sup>83</sup> Probing the Past database, *Mrs. Margaret Ball*, Lancaster Wills, Etc., No. 22, 1783-1795, pp. 24a-25.



husband's death, it is uncertain if this probate record is indicative of her dower or the family property as a whole.<sup>84</sup>

Overall, the probate records suggest that, however restricted by common law women were, property ownership provided some women with a certain level of economic security. Female independent property owners were not only living in Maryland and Virginia during the early republic, but also in New Jersey. In 1776, the framers of the New Jersey Constitution wrote that "all inhabitants of this colony of full age, who are worth fifty pounds proclamation money clear estate in the same, have resided within the country in which they claim to vote, shall be entitled to vote for representation in the Council and Assembly and also for all other public officers that shall be elected by the people of the country at large." In their haste to create a constitution, lawmakers did not impose gender qualifications. Therefore, by allowing the right to vote to anyone who owned property, New Jersey accidentally became the first state to grant women's suffrage. However, realizing their mistake, the state passed legislation in 1807 restricting voting rights to "free white male citizens of this state."<sup>85</sup>

A "friend" to New Jersey's women voters" mounted an "argument against woman suffrage" in a letter written to the *Trenton True American* on October 18, 1802. The "friend" argued that women were "timid and pliant, unskilled in politics, unacquainted with all the real merits of the several candidates, and almost always placed under the dependence or care of a father, uncle or brother, they will of course be directed or persuaded by them; and the man who brings his two daughters, his mother, his aunt, to the elections really gives five votes instead of one." The "friend" went on to argue that when the legislature passed "the act by which the

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<sup>84</sup> Probing the Past database, *Mrs. Ann Hooe*, Prince William, Will Book H, 1792-1803, pp. 396-398.

<sup>85</sup> *New Jersey Constitution, 1776* reprinted in Berkin and Horowitz, eds., *Women's Voices, Women's Lives*, 162.

females are entitled to share in our election they were not aware of its inconveniences, and acted from a principle of justice, deeming it right that every free person who pays a tax should have a vote.” Then, in an effort to justify his opinion, the “friend” went on to say that women should not “conclude that I wish to see them deprived of their rights. Let them rather consider that female reserve and delicacy are incompatible with the duties of a free elector, that a female politician is often subject to ridicule and they will recognize in this writer a sincere Friend to the Ladies.”<sup>86</sup> Showing the longevity of these claims, anti-suffragists would use the same arguments in 1920.

On November 12, 1776, a committee of the “ablest men” in North Carolina was appointed for the purpose of establishing a “Bill of Rights” and “Constitution” for the new state. The statesmen were laying out the foundation of state governments based on the individual freedoms of the people. They did not completely abandon the “principles of English Constitutional liberty” or “the common law,” instead they “sought to build upon...the lessons of the past.” They established guidelines for elections of the legislature, including senators and commoners, as well as the types of qualifications for filling these positions. The main difference was that a senator was required to own more acreage of land; members of the Senate were required to own at least three hundred acres, while members of the House of Commons were required to own at least one hundred acres. “An elector was required to be a freeholder in order to vote for a senator, while to be a freeman, if his taxes were paid, entitled *him* to vote for a commoner.” The State Constitution allowed the Senate and House of Commons to elect Judges and the Governor. The Governor was required to own property that was, at a minimum, valued at one thousand pounds. Each county was represented by one Senator and two commoners,

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<sup>86</sup> Friend to the Ladies, *Trenton True American*, October 12, 1802 reprinted in Berkin and Horowitz, eds., *Women’s Voices, Women’s Lives*, 184-185.

while the towns of Edentown, Newbern, Wilmington, Sailsbury, Hillsborough, and Halifax were represented by one commoner. With the population increasing after the Revolution, there was a migration to the western part of the state. With this came a “demand for the formation of new counties in the west.” Because there were more counties in the east, their representatives “held controlling power in the Legislature.” By 1821, with the representation on the state level unequal, a convention was requested to amend the state Constitution. The government was based upon county representation “without regard to the rights of the majority,” and since there was an increase in population in the west, the majority within the Legislature represented a minority of the population.<sup>87</sup>

At the convention of 1835, “borough representation” was “abolished.” There was also a discussion of voting rights in regards to “free persons of color.” Judge Daniel “did not think that the right to vote was secured in the ‘Bill of Rights,’” though he “favored giving each of them the right to vote for members of the House of Commons provided *he* owned a freehold estate of \$250.” The secured right to vote only belonged to “free white men.” Other convention members thought free persons of color should not be allowed to vote at all. More importantly, however, it was decided that “the Senate be composed of fifty members.” The House of Commons would “be composed of one hundred and twenty members.” What changed was “that by adopting fifty as the number of senators, distributed upon the basis of table property, and one hundred and twenty as the number of the House of Commons, distributed upon the basis of Federal population, the East would have a small majority in the Senate, and the west in the House.”

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<sup>87</sup> Henry G. Connor, *The Convention of 1835* (Raleigh: Edwards & Broughton Printing Company, 1908), reprinted for the University of North Carolina at Chapel Hill, Documenting the American South, <http://www.docsouth.unc.edu/nc/connor08.connor08.html> (accessed March 20, 2007), 3-12; The Avalon Project at Yale University, *Constitution of North Carolina*, December 18, 1776, <http://www.yale.edu/lawweb/avalon/states/nc07.htm> (accessed October 17, 2007).

With the House of Commons based on population, women's presence was outright excluded from discussions, though they were, arguably, included in population numbers that formed the basis of male representation in the House of Commons.<sup>88</sup>

In 1841, the Senate and House of Representatives of the State of Louisiana resolved "that our Senators and Representatives in Congress...procure an act of Congress placing us upon an equal footing with other States" by amending "the act of 1824, so that our mode of proceeding in *civil cases* shall be adopted in what are called equity causes in the courts of the United States for the State of Louisiana." Louisiana was a French and Spanish territory. As a state, it had no means of adjudicating what the courts of the United States in Louisiana deemed equity cases. The laws in Louisiana, more a reflection of French rather than English legal practices, were contradicted by the Chancery practice as established by the Supreme Court in 1792. Under the then current Louisiana system, there were "no informalities whose defects are to be cured by what is called relief in equity." Chancery was, in fact, introduced within the state "contrary to the desires and interest of the State." However, the General Assembly agreed that it would be in the best interest of the State to be on "equal footing with other States, and to adopt the proceedings in civil cases for equity causes, and prevent the chancery law of Great Britain from being introduced in such cases."<sup>89</sup>

Mr. James Thompson introduced a report to the Committee on the Judiciary in 1851 asking that the United States Courts adopt a similar policy to the State Courts in civil cases. However, the committee recommended against the bill. "The acts of Congress of 1792 and 1828 direct cases in the circuit and district courts of the United States to be proceeded in according to

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<sup>88</sup> Henry G. Connor, 12-15.

<sup>89</sup> *Louisiana – Courts of Equity*, 27<sup>th</sup> Cong., 1<sup>st</sup> Sess., U.S. Congressional Serial Set 392, June 12, 1841.

the practice of the State courts, respectively.” The new bill proposed considerable changes. “It provides that the practice in ‘civil suits’ in the State courts shall be adopted by the district and circuit courts of the United States.” However, since many states no longer distinguished between law and equity, for this bill to pass, the United States Courts were also required to determine there were no differences between law and equity within the federal judiciary. But because the court had already decided that there was a distinction between law and equity, “and to be exercised by the federal judiciary, is a constitutional one,” the committee could not recommend passing the bill.<sup>90</sup>

Instead, it had already been established that each individual state would determine the extent of women’s rights under equity and married women’s property rights. In 1839, Mississippi passed a law providing women with very limited property rights. Betsy Love, a Chickasaw Indian, became the second wife of James Allen through a Chickasaw ceremony sometime during 1797 or 1798. They, along with her eleven children, lived on Chickasaw land. In March 1831, John Fisher sued James Allen for two-hundred dollars. To satisfy his debt, Fisher wanted all of Allen’s property seized and sold at auction. Part of the property seized was a slave named Toney. Since, at the time of marriage, Love owned many slaves including Toney; under common law and later Mississippi law, that property became her husbands.<sup>91</sup>

In *Fisher v. Allen* (1837), Allen’s attorney argued in the appeal to the Mississippi Supreme Court that according to Chickasaw Indian customs and contrary to the laws of coverture, a husband and a wife held separate property and, therefore, incurred separate debts on

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<sup>90</sup> House Committee on the Judiciary, James Thompson, *Practice of State Courts, &c.*, 31<sup>st</sup> Cong., 2d Sess., U.S. Congressional Serial Set 606, March 3, 1851.

<sup>91</sup> LeAnne Howe, “Betsy Love and the Mississippi Married Women’s Property Act of 1839,” *Mississippi History Now: An Online publication of the Mississippi Historical Society*, (Sept., 2005), [http://mshistory.k12.ms.us/features/feature67/Betsy\\_Love\\_Property\\_Act\\_pf.htm](http://mshistory.k12.ms.us/features/feature67/Betsy_Love_Property_Act_pf.htm) (accessed August 21, 2007).

their own property. The property Love brought to the marriage, even slaves, was still her property after the marriage.<sup>92</sup>

In his opinion, Mr. Justice Smith stated that James Allen and Betsy Love were “inhabitants of the Chickasaw territory; and the relation of husband and wife, existing between them, arose under the tribal customs of the Chickasaws.” The court, according to Smith, was left to answer two questions: “Whether, under the laws of this state, Allen, by his marriage with Love, acquired such an interest in her property, as to subject it to the claims of his creditors,” and “whether the gift to Susan Allen was void, as to persons having claims against Allen.”<sup>93</sup>

It was customary among the Chickasaws that the husband did not receive any rights to the wife’s property at the time of marriage. She was able to do what she pleased “independent of the husband.” Since Toney was proven to belong to Betsy Love, according to Smith, Allen could not claim title to him:

The terms of the marriage contract between Allen and Betsy Love, as modified by the customs of the Chickasaws, conferred no right on him to the separate property of his wife, and no just construction can be given to the act validating their marriages, which would alter their condition or extend the marital rights of the husband.<sup>94</sup>

When the legislature incorporated the Chickasaw territory in January 1830, the intent was to give them citizenship rights, not to “violate the sanctity of private property.” Therefore, the state could not take away Love’s property, transferring it to Allen, since this had not been done

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<sup>92</sup> *Fisher v. Allen*, Supreme Court of Mississippi, January 1837, available through LeAnne Howe, “Betsy Love and the Mississippi Married Women’s Property Act of 1839.”

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.* The gift was given in November 1829. “According to their laws, she had a right to her own separate property,” Chief Justice Sharkey noted. “The laws of the state” did not “extend over Indians until January 1830.” The 1830 statute, therefore, could not “interfere with rights to property previously acquired,” according to the Chief Justice.

at the time of marriage. Her property remained separate and therefore, “not subject to the demands of Allen’s creditors.”<sup>95</sup>

This case did not give Mississippi married women property rights, but it did set a precedent that directly challenged coverture. In 1839, Mississippi Senator T.B.J. Hadley introduced two bills to the state legislature, one of which sought to “protect and preserve” the property rights of married women. After being “voted down several times,” on February 15, 1839, the Married Women’s Property Bill finally passed. What affect *Fisher v. Allen* (1837) had on the passage of this law is unknown. However, it is easy to assume that as a Mississippi lawmaker Hadley knew about the *Fisher v. Allen* (1837) precedent and understood that if an Indian woman was able avoid the debts of her husband by arguing that it was her custom that any property she had before marriage was separate from her husband’s, certainly a white woman should be allowed to do the same.<sup>96</sup>

Other states followed, passing their own women’s property rights acts. New York State debated married women’s property rights for twelve years, fearing that allowing married women to own and control their own property, as Judith Wellman suggested, would “open a Pandora’s box full of possibilities. If women paid taxes, what could, logically, keep them from voting?” However, in January 1848, a bill providing for married women’s property rights was introduced into the state Senate. After a debate over women’s proper place in society, the bill “finally passed in the Senate on March 29, 1848, 23 to 1.” In April the issue was moved to the state assemble. After being flooded with petitions in favor of the bill, the New York legislature

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<sup>95</sup> Ibid.

<sup>96</sup> LeAnne Howe.

passed the bill, the Married Women's Property Act.<sup>97</sup> It expanded property rights for married women thereby becoming a model for other states. The statute allowed women who owned "real property" at the time of marriage, along with any "rents, issues and profits" that went with that property would "not be subject to the sole disposal of her husband." She was not "liable for his debts" and could maintain her own separate property as if she were single. Also protected were married women's property inheritance rights, granting her total control over the estate as if she were single. As a result, the statute protected a married woman's property from the "disposal of her husband."<sup>98</sup>

By 1888, the Committee on the Judiciary "was referred" a "bill to change the common law of marriage, and for the emancipation of married women in the District of Columbia and territories." On April 10, 1869 Congress "passed an act regulating the rights of property of married women in the District of Columbia." The act provided women who owned "real and personal" property "at the time of her marriage, or acquired by her afterwards," the "power to convey and bequeath the same at her pleasure." Therefore, "a married woman" had "a right to contract, sue, and be sued, in her own name, as to any matter relating to her property." The act defined "the rights of married women." This bill was, therefore, determined to be unnecessary by the Committee, because it merely reiterated and restated what was already present in the District of Columbia. It was a moot point for all intents and purposes.<sup>99</sup>

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<sup>97</sup> Judith Wellman, 152-154.

<sup>98</sup> Jone Johnson Lewis, "Property Rights of Women," *About.com: Women's History*, (2007), [http://womenshistory.about.com/od/marriedwomensproperty/a/property\\_rights.htm?p=1](http://womenshistory.about.com/od/marriedwomensproperty/a/property_rights.htm?p=1) (accessed August 21, 2007); Jone Johnson Lewis, "Married Women's Property Act: 1848, New York," *About.com: Women's History*, (2007), [http://womenshistory.about.com/od/marriedwomensproperty/a/property\\_1848ny.htm?p=1](http://womenshistory.about.com/od/marriedwomensproperty/a/property_1848ny.htm?p=1) (accessed August 21, 2007); *An Act for the More Effectual Protection of the Property of Married Women*, found in Jone Johnson Lewis, "Married Women's Property Act: 1848, New York."

<sup>99</sup> House Committee on the Judiciary, John David Stewart, *Common Law of Marriage, etc.*, 50<sup>th</sup> Cong., 1<sup>st</sup> Sess., U.S. Congressional Serial Set 2601, March 17, 1888.



“Given the effect of coverture on women’s lives through the mid-1800s,” it is arguable that “women were better off single than married,” for “once a woman married she faced a ‘civil death.’”<sup>100</sup> However, a system of jurisdiction existed that provided women with a limited amount of economic security - equity jurisprudence. The system of equity, though poorly treated by William Blackstone, was more visible in the fledging American Republic Courts of Chancery which often upheld formal contracts that permitted married women to control separate property. Courts also upheld a widow’s right of dower, thereby protecting her interests in one-third of the family’s property. These actions were deemed necessary for women’s security and helpful to society in offering families with some level of financial support. However, after the Civil War, judges in both the North and South steadily held women accountable for debts even when there were no changes in the language of the laws.<sup>101</sup>

A complex relationship existed between politics and gender during the early national era. Rosemarie Zagari stated that “men’s rights involved liberties that allowed choices, while women’s rights consisted of benefits that imposed duties.” Women’s only claim to political participation was through what Linda Kerber termed, Republican Motherhood - the twentieth century term that defined the nineteenth century role of women. This role established that mothers were responsible for maintaining the virtue of the republic by raising republican sons. Her primary duty was to maintain the domestic sphere. Over and over again states began to pass laws granting women ownership of property, and by 1850 almost every state had this kind of

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<sup>100</sup> Sheryl J. Grana, 61.

<sup>101</sup> Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830,” 656, 683-685.

law. However, historians agree, marriage settlements and married women's property acts were not developed in an effort to provide for married women's independence, instead they were formed in an effort to protect family property from husbands who make poor economic decisions and to guard family property from creditors.<sup>102</sup>

Focusing on the section of laws that were "unwritten," William Blackstone emphasized that the authority of the common law is heavily "preserved by the concept of precedent." The ideology of precedent - that the law is not specifically written, instead it is a combination of "records,"... "judicial decisions," and "treatises" - was very influential on the formation of the new American legal tradition. The common law system saw married women as being 'covered' by her husband. She virtually lost her entire civic identity at the time of marriage. There was one public voice between them and that voice belonged to him. Equity provided married women property rights, though they still had no rights in the public sphere. Republican motherhood provided a limited political role for women, responsible for raising virtuous, republican sons. However, the foundation for American independence from England, taxation without representation, would provide the ideology with which republican mothers would expand their political role into one that slowly moved them outside the confines of domesticity, eventually leading to the fight for women's rights.<sup>103</sup>

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<sup>102</sup> Linda K. Kerber "The Paradox of Women's Citizenship in the Early Republic: The Case of Martin vs. Massachusetts, 1805," 354; Nancy F. Cott, "Marriage and Women's Citizenship in the United States, 1830-1943," 1453-1457; Rosemarie Zagarri, "The Rights of Man and Woman in Post-Revolutionary America," *William and Mary Quarterly*, 3rd Series 55, no. 2 (April 1998): 203; Anya Jabour, 19-20.

<sup>103</sup> William Blackstone, vi-vii; Sheryl J. Grana, 17, 61.

### CHAPTER THREE AMERICAN WOMEN AND REPUBLICAN MOTHERHOOD – VOCATION AND EDUCATION

The vision of the Republican Mother owed a debt to the Enlightenment and to the Revolution, to the Mother's traditional responsibility for maintenance of the household economy, and to the exception that she be a person of religious faith, were added the obligation that she also be an informed and virtuous citizen. She was to observe the political world with a rational eye, and she was to guide her husband and children in making their way through it. She was to be a teacher as well as a mother.<sup>104</sup>

In eighteenth-century America, women's lives were centered around their homes and families. This was their sphere of influence. The patriarchal structure that existed placed the man at the top, followed by the woman. The children were next, and they assisted the parent of their sex in order to grasp their proper role. Finally, children were followed by servants or slaves.<sup>105</sup>

According to Linda Kerber, the biblical Deborah, with her active participation in the spiritual world, became the role model for women during the late eighteenth century. However, she explained, Locke attempted to define the political role for women by arguing that "mothers had a right to the respect of their children that is not dependent on the husband's will; mothers have their own responsibilities to their children; women ought to control their own property." Americans, on the other hand, were influenced by Aristotle where service to the public was of great importance, and the public arena was only for men. However, a result of the Revolution was a new ideology that included a political role for women. She was to raise civically responsible sons, whose republican virtue would benefit the nation. In essence, the new ideology

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<sup>104</sup> Linda K. Kerber, *Women of the Republic*, 235.

<sup>105</sup> *Ibid.*, 7; Mary Beth Norton, *Liberty's Daughters*, xvii, 3.

intertwined the traditional domestic sphere of the woman with the political sphere inhabited by men.<sup>106</sup>

In the new republic, the main function of the domestic sphere was to ensure the virtue of its citizens, and this became the primary responsibility of women. Prescriptions for marriage were issued by ministers, teachers, and other counselors. The “matrimonial state” was considered to be “one of the most important that mankind” would “encounter this side of eternity.” It was an “important step that would terminate their happiness or their misery.” Men were “to be very careful to select a partner worthy of his affection – and on the other hand, the female ought to be equally careful for her happiness is also hazardous.” It was essential for both to “become worthy objects of mutual affection.” This new ideology gave women a specific role – wife and mother.<sup>107</sup>

A successful marriage was the responsibility of both parties and was one that was “not to be neglected.” According to Carol Berkin and Leslie Horowitz, a woman’s primary role was defined by marriage. Newspaper and magazine articles emphasized the importance of a wife and mother, arguing that “Woman is superior to Man; therefore she ought to be treated as such: but this does not infer that the former ought to control the latter – they ought each to balance the power – she is her household, he is his respective calling.” It was her duty to educate the children and raise them to be virtuous members of society.<sup>108</sup>

According to Linda Kerber, Judith Sargent Murray, Susannah Rowson, and Benjamin Rush all believed that a woman’s proper role was one that was restricted to the home. Her

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<sup>106</sup> Linda K. Kerber, *Women of the Republic*, 7; Linda K. Kerber, “The Republican Mother: Women and the Enlightenment – An American Perspective,” *American Quarterly* 28, no. 2 (Summer 1976): 188, 190, 200.

<sup>107</sup> Linda K. Kerber, *Women of the Republic*, 287; Linda K. Kerber, “The Republican Mother,” 202; “Matrimony,” *Ladies Afternoon Visitor*, Boston, December 25, 1806, 14-15.

<sup>108</sup> “Matrimony,” *Ladies Afternoon Visitor*, Boston, December 25, 1806, 15; Linda K. Kerber, *Women of the Republic*, 28, 283; Carol Berkin and Leslie Horowitz, eds., 48.

responsibility was to her family. Through the ideology of Republican Motherhood, as introduced by historian Linda Kerber, “women could claim political participation only so long as they kept their politics in the service of the men of their family, using it to ensure republican authenticity on the part of their husbands and sons.” While the ideology of republican motherhood maintained gender roles, it also opened the political sphere to women. Women still found themselves identified with the domestic sphere, however, as Rosemarie Zagarrri suggested, this ideology actually redefined of the proper “role and status of women.” As mothers, women had a large influence on the future of the American Republic. Kerber argued that the role of the Republican mother provided women with a means to define their behavior in relation to the state. Eventually, however, a movement created by women would protest the political limitations this ideology created.<sup>109</sup>

Motherhood was to be a happy time for women but this happiness was coupled with stress. The advent of republican motherhood was, according to Linda Kerber, a radical invention. It redefined the domestic sphere and a woman’s role with in domesticity, providing her with an opportunity to influence the future of the republic. Through this ideology, women were able to challenge their traditional domestic role. The ideology of domesticity, Nancy Cott argued, made motherhood a social and political role that came to define women as a class. Republican motherhood was the most accepted justification for women’s political behavior.<sup>110</sup>

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<sup>109</sup> Linda K. Kerber, “The Republican Mother,” 188, 202; Linda K. Kerber, “The Paradox of Women’s Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805,” 354; Rosemarie Zagarrri, “Morals, Manners, and the Republic,” *American Quarterly* 44 (June 1992): 192-193; GJ Barker-Benfield, “Mary Wollstonecraft: Eighteenth Century Commonwealth Woman,” *Journal of the History of Ideas* 50, no. 1 (Jan.-March 1989), 115.

<sup>110</sup> Linda K. Kerber, *Women of the Republic*, 11-12, 283-284, 288; Nancy F. Cott, *The Bonds of Womanhood*, 84, 89.

## Women and Vocation

During the late eighteenth and early nineteenth century, women were to find happiness and joy in their domestic sphere for it was, according to Mary Beth Norton, a “white woman’s destiny.” In the aftermath of the revolution, there was a reevaluation of the meaning of domesticity and women’s work, what evolved was believed to be a more glorified role for women. However, according to Barbra Welter, much of the prescriptive literature directed towards women made her a “hostage in the home.”<sup>111</sup>

Magazines, newspapers, and other literature emphasized the domestic sphere as the proper place for women. According to Elizabeth Sandford, “domestic life is the chief sphere of her influence; and domestic comfort is the greatest benefit she confers upon society: for happiness is almost an element of virtue; and nothing conduces more to improve the character of men than domestic peace.” Lydia Marie Child explained that “every effort should be made to make the home as pleasant as possible.” This was her obligation as a wife, mother, sister, daughter, but most importantly, as a woman.<sup>112</sup>

Paid occupations were limited for women, according to Nancy Cott, and many emphasized traditional domestic duties including housework, sewing, knitting, and school-teaching. Sandford argued that “her heart must be at home. She...must find her pleasure as well as her occupation in the sphere which is assigned to her.” Women were charged with running the activities that took place in the home. While she was given this duty, it must not be assumed

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<sup>111</sup> Mary Beth Norton, *Liberty’s Daughters*, 8, 34, 155; Barbara Welter, “The Cult of True Womanhood: 1820-1860,” *American Quarterly* 18, no. 2 (Summer 1966): 151.

<sup>112</sup> Elizabeth (Poole) Sandford, *Woman in her Social and Domestic Character*, 3<sup>rd</sup> ed. (London: Longman, Rees, Orme, Brown, Green, & Longman, 1833), 2; Lydia Marie Child, *The Mother’s Book*, 6<sup>th</sup> ed. (New York, 1844), 156; Barbra Welter, 152.

that she attained any superiority over her husband. Her status was still secondary in the patriarchal structure that existed during this period. “Female exertion should always be strictly subordinate,” Sandford argued. However, conflicting with herself, Sandford continued by stating that “much comfort of married life depends upon the lady; a great deal more perhaps, than she is aware of.” So while married women may hold a subordinate role, she had the greatest influence within the domestic sphere, almost one of superiority.<sup>113</sup> The “most important duty of the Christian wife...” was “to render the home of her husband a place of rest from the toils of business – of comforts amid the disappointments of life – of cheerful recreation amid its cares – it should be especially her effort to make it the *residence of purity and piety*.”<sup>114</sup>

Women were out of place in the world beyond the household, while men were not comfortable in the realm of domestic affairs. She was to “be the light, the joy, the salvation, of her husband and household.” A woman was to ensure the “the comfort and happiness of her dependents and servants” and show “patience in teaching them their duties.”<sup>115</sup> As Mary Norcott Bryan detailed, her grandmother was a mistress of a southern plantation household. She described her as having a very busy life, charged with the care and responsibility of many slaves. Mary’s grandmother was in charge of “teaching” her slaves “truth and honesty, watching over the sick, and entertaining strangers. No life of ease I assure you, was that of the Mistress of a

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<sup>113</sup> Elizabeth (Poole) Sandford, 206, 213, 221; Nancy F. Cott, *The Bonds of Womanhood*, 6; Mary Beth Norton, *Liberty’s Daughters*, 3, 5.

<sup>114</sup> Aldert Smedes, “*She Hath Done What She Could*,” or the *Duty and Responsibility of Woman; a Sermon, Preached in the Chapel of St. Mary’s School, by the Rector, and Printed for the Pupils at Their Request*, reprinted for the University of North Carolina at Chapel Hill, Documenting the American South, <http://docsouth.unc.edu/nc/smeadesa/smeadesa.html> (accessed February 26, 2007), 9.

<sup>115</sup> Aldert Smedes, 10.

large plantation, her purse was ever opened to the distressed, her hospitable doors were never closed.”<sup>116</sup>

The primary occupation for women, both married and unmarried, was centered around the household. The prescriptive literature of the era suggests, as Elizabeth Sandford stated, that “domestic life is a woman’s province, and it is there that she most usefully as well as most appropriately employed.” Spinning, sewing, and other forms of household activities became a physical representation of a woman’s femininity. Child argued that “everyone ought to know how to sew, and knit, and mend, and cook, and superintend a household.” She also suggested that by the “age of nine or ten,” a daughter “should be accustomed to take some regular share in household duties, and to feel responsible for the manner in which it is done.” Mary Norcott Bryan noted that she “learned to sew by making the babies I had named clothes, and I am not ashamed even now of my sewing. This era of sewing machines has in a great measure ruled out the old-fashioned hem-stitching, over-casting, herin-boning, darning, and so on.” Women found a means to turn their traditional domestic activities into paid occupations. Industrial and manufacturing improvements, as Bryan alluded to, made these types of occupations easier for women. An advertisement for a spinning machine invented in New York stated that “its operation is so easy and natural that those acquainted with spinning can use it immediately; the inexperienced may learn in half a day.”<sup>117</sup>

In other cases, some married women helped their husbands run a business, as was the case of Mary Port Macklin. She was born on August 6, 1751. Her mother passed away in 1768,

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<sup>116</sup> Mary Norcott Bryan, *A Grandmothers Recollections of Dixie*, reprinted for the University of North Carolina at Chapel Hill, Documenting the American South, <http://docsouth.unc.edu/fpn/bryan/bryan.html> (accessed February 25, 2007), 5.

<sup>117</sup> Mary Norcott Bryan, 11; Elizabeth (Poole) Sandford, 5; Lydia Marie Child, 146-147; Nancy F. Cott, *The Bonds of Womanhood*, 26, 27; Mary Beth Norton, *Liberty’s Daughters*, 18; *Boston Monthly Magazine*, vol. I, 1825, 36.



followed by her father in 1770, upon which she and her sister Sarah were willed the “household fortune” which was “to be Equally Divided Betw my to Sed Children.” As a result of a marriage proposed by her caregivers, Mary was supposed to marry Captain Robert Adams, a man old enough to be her father. However, Mary felt that though she was “obligated to obey my Cergers...it would son cary mee to the Grave.” Instead, at the urging of John Macklin, who was determined to have her as his wife, Mary disobeyed her caregivers. She and John Macklin were married on November 29, 1771. As a result and with obvious disappointment, one of her caregivers said, “well Child you have made your Beed and you must lay on it.”<sup>118</sup>

The Macklin’s moved to Charleston with the intent to open a “Poffumery,” but John changed his mind when he saw the Charlotte, a boat, on the river. He believed, according to Mary, that it would make a great gathering place. It became a floating eatery she ran with John, happily for three years, until the British entered Charleston Harbor. According to Mary, everyone was required to take an oath to be subjects to the “American Lays,” but John refused. He said he would not take such an oath for “he would never Rise his hand against King George and Great Britain.” Under coverture, Mary was subject to the decisions made by her husband, even though she ran the business with him. As a result of John’s loyalty to the British crown, everything the Macklin’s had was “seized and sold by auction.” He and several other men were then ordered out of Charleston. Mary and John moved to St. Augustine, Florida. Though they arrived in Florida with no money and in search of a “livehoud,” Mary wrote that she would never have forgiven John if he gave in to “American Lays.”<sup>119</sup>

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<sup>118</sup> Mary Port Macklin (1751-1823?), *Memoir of an English Loyalist Woman About her Experiences in Charleston and St. Augustine During the American Revolution*, Photocopy, Florida Manuscript Collection, 00, 536, pp. 1-13. This is a photocopy of the originally document, which is too brittle to touch.

<sup>119</sup> *Ibid.*, 20-24.

While Mary helped her husband run the floating eatery, she was still subject to the laws of coverture and her duties were, arguably, of a domestic nature. Since it was an eatery, she likely prepared meals and entertained guests, just as Mary Norcott Bryan's grandmother did as a plantation mistress. Domesticity became the vocation that defined womanhood and classed all women together. Motherhood became the primary responsibility of the vocation. As a result, according to Nancy Cott, a woman's purpose was to "stabilize society by generating and regenerating moral character." Therefore, female education began to become of greater importance, though significantly different from male education. "The time has passed when the female sex, 'that fairer portion of creation,' were classed in a subordinate rank of intellectual existence."<sup>120</sup>

Numerous magazine articles and other literature written specifically for the female reader began to emerge during the post-Revolutionary time period that questioned the status of women's vocation. "The age of barbarism has past, and with it the notion that woman was fit only to be the slave of man." She was in charge of the domestic sphere and her "duties" differed from those of her husband. While he was "to provide for those he had left at home and to protect them from the evils of the world," she was responsible for the maintenance of the household. "God has appointed them each a separate sphere and bestowed on each peculiar qualities of mind and heart to fit them for their duty. It is no more the business of women to lead our armies, to vote at the ballot-box, or to wrangle on a public rostrum, than it is for a man to darn stockings, nurse children, or superintend a kitchen." Therefore, it was important for women's education to be consistent with the duties she would perform. "Women should be educated with an eye to being, not only useful, but a graceful and accomplished being." The real duties of a woman were to be both help-mate and mother. In order to educate her children, she herself must be educated.

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<sup>120</sup> Nancy F. Cott, *The Bonds of Womanhood*, 97-99; *American Ladies Magazine*, Boston, March 1828, 123.

She must be taught those things which pertained to her sphere in society. She must possess information on every subject of daily life. “It is almost incredible how many of our principles in later life can be traced back to impressions received in childhood.” Women were only taught, at this time, things which made her a “toy”. Reform in female education was needed for the benefit of the new budding republic.<sup>121</sup>

### Women and Education

After the revolution one of the primary responsibilities women had was to raise virtuous and patriotic children. The “influence” she exerted “on the minds and hearts of the young,” as Lydia Marie Child wrote, was one of a woman’s most important domestic duties. Elizabeth Sandford agreed, writing that “the most anxious, if not the most important, duty of married life is that which is due to children; and which, in their early years, principally devolves upon the mother.” During the colonial period, once children were old enough, they began to move into the sphere of the parent of the same sex. Daughters became more aware of the responsibilities of the mother, while sons moved into the public sphere of their father. A daughter became her mother’s helper, learning the role she would eventually encompass, and the bond that grew between them began early. They looked to each other for advice and support. During this period, the educational opportunities outside for women were lacking, and most who received any education were likely tutored at home or self-taught.<sup>122</sup>

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<sup>121</sup> *The Lady’s World of Fashion*, vol. I (Philadelphia: Charles J. Peterson, May 1842), 156-157.

<sup>122</sup> Mary Beth Norton, *Liberty’s Daughters*, 102-105; Nancy F. Cott, *The Bonds of Womanhood*, 112; Lydia Marie Child, vii ; Elizabeth (Poole) Sandford, 219.

In the pre-Revolutionary era, public schools discriminated against girls, because formal education for females was deemed unnecessary. Their primary function being domesticity, formal education was seen as a threat. However, during the post-Revolutionary era, given the new emphasis on women's role as a child's first educator, the formal education of women grew in importance. This was an essential development in the evolution of female status. During this era there was also an increase in prescriptive literature geared towards women. The literature ranged from explaining the proper duties of a mother to the overall importance of female education to the future of the republic. Much of the commentary about women and their proper role could be found in novels and in the fiction and essays of the growing number of magazines.<sup>123</sup>

A child's education began early and the new ideology of domesticity made this an obligation of mothers. "It's a good sign of the advance of society when attention is paid to the education of women," Sandford explained. "The increased attention bestowed upon the female improvement is a proof of the superiority of the modern to the ancient civilized world," she continued. "The happiness of society and good of mankind depends on the education of its individuals." Mothers, therefore, needed to be properly educated, and improving their level of education was key. As Sandford explained, education did not make a woman "unfeminine."<sup>124</sup>

The mother was a child's "first instructor." Society must acknowledge "the vast importance of the influence which the female sex exerts on the intellectual character of the community. It is in its moral effects on the mind and the heart of man, that the influence of

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<sup>123</sup> Nancy F. Cott, *The Bonds of Womanhood*, 102; Mary Beth Norton, *Liberty's Daughters*, 256, 263-265; *The Lady's World of Fashion*, 156-157.

<sup>124</sup> Linda K. Kerber, *Women of the Republic*, 189; Mary Beth Norton, *Liberty's Daughters*, 257; Nancy F. Cott, *The Bonds of Womanhood*, 103-105; Marie LePrince de Beaumont, *The Young Misses Magazine*, 5<sup>th</sup> ed. (London, 1793), v; Elizabeth (Poole) Sandford, 171, 177.

women is most powerful and important.”<sup>125</sup> “In no country have the intrinsic advantages of education, and the opportunities for cultivating the mental faculties, been more equally divided between boys and girls, than in the United States.”<sup>126</sup> “Perhaps no experiment will have an influence more important on the character and happiness of our society, than the granting to females the advantages of a systematic and thorough education.”<sup>127</sup>

As the “first instructors,” mothers were in charge of educating future generations. The “care of her own health” during pregnancy was her “first duty to her child.” This period was thought of as both joyous and stressful. It was important for women to remain active during pregnancy, though the nature of the activity was to be considerably less vigorous. Wearing a corset during pregnancy was frowned upon because it could place “undue pressure” on the mother and could even cause a “miscarriage or defects at birth,” therefore it was often recommended to suspend its use. Mothers were also encouraged to follow a “simple diet.”<sup>128</sup>

A mother was thought to be the “most powerful influence” on the “formation” of a child’s “character,” according to John Stevens Cabot Abbot. Because her conduct alone should “command the respect and admiration of her children,” he argued, “she must instruct by example.” Child explained that “gentleness, patience, and love are almost everything in education; especially to those helpless little creatures, who have just entered into a world where everything is new and strange to them.” It is arguable that one source of George Washington’s

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<sup>125</sup> Ebenezer Bailey, ed., *The Young Ladies Class Book: A Selection of Lessons for Reading in Prose and Verse* (Boston, 1831), 165.

<sup>126</sup> *Boston Monthly Magazine*, 1825, 131-132.

<sup>127</sup> *American Ladies Magazine*, January 1828, 1.

<sup>128</sup> Ebenezer Bailey, ed., 165; Emma Willard, *An Address to the Public; Particularly to the Members of the Legislature of New York, Proposing A Plan for Improving female Education*, 2<sup>nd</sup> ed. (Middlebury: J.W. Copeland, 1819), 6; John Stevens, *The Advantages which Man Derives from Women* (Hartford, 1815), 8; *The American Lady’s Medical Pocket-book, and Nursery Advisor* (Philadelphia, 1833), 113, 118, 119, 125.

greatnesses was that he “had a mother who made him a good boy, and instilled into his heart those principles, which raised him to be the benefactor of his country and one of the brightest ornaments of the world.” She taught him the “principles of obedience, moral, courage, and virtue.” She “formed the character of Hero and Statesmen.” While “it may be the most powerful influence,” Abbot contended, “a mother’s influence” was “not the only influence.” However, if a mother expected the father to enforce obedience and he did not, Abbot further noted, children would only “learn lessons of disobedience.” The resultant “character” was that of “insubordination.”<sup>129</sup>

How to govern the child in a manner to secure their virtue and happiness was a very important question mothers faced during the post-Revolutionary era. The two most important factors to consider, Abbot argued, were that “obedience” was “essential to proper family government” and “how the habit of obedience” would be “established.” Without obedience, he suggested, all other actions would be ineffective. It was crucial for children to be taught to obey their mother. Therefore, it was also imperative that a mother “never give a command” that was not also enforced. Essentially, a husband and child should submit to the domestic authority of their wife and/or mother.<sup>130</sup>

The authority used should be “sufficient to enforce prompt obedience, whether the child can see the reason” for it or not, according to Abbot. Children, he argued, “must become accustomed to immediate and cheerful acquiescence to a mother’s will.” A mother could spend “one-third of the time” taking “care of an orderly family” that she would spend taking “care of a disorderly one.” Child explained that “whatever a mother says, always *must* be done.” While

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<sup>129</sup> John Stevens Cabot Abbot, *The Mother at Home*, 2<sup>nd</sup> ed. (Boston: Crocker & Brewster, 1833), 14-17, 64-66; Lydia Marie Child, 2.

<sup>130</sup> John Stevens Cabot Abbot, 27-41.

disciplining a child could be hard, if a mother backed down from this responsibility she only exposed herself, according to Abbot, to the “sad train of woes, which disobedient children leave behind.” The instillation of obedience early in life was the “foundation of all good management,” according to Child.<sup>131</sup>

Among other lessons women were taught was that children should “never” be punished when they had “not intentionally done wrong.” Abbot noted that the “parent has all the power,” and she could become a “relentless tyrant.” She must, however, realize that a child was never “too young to obey.” According to Abbot, a mother could be very creative in making up reasons for “neglecting” their duty to their children (i.e. they are “too young” or “too sick”) but she was to always teach obedience.<sup>132</sup>

Abbot suggested that a mother “established” her authority “over a child” as soon as the child was “able to understand a command,” even if the command was “expressed by looks or gestures” instead of words. If they were verbal commands, they should be “reasonable, and given in perfect kindness,” Child suggested. This must occur at a much earlier age than originally believed. A mother, however, must not discipline with “too much severity.” She should not be “affectionate” or “mild,” but rather “punish them in sorrow...not in anger.” Abbot contended that “children” knew that their mother did “not love to punish.” Instead, he noted, “children should be governed by kindness, but when kindness fails and disobedience ensues, let a mother not hesitate...to...punish as severely as is necessary.”<sup>133</sup>

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<sup>131</sup> Ibid., 30-41; Lydia Marie Child, 26-27.

<sup>132</sup> John Stevens Cabot Abbot, 53-58.

<sup>133</sup> Ibid., 60-61; Lydia Marie Child, 46.

It was during this era that there was an increase in the importance of motherhood in the familial environment. Mothers had the most influence over future generations. According to Abbot, more often than not, the “first six or seven years” greatly affected the formation of one’s character. “When our land is filled with virtuous and patriotic mothers, then it will be filled with virtuous and patriotic men.” She was “the world’s redeeming influence.”<sup>134</sup> A “mother should keep her own spirit in tranquility and purity” for the state of a mother affects the child. The first rule a mother must follow is to “govern her own feelings and keep her heart and conscious pure.” She is charged with the “entire care of her own child.”<sup>135</sup>

Mothers were given specific instructions on how to act and behave around children in order to ensure her child’s protection and happiness. Emphasizing a “calm state,” Child suggested that a “mother’s own feelings have much to do with the affections of the child.” She further suggested that mothers should pay special attention to “every look, every movement, every expression” for they all have an effect on the formation of “the character of the little heir to immortal life.”<sup>136</sup>

Child’s advice book reiterated the bond that should be built between a mother and a daughter. She urged mothers not only to encourage daughters to be literate and show a love for books, but to also show daughters traditional domestic duties including “at which end you begin to grate nutmeg” and that “sewing a wristband on the sleeve before the sleeve is sewed...is more manageable.” Child argued that “if a girl feels interested in nothing but books, she will in all probability be useless, or nearly so, in all the relations dearest to a good woman’s heart; if, on

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<sup>134</sup> John Stevens Cabot Abbot, 147-148.

<sup>135</sup> Lydia Marie Child, 3-4.

<sup>136</sup> *Ibid.*, 6-9.



the other hand, she gives all her attention to household matters, she will become a mere drudge, and will lose many valuable sources of enjoyment and usefulness.” There must be a balance between literary desires and domestic responsibility because “a great mind can attend to little things, but a little mind cannot attend to great things.”<sup>137</sup>

A mother’s influence upon her daughter was “extremely critical” between the ages of twelve and sixteen. “As much as possible, she should keep a daughter *under her own eye*; and, above all things, she should encourage *entire confidence towards herself*.” By the time children turn twelve, they should begin to account for everything they receive and spend. This habit is especially beneficial for daughters – when they become wives “this habit will enable her to conform more easily to her husband’s income.”<sup>138</sup>

However, Abbot contended that men were not excused from their “share of responsibility to the family.” He argued that men must “lead our families toward the will of God, be a consult for the spiritual welfare of our neighbors, and do all in our power to evangelize the world.” It was also the responsibility of the father to instill in his children the philosophy of “honoring” their mother.<sup>139</sup> General D.L. Clinch was an example of a father who encouraged the education of his sons and demanded that his sons respect their professors. He urged them to “value their future prosperity and standing within society” and to “pay great respect to Col. And Mrs. Peyton and your professors.” He encouraged them to be religious as well, pushing them to “read” the “bible regularly” in order to “find both instruction and comfort.” He asked them to “be kind and polite to all and may God give you strength and firmness enough to live virtuously and make

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<sup>137</sup> Ibid., 21.

<sup>138</sup> Ibid., 130-135.

<sup>139</sup> John Stevens Cabot Abbot, 150-152.

good and useful members of society.” Finally he encouraged them to begin accounting for all expenses stating that “there is hardly any habit so useful to a student or in fact to anyone as that of keeping account of every cent they spend.”<sup>140</sup>

Since women bore the primary responsibility for the education of children and school-teaching as an occupation for women increased in popularity, schools specifically for the education of women began to emerge. Elizabeth Sandford stressed that “the education of women should, of course, be strictly feminine.” In an advertisement for female boarding schools, it was stressed that young ladies who attend would be given lessons in “Nuns Work, Embroidery in Silk, . . . , Painting in Water Colours and Mezzotints.” Making a female a proper lady and wife seemed to be the basis of a young ladies education at the end of the eighteenth century. The teaching of reading, writing, and arithmetic was an after-thought of the advertisement, seemingly of less importance.<sup>141</sup>

Many articles and books focusing on the necessity to improve female education began to emerge during the years after the Revolution. Speeches at the new academies spoke to the importance of female education. In an address to the Young Ladies Academy in Philadelphia in 1787, Samuel Magaw emphasized that “education is, unquestionably, a matter of great importance in human society.” At the time, schools and academies were meant for the education of boys, female instruction was very limited. However “female minds are capable of great improvement, . . . the benefit and satisfaction that must arise from such improvement, are obvious

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<sup>140</sup> General D.L. Clinch Papers, Copy of letter from D.L Clinch to Sons, December 7, 1846, and Copy of Letter from D.L. Clinch to son Nicholas Clinch, April 22, 1847, Florida Manuscript Collection, 99, 020, Folder 4. Clinch often wrote in his letters that he wanted his sons to “live virtuously and make good and useful members of society.” Recording of expenses is a theme found in women’s education as well, for women often bore the responsibility of the economics of the household. This would suggest that it was important for men to also be involved in the household finances. In the letter to his son Nicholas, Clinch is reacting to a bill of college expenses he received in the amount of \$575. Feeling that was a large amount, he was requesting that his son keep a record of all expenses.

<sup>141</sup> Elizabeth (Poole) Sandford, 177; Advertisements in *Virginia Gazette*, February 27, 1772, and December 27, 1776, reprinted in Berkin and Horowitz, eds., *Women’s Voices, Women’s Lives*, 122 – 123.

to all.” One fear of female education was that it would lead to an increase in female “rebellion,” but as Rev. Magaw noted, “Seminaries for ladies” would not “abandon” the “watchful eye of the father or the sensible nature of the mother,” therefore “rebellion” would not ensue. Female education, he believed, should be “conducted almost in the same way with that of boys.” Until the post-Revolutionary period there was virtually no institution with the “express purpose of educating young ladies.” However, at the very least ladies should be taught to “read correctly and write well.” They should also be “taught basic math” for the purpose of “keeping accounts.” It was the goal of this ladies academy, Rev. Magaw noted, to turn young ladies into “sensible, virtuous, sweet-tempered women.”<sup>142</sup>

Mary Norcott Bryan wrote that she “had led...a happy...life,” however her education was “sadly neglected.” When she was thirteen she was put in boarding school while her mother was recovering from a “severe attack of illness.” She described her time at boarding school as being very “sad indeed. The teacher became offended with me in some way and made my life miserable. She told some of the girls I was not in good health, and if I died, she had decided what dress to put on me.” While this was not a positive educational experience for Mary, she found her “most delightful experience” in her school life in Washington City. At this school she “attended President Buchanan’s levees, admired Miss Lane’s graciousness, took walks to the Capitol and heard great speeches, and went to art galleries, and best of all had informal soiree every month at the school, to which our sweethearts always managed to come.” After her schooling ended she “became a young lady.” She stated that “life held nothing but roses and

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<sup>142</sup> Rev. Samuel Magaw, *An Address, Delivered in the Young Ladies Academy, at Philadelphia, on February 8<sup>th</sup>, 1787. At the Close of a Public Examination. By Rev. Samuel Magaw, D.D. Rector of St. Paul’s Church, and Vice-Provost of the University of Pennsylvania* (Philadelphia: Thomas Dobson, bookseller, 1787), 5-14.

sunshine for me, and with the most indulgent and intelligent Mother in the world, I had nothing to desire.”<sup>143</sup>

Female education was meant to prepare women for their roles as wife and mother, as evidenced by Mary Norcott Bryan’s recollection. According to Almira Lincoln Phelps, “the true end of education is to prepare the young for the active duties of life.” She believed that the mother was meant to improve the minds of her children. Julius Rockwell contended that “education of American citizens must have regard for the duties of American citizens, therefore the institute of female instruction should naturally lead to some brief consideration of *the duties of American Women*, for which this education is to prepare them.” Phelps argued that though women seemed “destined to a limited and subordinate sphere,” there had been a lot “written on the most proper mode of conducting female education.”<sup>144</sup>

The new role for women as mothers who were to send strong, republican children into the world suggests the overall importance during the early nineteenth century for female education outside the home at institutions or academies. While the mother was thought to be the best person to educate daughters, “the anxiety of this may be injurious to the child.” Though it would seem that a young lady would “blossom into maturity” under the tutelage of her mother, “a girl always kept at home is awkward and constrained in her manners, often selfish and unamiable in her disposition, and ignorant of the customs of society.” Even though a mother may have been capable of educating her daughters, she had other domestic duties to attend to. “As a wife, she must share in the cares and anxieties of her husband; as mistress of a family she

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<sup>143</sup> Mary Norcott Bryan, 20-22.

<sup>144</sup> Almira (Hart) Lincoln Phelps, *Lectures to Young Ladies Comprising Outlines and Applications of the Different Branches of Female Education* (Boston: Carter, Hendee & Co., 1833), 25-26, 33, 39; Julius Rockwell, *Address, Delivered at the Pittsfield Young Ladies’ Institute, July 5, 1847, on the Education of American Women* (Pittsfield, MA, printed for the institute, 1847), 6.

must direct its internal concerns;” she also has societal claims in the form of “time taken up by a friendly visit, a ceremonious call, or an appeal to charity.” Therefore, Phelps argued, it was difficult for women to devote the proper amount of time and energy to the educational needs of her daughter. Instead she believed that it was essential for a young lady to receive her education outside the home, so that she may develop her own ideas and learn how to handle situations when her interests may not agree with others.<sup>145</sup>

During the early Republic it was evident, according to Rockwell, that a greater emphasis was placed on the education of boys then girls. Traditionally, as Phelps stated, it was thought that “learning was of little use to women, as it would tend to lead them from their own sphere of domestic duties, and thus prove injurious to the interest of society.” But new domestic duties required girls and young ladies to have some type of education. With the establishment of Normal Schools, Rockwell argued, education became a benefit “shared by both sexes.” He believed that an educated woman should not be feared, for “she can only educate his spirit to be its own guardian.” A well educated woman was as much a “blessing to the Republic” as a well educated man. Rockwell contended that “as civilization progresses, everywhere, the relic of barbarous and feudal ages, which gave all the paternal property to the son, is passing away; so should pass away the discrimination which gave all the education to the son, to the manifest wrong of the daughter.” He stated that women who were the “most efficient advocates, and the truest examples of the domestic virtues” also produced writings which had the “highest intellectual character.” Phelps, showing her support of improved female education stated that “neither the right of holding slaves or keeping them in ignorance is now claimed; it is wholly a matter of *expediency*. The rights which the stronger sex possess of keeping the weaker sex in a

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<sup>145</sup> Almira (Hart) Lincoln Phelps, 33-36.

state of intellectual bondage and darkness is no less questionable.” In her lectures to Young Ladies, she stressed to her “dear pupils,” that “the whole tenor of your own lives be a constant refutation of the degrading assertion that ‘*woman must be ignorant in order to be useful.*’”<sup>146</sup>

Young ladies’ education was among the topics found in magazines geared toward women. Much of the commentary suggested a need for female academies and overall improvement in the level of education offered. The editor of *The Ladies Mentor* wondered “when will our legislators provide for the education of female youth with that prospective wisdom which leads them to endow colleges and seminaries for young men?” The editor argued that in order for women to “posses this wisdom they must have the opportunity of cultivating their minds as well as their hearts; they must possess a knowledge of their capacities and duties, as well as the feelings and inclination which will prompt them to pursue the right way.” Women must, therefore, have the opportunity to learn through the use of schools and books. As more women became educated their influence became more important and they then could become the “sole teachers of their own sex.”<sup>147</sup> Samuel L. Knapp, editor of the *Boston Monthly Magazine* questioned “if the matrons of Rome formed the character and directed the pursuits of the mighty men of that great republic, shall not our mothers, wives, and daughters, have an influence on the mind and character of the generations fast advancing to take our places?”<sup>148</sup>

The new ideology that evolved after the Revolution created a political role for women though it was a role centered around traditional domestic duties of wife and mother. What had been created was a mother whose domestic behavior became her political role, bearing the

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<sup>146</sup> Ibid. 39-41; Julius Rockwell, 9, 10, 33-36.

<sup>147</sup> *The Ladies Mentor*, January 1837, 45, 47.

<sup>148</sup> Samuel L. Knapp, ed., *Boston Monthly Magazine*, June 1825, 2.

responsibility of shaping patriotic citizens. Motherhood, therefore, defined a woman's political role. However, her success depended primarily on the level of her education. It was only natural to assume that the increased responsibilities of mothers to the virtue of future generations would lead to an expansion of the level of educational opportunities for women.<sup>149</sup>

Through their familial role, women gained a sense of public participation, though their public voice was still silenced and disenfranchised. Though it was limited in expanding the scope of women's public behavior, Republican Motherhood provided women with a justification to intertwine their domestic sphere with their husband's public sphere. At the center of this was "their duty to instill into" their children's "minds the principles of useful knowledge," and this was a responsibility that, like marriage, was "not to be neglected." Dependent children were often at home and the earlier a woman married meant she was likely to have more children. As a result, motherhood defined a woman's citizenship and, therefore, her obligation to society.<sup>150</sup>

Relationships, like that between a mother and a child, became an indispensable part of women's lives. Friendships with other women also began to grow in importance. While, as Nancy Cott contended, women thought highly of their sphere, they also found enjoyment in the sisterhood it created. Cott argued that it was the "consciousness of their definition according to sex," that shaped the ideology in favor of "women's rights." Elizabeth Cady Stanton stated that "womanhood is the primal fact, wifehood and motherhood its incidents." As women were grouped together on the basis of their sex, Cott contended, they began to see the limitations of

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<sup>149</sup> Jan Lewis, "The Republican Wife: Virtue and Seduction in the Early Republic," *William and Mary Quarterly* 44, no. 4 (Oct., 1987), 711; Linda K. Kerber, "The Republican Mother," 188, 202; Joan R. Gunderson, *To Be Useful to the World: Women in Revolutionary America, 1740-1790* (New York: Twayne Publishers, 1996), 169-174.

<sup>150</sup> Joan R. Gunderson, 172-173; "Matrimony," *Ladies Afternoon Visitor*, vol. 1, no. 4, Boston, December 25, 1806, 14-15; Mary Beth Norton, *Liberty's Daughters*, 71; Linda K. Kerber, *Women of the Republic*, 288.

their sphere. In this sense, the Revolution was revolutionary for women. The ideology of the Revolution combined with educational improvements for women provided the foundations for what would become the women's rights movement of the mid-nineteenth century.<sup>151</sup>

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<sup>151</sup> Mary Beth Norton, *Liberty's Daughters*, 105, 108, 299; Nancy F. Cott, *The Bonds of Womanhood*, 168, 187-188, 190, 196, 201, 206; Elizabeth Cady Stanton as quoted in Nancy F. Cott, *The Bonds of Womanhood*, 206.



## CHAPTER FOUR AMERICAN WOMEN AND ORGANIZATION

Not only do organizations offer visible evidence of women's historical activity, their existence challenges the notion that nineteenth-century society successfully excluded women from the public realm.<sup>152</sup>

Prior to the Revolution, as Linda Kerber explained, boycotts became a means to “politicize” the “household economy” and a reason to formulate a “political language that explicitly included women.” Kerber suggested that colonial women used the petition and participated in boycotts as a way to emulate the biblical Esther. In this manner women could display political behavior and, however limited it may have been, impact the public sphere. “Instead of being targets of crowds,” Mary Beth Norton suggested, women “actively participated in them.” However, Norton argued, women's use of the petition and participation in boycotts did not threaten the traditional “boundaries of the feminine sphere.”<sup>153</sup>

Women have expressed their patriotism in a variety of ways. Their participation was often critical to the success of petitions and boycotts against Great Britain and British goods, though their actions were still of a domestic nature. In 1789, Esther DeBerdt Reed urged women to act while at the same time showed society that a woman expressing her patriotism was not unfeminine. Women, she argued, wanted to do more and “contribute as much as could depend on them, to the deliverance of this country.” Women had been detrimental to the success of “so many famous sieges,” she insisted. Her call was to the women to support Washington's soldiers. She suggested that instead of spending money on superficial material items, the money would be better spent on relief for the soldiers. She urged women to prepare “the linen intended for the

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<sup>152</sup> Anne M. Boylan, “Timid Girls, Venerable Widows, and Dignified Matrons: Life Cycle Patterns Among Organized Women in New York and Boston, 1797-1840,” *American Quarterly* 38, no. 5 (Winter 1986): 779.

<sup>153</sup> Linda K. Kerber, *Women of the Republic*, 41, 85, 99; Mary Beth Norton, *Liberty's Daughters*, 157, 163.

use of our soldiers.” This was woman’s way to support “our brave deliverers.” As a result of this call, Reed, along with Sally Franklin Bache, mobilized women, utilizing their domestic skills to make, according to Gary B. Nash, around “2,200 shirts for...the soldiers.”<sup>154</sup>

Women’s activism during the Revolution was not a new trend. Many women found their political voice when they “joined and sometimes organized food riots.” Again, these were responses of a domestic nature often done “to protest shortages of staples or rising prices.” Other instances were used to protest taxes and clothing manufacturers. Women had a significant role in the tea boycotts during the 1770’s. When the Townshend duties were passed in 1767, “Ladies” joined together to boycott the use of tea. Since it was the “most popular drink in eighteenth-century colonial society,” a protest of this nature was sure to have ramifications. Therefore, a group of one hundred ladies came together to join “the very respectable body of merchants and other inhabitants of the town,..., totally to abstain from the use of Tea.” They agreed to participate in the boycott until “the Late Revenue Acts are Repealed.”<sup>155</sup> Women were major consumers in colonial America and their participation in boycotts provided them with a limited political voice. In reference to women’s participation in the tea boycotts, Sarah Grimke noted that women were as important to the fight for independence as men. She stated that “Foreign elegances were laid aside, and they cheerfully abstained from luxuries for their tables.”<sup>156</sup>

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<sup>154</sup> Esther DeBerdt Reed, “The Sentiments of an American Woman,” (broadside; June 10, 1780), *Pennsylvania Magazine of History and Biography* 18, no. 18 (1894), pp. 361-366 reprinted in Berkin and Horowitz, eds., *Women’s Voices, Women’s Lives*, 163-165; Gary B. Nash, *The Unknown Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Penguin Books, 2005), 417-418.

<sup>155</sup> Carol Berkin and Leslie Horowitz, eds., 160-161; “A Copy of the Agreement of the Ladies of this Town, against drinking Tea, until the Revenue Acts are Repealed,” (January 31, 1776), *Boston Gazette*, February 12, 1770, reprinted in Berkin and Horowitz, eds., *Women’s Voices, Women’s Lives*, 179-180.

<sup>156</sup> Sarah Moore Grimke, *Letters on the Equality of the Sexes, and the Condition of Women: Addressed to Mary S. Parker, President of the Boston Female Anti-Slavery Society* (Boston: Published by Isaac Knapp, 1838), 59.

It was a voice that when organized together, could not be ignored. According to Nancy Cott, the feminine sphere “contained within itself a precondition for organized feminism.” The post-Revolutionary associations and organizations that formed were inherently domestic in nature; helping poor women, orphaned children, and widows for example. As Kerber suggested, they justified their development through the use of their traditional feminine behavior. Women were able to combine domesticity with the political domain traditionally inhabited by men. Separated into their own sphere, as Keith E. Melder noted, women “created new bonds” with other women; a “sisterhood” of friendships born out of the woman’s sphere.<sup>157</sup>

According to Melder, there were “at least six distinct types of sisterhood” that “flourished during the nineteenth century.” Familial relationships and friendships with other women were two forms of sisterhood he identified. He also suggest that women often developed close friendships with classmates at new “academies and seminaries” as well. The emerging religious movement helped to influence the sisterly ties. He argued that out of the Second Great Awakening, a “fourth form of sisterhood” developed among “converted women,” and “those seeking conversion.” Through the emergence “of this religious drama” came volunteer organizations whose work was done on behalf of “religious and benevolent causes.” Finally, he determined that relationships formed among women who found that wife and mother were not the only occupations available. Instead they found opportunities to become school-teachers and members of the manufacturing work force.<sup>158</sup>

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<sup>157</sup> Nancy F. Cott, *The Bonds of Womanhood*, 201; Linda K. Kerber, *Women of the Republic*, 112-113; Keith E. Melder, *Beginnings of Sisterhood: The American Woman’s Rights Movement, 1800-1850* (New York: Schocken Books, 1997), 30.

<sup>158</sup> Keith E. Melder, 30-31.

Nancy F. Cott agreed, arguing that the establishment of female academies and seminaries after the revolution was instrumental in the growth of a sisterhood among women. This new improved level of female education in connection with the emerging religious movement, according to Cott, led women on a path towards an even stronger bond of friendship. As a result, religion had prompted new leadership opportunities for women. Therefore, the church had become integral to the formation female friendships and organizations.<sup>159</sup>

Cott also agreed that “the sex-role division of the eighteenth century impelled women toward friendship and sisterhood with one another.” Accordingly she argued that domesticity and motherhood bonded women as a class. With the myriad of magazine articles emphasizing motherhood and the mother-daughter bond, it was only natural that a sisterhood formed as a result.<sup>160</sup>

Family ties and the bond among siblings was evident throughout the colonial period and well into the formative years of the early Republic. Hannah Adams was born in Medfield, eighteen miles from Boston. She felt her mother was an excellent woman and educated her “in all the habits of debilitating softness, which probably added to” her “constitutional want of bodily and mental firmness.” Her mother died when Hannah was only ten, an age when the education of daughters was believed to be of great importance. After her mother’s death, the major female figure in Hannah’s life was her older sister, Elizabeth. Hannah thought herself blessed to have a sister “who had similar tastes and sentiments,” while also acknowledging that they were completely opposite at the same time. Still Hannah spoke fondly of her sister, writing in her memoir that “she was my *guide*, my *friend*, my *earthly all*.” Their close relationship was

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<sup>159</sup> Nancy F. Cott, *The Bonds of Womanhood*, 171, 177-179.

<sup>160</sup> *Ibid.*, 168, 189.

especially evident upon Elizabeth's death. Worried about a life without Elizabeth, Hannah wrote that the "death of my beloved sister made me feel almost alone in the world. Our joys and sorrows, and all our interests were so closely blended, that I nearly identified her existence with my own."<sup>161</sup>

With improvements in the postal system, letter writing became an important means of keeping in touch with distant friends and family members. Often times women wrote letters to share news about work and family. They also wrote of their families' health and recreational activities.<sup>162</sup> It was an activity that was taken very seriously. The stationary women used was as important as what was written. Ellen Call Long commented that her "excuse for not writing sooner is so feminine that I hesitate to give it. I wanted more elegant stationary on which to write to you." Ironically the stationary used was not overly elegant.<sup>163</sup> Interestingly, women's rights activist Lucretia Mott made a similar comment on May 1, 1848 in a letter to Sydney Gay and Elizabeth Neall Gay. At the onset of the letter she wrote that "both your kind notes are before me. Not having as pretty paper in the house, as they are written on, I must answer you on such as we have."<sup>164</sup>

The relationships created as a result of motherhood, and the bond created out of the mother-daughter relationship, were formed during infancy. The closeness of this relationship is

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<sup>161</sup> Hannah Adams, *A Memoir of Miss Hannah Adams, Written by Herself, with Additional Notices, by a Friend* (Boston: Gray and Bowen, 1832), 2, 5-6, 8, 18. In her memoir, Miss Adams states that she was ten when her mother died, however, in the additional notices by a friend, it was stated that Miss Adams was eleven.

<sup>162</sup> Stacy Flanagan, "US Frigate CONSTELLATION," Pensacola, FL, Letter to his niece Emily, in care of John White, Bucks County Pennsylvania, July 9, 1838, Florida Manuscript Collection, 00, 115. Though this letter is from a man to his niece, it speaks volumes of what she must have written to him. He seemed to answer many questions and wrote that he was "happy to hear the family was in good health." He also wrote that he envied her "happiness when you speak of sleigh driving."

<sup>163</sup> Ellen Call Long, Letter to Edwin L. Green, Tallahassee, FL, December 12, year unknown, Florida Manuscript Collection, 00, 044.

<sup>164</sup> Beverly Wilson Palmer, ed., 162.

also evident in letters. Words expressing excitement, worry, or concern, along with requests for advice was prevalent in the correspondence referencing mothers and daughters. Eliza Clinch expressed concern for her mother when she requested that her younger brother “be a good and dear little son when we are all gone” because “mamma depends...on you.”<sup>165</sup> She referenced her “beloved” mother in another letter to John H. McIntosh, this time in a letter about her own children. She questioned if she and her mother had a similar experience after the birth of their children. She wrote that she “took cold in my heart, and for three weeks suffered the greatest agony from it.” She went on to say that she did “not know if my dear mother ever experienced the sufferings...if she has, she can form some idea of the excruciating pain it occasioned.”<sup>166</sup>

Letter writing among women was not the only means to which friendships were formed. Improvements in female education coupled with new academies and seminaries increased the potential for female friendships. Many of the new schools, according to Melder, were meant to create an environment where a sisterhood would grow. “Boarding schools,” according to Emma Willard, “whatever may be their defects, furnish the best mode of education provided for females.” She also believed that “feminine delicacy requires that girls should be educated chiefly by their own sex.” The girls who attended these schools established friendships with “both their classmates and their teachers,” Melder suggested. Cott found that the new female academies “promoted a sisterhood” because the students often looked to “one another for...support.”<sup>167</sup>

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<sup>165</sup> Eliza Clinch, Letter to dear little brother, General Clinch Family Correspondence, Florida Manuscript Collection, 99, 020, Folder 4.

<sup>166</sup> Eliza Clinch to John H. McIntosh, December 27, 1826, General Clinch Family Correspondence, Florida Manuscript Collection, 99, 020, Folder 4.

<sup>167</sup> Keith E. Melder, 33; Nancy F. Cott, *The Bonds of Womanhood*, 177; Emma Willard, 8.

While female schools fostered female friendships, so too did religion. According to Cott, the emerging emphasis on religion during the late eighteenth century paved the way for new “female friendship” possibilities. She suggested that the importance of the church became integral to the “shaping of...friendships.” Women could, according to Melder, “work for conversion and relief of the poor with little inconvenience and much satisfaction.”<sup>168</sup>

Sunday Schools and Sabbath Schools also began to emerge in the early nineteenth century as a result of the growing importance of religion and piety. The goal of Sunday School Unions was to improve “both in their morality and learning,” the lives of those less fortunate. These organizations sought to use religion as a means to educate the poor, orphans, and illiterate of all ages – anyone who may not have access to education or religion. The New York Sunday School Union Society determined that “pupils have improved their morals and deportment towards each other – better application to their books, and more affection and respect for those who have charge over them...” as a result of Sunday Schools.<sup>169</sup>

Educational and moral improvement of those who attended Sunday Schools was an important result seen by Sunday School Societies. In the “Second Annual Report of the New York ‘Female Union Society for the promotion of Sabbath Schools’” it was noted that “reformation in our streets must be apparent to everyone.” It was also stated that “the female associations have ‘covered those naked with a garment;’ their teachers have taught them to respect themselves,...and in numerous instances, have placed them in situations where they may become useful members in society.” As a result, “one white girl and three colored adults give us

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<sup>168</sup> Nancy F. Cott, *The Bonds of Womanhood*, 178-179; Keith E. Melder, 39.

<sup>169</sup> *The Sunday School Repository*, vol. 1, nos. 9 and 10, June and July 1817, 146, 151; *The Sunday School Repository*, vol. 2, April 1818, 32-33.

every reason to hope, that they have been brought from nature's darkness into the glorious light of the gospel."<sup>170</sup>

At times, organizations worked together. In an excerpt from a letter to the "Secretary of the New York Sunday School Society," information was requested about the books the society used. Information regarding the management of schools and the general operations of the society was also requested.<sup>171</sup> In another letter to the "Committee of the New York Female Union for the promotion of Sabbath Schools," it was commented that the writer "recognized" a "little girl" as a "Sunday Scholar; her blue vandyke designated the school which she attended." The writer assumed she was educated in the "Orphan Asylum" and that her clothes had been donated by the "ladies of the Dorcas Society" during one of their annual donations to the orphans. The writer believed that at the age of "two or three," the girl was found by her dead "mother's side." With her, there was a note that "indicated her name" and her parents wish that she be given into "the care of the Orphan Asylum." It was therefore, "by means of *three* female charitable institutions, the prayers of her dying mother are answered; - I might say four, for probably her Bible was furnished by the Female Bible Society."<sup>172</sup>

These Bible Schools often met "once a week, for the purpose of religious improvement," whereas benevolent societies often met once a month. Still, a sisterhood was promoted within these organizations. They challenged the boundaries of the traditional domestic sphere, while their activities were of a domestic nature. They were making clothes, providing services, and

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<sup>170</sup> *The Sunday School Repository*, vol. 2, April 1818, 30-31, 34.

<sup>171</sup> *The Sunday School Repository*, vol. 1, nos. 9 and 10, June and July 1817, 153.

<sup>172</sup> *The Sabbath School Repository and Teacher's Assistant*, vol. 1, no. 5, May 1832, 114-115.



promoting education for poor women and children. It was women helping women, and there was a level of satisfaction found in this.<sup>173</sup>

As a result of these new opportunities, women's associations formed in an effort to bond women together as a means to pursue group interests over individual interests. According to Anne M. Boylan, these associations and organizations challenged "women's relationship to politics," eventually leading to a movement that questioned a woman's inability to vote. Paula Baker noted that from "the time of the Revolution, women used, and sometimes pioneered, methods for influencing government from outside electoral channels." Women had, according to Baker, "fashioned significant public roles by working from the private sphere."<sup>174</sup>

During the late eighteenth century, Boylan argued, benevolent associations, designed to improve the lives of widows, orphans, prostitutes, and other poor women and children, were established. Most of these organizations still had a public presence well into the mid-nineteenth century.<sup>175</sup>

The Raleigh Female Benevolent Society was one such organization. The object of this society was

To raise a fund to be applied to the following purposes; to the relief of aged widows and other distressed females who may be considered fit objects of charity; to provide employment to such females as are able and willing to work, and who cannot meet with employers; to give articles of clothing to orphans and other

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<sup>173</sup> *The Sunday School Repository*, vol. 1, nos. 9 and 10, June and July 1817, 148; *Revised Constitution and By-Laws of the Raleigh Female Benevolent Society, Adopted July 32, 1823. With the Reports of the Society, from its Commencement*, reprinted for The University of North Carolina at Chapel Hill, Documenting the American South, <http://docsouth.unc.edu/nc/benevolent/benevolent.html> (accessed February 26, 2007), 3; Keith E. Melder, 39, 42.

<sup>174</sup> Anne M. Boylan, *The Origins of Women's Activism: New York and Boston, 1797-1840* (Chapel Hill: The University of North Carolina Press, 2002), 1-2; Anne M. Boylan, "Women and Politics in the Era Before Seneca Falls," *Journal of the Early Republic* 10, no. 3 (Autumn 1990): 363-364; Paula Baker, "The Domestication of Politics," 621.

<sup>175</sup> Anne M. Boylan, *The Origins of Women's Activism*, 17.

destitute children; to promote the education of poor children, and cause them to be instructed in some of the most useful domestic employments; to promote order and industry amongst the poorer classes of society; and to discourage idleness and vice as far as practicable.

Open to females, members paid one dollar annually. Lifetime membership was available, providing a payment of ten dollars was made.<sup>176</sup>

The Society was to “be managed by a Board of Directors, consisting of twenty Managers.” The officers, whose titles were the First Directress, Second Directress, Secretary, and Treasurer, were all considered members. These positions were “to be elected by ballot annually.” Quorum was met with the presence of “any five Managers,” one of which being either the “First or Second Directress.” The First Directress “presided” over meetings, however, in her absence, it became the “duty” of the Second Directress. The Secretary kept all meeting minutes of both “the *Society* at its annual meetings,” and “the *Board* at their several meetings.” The Treasurer was responsible for keeping “a regular account of all expenses and disbursements; to make Reports to the Board when called for, and to furnish Annual Reports.”<sup>177</sup>

Most members of early organizations were married or widowed, as was the case of the Raleigh Female Benevolent Society. Every Manager listed, including the Board of Directors, all carry the title Mrs. As in this instance, early leadership of organizations were often married or widowed as well. As Anne Boylan argued, “organized women...shared common assumptions about qualifications for leadership: that marriage was superior to singleness.” However, Boylan went on to argue that, due to coverture, a treasurer was often single or a widow. Since married women’s property belonged to her husband, organizations were skeptical of entrusting the position of treasurer to a married woman. Secretaries were often single or widowed as well. The

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<sup>176</sup> *Revised Constitution and By-Laws of the Raleigh Female Benevolent Society*, 3.

<sup>177</sup> *Ibid.*, 3-4.

only positions which usually required a woman to be married, according to Boylan, were those of First and Second Directress. By this standard, the Raleigh Female Benevolent Society's Treasurer, Mrs. F. Devereux, and Secretary, Mrs. M'Kethen, could be assumed to be widows, though their true marriage status is unknown. However, if there is any indication that this was in fact the case, the Managers pay respect to the "late Secretary- a loss which affects not the Society a one, but the community also, and one which will be long and deeply felt by the rich and the poor, by the grave and the gay."<sup>178</sup>

One of the main focuses of the Raleigh Female Benevolent Society was to "give their aid in teaching the rudiments of learning to such children as are under the care of Board Managers." According to the Treasurer's Report of July 29, 1822, society funds "established a School for education of poor female children." Instruction was offered five days per week, an increase from only two days the previous year, by a "very competent teacher." The twenty six students that attended the School were taught "reading, writing, and arithmetic," as well as a variety of "plain work," such as spinning and weaving. In general, the education was meant to teach the students how to be better members of society, therefore the students were "enable to repay..., some part of their debt to Society, while they are acquiring that knowledge which may rescue them from poverty, and render them useful and respectable in the humble sphere in which it has pleased God to place them." By 1823, education was still of great importance, believing it had improved the morals of the youth. "They have been taught what will be of advantage to them in time, and still more precious lessons which will point the way to eternity!"<sup>179</sup>

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<sup>178</sup> Anne M. Boylan, *The Origins of Women's Activism*, 57-59; *Revised Constitution and By-Laws of the Raleigh Female Benevolent Society*, 13.

<sup>179</sup> *Revised Constitution and By-Laws of the Raleigh Female Benevolent Society*, 4, 8, 10.

It was evident that rudimentary activities in traditional domestic, household work was also of importance. According to the Treasurer's Report of 1823, a large portion of the budget was given to pay for raw materials, spinning, weaving, knitting, and weaving fringe. By providing these "indigent females" with work and then paying them for that work, these women were more able to "assist their husbands in the performance of a sacred duty." According to the Managers Report of 1823, these women produced "164 pairs of stockings and socks," while the "charity scholars" manufactured "80 shirts." The beneficiaries of the manufactured goods were older women and widows, along with school children themselves.<sup>180</sup>

The organization of these societies suggested that women could act in a political nature. As Keith E. Melder argued, through "their typical characteristics of constitution-making, elective offices, and internal political life, these organizations were miniature democratic laboratories, teaching their members self-government." On July 8, 1817, a "society was formed in this city for the purpose of promoting Sabbath Schools." The city was New Haven, Connecticut. It was decided that the "ladies of New Haven, whose philanthropy has called this institution into existence, have the power of electing their own officers and making their own arrangements, while they co-operate and constitute an important part of this society." Women elected their own officers, or managers as they were often called, by casting ballots they could not cast in the traditional public sphere.<sup>181</sup>

Members of women's organizations also took responsibility for financial aspects of societies. Though the financial status of an organization was important to its success, Anne Boylan argued that the treasurer's reports were often found at the end of an organizations annual

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<sup>180</sup> Ibid., 9-10, 12.

<sup>181</sup> Keith E. Melder, 43; *The Sunday School Repository*, vol. 1, nos. 9 and 10, June and July 1817, 151-152; *Revised Constitution and By-Laws of the Raleigh Female Benevolent Society*, 3.

report, seemingly giving it little significance. However, by making the financial decisions of the organization, including how to earn money and in which ways to spend money, women's organizational leaders were forcing their way into the local economies and therefore, into the public sphere. She suggested that women were learning how to access a variety of financial resources including interest bearing accounts, stocks and other types of investments, as well as gaining knowledge of the availability of loans. Annual and lifetime membership dues were other forms of fundraising, Boylan noted, however women also benefited from a technique used by male organizations: an "anniversary sermon delivered by a...clergyman." The Raleigh Female Benevolent Society saw the value of this, stipulating in its Constitution that "on every anniversary of the establishment of the Raleigh Female Benevolent Society, a Sermon shall be preached by some Minister selected for that purpose, and a collection then made in aid of the funds of the Society." However, at least half of the funds accounted for in the Treasurer's Report of the Raleigh Female Benevolent Society came from community donations, fines issued to managers when they missed a monthly meeting without notifying the Board in writing, and through selling their manufactured goods, all of which were also popular means of fundraising among organizations.<sup>182</sup>

Through voting for their own leadership and developing a means of fundraising, society members were provided a means to challenge the traditional female boundaries of domesticity. These associations, however, did not eliminate the importance of the family. Instead, they allowed women to take on a more public role while also attending to their domestic

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<sup>182</sup> Anne M. Boylan, *The Origins of Women's Activism*, 21-24, 171-175; *Revised Constitution and By-Laws of the Raleigh Female Benevolent Society*, 3, 7, 12.

responsibilities. As Boylan argued, most women chose to maintain their familial duties while also participating in organizations, though their family always took priority.<sup>183</sup>

By the 1830s, societies had begun to seek reform on a national level. Temperance, education and slavery were seen as problems that were plaguing the republic and women easily became involved. The anti-slavery movement, as Melder noted, “was for women at once the most controversial, most political, and most effective of all the many movements of the time in directly raising questions about women’s citizenship in the republic.” Most women were drawn to the anti-slavery movement because it made men, or the “master,” into the enemy. More importantly, however, the institution of slavery destroyed the family unit, the one tie “women valued above all others,” Melder contended. As early as 1832, female anti-slavery societies began to form, including the famous Boston Female Anti-Slavery Society in October.<sup>184</sup>

Women became involved in the anti-slavery movement from the beginning, before the formation of female anti-slavery societies, calling for the boycott of goods produced by slaves. Beth A. Salerno noted that the Quakers developed “free-produce organizations,” as they were called, during the eighteenth century, suggesting that those who purchased products of slavery, namely cotton and sugar, contributed to its “sinfulness.” As the primary purchasers of household items, it was natural for anti-slavery women to be drawn to free-produce organizations, just as colonial women were drawn to boycotts of tea and British manufactured goods prior to the Revolution. Many constitutions of anti-slavery societies founded during the 1830s contained “free-produce resolutions,” Salerno noted. She also contended, “the free-produce movement enabled women to undermine the economics of slavery without ever leaving the domestic sphere

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<sup>183</sup> Anne M. Boylan, *The Origins of Women’s Activism*, 91.

<sup>184</sup> Keith E. Melder, 49, 56-59.

or their household roles.” This movement allowed women to step out of their private role into a more public role, but they never left the realm of domesticity. However, these organizations lost popularity because most free-produce goods were typically more expensive<sup>185</sup>

While women participated in free-produce societies, they found limitations to their participation within the early anti-slavery societies. The American Anti-Slavery Society “originally excluded” women all together, and, according to Salerno, many early mixed-sex societies prohibited female leadership. However, in recognizing their power to affect public change, women formed all-female societies which worked in conjunction with other organizations. The ideology of Republican Motherhood and women’s moral influence over husbands and children within the private sphere, Salerno argued, made their participation in organized anti-slavery “essential.”<sup>186</sup>

Women’s activism within the anti-slavery movement became essential during the late 1830s during the petition campaign to Congress. The petition was one political right women employed, as it was a tool they had used since the pre-Revolutionary years. This became a way women could influence the public sphere and the political domain that they were excluded from, by allowing them to act independently from their husbands. As Boylan stated, “any woman, regardless of age, marital status, race, ethnicity, religion, or social class, could sign.” According to Alice S. Rossi, through their participation in the activities surrounding the petition campaign, such as going door-to-door collecting signatures and perfecting their communication skills, women gained an understanding of the political process. The experience would prove to be invaluable. And as a direct result of their involvement, Rossi contended, women started to show

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<sup>185</sup> Beth A. Salerno, *Sister Societies: Women’s Antislavery Organizations in Antebellum America* (DeKalb: Northeastern Illinois University Press, 2005), 17-19.

<sup>186</sup> *Ibid.*, 26-29.

their political desires. Boylan suggested that for women, “petitioning became a means to demand, not simply request, and to do so as a collection of political subjects, equal to each other and, in this one arena, male voters.”<sup>187</sup>

Within the anti-slavery movement, women found their political voice, blurring the lines between public and private. Some women, according to Boylan, had their words published in newspapers, while others used their connections to have society constitutions printed. Some organizations would “publish their own annual reports” to circulate among their members. Eventually, Boylan argued, women gained “control over their own printed representations” allowing “women’s groups” to be on “the sidelines of politics, advocate for particular public policies, gain access to public funds, and assume the privilege of discharging state functions.” However, standing on the “sidelines of politics” was not good enough for women of anti-slavery organizations. Conventions, she stated, “led women activists to the broader road of politics.”<sup>188</sup>

By providing women with a forum to challenge national morality, conventions also raised concern among many over a woman’s proper place. A woman’s primary role, as already established, was motherhood and maintenance of the private sphere. Moral reform conventions and petitions were seen as direct challenges to a woman’s domesticity, therefore decreasing her ability to be an effective and influential wife and mother. However, in defending the right to petition, many reformers also began to challenge the right to “free speech and free association,” Boylan argued. Over time, she noted, women moral reformers also began to question the differences in men’s and “women’s wages and the property rights of married women.”<sup>189</sup>

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<sup>187</sup> Ibid., 22-23; Alice S. Rossi, ed., *The Feminist Papers: From Adams to deBeauvoir* (Boston: Northeastern University Press, 1973), 262-263; Anne M. Boylan, *The Origins of Women’s Activism*, 159.

<sup>188</sup> Anne M. Boylan, *The Origins of Women’s Activism*, 137-145, 161.

<sup>189</sup> Ibid., 161-163.



It was natural for women of anti-slavery societies and moral reform organizations to question their own rights. Though women who spoke about women's rights often faced ridicule and harassment, many African American women and wealthy white women, Boylan argued, continued to speak out. When, in the mid-1840s, the petition campaign many female anti-slavery societies utilized began to decrease in necessity, women leaders began to understand what little political power they actually had. As women realized their "exclusion from that central privilege of citizenship, once a mark of dependency as well as gender, and now shared with low-status men," Boylan contended that women began to recognize the importance and necessity of suffrage. As the right to vote grew in national significance, women began to truly comprehend their lack of public and political influence as well as the confines coverture enforced over married women. The domestic boundaries within which women inhabited and the political landscape itself evolved due to an increased public presence of female organizations.<sup>190</sup>

Many participants in the women's rights movement of the late 1840s began as abolitionists and moral reformers. Sarah Grimke was a strong advocate of both abolition and women's rights during the late-1830s, though she maintained only a limited presence in the women's right movement after the late 1850s. She challenged clergymen and the ideology that women could not be political beings. While she thought highly of a woman as a housewife she urged for improvements in female education. She wrote about the necessity for equal wages for men and women who held the same occupation, stating that "a man who is engaged in teaching, can always, . . . , command a higher price for tuition than a woman – even when he teaches the same branches, and is not in any respect superior to the woman." She continued by arguing that "in tailoring, a man has twice, or three times as much for making a waistcoat or plantoons as a

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<sup>190</sup> Ibid., 165-169; Alice S. Rossi, ed., 263-264.

woman, although the work done by each may be equally good.” She expressed her frustration over the institution of slavery and the treatment of female slaves, writing that “the virtue of female slaves is wholly at the mercy of irresponsible tyrants, and women are bought and sold in our slave markets, to gratify the brutal lust of those who bear the name Christians.” She believed that if men agreed with the ideology of “Equality of the Sexes” they “would find that woman, as their equal, was unspeakably more valuable than woman as their inferior, both as a moral and an intellectual being.”<sup>191</sup>

Sarah Grimke believed a husband and wife were equals and, as such, shared a financial responsibility to the family. A woman could be a better wife and mother by contributing to the family economy. Though she never married and lived with her sister and brother-in-law in New Jersey, she spent time running a boarding school and took pride in her domestic duties. While she removed herself from public activism, she remained faithful to her reformist ideals, believing that the Civil War was necessary to end slavery. According to Rossi, she also maintained her loyalty to the equality between the sexes until her death in 1873.<sup>192</sup>

In the aftermath of the Revolution, a woman’s role was redefined. Her primary role was that of wife and mother, a role centered around domesticity. Within this, women created a bond, a sisterhood, which challenged the boundaries of domesticity. Bonded together through Republican Motherhood, and the educational institutions that catered specifically towards female education, women began to interact, altering their domain and creating organizations that fostered women’s leadership. Friendships with other women were an inevitable result of domesticity. As the sisterhood evolved women, ironically, found a greater sense of individuality.

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<sup>191</sup> Alice S. Rossi, ed., 274-277, 287-288, 311-316; Sarah Grimke, 46-55.

<sup>192</sup> Sarah Grimke, 54-55; Alice S. Rossi, ed., 292-296, 315-316.

They formed their own opinions, but found that strength in numbers was more effective in the achievement of common goals. The early organizations that women formed during the early-nineteenth century, developed with the intent to improve the lives of poor women, widows, and orphaned children, were activist in nature. Women merged their private, domestic duties with a more public role. They learned fund-raising techniques and also voted for their own leadership, but many women maintained a loyalty to their family, giving it top priority. As organizations grew and members moved, networks of women's organizations evolved and expanded to include a call for national reforms of issues such as slavery. Women easily found their political voice in the anti-slavery movement, using the petition, as they had in the pre-Revolutionary era, to effect change. It was only when women realized the limitations of their political influence and that the petition could only get them so far, that women began to understand the importance of, and call for, their right to vote.<sup>193</sup>

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<sup>193</sup> Keith E. Melder, 48-49; Mary Beth Norton, *Liberty's Daughters*, 105; Nancy F. Cott, *The Bonds of Womanhood*, 168, 190, 196; Anne M. Boylan, *The Origins of Women's Activism*, 91, 212; Alice S. Rossi, ed., 262-264.

## CONCLUSION TOWARDS WOMEN'S RIGHTS

We are assembled to protest against a form of government existing without the consent of the governed – to declare our right to be free as man is free, to be represented in the government which we are taxed to support, to have such disgraceful laws as give man the power to chastise and imprison his wife, to take the wages which she earns, the property which she inherits, and, in case of separation, the children of her love; laws which make her the mere dependent on his bounty. It is to protest against such unjust laws as these that we are assembled today, and to have them, if possible, forever erased from our statute – books, deeming them a shame and a disgrace to a Christian republic in the nineteenth century...<sup>194</sup>

Men and women had individual obligations to society, but they were assigned duties and destinies by social and political circumstances. A person's sex affected both their roles in politics and work. The new identity created for women elevated their pre-Revolutionary position within both the public and private sphere. Republican motherhood, as Linda Kerber explained, defined a woman's public role through domesticity. She was in charge of the household and raising patriotic children who would be prepared to enter their gender specific sphere.<sup>195</sup>

In an effort to demonstrate their patriotism, women often challenged the boundaries of their sphere through activism. Women's activism was not a new trend during the Revolution. Many women found their political voice during the colonial era through petitions and they found this form of activism to be effective. Due to her husband's absence, Mary Roffe petitioned the courts when a "gentleman named Henry Greenland began to sexually harass her." In her petition, Roffe explained how Mr. Greenland "became a snare" to her. Greenland "labored with manie of my naibours to possesse them that I am as guiltie as he and sais he can prove it."

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<sup>194</sup> Elizabeth Cady Stanton, "Address delivered at Seneca Falls," July 19, 1848 reprinted in Ellen Carol DuBois, ed., *Elizabeth Cady Stanton, Susan B. Anthony: Correspondence, Writings, Speeches* (New York: Schocken Books, 1981), 31.

<sup>195</sup> Carol Berkin and Leslie Horowitz, eds., 159, 188; Linda Kerber, *Women of the Republic*, 11.

However, most of the fifteen witnesses, eleven being women, confirmed Roffe's testimony that "not on[e] of my naibours in all the toune nether nee nor further of[f] can say they saw anie uncivell Carridg or hurt by me in their lives..." The court sided with Roffe and convicted Greenland.<sup>196</sup>

In colonial and post-revolutionary society, women were denied political rights associated citizenship. Their lives were governed by the ideology of coverture in which their civic identity was immersed with their husbands. However, they were able to challenge the boundaries of their sphere and become essential participants in the success of the Revolution. During the war, women were nurses and ran households in the absence of their husband. Some women defied society's gender boundaries and joined the Continental Army. Deborah Sampson Gannett "enlisted as a continental soldier, for the term of three years...by the name of Robert Shurtleff" and was wounded. As a result of the "pain" from the wound, she petitioned the government for pension benefits that were given to "other wounded and disabled soldiers." However, as Carol Berkin and Leslie Horowitz noted, "the petition...was denied," though she "did receive funds from Massachusetts."<sup>197</sup>

In the aftermath of the Revolution, politicians and lawmakers debated the role for women in the new republic. Many were unsure what lessons could be learned in regards to women's position. This prompted a reevaluation of gender roles. The post-war ideology of domesticity was altered due in part to these new gender roles. Some distinctions between masculine and feminine traits were dissolved, blurring the "line between male and female behavior," Mary Beth

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<sup>196</sup> Carol Berkin and Leslie Horowitz, eds., 160; Mary Roffe's petition to the Ipswich Quarterly Court, March 1663, *Records and Files of the Quarterly Courts of Essex County, Massachusetts, vol. 3, 1662-1667* (Salem, MA: Essex Institute, 1913), p. 48 reprinted in Berkin and Horowitz, eds., *Women's Voices, Women's Lives*, 167-168.

<sup>197</sup> Linda K. Kerber, *Women of the Republic*, 139; The Petition of Deborah Gannett to the House of Representatives, Tuesday, November 28, 1797, recorded in *Journals of the House of Representatives*, vol. 3, p. 90 reprinted in Berkin and Horowitz, eds., *Women's Voices, Women's Lives*, 185-186.

Norton suggested. Carol Berkin argued that women's patriotism provided evidence that they were able to think for themselves, challenging the idea that they were inferior. Left to determine their own political identity, the resultant ideology merged the domestic sphere with the more public role of educating children, which hinged on improvements in women's education.<sup>198</sup>

Education for women in the new republic became much more visible and important than it was in the pre-war era. Since the post-revolutionary ideology placed women in the home raising patriotic children, her first responsibility was that of educating those children. Therefore, it was imperative that improvements in female education were made. Emma Willard addressed the New York Legislature in an attempt to "convince the public, that a reform, with respect to female education, is necessary." She felt that "education of women would improve society as a whole" because in thinking of women as mothers, their only responsibility was to the education of future generations. By stating that if we "rear the human plant to its perfection, we must first fertilize the soil which produces it" she attempted to emphasize the need to improve the level of women's formal education.<sup>199</sup>

However, as Willard argued, women's education should not be the same as men's. The domestic sphere was the proper place for women and Willard thought that it was "the duty of a government, to do all in its power to promote the present and future prosperity to the nation, over which it is placed." The character of children was formed by mothers, therefore it was through mothers that the government could enhance the character of future generations, Willard argued. "Education should seek to bring its subjects to the perfection of their moral, intellectual, and

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<sup>198</sup> Carol Berkin, *Revolutionary Mothers: Women in the Struggle for America's Independence*, (New York: Vintage Books, 2005), 148-152; Mary Beth Norton, *Liberty's Daughters*, 225; Linda K. Kerber, *Women of the Republic*, 269.

<sup>199</sup> Emma Willard, 5-6.

physical nature: in order that they may be of the greatest possible use to themselves and others.”<sup>200</sup>

Education, while traditionally used to teach women to “please” men as wives by being centered on a woman’s domestic sphere, new academies and seminaries for women were encouraged to expand upon traditional female roles to make women more useful members of society. Willard believed that female education was “necessary to the existence of a republican government.” The “superior” education offered by seminaries, Willard contended, gave women the knowledge to “act more from dictates of reason,” acquire “more enlarged views of their duty,” allowed “housewifery” to “be raised to a regular art” making it a “higher and more interesting occupation,” gave women the opportunity to “acquire a taste for moral and intellectual pleasures,” and afforded women to “become better teachers to their children.”<sup>201</sup>

Republican Motherhood, as Linda Kerber noted, put a new emphasis on women as wives and mothers. Women were to be a child’s first teacher. They were to instruct their children to be virtuous and patriotic. This gave women a political function though they were still unable to participate in the public sphere. Their responsibility still centered around domesticity.<sup>202</sup>

In the post-revolutionary period, women’s level of independence, in economic terms and under the restrictions of common law, was debated. However, English Common law and the status of *feme covert* remained. When Abigail Adams requested her husband “Remember the Ladies,” Carol Berkin noted that she was not insinuating that she was favor of women’s suffrage. Instead, Berkin contended, she wanted the ideology of coverture to be revised by asking that congress “not put such unlimited power into the hands of the husbands.” She went on to write

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<sup>200</sup> Ibid., 13, 16-17.

<sup>201</sup> Ibid., 15, 27, 28, 32-33.

<sup>202</sup> Linda K. Kerber, *Women’s of the Republic*, 283-286.

That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute, but such of you as wish to be happy willing to give up the harsh title of Master for the more tender and endearing one of Friend. Why then, not put it out of the power of the vicious and the Lawless to use us with cruelty and indignity with impunity. Men of Sense in all Ages abhor those customs which treat us only as the vassals of your Sex. Regard us then as Beings placed by providence under your protection and in imitation of the Supream Being make us of that power only for our happiness.<sup>203</sup>

John knew what Abigail wanted. As Berkin noted, he responded by writing, “As to your extraordinary Code of Laws, I cannot but laugh.” At the time, she argued, he was more concerned with independence from Britain than the patriarchal structure his wife wanted adjusted. He warned her of his vision

that our Struggle has loosened the bonds of government every where. That Children and Apprentices were disobedient- that schools and Colledges were grown turbulent – that Indians slighted their Guardians and Negros grew insolent to their Masters. But your Letter was the first Intimation that another Tribe more numerous and powerful than all the rest were grown discontented.

According to Berkin, John went on to explain that he could not do anything to remedy her unhappiness. “Depend upon it,” he wrote, “We know better than to repeal our Masculine systems. Although they are in full Force, you know they are little more than Theory. We dare not exert our Power in its full Latitude. We are obliged to go fair, and softly, and in Practice you know we are all subjects.” He wanted to break the controlling grip England had on the colonies, but not completely abandon all the traditions that had been inherited from England. In an attempt to ease Abigail’s frustration, Berkin noted, John tried to explain that while men may publicly be in control of all aspects of life, women were really in charge because they controlled the domestic sphere. He wrote that “we have only the Name of Masters, and rather than give up

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<sup>203</sup> Carol Berkin, *Revolutionary Mothers*, 157-158; L.H. Butterfield, Marc Friedlaender, and Mary-Jo Kline, eds., 121, Letter from Abigail to John, March 31, 1776.



this, which would completely subject Us to the Despotism of the Peticoat, I hope General Washington, and all our brave Heroes would fight.” He was trying to argue that he did not see any benefit to being a Master.<sup>204</sup>

In an effort to explain that what John considered mastery was really a form of tyranny, Berkin argued that Abigail found it necessary to have the final say on the subject when she wrote

I can not say that I think you are very generous to the Ladies, for whilst you are proclaiming peace and good will to Men, Emancipating all Nations, you insist upon retaining an absolute power over wives. But you must remember that Arbitrary power is like most other things which are very hard, very liable to be broken – and notwithstanding all your wise Laws and Maxims we have it in our power not only to free ourselves but to subdue our Masters, and without violence throw both your natural and legal authority at our feet –

“Charm by accepting, by submitting sway  
Yet have our Humour most when we obey.”

Even though she may have threatened the possibility of an upheaval, Berkin contended, Abigail’s intent was to state that women could get men to relinquish their power simply through the use of traditional feminine charms. In retaining the ideology of coverture, domesticity was seen as a woman’s proper sphere.<sup>205</sup>

However, there was some economic independence available to women which came in the form of property ownership. *Feme Sole* trader acts, dower rights, and prenuptial agreements were all established in an effort to provide families with some sense of economic security. Their intent may not have been to give economic independence to women, but that was certainly part of the result.

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<sup>204</sup> L.H. Butterfield, Marc Friedlaender, and Mary-Jo Kline, eds., 122-123, Letter from John to Abigail, April 14, 1776; Carol Berkin, *Revolutionary Mothers*, 158.

<sup>205</sup> L.H. Butterfield, Marc Friedlaender, and Mary-Jo Kline, eds., 127, Letter from Abigail to John, May 7, 1776; Carol Berkin, *Revolutionary Mothers*, 158-159.

*Feme Sole* trader acts allowed married women to act as if they were single. Colonial governments passed these for a variety of reasons, the least of which to allow women to earn a wage. Pennsylvania's *feme sole* trader act was first meant to protect "mariners and others" who "leave their wives" for long periods at a time, from returning to a large debt. This would secure the control of the estate and finances under the control of wives, thereby allowing wives to sell "goods and effects" in the absence of the husband. Wives had the ability to "sue and be sued, plead and be impleaded at law, in any court or courts of this province, during their husband's natural lives, without naming their husbands in such suits, pleas or actions:..." Since married women acted as though they were single the courts held them accountable for any debts. The act was also meant to protect the government from having to support poor women and children. If a husband was gone for more than "seven years," at sea or living "in adultery," the government could "seize" his property. The act also noted that "any sum or sums of money" that resulted from the seizure and "execution" of said property would be give to the wives "for their support and maintenance."<sup>206</sup>

Protecting dower rights was also a factor in securing women's financial security. In order to do this, Carol Berkin and Leslie Horowitz contended that "most colonies discovered...they had to protect the wife's interest in her husband's property transactions." The "process of separate, private examination" gave women a voice in whether or not property she brought into the marriage could be sold. New Jersey provided women with a voice in any "deed of conveyance" concerning the property they brought to marriage. It was meant to "prevent husbands" from "disposing" of property that women brought into the marriage, therefore

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<sup>206</sup> Carol Berkin and Leslie Horowitz, eds., 98-99; "An Act Concerning Feme-Sole Traders," 1718, *Laws of the Commonwealth of Pennsylvania* (Philadelphia: John Bioren, 1810), vol. I, pp. 99-100 reprinted in Berkin and Horowitz, eds., *Women's Voices, Women's Lives*, 98-100.

protecting her dower. The only way a husband could sell his wife's property was with her "consent," given "of her own free will...without any compulsion or force used by her said husband to oblige her so to do."<sup>207</sup>

Agreements, given both before and during marriage, often protected property for women after the husband's death, often from creditors looking for repayment of a husband's debt. Prenuptial agreements were usually meant to protect a woman's own property, "inherited from her father or a former husband or earned while she was a feme-sole."<sup>208</sup> The agreement between Francis Plummer and Beatrice Cantlebury Plummer "distinguished property and debts" that "belonged to him, to her, and to their heirs." The agreement explicitly spelled out that if "Plummer should die before the said Beatrice, the latter was to have all the estate that was property hers before marriage." She was also entitled to "her thirds of the land of said Francis during her life." However, "if said Beatrice deceased before him, that she should have power to dispose of what estate was hers before marriage to any of her relatives, and if anybody claimed any debts due from William Cantlebury, deceased," Beatrice's first husband, "said Beatrice's estate was to pay such debts and not the estate of said Plummer, her now husband." The agreement was specific in also stating that the property belonging to her late husband now belonged to Beatrice, and Francis Plummer "has no interest in it as shown by the marriage contract between the said Francis Plummer and Beatrice."<sup>209</sup>

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<sup>207</sup> Carol Berkin and Leslie Horowitz, eds., 66; "An act to enable feme-coverts to convey their estates, and for confirming and making valid all conveyances and acknowledgements heretofore made by feme-coverts," April 24, 1760, *Colonial Records of the State of Georgia* (Atlanta: Chas P. Byrd, 1910), vol. 18, pp. 417-420 reprinted in Berkin and Horowitz, eds., *Women's Voices, Women's Lives*, 65-67.

<sup>208</sup> Carol Berkin and Leslie Horowitz, eds., 82.

<sup>209</sup> Agreement between Francis Plummer and Beatrice Plummer, November 25, 1670, *Probate Records of Essex County, vol. 2, 1665-1674* (Salem: Essex Institute, 1917), pp. 319-322 reprinted in Berkin and Horowitz, eds., *Women's Voices, Women's Lives*, 81-82.

However, according to Carol Berkin and Leslie Horowitz, only a few women, mainly widows, utilized pre-marriage agreements. Most were used as a means to “protect” children. Some women did use these agreements to as a means to protect their own “economic security.” When Margaret Preston entered into a pre-marriage agreement with William Berry, she did so with the intent to guarantee a level of security. It was agreed upon by both parties that “the said Margaret doth reserve for her own proper use and behoof, before said doth engage herself in marriage to the said William Berry, the value of one hundred pounds sterling, to be at her the said Margaret’s own disposal.” This was split up between a “plate;...a little Negro girl called Sarah;...a good mare;” and “furniture.” The agreement also stated that if William were to “die first,” Margaret would still be entitled to these items, or value thereof, “over and above her portion of the estate which by the said William Berry shall be left for her.” By signing the agreement, Margaret ensured her financial security.<sup>210</sup>

Women were citizens of the new republic. According to Sarah Grimke, they were counted among the citizenry as a means to “swell” the number of legislative representatives. Women were subject to the same laws and taxation. But the ideology of coverture denied them any legal or political rights. However, according to Carol Berkin, even in “John Adam’s masculine system,” there was some room for a limited amount of female economic independence. Though the limited amount of property rights attained through *feme sole* trader acts, dower rights, and prenuptial agreements were provided as a means to protect the financial security of the family, not necessarily for the benefit of the woman. Women, though subject to taxation on the property, were denied all political rights, such as the ability to vote, often

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<sup>210</sup> Carol Berkin and Leslie Horowitz, eds., 82; Articles of agreement between William Berry and Margaret Preston, Calvert County, Maryland, January 8, 1669, in J. Hall Pleasants, ed., *Archives of Maryland*, vol., 57 (Baltimore, 1940), pp. 468-469 reprinted in Berkin and Horowitz, eds., *Women’s Voices, Women’s Lives*, 82-83.

associated with property ownership. That is until the state of New Jersey mistakenly granted women the right to vote. Berkin and Horowitz noted that legislators allowed “all free inhabitants” who met specific residency and property requirements the right to vote, without any mention of gender. It was not until 1807, thirty-one years later, and “after women played a critical role in the election of 1797,” that the constitution was changed to restrict voting to “free white male citizen(s) of this state.”<sup>211</sup>

Ultimately was the Revolution revolutionary for women? It was, because the creation of the gender specific role of “republican womanhood” that gave women a limited political role, largely influenced the expansion of women’s education while also challenging traditional domestic boundaries. Women’s education by the end of the eighteenth-century was meant to “prepare them for their expanded duties as mothers and wives.” This was determined to be a national necessity. As Emma Willard argued, women’s education was detrimental to the success of the new republic. However, by the early nineteenth-century and due in part to new female academies, educated women would find themselves blurring the lines between the domestic and public sphere.<sup>212</sup>

What developed in the post revolutionary era was a sisterhood, an ideology of female friendship that bonded women. The new academies assisted in the formation of this sisterhood. What resulted, according to Nancy Cott, was a valued “peer” relationship. Out of this new ideology of sisterhood, it was natural for women’s organizations to develop. By working together, Boylan argued, women in these organizations became crucial in stimulating change.<sup>213</sup>

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<sup>211</sup> Sarah Grimke, 74; Carol Berkin, *Revolutionary Mothers*, 159; Carol Berkin and Leslie Horowitz, eds., 162.

<sup>212</sup> Carol Berkin and Leslie Horowitz, eds., 188-190; Emma Willard, 16.

<sup>213</sup> Nancy F. Cott, *The Bonds of Womanhood*, 160-194; Anne M. Boylan, *The Origins of Women’s Activism*, 1-2.

In the pre-revolutionary period, petitions and boycotts bonded women. By the post-revolutionary era, women's associations formed the foundation of female public participation. Benevolent societies, as Boylan suggested, sprang up after the Revolution in an effort to improve the lives of widows, orphans, and other poor members of society and as a response to the new "economic changes" in the post-war period. For many who joined, the new post-revolutionary female experience led to the pioneering of these organizations in an effort to pursue a collective public goal. As Boylan asserted, these early organizations provided the foundations for other organizations to follow. She also noted that by finding a means for fund-raising, early organizations uncovered "financing techniques" that would benefit future associations. Often times they followed the advice of Esther DeBerdt Reed who went "door-to-door" asking for donations. Other organizations followed the lead created by male societies, having "an anniversary sermon delivered by a sympathetic and admiring clergyman," as evidenced by the Raleigh Female Benevolent Society. The society's Constitution stated that "on every anniversary of the establishment of the Raleigh Female Benevolent Society, a Sermon shall be preached by some Minister selected for that purpose, and a collection then made in aid of the funds of the Society." In all, the early women's organizations that formed during the aftermath of the Revolution challenged boundaries that women as individuals would not be able to do.<sup>214</sup>

Many organizations that formed during, what Boylan called the "second wave" – the period from 1812 to 1820 – "drew upon" the "precedents" of the first wave. She suggested that women and children were still the major focus of concern. However, many of the charitable groups took a more "evangelical" turn, opening meetings with a "reading from the Bible" and "requiring" members to "place their children in Sunday school." While religion was influential

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<sup>214</sup> Anne M. Boylan, *The Origins of Women's Activism*, 15-21; *Revised Constitution and By-Laws of the Raleigh Female Benevolent Society*, 3.

in the formation of post-revolutionary organizations, the emphasis of religion within these groups was even stronger. For many, joining these organizations became a representation of their religious commitments. Unlike “first wave organizations,” these were able to combine religious and social actions as a means extend traditional domestic limitations. These organizations preferred to have a religious or domestic origin, thus redefining “collective action as an extension of domesticity.”<sup>215</sup>

The “third wave” of organizations – from 1823 to 1840 – developed in response to the new urban circumstance. While continuing to focus on the welfare of women and children, Boylan argued, these organizations also opened up to sailors and provided sponsorships to schools in other countries. These often established “infant schools” to provide basic education and “religious instruction,” but also as a means to help working women. The new infant schools, she suggested, became “sources of child care.” During this wave, working women found protection and assistance in the form of women’s unions and mutual aid associations. Through the realization that gender differences created different problems for women, the new organizations were a means to express “their belief in the power of collective womanhood to address those problems.”<sup>216</sup>

By the 1830s, “self-help” organizations were on the rise, aimed at “ending slavery and aiding fugitive slaves.” Many associations began to add abolitionism to their cause, citing, according to Boylan, that it “promoted the welfare of all African-Americans.” The foundation of these organizations, such as the Boston Female Anti-Slavery Society and the New York Moral Reform Society, Boylan stated, emphasized the need for social changes as opposed to the need

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<sup>215</sup> Anne M. Boylan, *The Origins of Women’s Activism*, 24-32.

<sup>216</sup> *Ibid.*, 32-35.

for individual reforms. Ultimately, however, these new organizations provided women with a forum within which they could openly and publicly speak.<sup>217</sup>

Through the achievement of goals, Boylan contended, many organizations influenced the ideology of womanhood. As organizations evolved over time they seamlessly merged a responsibility for fixing “social problems facing the new republic” and women’s traditional domestic lives. The organizations expanded often creating “national women’s networks” with causes that ranged, according to Boylan, from “protecting...female migrants, abolishing slavery, and expanding free women’s legal rights.” The organizations challenged traditional gender ideals that rationalized a woman’s separate sphere, while simultaneously embracing gender differences. The organizations allowed women limited “opportunities to act politically” and “participate directly in the new economy,” though they could not act as “independent citizens.” Women were still bound by coverture. However, Boylan argued, in the 1790s, when “small groups of women” joined together to “create permanent organizations,” they changed “the social field in which women could undertake collective religious, political, ideological, and economic activities.”<sup>218</sup>

Within the abolitionist movement, women thrived. By using the movements’ argument of the “tyrannical abuse of power,” Ellen Carol DuBois suggested, women used the language to express men’s power over them. Sarah Grimke was one of those outspoken women. By arguing that Adam and Eve were equals in God’s eyes, she argued that “they both fell from innocence, and consequently from happiness, *but not from equality.*” By the late 1830s, just as earlier benevolent and evangelical organizations evolved, so too did the abolitionist movement. As

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<sup>217</sup> Ibid., 35-37.

<sup>218</sup> Ibid., 211-218.



DuBois noted, it split into two distinct organizations – male “political abolitionists” on one side and “women abolitionists” on the other. The split inevitably led to the demand for women’s suffrage. By 1848, Elizabeth Cady Stanton would “articulate” the need for women to “have the same political rights as men.”<sup>219</sup>

Stanton arranged for the first women’s rights convention to be held in Seneca Falls, New York. Modeling her Declaration of Sentiments on the Declaration of Independence, Stanton expressed her anger over women’s inability to have a voice in the “elective franchise, thereby leaving her without representation in the halls of legislation,” DuBois argued. However, she was subject to their laws and taxes. By also addressing criticisms associated with common law and the limitations women experienced as a result of coverture, DuBois contended, Stanton and the other delegates to the Convention demanded women’s political equality.<sup>220</sup> However, in an act unrelated to Seneca Falls, Sarah Grimke articulated the basis for women’s suffrage campaigns when she argued that “few things present greater obstacles to elevate women to her appropriate sphere than laws enacted to destroy her independence, crush her individuality – laws created by her government, ‘she has had no voice in establishing, and which rob her of some of her *essential rights.*”<sup>221</sup>

The Convention and Stanton’s Declaration found itself in local papers, and, as to be expected, not all were supportive of the concept of women’s suffrage. *The Oneida Whig* declared that “this bolt is the most shocking and unnatural incident ever recorded in the history of womanity.” Going on to ask, “if our ladies will insist on voting and legislating, where,

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<sup>219</sup> Ellen Carol DuBois, “Outgrowing the Compact of the Fathers: Equal Rights, Woman Suffrage, and the United States Constitution, 1820-1878,” 837-840; Sarah Grimke, 7.

<sup>220</sup> Ellen Carol DuBois, “Outgrowing the Compact of the Fathers: Equal Rights, Woman Suffrage, and the United States Constitution, 1820-1878,” 840-841.

<sup>221</sup> Sarah Grimke, 74.

gentleman, will be our dinners and our elbows? where our domestic firesides and the holes in our stockings?” This is very much a representation of the ideology that voting would masculinize women that existed during the mid-nineteenth century. *The Recorder*, a Syracuse paper, published an article calling the movement “excessively silly.” However, recognizing that “many of our readers will have a curiosity to run through this formidable document,” they reprinted the declaration anyway.<sup>222</sup>

Some papers, however, were supportive of the movement. Fredrick Douglass’ *North Star* published an article claiming it to be “one of the most interesting events of the past week.” The article reported that “the speaking, addresses, and resolutions of this extraordinary meeting, were almost wholly conducted by women.” *The National Reformer* called it “one of the most interesting conventions of this conventional age.” The article claimed that it was “the first conventions of the kind ever held, and one whose influence shall not cease until woman is guaranteed all the rights now enjoyed by the other half of creation – social, civil, and political.”<sup>223</sup>

The argument for an improvement in women’s economic and legal identity began with Abigail Adams’ call to her husband to “Remember the Ladies.” She wasn’t specifically asking for suffrage, instead just an improvement in women’s status. Women were citizens of the new republic. Common law and the ideology of domesticity severely restricted their involvement in the public arena. However, even though common law restricted women’s property ownership, through equity jurisprudence and dower rights, women were property owners. But as such, they

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<sup>222</sup> *Oneida Whig*, August 1, 1848, <http://www.loc.gov/exhibits/treasures/images/vc006199.jpg> (accessed April 5, 2007); *The Recorder*, August 3, 1848, <http://www.loc.gov/exhibits/treasures/images/vc006198.jpg> (accessed April 5, 2007).

<sup>223</sup> *The North Star*, July 28, 1848, <http://www.loc.gov/exhibits/treasures/images/vc006197.jpg> (accessed April 5, 2007); Frederick Douglass attended the Convention and signed the Declaration of Sentiments. *National Reformer*, August 3, 1848, <http://www.loc.gov/exhibits/treasures/images/vc006196.jpg> (accessed April 5, 2007).

were denied all rights that went with that ownership, namely the right to vote and political participation. During the late eighteenth and early nineteenth century improvements education and a new ideology surrounding a woman's role that emphasized a woman's contribution to the future of society, led to the growth of relationships among women. This sisterhood that emerged eventually led to the formation of women's organizations whose intent was to assist poor women and children. These early organizations were inherently domestic in nature, using traditional domestic duties such as spinning and sewing to further their cause. The decades of evolution that these organizations went through eventually led to the formation of a movement with the specific task of advocating women's suffrage. The call for woman's suffrage can be traced back to the early republic when a national identity was determined and the rights of women were debated. *The North Star* said it best in its article about the convention at Seneca Falls, "if...government is only just which governs by the free consent of the governed, there can be no reason in the world for denying to women the exercise of the elective franchise, or a hand in making and administering the laws of the land."<sup>224</sup>

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<sup>224</sup>Mary Beth Norton, "The Evolution of White Women's Experience in Early America," 619; *The North Star*, July 28, 1848.

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