

CONTROLLED BY PREJUDICE AND PRECEDENT:
MYRA BRADWELL'S FIGHT FOR CITIZENSHIP IN THE EARLY WOMEN'S RIGHTS
MOVEMENT

A Thesis
by
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Abstract

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Suffrage has largely defined the early women's rights movement (1848-1920) with figures like Susan B. Anthony and Elizabeth Cady Stanton representing those within the movement. Anthony and Stanton proclaimed suffrage as the ultimate political goal and believed it would grant women the full citizenship rights the movement sought. But other activists of the time, such as Myra Bradwell, lobbied for other legal and political rights in order to secure women's full citizenship. Though historical scholarship most often recognizes Myra Bradwell for the United States Supreme Court case *Bradwell v. Illinois* (1873), in which she sued the Illinois State Supreme Court for abridging her privileges and immunities of citizenship by denying her a license to practice law, her career included a variety of reforms intended to secure full citizenship for women.

This thesis shows how Myra Bradwell's career and struggle to gain full citizenship fit within the early women's rights movement. It aims to bring Myra Bradwell's career out of the shadows of the suffrage movement by demonstrating the differences in strategies of prominent activists in the early women's rights movement. Specifically, this thesis compares Bradwell's strategies to more famous and divisive icons of the movement, such as Susan B. Anthony and Elizabeth Cady Stanton. This comparison sheds light on how (and why) the

historical memory of the movement has left behind Myra Bradwell while focusing more on Anthony and Stanton.

Examining all of Myra Bradwell's career achievements, from her Supreme Court case to her newspaper publications and legislative victories, demonstrates that she believed full citizenship could be achieved through legal reform, rather than just suffrage. A cross-analysis between her newspaper and Susan B. Anthony's newspaper exemplifies the similar ways in which the two women viewed citizenship, as well as the differences in how they sought to secure it. Finally, tracing Myra Bradwell's erasure from the historical memory of the women's rights movement shows how Susan B. Anthony effectively defined the legacy of the movement to follow her goal of suffrage. Adding Bradwell's narrative back to the history of the women's rights movement can add a new perspective to how we define and remember this moment in history, and how this memorialization has affected current American women's situations in society today.

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Introduction

In 1872, the Illinois State Legislature passed the following law: “Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex; Provided, that this act shall not be construed to affect the eligibility of any person to an elective Office.”¹ For the first time in Illinois’s history, and for one of the first times in the United States, businesses, employers, and government agencies could not deny women a job because of their sex. Only three years prior, the Illinois State Supreme Court had denied a license to practice law to the very woman who wrote and lobbied for this bill. The court ruled that since she was a married woman, and legally her husband represented her in all legal matters, she herself could not represent clients in court.²

At the same time as she drafted this bill for women’s equal employment in her home legislature, she took her own employment discrimination case to the United States Supreme Court. She argued that the state of Illinois had denied her the privileges and immunities of United States citizenship, as defined under the newly ratified Fourteenth Amendment. The Supreme Court did not rule on her case until 1873, after the women’s equal employment law had already passed through the Illinois State Legislature. So, while the United States Supreme Court ruled against this particular woman’s right to practice law, she had ensured that women in her home state would not have a similar experience.³ That woman was Myra Bradwell, and this is her story and its relationship to the fascinating history of the Reconstruction era and the rise of the women’s rights movement in the United States.

¹ Myra Bradwell, “The XIV Amendment and Our Case,” *Chicago Legal News*, April 19, 1873.

² “Opinion, 28 January 1870,” written by Charles B. Lawrence, case file 26853, RS 900.001, Illinois State Archives.

³ *Bradwell v. Illinois*, 83 U.S. 130 (1873).

My interest in Myra Bradwell grew after studying the United States Supreme Court. While taking a Constitutional Law class, I was amazed at this powerful judicial body. What captured my attention most was how these cases provided a glimpse into American society and issues at the time of the case, as well as the immense weight these decisions carried throughout the United States. These decisions ultimately decided what rights citizens could exercise, how small and large companies could run their businesses, and what laws the government could legally enforce, setting how the American political, social, and judicial system would interact with citizens for years to come.

The cases that piqued my interest most dealt with civil rights and liberties. While learning the different interpretations and theories used to read the Constitution and help the justices settle on a ruling, I soon realized that these nine justices are not always objective judicial minds, setting reason above their own opinions and social thought. When reviewing Supreme Court opinions, I saw how even when these justices referred to legal precedent or constitutional interpretation, they were still motivated and influenced by personal opinion. As journalist Howard Fineman observes in the field of constitutional law, “any tool of interpretation can be used – or misused – in the search for a particular result.”⁴ Thus, when a course in the history of women and law required me to research a Supreme Court case that directly affected women’s rights, I found *Bradwell v. Illinois* (1873).⁵

In the beginning research phase, the amount of “firsts” the case seemed to touch were immense. The case, after all, took place in a transformative period of constitutional law. Because Bradwell argued that her right to choose employment, in this case practicing law, fell under the privileges and immunities clause of the Fourteenth Amendment, *Bradwell v.*

⁴ Howard Fineman, *The Thirteen American Arguments: Enduring Debates That Define and Inspire Our Country* (New York: Random House Publishing Group, 2008), 116.

⁵ *Bradwell v. Illinois*, 83 U.S. 130 (1873).

Illinois was one of the first Supreme Court cases in which the Court interpreted the new amendment, originally meant to safeguard the citizenship rights of newly freed African American men from state discrimination. In fact, *Bradwell* was the second case to rule on the Fourteenth Amendment, coming a day after the Court's opinion on *The Slaughterhouse Cases* (1873). *The Slaughterhouse Cases* essentially asked the same question of the Court as *Bradwell*: does the right to choose employment fall under the privileges and immunities clause of the Fourteenth Amendment? In that case, a group of butchers in Louisiana brought suit after the state forced them to take their business through a state-mandated slaughterhouse.⁶

In both cases, the Court found that since the choice of employment did not fall under the privileges and immunities of citizenship, neither the state of Illinois nor the state of Louisiana had abridged their citizens' Fourteenth Amendment rights. Yet, while the justices were extremely divided over this question in the *Slaughterhouse Cases*, with five justices ruling against the butchers and four ruling in favor, they did not experience this same disagreement in *Bradwell*. Only the Chief Justice, Salmon P. Chase, dissented in *Bradwell*.⁷ Clearly, the Court viewed the rights of male citizens in immensely different ways than those of female citizens. Justice Joseph Bradley's famous concurrent opinion demonstrates how "the Law of the Creator," or natural law beliefs on the gender roles of women controlled the definition of citizenship for women.⁸ Thus, my search to understand how the political, legal, and social rhetoric around women's citizenship affected Myra Bradwell's case and her own efforts to gain full citizenship in the women's rights movement began.

⁶ *The Slaughterhouse Cases*, 83 U.S. 36 (1873).

⁷ Nancy T. Gilliam, "A Professional Pioneer: Myra Bradwell's Fight to Practice Law," *Law and History Review* 5, no. 1 (1987):110.

⁸ *Bradwell v. Illinois*, 83 U.S. 130 (1873).

Placing Myra Bradwell's Supreme Court case in the context of her entire career as well as placing her in the historical context of the women's rights movement reveals the complex ways early feminists viewed, and subsequently fought, for full citizenship. The early women's rights movement (1848-1920), in which Myra Bradwell's activist career took place, centered on the goal of gaining more legal rights of citizenship for women. While historical narratives have largely focused on the suffrage movement of this time, other activists like Myra Bradwell focused on gaining other rights along with the right to vote, such as employment, property and wage earnings, and legal visibility.⁹ This thesis asks: How did Myra Bradwell's career and struggle to gain full citizenship fit within the early women's rights movement? How does her Supreme Court case, career, and memory demonstrate the complexity in ideals and rhetoric that surrounded her in the women's rights movement? Why has her story been so subsumed to the larger suffrage narrative? This thesis seeks to bring Myra Bradwell's career out of the shadows of the suffrage movement to demonstrate the differences in strategies of prominent activists in the early women's rights movement, specifically, by comparing her activist strategies to more famous and divisive icons of the movement, such as Susan B. Anthony.

While these two women may seem incredibly different in their beliefs, with Myra Bradwell believing in the power and justice of the courts and Susan B. Anthony seeing the courts so "entirely controlled by prejudice and precedent [that there is] nothing to hope from them," they actually shared similar views of female citizenship and fought for the same

⁹ Jane A. Friedman, *America's First Woman Lawyer: The Biography of Myra Bradwell* (Buffalo: Prometheus Books, 1993), 171.

ultimate goal.¹⁰ Both believed that women should be equal with men in terms of employment, legal rights, and political participation. But the efforts of Susan B. Anthony and her followers to gain these rights through suffrage have captured the historical memory of the movement. Thus, by examining the different career efforts of Myra Bradwell, including *Bradwell v. Illinois*, and placing her life in context with other feminists like Anthony, this thesis will add more dimension to the complex rhetoric and strategies of the early women's rights movement. It does not suggest that division defined the movement more than unity, or vice versa, but rather that the dynamic between women like Myra Bradwell and Susan B. Anthony represents both the similarities in ideals and the differences in strategy that activists could have.

Chapter One focuses only on Myra Bradwell and provides an overview of her career. In order to demonstrate the manner in which she sought to gain full citizenship for women, her Supreme Court case as well as her legislation, volunteer work, and business endeavors require analysis. Not only did Myra Bradwell make a name for herself in the legal world, but she also ran and edited a successful legal newspaper titled the *Chicago Legal News*, reporting on popular legal matters and developments within women's legal rights. By examining the many different avenues of political, social, and legal influence she used to fight for women's equal rights, this chapter demonstrates how her Supreme Court case represented only a *part* of her lifelong and diverse career to dismantle oppressive institutions towards women and build up their legal rights. This chapter also highlights how Myra Bradwell fit into the expectations of her gender and how members of society fit her within these gender

¹⁰ "Letter from Susan B. Anthony to Myra Bradwell (July 30, 1873) (recently discovered letter on file with author)," from Jane A. Friedman's *America's First Woman Lawyer: The Biography of Myra Bradwell* (Buffalo: Prometheus Books, 1993), 26.

expectations. Rather than completely defying the role of gender, she utilized these ideals to gain support and to appeal for her strategies to expand women's rights.

Chapter Two compares Myra Bradwell's views on citizenship to that of Susan B. Anthony and Elizabeth Cady Stanton. These women offer an excellent and rich opportunity for cross analysis as they each represent a different section and coalition of the early women's rights movement. Susan B. Anthony and Elizabeth Cady Stanton famously broke from their colleagues in the movement after the passage of the Fourteenth and Fifteenth Amendments. Because the Fourteenth Amendment included the word "male" for the first time in the Constitution, and the Fifteenth granted voting rights only to men, the progression of the women's rights movement stalled. While women like Myra Bradwell felt that the movement should support African American rights in order to maintain a working political relationship with Republicans, Anthony and Stanton felt that women had waited long enough.¹¹ By comparing the newspapers of these two respective organizations, Myra Bradwell's the *Chicago Legal News* and the National Woman Suffrage Association's *The Revolution*, the similarities in how they defined and dreamed of citizenship, as well as the discrepancy in how they reasoned and fought for this full citizenship becomes apparent.

The final chapter examines the historical memory of the women's rights movement and why Myra Bradwell's narrative is almost completely forgotten from the public's collective memory and overlooked in academic history. Scholars in the field of historical memory have demonstrated how history and the memorialization process is an active creation, rather than reproduced. As David Thelen captured in his article "Memory and American History," since a person's "starting points change as the person grows and

¹¹ Jane A. Friedman, *America's First Woman Lawyer: The Biography of Myra Bradwell* (Buffalo: Prometheus Books, 1993), 168.

changes, people reshape their recollections of the past to fit their present needs...and select from the present material that supports deeply held interpretations from the past.”¹² In other words, the creation and production of history fits the political and social goals of the present. For example, Susan B. Anthony and Elizabeth Cady Stanton created a written history in the *History of Woman Suffrage* that supported their contemporary need to secure the vote. Women like Myra Bradwell who did not fit their political tactics for suffrage were only featured in ways that benefited the suffrage narrative, or not at all.¹³ Examining battles for equal employment and other citizenship rights within the second wave of feminism in the 1960s and current inequalities demonstrates the impact of omitting women like Myra Bradwell from the historical memory of women’s rights.

Overall, this thesis is not meant to rewrite the women’s rights movement by replacing the grand narrative of Susan B. Anthony with Myra Bradwell. Rather, this is a call to broaden our understanding of the movement. Myra Bradwell offers a glimpse into another aspect, another world, of the women’s rights movement that has often gone unnoticed. Examining women’s rights activists like her can present a new perspective on how we define and remember this moment in history, and how this memorialization has affected current American women’s situation in society today.

¹² David Thelen, “Memory and American History,” *The Journal of American History* 75, no. 4 (March, 1989): 1121.

¹³ Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joselyn Gage, *History of Woman Suffrage: 1876-1885*, 3 (Salem New Hampshire: Ayer Company, 1881).

Chapter 1 – Citizen Bradwell

What does it mean to be a “good” citizen in the United States? What obligations does a citizen owe the nation? What rights does a citizen have? Should a good citizen utilize their rights to invoke political, social, economic change, or should these rights be used to maintain the status quo of society? Even more, should a citizen challenge what rights they have and expand their rights of citizenship? During her life, Myra Bradwell grappled with many of these questions as she fought for the expanded citizenship of women. While generally known in history for her United States Supreme Court case *Bradwell v. Illinois* (1873), her lifelong career covered much more than women’s ability to be lawyers. Bradwell cannot fully be understood without examining the rest of her complex career, but nonetheless, her career cannot be understood without *Bradwell*. In order to show the complexity of her beliefs and contributions to the cause of women’s rights, we must begin there.

Bradwell v. Illinois (1873) was a first in many ways for the women’s rights movement, as well as for American history. In her case against the restrictions of coverture and rights to employment, Myra Bradwell laid the groundwork for other women’s rights activists to win their legal battles against sex discrimination. Furthermore, *Bradwell* was also only the second case to test the rights of citizenship under the newly ratified Fourteenth Amendment, setting the stage for countless other civil rights cases. This case, which ended in defeat, has understandably defined the historical image of Myra Bradwell. Yet, so many other aspects of Myra Bradwell’s activist career did not end with defeat, but rather with small and significant victories which helped lead to an expanded understanding of citizenship for women. In order to reveal the more complete legal, social, political, and economic change Bradwell sought and invoked with her Supreme Court case, this chapter will examine this

case alongside other achievements of her career. By placing the case in relation to the rest of Myra Bradwell's career, historians can see how *Bradwell v. Illinois* embodied Bradwell's fight to achieve an expanded citizenship for women, free from common law restrictions. Examining her legal arguments with reference to her actions as an activist and citizen shows that Bradwell's historical image cannot be simplified to one cause. Rather, *Bradwell v. Illinois* demonstrates a key narrative in an overarching plot to gain more employment, legal, and economic rights for women in a country debating what it meant to be a citizen and who could enjoy these rights.

Most of the scholarship on Myra Bradwell centers on *Bradwell v. Illinois* with only brief mention of other aspects of her life. One of the earliest articles comes from historian Robert M. Spector in 1975 titled "Women against the Law: Myra Bradwell's Struggle for Admission to the Illinois Bar." In his work, Spector demonstrates the legal and societal thought that barred Bradwell's admission to the Illinois State Bar.¹⁴ Most subsequent scholarship takes this similar approach of using *Bradwell v. Illinois* as the climax of Bradwell's career efforts to improve the political, social, and legal status of women during the last half of the nineteenth century. Nancy Gilliam's 1987 article, "A Professional Pioneer: Myra Bradwell's Fight to Practice Law," reflects on the legal arguments of *Bradwell v. Illinois* and shows how such arguments fit within Reconstruction-era judicial theory on women's rights and freedmen's civil rights, especially seen in *The Slaughterhouse Cases* (1873).¹⁵ Joan Hoff Wilson's 1977 article "The Legal Status of Women in the Late Nineteenth and Early Twentieth Centuries" captures the ways that the losses of *Bradwell* and

¹⁴ Robert M. Spector, "Women Against the Law: Myra Bradwell's Struggle for Admission to the Illinois Bar," *Journal of the Illinois State Historical Society*, no. 3 (1975): 228-242.

¹⁵ Nancy T. Gilliam, "A Professional Pioneer: Myra Bradwell's Fight to Practice Law," *Law and History Review* 5, no. 1 (1987): 105-133.

Minor v. Happersett forced many American women to recognize that change would come not through legal reform, but political reform.¹⁶

The first work to provide a full account of Myra Bradwell's career came in the only biography written on her, *America's First Woman Lawyer: The Biography of Myra Bradwell* by Jane Friedman. The biography combines much of the legal and social history mentioned above with specific reference to the life of Bradwell herself, rather than just *Bradwell v. Illinois*. Friedman also shows the personal characteristics of Bradwell through an examination of her political, economic, legal, and private endeavors.¹⁷ Lousia S. Ruffine's article "Civil Rights and Suffrage: Myra Bradwell's struggle for the Equal Citizenship of Women," makes the essential first step of framing Bradwell's career around her goal for equal citizenship, rather than just equal employment or law reform for women. While Ruffine acknowledges the importance of *Bradwell v. Illinois*, she stresses, "Bradwell had established the goal of breaking down each barrier that stood in women's path to equal citizenship...[including] the broader notion of independence."¹⁸ Following Ruffine's precedent, this chapter aims to show how Myra Bradwell's career did indeed fight for the equal citizenship of women. The next chapter will compare Bradwell's goals to the goals and strategies of Susan B. Anthony and Elizabeth Cady Stanton to achieve full citizenship for women. By examining *Bradwell v. Illinois* and her other political efforts, Bradwell's career demonstrates the many different ways she attempted to ensure full citizenship for more women.

¹⁶ Joan H. Wilson, "The Legal Status of Women in the Late Nineteenth and Early Twentieth Centuries," *Human Rights* 6, no. 2 (1977): 125-134.

¹⁷ Jane Friedman, *America's First Woman Lawyer: The Biography of Myra Bradwell*. (Buffalo: Prometheus Books, 1993).

¹⁸ Lousia S. Ruffine, "Civil Rights and Suffrage: Myra Bradwell's struggle for the Equal Citizenship of Women," *Hastings Women's Law Journal* 4, no. 2 (1993): 176.

Myra Colby was born in Manchester, Vermont on February 12, 1831. Both of her parents actively participated in the abolitionist movement, undoubtedly influencing Myra Bradwell's political ideals. The Colby family, made up of Myra's parents and four siblings, moved from Vermont to New York and then Illinois. Myra later attended a Ladies' Seminary in Kenosha, Wisconsin while living with her sister. When she moved back to Illinois to finish her education, she met the young lawyer James B. Bradwell. Though the refined Colby family disapproved of the financially unstable Bradwell, the couple married in 1852 and moved to Tennessee. The couple established a private school, and Myra taught there while James earned his law degree. Eventually, they moved back to Chicago with their four children.¹⁹ Ironically, and yet also poetically, James Bradwell served as a useful asset in his wife's goal to expand women's rights. With his wife's assistance, as a judge in Cook County, James drafted and pushed for multiple laws aimed at ending the dependent status of women.²⁰

Like many other female activists, the Civil War marked the beginning of Myra Bradwell's involvement in public service. After all, many American men at the time were engaged in the war. During the war, Bradwell participated in numerous events to raise war funds and aid for Union soldiers' families, including the Northwestern Sanitary Fair of Chicago in 1865.²¹ Once the war concluded, Bradwell ventured into her own business endeavors. Breaking significant employment and economic boundaries of the time, Bradwell founded and edited her own newspaper in 1868, titled the *Chicago Legal News*. Dedicated to covering legal developments within the local community, state, and nation, the *Chicago*

¹⁹ Friedman, *America's First Woman Lawyer*, 35-36.

²⁰ Catharine Waugh McCulloch. *Chronology of the Woman's Rights Movement in Illinois*. Chicago: Illinois Equal Suffrage Association, 1912. *Nineteenth Century Collections Online* (accessed November 2, 2020).

²¹ Letter from John Marshall Harlan to James Bradwell, Washington D.C., 27 May 1865, letter 001, James and Myra Bradwell Papers, Abraham Lincoln Presidential Library and Museum, Illinois.

Legal News proved to be a priceless tool for legal professionals and an informative resource for the everyday reader. It was uncommon for a woman like Myra Bradwell to own a business, especially since common law still restricted the lives of married women. Though state legislatures, including the Illinois legislature in 1861, passed a substantial amount of married women's property laws granting wives authority over family property and earnings, the right to enter into contracts and employments still remained a closed door to many married, and even single, women. Bradwell only owned the *Chicago Legal News* through special permission granted by the Illinois legislature that overruled the common law restrictions for her newspaper business.²²

Second to *Bradwell v. Illinois*, the *Chicago Legal News* was one of the defining career achievements of Bradwell's life. These two milestones have placed her history firmly within legal and employment reform for women's rights. However, within the same year as founding the *Chicago Legal News*, Bradwell also co-founded the Chicago Sorosis Club with Mary Livermore and Kate Doggett. These professional women's clubs formed alliances between upper and middle-class white women, and the Chicago Sorosis Club was the first institution in the city to publicly and officially demand women's suffrage.²³ As editor of the *Chicago Legal News*, Bradwell also devoted significant coverage to women's rights developments within the courts, including suffrage, property rights, and employment. The paper quickly gained an esteemed reputation for delivering legal news quickly between court rulings. Congress even named the *Chicago Legal News* as a medium for the publication of laws, meaning these federal legislators trusted this newspaper to publish any new laws that

²² "Additional Brief, 18 November 1869: In the Supreme Court of Illinois...In the Matter of the Application of Myra Bradwell to Obtain a License to Practice as an Attorney at Law." Printed document, case file 26853, RS 900.001, Illinois State Archives.

²³ Charlotte Hays, "Celebrating a 100 Years of the Women's Vote," *Independent Women's Forum*, June 18, 2020. <https://www.iwf.org/2020/06/18/celebrating-100-years-of-the-womens-vote-myra-bradwell/>

Congress made.²⁴ It is quite remarkable that a woman could be actively involved in the suffrage movement and yet still have had the support and respect of lawmakers, judges, and politicians, many of whom would not align themselves with the women's rights movement. Thus, from the beginning of her activist career, Myra Bradwell could appeal to multiple groups and maintain influence in a variety of social causes.

Just after starting the *Chicago Legal News*, Bradwell took the Illinois bar exam and passed with high honors. Because most law schools did not accept women, Bradwell had studied the profession under her husband. With her developing career as an activist and legal journalist, it would be easy to assume that Bradwell wished to practice law in order to gain her own legal standing and advance her career. However, she claimed a far more traditional reason for her motivation. Bradwell stated that she wished to practice law in order to aid her husband in his legal career. She believed that "married people should share the same toil and the same interests and be separated in no way." Bradwell cited that the division of labor based on sex as the reason for a tension in a marriage. Thus, if a husband and wife "worked side by side and thought side by side [there would be] no need for divorce courts."²⁵ Though this statement from Bradwell occurred nearly twenty years after her initial petition to practice law, she clearly communicated an appearance of wifely devotion that would have fit a nineteenth-century standard and expectation of womanly submissiveness to her husband. Bradwell utilized and invoked traditional gender expectations in certain situations throughout her career in order to gain more favor and support for her reform.

Interestingly, Bradwell left this domesticity argument out of her first petition for her law license to the Illinois State Supreme Court and stuck to an argument based on legal

²⁴ "Notes and News," *Woman's Journal and Suffrage News*, February 3, 1872.

²⁵ *Chicago Tribune* (May 12, 1889): 26, col. 1-2.

rights. At this time, once someone passed the bar exam, the state Supreme Court had to approve the individual's request for a license. Perhaps anticipating the court's reluctance to allow a female lawyer, Bradwell provided legal precedent in favor of women practicing law. Along with citing the Illinois state law that "when any party or person is described or referred to by words importing the masculine gender, females as well as males shall be deemed to be included," Bradwell stated that if women could be found guilty of breaking the law, then the law should also apply to them.²⁶ Even when the court rebutted with a denial of a law license due to her "disability imposed by married condition," Bradwell did not attempt to reason using the domestic rhetoric that she presented in a later newspaper interview.²⁷ Instead, she responded with a detailed six-layer argument based on legal and political reasons a woman should be able to practice law. Four out of the six reasons that Bradwell provided all dealt with the dismantlement of the common law practice of coverture.²⁸

Coverture referred to the legal status of a married woman. Once married, a husband covered his wife's legal identity through his own. Effectively taking away her legal voice, the husband represented the couple. This legal system, which had continued into colonial law from the English court system, had dictated the lives of married women in all legal, political, and economic ventures from the colonies into the early Republic and beyond. Even though this common law tradition only applied to wives, the law had defined women of all statuses, from childhood on, as dependents. *Femes sole*, single women, did enjoy more property rights than married women, yet the law still denied them many other rights, like employment

²⁶ "Petition for License to Practice Law." Written and signed by Myra Bradwell, filed 21 September 1869, case file 28653, RS 900.001, Illinois State Archives.

²⁷ "Norman L. Freeman to Myra Bradwell, 6 October 1869." Printed letter, 2 Chicago Legal News (5 February 1870), 145.

²⁸ "Additional Brief, 18 November 1869." Printed document, case file 26853, RS 900.001, Illinois State Archives.

opportunities and suffrage.²⁹ Myra Bradwell's fight to practice law and her efforts to gain women's suffrage, equal employment, education opportunities, and legal reform all worked to dismantle this oppressive institution. Bradwell recognized that equal citizenship could not exist in the face of coverture and a law that defined women as dependents. Yet, while Bradwell fought against the oppressive institution of coverture, she did not attack traditional gender roles and social norms with the same force. This institution, the very thing that required Bradwell to obtain special permission to own her business, also prevented her from securing a law license. The court reasoned if a married woman could not enter a contract under her own name, how could she enter a contract with a legal client? This legal obstacle that blocked her license to practice law proved to be one of the major battlegrounds for Myra Bradwell's fight to obtain equal rights and full citizenship for women.

Bradwell's attack against coverture in her argument to the Illinois State Supreme Court focused on judicial precedent, legislation, and her own condition as a married woman. While she acknowledged that common law still existed in court books, she also presented the numerous times the court made "innovation[s] on the ground that the times alter new customs and new manners arise, which require new expectations, and a different application of the general rule."³⁰ She also expanded her argument to the then recent statutes that limited the boundaries of coverture, including the Married Women's Property Act, which Illinois passed in 1861. In her article, "Re-Assessing the Married Women's Property Acts," Carole Shammas states that every state had passed some form of a Married Women's Property Act by the second half of the nineteenth century. These laws, which allowed married women to

²⁹ Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 11.

³⁰ "Additional Brief, 18 November 1869."

contract an agent to handle the business of her separate property, went against the economic restrictions of coverture.

Yet as Shammas explains, these laws did little to actually limit the oppressions of coverture. In fact, these laws resulted more from the American economy shifting from family-owned farms and small businesses to larger, corporate entities. Since women were now leaving the home more frequently for work rather than laboring at home, the economy required legal change.³¹ Marylynn Salmon's study of women's property laws also notes that while ideological factors, like changing beliefs of a woman's place in society, resulted in law change for a greater independency among women, economic factors were just as influential. Additionally, Salmon acknowledges that in the face of this economic change, the "legal profession clung with tenacity to its role as protector of women, as society shrank from the implications of changing family life."³² Whatever their status, the law viewed all women as dependents who required protection from the demands of public life. Thus, though Bradwell referenced a sound legislative act and legal precedent, she faced a great obstacle in terms of the traditionalist views of the Court.

In her argument, Bradwell listed all of the professions already open to women that were previously exclusive to men. Technically, women had already entered the profession of law. Just months earlier, the State Supreme Court of Iowa had accepted Arabella A. Mansfield into the bar. If Iowa allowed a married woman into the law profession, what legal reasoning could Illinois provide to withhold the same opportunity to Bradwell? Finally, Bradwell provided her own experience with the *Chicago Legal News* as further example of

³¹ Carole Shammas, "Re-Assessing the Married Women's Property Act," *Journal of Women's History* 6, no. 1 (1994): 23.

³² Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1989), 217.

Illinois's own legislature ruling as further evidence against coverture. When Bradwell began the newspaper, the legislature ruled that all debts, stocks, and earnings "shall be her sole and separate property, the same as if she were AN UNMARRIED WOMAN (emphasis that of Myra Bradwell)."³³ Throughout her petition, Bradwell limited her argument to that of legal precedent and reason, rather than campaigning for the capabilities of women due to their feminine gender.

Ultimately, Bradwell saw one of the most important potential outcomes of this case and her other reform efforts to be removing the restrictions of coverture. Bradwell demonstrated this belief in an editorial in the *Woman's Journal and Suffrage News* entitled, "Equal Rights for Married Women." Bradwell wrote Lucy Stone and the other newspaper editors to inform them of the Illinois legislature passing the bill she wrote. The bill granted wives the ability to "contract and be contracted with, to hold and enjoy the property, to sue and be sued - upon an equality with their husbands." The legislature passed this bill just a week before the United States Supreme Court's released its decision for *Bradwell v. Illinois*, and Bradwell celebrated this as a victory that "changed the common law rule." In combination with an 1869 law that allowed Illinois wives to keep their earnings, this legislation worked towards Bradwell's "direct [goal] of removing common law disabilities of married women."³⁴

Thus, while Bradwell waited for the United States Supreme Court decision, she stated that this small dismantling of coverture was "worth years of toil to accomplish." Bradwell's goal of equal rights and full citizenship for women did not just exist within the realm of employment rights or infiltrating the profession of law, but through the eventual extinction of

³³ "Additional Brief, 18 November 1869."

³⁴ "Editorial," *Woman's Journal and Suffrage News*, April 5, 1873.

coverture. Even though these state laws seemed to lead to a smaller and slower victory compared to the potential of succeeding with her Supreme Court case, Bradwell wrote to Lucy Stone, “There’s light ahead, dear friend. We who work quietly and persistently will most surely see all we desire - sanguine though we may be!”³⁵ As historian Gwenn Hoerr Jordan notes, Myra Bradwell “always understood and intended that the issues in her case extended far beyond the right to practice law.”³⁶ Just like *Bradwell v. Illinois* served as a stepping stone for women’s equal rights and full citizenship through opening the law profession to women, the law that Bradwell wrote for wives’ ability to contract, sue, and hold property served as another stepping stone to ultimate victory in women’s citizenship. Even though Bradwell’s legal and political strategy was to take smaller steps in reform, these small steps set an essential legal path for other women’s rights activists who would argue for the advancement of women through the Constitution.

While Bradwell’s petition to the Illinois Supreme Court claimed that her right to practice law as a married woman was not restricted by coverture because of state legislation and previous rulings, her argument evolved slightly with the United States Supreme Court. To the highest court in the land, Bradwell claimed that her right to practice law fell under her privileges and immunities as a U.S. citizen, stated under the Fourteenth Amendment of the Constitution. The Fourteenth Amendment ratified in 1868, just a year before Bradwell passed her bar examination, granted the rights of citizenship to all natural-born or naturalized citizens of the United States. Congress passed the Civil War amendments (the Thirteen, Fourteenth, and Fifteenth Amendments) with the intention of protecting previously enslaved African American men. The Fourteenth Amendment was especially important to freedmen

³⁵ “Editorial,” *Woman’s Journal and Suffrage News*, April 5, 1873.

³⁶ Gwen Hoerr Jordan, “Agents of (Incremental) Change: From Myra Bradwell to Hillary Clinton,” *Nevada Law Journal* 2 (2009): 608.

because it overturned the Court's infamous decision in *Dred Scott v. Sandford* (1857) that enslaved people were not legally considered citizens. Not only promising citizenship to "all persons born or naturalized in the United States," the amendment also prohibited states from "deny[ing] to any person within its jurisdiction the equal protection of the laws," or "abridging the privileges or immunities of citizens."³⁷ These two clauses, known as the equal protection and the privileges and immunities clause(s), offered considerable protection to citizens from state authority, but only if interpreted broadly by the court.

After the passage of the amendment, most of the judicial debate originated from the privileges and immunities clause. Since the legislation did not list what rights fell under these privileges and immunities, many Americans argued for their own rights under the amendment. In fact, the women's rights movement quickly saw vast potential in the privileges and immunities clause. The National Woman Suffrage Association under Susan B. Anthony and Elizabeth Cady Stanton developed the New Departure strategy, claiming that the right to vote fell under the privileges and immunities of a U.S. citizen, which included women.³⁸ Just like believers in the New Departure strategy, Bradwell saw how women's rights could fall under the privileges and immunities clause of the Fourteenth Amendment. Bradwell's argument to the United States Supreme Court, however, notably omitted the right to vote as one of the privileges and immunities of citizenship.

United States Senator and lawyer Matthew Carpenter presented Bradwell's case to the United States Supreme Court in December of 1871. In his brief to the Court, Carpenter argued that admission to the bar fell under the privileges and immunities of citizenship, making *Bradwell v. Illinois* the first case to claim protection under the newly ratified

³⁷ U.S. Constitution, amend. XIV.

³⁸ Friedman, *America's First Woman Lawyer*, 168.

Fourteenth Amendment. But before reaching this important conclusion, Carpenter spent a considerable amount of time explaining how the right to vote *did not* also fall under the privileges and immunities of citizenship. He referred to the Fifteenth Amendment, which, he said, defined suffrage as a right and not a privilege or immunity of citizenship. He “distinguish[ed] between the ‘privileges and immunities’ of a citizen, and the ‘right’ of a citizen to vote, not because [he] feared that this court would deny one, even if the other would follow, but to quiet the fears of the timid and conservative.”³⁹

This argument about the difference between rights and privileges fits into American judicial interpretations of the time. In her book *No Constitutional Right to Be Ladies: Women and the Obligation of Citizenship*, Linda K. Kerber states that a woman’s obligation to her husband and family has always overridden her right to state protection and services.⁴⁰ Indeed, much of Carpenter’s argument matched this idea of a woman’s obligation to the home. Arguing that God created woman to be man’s “helpmate and companion,” he fit his argument within the realm of domesticity. However, Carpenter then said that places where women were excluded, such as the election booth, was where, “obscenity, rowdyism, profanity, and violence” lived. He created a paradoxical argument of justifying a woman’s submission to man, while also restating that a woman was obligated to help man through her feminine virtue, which could mean entering the public sphere to work by his side. Thus, Carpenter framed the legal argument of a citizenship’s privileges and immunities in *Bradwell*

³⁹ Argument for Plaintiff in Error, 10 January 1872, Supreme Court of the United States, December Term, 1871 No. 67, Myra Bradwell vs. State of Illinois. Printed document, Library of the Supreme Court of the United States, Washington, D.C.

⁴⁰ Linda K. Kerber, *No Constitutional Rights to Be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998), 4.

v. Illinois around social views of womanhood that had the potential to appeal to a more conservative mindset.⁴¹

Carpenter's two paradoxical arguments concerning women's obligations and rights also characterized Myra Bradwell's career and fight for women's full citizenship. Bradwell made progressive claims for the advancement of women while often appealing to the traditional and conservative abilities of women. This strategy fits within the early origins of feminism as defined by Nancy F. Cott in *The Grounding of Modern Feminism*. Though Cott begins her study of feminism in the twentieth century, she also notes the "paradoxes [that] had hovered around efforts to obtain women's rights earlier."⁴² These ideological and political paradoxes include the very arguments that Bradwell made in her Supreme Court case and her everyday activism: aiming for sexual equality while acknowledging and adhering to sexual difference. For instance, the women's rights movement "operated from firm convictions about women's own ground of expected domesticity while aiming towards goals of equality between the sexes: equality of access to education, a single sexual standard, equal suffrage."⁴³ Bradwell operated firmly within this paradox of women's right to equality based on their sexual difference. Bradwell's fight against legal disabilities like coverture attempted to appeal to the traditional, domestic ideals for wives while using these ideals to argue for more rights.

Examining the eulogies for Myra Bradwell after her death shows how society truly viewed her as maintaining the values of womanhood while still making strides for women. In his study of Bradwell, Robert Spector states "the respect that had accrued to her by the time

⁴¹ "Argument for Plaintiff in Error, 10 January 1872." Printed document, Library of the Supreme Court of the United States, Washington, D.C.

⁴² Nancy F. Cott, *The Grounding of Modern Feminism* (New Haven: Yale University Press, 1987), 5.

⁴³ Cott, *The Grounding of Modern Feminism*, 7.

of her death was apparently given because she had managed to work in a man's field without violating the limits that society had set for her as a woman."⁴⁴ Indeed, the memorial Justice Henry W. Blodgett wrote for Myra Bradwell, published in the *Chicago Legal News* after her death, captures this sentiment. In the memorial column, Blodgett refers to Bradwell's political and judicial accomplishments within Illinois and the United States, with special reference to the Supreme Court case. However, the Justice saves his highest praises for Bradwell's devotion to the virtues of domesticity and womanhood. The Justice praises Bradwell for not becoming "a mannish ogre, who is in most people's minds associated with the woman who strays out of her 'sphere,' as it is called, but a woman imbued with all the sweet and gentle sympathies which characterize the best of her sex." This captures how Bradwell was admired for advocating for women's rights while still conforming to rigid gender roles. Even more, this memorial praises Bradwell for entering the professional, public sphere world by using the qualities of the private sphere to enable her progress. The memorial goes on to say that Bradwell's life demonstrated that women "need not, and does not necessarily unsex herself when she takes up some, at least, of the avocations which men have heretofore claimed as peculiarly their own."⁴⁵

Even eulogies from some of the women's rights organizations still appealed to this rhetoric of domesticity when describing Bradwell. *The Woman's Journal and Suffrage News*, the newspaper that represented Lucy Stone and Henry Blackwell's suffrage organization the American Woman Suffrage Association, devoted great detail to the many efforts and accolades of Myra Bradwell's life, from *Bradwell v. Illinois*, to the *Chicago Legal News*, and her work in the suffrage movement. The paper described her "of a daring, progressive nature,

⁴⁴ Spector, "Women Against the Law," 228.

⁴⁵ "Myra Bradwell," *Chicago Legal News*, January 19, 1895.

which scorned to be hampered by the prevalent narrow notion of woman's sphere, firm in her conviction, and tenacious of purpose, she never lost an opportunity to work for the cause which was so dear to her heart."⁴⁶ Yet, the paper also noted that "Mrs. Bradwell was essentially domestic in her tastes, and tenderly devoted to her husband and children." They even went on to claim, "Many were the converts she made by her gentleness and grace." By characterizing her as a devoted wife and mother with "tender and womanly" qualities, the *Woman's Journal and Suffrage News* insinuated that her achievements for women's rights were made possible through her domestic traits.

Another eulogy from the *Daily Inter Ocean* took great pains to distinguish between her work of elevating women in the sphere of law to elevating women in general. The paper celebrated "her effort to obtain recognition at the bar as the co-equal of man in the profession of the law." The paper worked to differentiate her work in law versus her "her work for woman," that it predicted would "most perpetuate her fame and make it enduring."⁴⁷ Society could view Bradwell as an activist and keep this separate from her actions as a feminist. Thus, her fellow activists as well as the public seemed to operate within or acknowledge the realm of sexual equality while maintaining sexual difference that Bradwell did.

Many of Myra Bradwell's different efforts to achieve equal rights and full citizenship fit within the realm of domesticity. For example, Bradwell was involved in many different organizations to advance women's education. Since women were generally trusted with the rearing of children, pushing for women's authority within the realm of education would have been a less radical proposal, even though the profession of teaching had once been reserved for men. With Myra's help, James Bradwell pushed through a law in the Illinois legislature

⁴⁶ "Myra Bradwell," *Woman's Journal and Suffrage News*, March 17, 1894.

⁴⁷ "Mrs. Bradwell Dead," *The Daily Inter Ocean*, Feb. 15, 1894.

that allowed women to hold any office in the state public education system. Five years after this law had passed and thirteen women had served as county superintendents in the state, Bradwell called for the Illinois legislator to fill the office of the State Superintendent of Schools with a woman.⁴⁸ Bradwell also helped establish and served as the treasurer of the Girl's Industrial School of Illinois, which provided resources and education for girls to learn trade skills to secure a job one day.⁴⁹ All of these efforts for progressive education had an immense impact on the Illinois school system, as the Bradwell School of Excellence in Chicago was named in her honor.⁵⁰

Thus, Bradwell's campaign for women's rights glorified domesticity while still attacking oppressive legal institutions. She showed how women could still remain domestic while serving outside of the home. However, there was an equally popular perception that the difference in the separate gender abilities could only be maintained through the separation of the sexes. This perception had a direct effect on the decision in *Bradwell v. Illinois*. The Court ruled eight to one that Bradwell's right to practice law was not considered to be a privilege of citizenship. Justice Salmon Chase was the only one to dissent and did not leave an opinion due to his failing health. In the majority opinion, written by Justice Miller, the Court found that the right to practice law did not fall under the privileges and immunities of U.S. citizenship. While the Court acknowledged that Bradwell should be considered a citizen, they argued that the right to practice law, or any employment, in "no sense depend[ed] on citizenship of the United States."⁵¹ Therefore, the Court found that her Fourteenth Amendment rights had not been abridged by the state of Illinois. While Bradwell

⁴⁸ "For the Ladies," *Kalamazoo Gazette*, September 29, 1877.

⁴⁹ "Girls' Industrial School," *The Daily Inter Ocean*, January 7, 1881.

⁵⁰ The Myra Bradwell School of Excellence in Chicago, Illinois was established in 1889 (https://www.bradwellbruins.org/apps/pages/index.jsp?uREC_ID=376105&type=d).

⁵¹ *Bradwell v. Illinois*, 83 U.S. 130.

expressed disappointment with this ruling, she took to the *Chicago Legal News* to state her approval of Justice Miller's legal reason as "he does not for a moment lower the dignity of the judge by traveling out of the record to give his individual views upon [women's rights].""⁵²

But, this is exactly what Justice Joseph Bradley did in his opinion for *Bradwell v. Illinois*. Though Bradley agreed with the majority's reasoning that Bradwell was a citizen but her right to practice law did not fall under the privileges and immunities of U.S. citizenship, he took his specific reasoning into a social realm. Bradley argued, "Man is, or should be, woman's protector and defender...the natural and proper timidity and delicacy which belongs to the female sex," the very qualities with which Bradwell practiced in life and was celebrated for after death, "evidently unfits it for many of the occupations of civil life." Whereas Matthew Carpenter stated that the difference in man and women that God created was meant to aid man in society, Bradley argued that the "law of the Creator" decreed that "paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother."⁵³ Thus, Bradwell's strategy of demanding equal rights and full citizenship while adhering to the realm of domesticity still faced considerable backlash from those who thought the virtues of womanhood could only be maintained through a separation of the genders in all aspects of life.

In spite of this legal loss in the United States Supreme Court, Bradwell continued to fight for women's equal rights and full citizenship by dismantling the boundaries of coverture. Even as the Supreme Court deliberated on her fate in *Bradwell v. Illinois*, the Illinois legislature passed a law guaranteeing equal employment, a law Bradwell had crafted

⁵² "The XIV Amendment and Our Case," *Chicago Legal News*, May 10, 1873.

⁵³ *Bradwell v. Illinois*, 83 U.S. 130.

and for which she lobbied. The law declared that “no person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex,”

effectively protecting all other white women from the same discrimination that she faced.⁵⁴

Bradwell also served on the committee of the Illinois Woman’s Press Association, which called for and encouraged women journalists to pursue their journalist career and offered any services they required. In fact, the organization secured a location in the Woman’s Building of the World Columbian Exposition of 1893 in Chicago.⁵⁵ This elaborate, global event was a massive undertaking for the city of Chicago, and also a chance for them to show the world of their capabilities as a town. Bradwell worked towards her goal of dismantling coverture and opening professional positions to women by inviting other journalists to join in discussions on government reform and women’s affairs at the World Columbian Exposition.

Bradwell led the way on securing women’s presence in many other institutions that were historically male only. Bradwell was one of the first female members of the Illinois Press Association and the first female vice-president of the organization. She also became a notary public, even after the governor of Illinois denied her request on the grounds of her married condition. In a letter to Governor Palmer after her request was denied, Bradwell pointed out that a judge in Buffalo found that a married woman could be found liable of a crime even under the disabilities of coverture. To further highlight the hypocrisy of coverture, she pointed out that the governor had appointed a widow as a notary. Bradwell asked the governor, “Am I not just as good of a woman and just as capable with a husband as I am without?” Expanding past a legal argument, Bradwell then wielded her influence over

⁵⁴ “Women’s Equal Employment Law,” *Chicago Legal News*, April 19, 1873.

⁵⁵ “Illinois Woman’s Press Association” Illinois Digital Archives, Jenkin Lloyd Jones World’s Columbian Exposition Collection, no. 0348, 1893.

Palmer by reminding him that she had defended him in the past.⁵⁶ In an extraordinary move, Bradwell proclaimed her own influence as a business owner, activist, and *wife* to move the governor to reason. Myra Bradwell could use a seemingly paradoxical position of rejecting the limits of coverture while still using domesticity to achieve her political goals. Two years later, the law she lobbied for added “persons” to the notary’s position qualifications allowed women of all statuses.⁵⁷ More so, after her own success with the *Chicago Legal News* as its business owner, other women saw how to own their own businesses. Bradwell was listed as an example in the monograph, *A Practical Business Guide for American Women of All Conditions and Ages, Who Want to Make Money But Do Not Know How*.⁵⁸

Bradwell fought for women’s citizenship to equal men’s citizenships by seeking different political rights that expanded past the right to vote. Yet, Bradwell contributed significant time and effort to the advancement of women’s suffrage. Notably, she served as the corresponding secretary for the American Woman Suffrage Association (AWSA) at its founding in 1869.⁵⁹ Bradwell’s alliance with the AWSA fits her more moderate political tactics within *Bradwell v. Illinois* and the *Chicago Legal News*. The organization supported the Fourteenth and Fifteenth Amendments even though they both neglected women’s legal disabilities. Bradwell followed the organization’s strategy of securing suffrage through a state-by-state basis amendment, helping the suffragists of Illinois work towards a state amendment. She helped ensure that the 1869 Illinois state constitutional convention would

⁵⁶ Letter from Myra Bradwell to Governor Palmer, Chicago, 22 January 1870, letter, James and Myra Bradwell Papers, Abraham Lincoln Presidential Library and Museum, Illinois.

⁵⁷ Catharine Waugh McCulloch, *Chronology of the Woman's Rights Movement in Illinois* (Chicago: Illinois Equal Suffrage Association, 1912.)

⁵⁸ Etta M. Taylor, *A Practical Business Guide for American Women of All Conditions and Ages, Who Want to Make Money But Do Not Know How* (Minneapolis, Minnesota: E. M. Taylor, 1893.)

⁵⁹ Constitution of the American Woman Suffrage Association and the history of its formation: with the times and places in which the association has held meetings up to. American Woman Suffrage Association, Lucy Stone, and National American Woman Suffrage Association Collection. Boston: Press of George H. Ellis, 1881.

consider whether the male electorate should vote upon a proposed amendment for women's suffrage. Following the Kansas state convention in 1867, this was the only the second time in American history that woman's suffrage came up against a political test. Just like Kansas, the proposition was defeated. After this, Bradwell ceased her state lobbying for suffrage but did continue to serve as secretary for the American Woman Suffrage Association, as well as a correspondent for the organization's newspaper, the *Woman's Journal and Suffrage News*.⁶⁰ Clearly, Bradwell believed in and fought for women's suffrage to promote equal rights and full citizenship.

In the end, the question of what Bradwell sought to secure under women's citizenship cannot be answered by merely looking at Bradwell's fight for the rights of female lawyers. Rather, her career and her life encompassed a massive and diverse effort to gain equal rights and full citizenship for women by dismantling the legal and political institutions that oppressed them. Bradwell recognized that she could use the expectations of her gender to make a case for women's full citizenship. While still appealing to traditional gender roles and social ideals for women in the Victorian era, Bradwell challenged what professions and rights should or should not be opened to women. Her work in *Bradwell v. Illinois* cannot be understood without acknowledging her achievements with the *Chicago Legal News*, the Illinois Industrial School for Girls, the Illinois Soldier's home, the Illinois Women's Press Association, or the American Woman Suffrage Association. Bradwell's work as a citizen symbolized her hope for other women - to enjoy all aspects of their citizenship rather than just one right. Bradwell believed that women should be able to enter a profession of their choosing and capabilities, vote, and serve in public office. Instead of aligning herself in a

⁶⁰ Friedman, *America's First Woman Lawyer*, 174.

politically consistent manner, she put herself with the multiple causes she felt would advance the rights of women.

Yet, as discussed in the following chapter, this multifaceted attempt to secure a variety of women's rights was not a common characteristic of the early women's rights movement. While almost all in the women's rights movement believed in the many things that Bradwell fought for, there was heated and passionate discussion over which rights should be the main objective to achieve full citizenship, as well as how to achieve these rights. Almost all activists sought equal rights and full citizenship, but they limited their focus to one main cause to achieve broader privileges in citizenship. Chapter Two will examine how Bradwell's own fight for citizenship fit within the larger women's rights movement.

Chapter 2

Bradwell v. Anthony: The Fight for Citizenship within the Women's Rights Movement

After the Civil War, Congress passed three sweeping acts of legislation: the Thirteenth, Fourteenth, and Fifteenth Amendments, all of which bestowed rights on four million people who had formerly been enslaved. The Thirteenth Amendment, which made slavery illegal except for imprisonment, was widely embraced by the women's rights movement, as many feminists had begun their activist careers in the abolitionist movement. However, the Fourteenth Amendment split the women's rights movement, a division only exacerbated by the Fifteenth Amendment. With the passage of the Fourteenth Amendment, the word "male" entered the Constitution for the first time. Especially since the amendment recognized the rights of citizenship, including equal protection and due process of the law, women's omission came as a huge blow. Many within the movement saw this as a sign that further legislation would only continue to deny women access to full citizenship rights.⁶¹

White women have technically been citizens of this country since its founding. Therefore, any debate about women's citizenship during the late nineteenth century was really an argument for the extension of citizenship rights. Even those with the most traditional views of legal rights like Judge Bradley considered women citizens before and after *Bradwell v. Illinois*. Although, women's citizenship did not include the political and economic rights that came with male citizenship, including the right to vote, hold public office, choose their own employment, and own their own business. Men and women exercised different rights as a part of their citizenship.⁶² When women's rights activists called

⁶¹ Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote, 1850-1920* (Indianapolis: Indiana University Press, 1998), 8.

⁶² Linda Kerber, *No Constitutional Right to Be Ladies*, 13.

for citizenship rights, they meant those rights of citizenship that came with the citizenship of white males.

At the 1848 Seneca Falls Convention, the Declaration of Sentiments declared that men and women are “endowed by their Creator with certain inalienable rights; that among these are the right to life, liberty, and the pursuit of happiness,” stating that both genders upon birth should be granted the rights of citizenship.⁶³ But the movement differed as to the methods needed to secure expanded rights of citizenship, especially which rights could lead to the eventual securement of other political rights. Following the passage of the Fourteenth Amendment, women’s rights activists began to fight, even among themselves, all with different goals and strategies, to bend this essential amendment to provide citizenship to women. This chapter analyzes the citizenship debate within the movement by analyzing Myra Bradwell’s own legal battle, as well as the newspaper articles within the *Chicago Legal News*, and comparing these to the rhetoric of Susan B. Anthony Elizabeth Cady Stanton’s newspaper *The Revolution*. The analysis reveals how these women differed in many different ideals, in terms of political strategy and appeals, but also shared more similarities in overall wishes for women’s rights.

The *Chicago Legal News* and *The Revolution* operated under vastly different management and held unique goals. Myra Bradwell solely owned the *Chicago Legal News* and edited the paper to be a “journal of legal intelligence.”⁶⁴ The *Chicago Legal News* provided an objective look at major court cases in Illinois, other states, and the United States Supreme Court. While the paper advertised itself as offering “legal information and general news,” it certainly did offer more coverage of women’s legal right cases happening across

⁶³ Aileen S. Kraditor, *The Ideas of the Woman Suffrage Movement, 1890-1920* (New York: Columbia University Press, 1965), 2.

⁶⁴ Front cover, *Chicago Legal News*, February 5th, 1870.

the country than other newspapers. On the other hand, *The Revolution* was the product of the National Woman's Suffrage Association (the NWSA) led by Elizabeth Cady Stanton and Susan B. Anthony. The political association's paper operated under the motto, "Principle, not policy; Justice, not favors."⁶⁵ In other words, the suffrage group utilized this press tool to advertise their ideals for women's suffrage. Both papers, however, reveal their creators' savvy use of the press, as well as their beliefs and strategies about the movement. Comparing these papers shows the division, and unity, within the movement about what constituted citizenship, and how best to achieve it. Ultimately, both agreed that the right to employment and the right to vote constituted fundamental rights of citizenship, but they disagreed on which right should be secured first in order to open the door to expanded women's citizenship. Comparing which rights they fought for most fiercely also shows how they navigated a changing landscape, in which the rights and social standing of the oppressed were continually in flux in a postwar society.

In her essay "The Meaning of Citizenship," historian Linda Kerber discusses the historical context of the term to "show how the American dream of equal citizenship has always been in tension with its nightmares."⁶⁶ By placing the meaning of citizenship in the three categories of race, class, and gender, Kerber demonstrates how the definition of citizenship is not stable at all. Kerber states people in these categories enter society at a disadvantage simply on the precedent of their ancestors. As with the children of enslaved people in Antebellum America, "the citizenship of a child whose ancestors could not claim citizenship by birth carries different historical freight from the citizenship of a child whose

⁶⁵ "The Revolution," *The Revolution* 1, no.1, January 8, 1868.

⁶⁶ Linda Kerber, "The Meaning of Citizenship," *The Journal of American History* 84, no. 3 (December, 1997): 836.

ancestors could and did.”⁶⁷ The situation with white women, however, shows that this inheritance of citizenship depended on more than just the mother’s rights and varied based on the child’s gender. Since a white son could practice all the rights and privileges of citizenship while a daughter in the same family could not, this difference in citizenship resulted from sex at birth.

By examining the rules of naturalization at the beginning of the nation, Kerber shows how the citizenship of women never equaled that of her father, brother, or husband. The first Naturalization Act of 1790 stated that all children of American citizens were automatically citizens wherever they were born, but this did not apply to a “person whose fathers have never been resident in the United States.” Even if the mother was born and had lived in the United States her entire life, this had no effect on the citizenship of her children. Even into the twentieth century, if an American-born woman married a foreign man, she lost her citizenship.⁶⁸ Simply put, a woman’s citizenship was defined by the citizenship of the men in her life. The denial of citizenship to certain groups elevated those who did retain the full rights of a citizenship. Kerber ties this to the current aggression towards immigrants, stating, “It may be that so many of us resent aliens because we are so much like them.”⁶⁹ In other words, American citizenship has always been based on the denial of rights to those not considered citizens.

Many scholars who study gender relations in the nineteenth century have noted how this power in citizenship and identity comes from the disenfranchisement of other’s citizenship. In *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country*, Stephanie McCurry argues

⁶⁷ Kerber, “The Meanings of Citizenship,” 837.

⁶⁸ Kerber, “The Meanings of Citizenship,” 839.

⁶⁹ Kerber, “The Meanings of Citizenship,” 840.

that the thin line that separated white yeoman farmers from other impoverished southerners was simply their ability to own property and maintain their mastery over their household. McCurry states that “as patriotic sons, as fathers, as heads of households, as white men, as propertied men - as masters - yeoman freeman were called in 1860 to defend their world.”⁷⁰ Their citizenship was defined through the lack of citizenship in their dependents, including enslaved people, children, and wives. Thus, the Civil War and the emancipation of enslaved people proved to be a threat to their society.

In *Gendered Strife and Confusion: The Political Culture of Reconstruction*, Laura Edwards offers a follow up to McCurry’s analysis by extending the analysis into the postwar era. The “gendered strife” noted in the title stems from previously enslaved men gaining new political rights that aligned more with responsibilities and duties of white manhood. Since the “collapse of slavery destabilized the racial and class distinctions on which antebellum society had rested...[white elites] looked to the household for ways to rebuild crumbling social hierarchies, settling finally on rigid domestic standards as well as personalized standards of manly and womanly conduct.”⁷¹ Though slave masters always exhibited some interest in the private affairs of the enslaved in terms of how it affected productivity, white elites scrutinized the intimacy of freed men and women for the sake of their continued dominance in society. The inherently private household became the focus of public attention. This reveals the precarious nature of white male superiority. Thus, women’s rights activists campaigning for the rights of citizenship exhibited almost the same threat to society that newly freed slaves did in the reconstructing nation.

⁷⁰ Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995), 283.

⁷¹ Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Chicago: University of Illinois Press, 1997), 110.

Scholarship on the women's rights movement has defined the movement more as a division of ideals, rather than a cohesive ideological group. The movement famously split after the ratification of the Fifteenth Amendment in 1868, which gave black men the right to vote. To half of the women's activists, this was the ultimate betrayal. Many women's rights activists got their start by campaigning for the political advancement of other groups, such as the enslaved. Although they had first joined the abolitionists under the Republican political party, some of the suffragists resented political reform aimed solely at the freedman. The Fifteenth Amendment proved to be a breaking point. Refusing to support suffrage for black men until white women were also enfranchised, Susan B. Anthony and Elizabeth Cady Stanton founded the National Woman Suffrage Association (NWSA) in 1869. During the same year, Lucy Stone and her husband, Henry Brown Blackwell, formed the American Woman Suffrage Association (AWSA), which supported the new law.⁷²

Bradwell diverged from Anthony and Stanton in terms of how they viewed the Fifteenth Amendment, they both represented an emergence of feminist activism. As historian Ellen DuBois captured in her groundbreaking 1978 book *Feminism and Suffrage: The Emergence of an Independent Women's Movement in America, 1848-1869*, the demand of suffrage showed the beginnings of feminist ideals, since suffragists called for an expansion of democratic rights to all genders.⁷³ The structure of American democracy was not built with the full citizenship of women in mind, so not only was demanding the right to vote a challenge to male authority, but so was demanding any sort of rights of citizenship, including Myra Bradwell's call for equal employment. The movement represented more than an emergence of a political goal; it represented a feminist awakening. Narrowly focusing on

⁷² Kraditor, *The Ideas of the Woman Suffrage Movement*, 4.

⁷³ Ellen DuBois, *Feminism and Suffrage: The Emergence of an Independent Women's Movement in America, 1848-1869* (Ithaca: Cornell University Press, 1978), 46.

suffrage heightens the tension within the movement, but also obscures the broader attention on citizenship rights.

That does not mean that women's rights activists agreed about the definition of citizenship, though. In *The Revolution*, the newspaper that served as the mouthpiece for the NWSA, Susan B. Anthony and Elizabeth Cady Stanton grappled with the question of who deserves the rights of a citizen. They contended that the enfranchisement of black men did not mean that the country had overcome the social problems present before the Civil War because "more than slavery [was] to be abolished." They argued that the definition of citizenship would change to "mean more than a creature who is in the market with his ballot and birthright on election morning, seeking bidders." The leaders of the NWSA believed that people earned rights of citizenship, like suffrage, upon merit. By pushing for "an intelligent suffrage based on man and woman alike," these leaders sought to secure their rights from those who in power "are rushing the dismembered fragments of our nationality on to a still deeper ruin."⁷⁴ In other words, they thought that giving the right to vote to just any freed man or woman who in their eyes could not and should not handle the responsibility, would only push postwar society into further decay.

To Elizabeth Cady Stanton, elected officials wasted their time on issues like "'negro suffrage,' 'impeachment,' 'protection,' 'finance,' and the 'presidency'" which were "all light consideration compared with the broader questions, what constitutes a citizen? And on what principle are educated, wealthy, patriotic citizens taxed without representation, governed without their consent?"⁷⁵ Denying the right to vote to citizens who provided domestic and intellectual services to society went against the core beliefs of American democracy. *The*

⁷⁴ "The Revolution," *The Revolution* 1, no.1, January 8, 1868, 8.

⁷⁵ Elizabeth Cady Stanton, "Revolution," *The Revolution* 1, no.1, January 8, 1868, 9.

Revolution frequently printed speeches from the NWSA's preferred presidential candidate, George Francis Train. Known for his world travels (and possibly the model for the novel *Around the World in Eighty Days*), Train ran as an independent candidate in the 1872 election. Train endorsed the same "educated suffrage" platform of the NWSA. In one speech, Train proclaimed, "black and white must read and write before they can vote. We want more virtue and intelligence, and less vice and ignorance at the polls." To this party, the basic rights of citizenship should apply only to those who represented the desired principles of society. Thus, this platform of educated suffrage was also another means to reinforce the dependence and subordination of lower-class whites and freedmen.⁷⁶

Myra Bradwell's beliefs about who should exercise fully the rights of citizenship diverge from this rhetoric seen in *The Revolution*. Since Bradwell actively worked within the American Woman's Suffrage Association, her characteristics for citizens originated less from the ability and superiority of one race, but rather the capability of women. In rebutting Justice Joseph Bradley's opinion in *Bradwell v. Illinois* through an article in the *Chicago Legal News*, Bradwell noted that Bradley had claimed in *The Slaughterhouse Cases* that "that there is no more sacred right of citizenship than the right to pursue unmolested, a lawful employment in a lawful manner." Bradwell then asks, "how can [Bradley] then, and be consistent, deprive an American citizen of the right to follow any calling or profession under laws, rules and regulations that shall operate equally upon all, simply because such citizen is a woman?"⁷⁷ She does not stipulate whether the woman is wealthy, educated, and patriotic like Stanton does in her article. To Bradwell, the rights of citizenship should be given to people upon birthright, with no other qualifiers.

⁷⁶ "The Presidential Question in Kansas: Geo. Francis Train Receives Advice and Answers It," *The Revolution* 1, no. 2, January 15, 1868.

⁷⁷ "The XIV Amendment and Our Case – Part 2," *Chicago Legal News* 5, no.33, May 10, 1873, 390.

However, the employment opportunities for which Bradwell advocated did require a considerable amount of education. Not only did Bradwell support women entering the legal profession, she also argued in favor of women serving on state school boards and entering the media.⁷⁸ All of these professions required education, during a time when few women could go to higher education institutions. In fact, Myra Bradwell herself did not go to school to study law; instead, she studied under her husband, a judge in Cook County. The women who did practice law, write for newspapers, and work in education rarely came from the working-class. Therefore, both of these movements viewed the citizenship rights of working-class women differently from their own. They certainly viewed working-class women as citizens, but not citizens meant to lead others in society. For Bradwell and Anthony to lead their poor, less educated sisters out of their enslavement, upper-class women needed the vote and full citizenship.

With this similar definition of citizenship in mind, both Bradwell and the leaders of NWSA saw the Fourteenth Amendment as a means to secure women's full rights as citizens. But just like their thoughts on how to secure women's suffrage differed in light of black suffrage, so did their ideas on expanding the Fourteenth Amendment to women. Not only did they approach the Fourteenth Amendment with different strategies (with Bradwell petitioning the Courts and the NWSA using a political message), they also diverged in their logic to secure full citizenship. However, it is important to note that even though their strategies diverged on how to obtain citizenship, this does not mean that they did not support each other's efforts.

⁷⁸ In "For the Ladies," *Kalamazoo Gazette* September 29, 1887, 2, covers Myra Bradwell's call for more women to fill that State Superintendent school board for Illinois. "Illinois Woman's Press Association," in the World's Columbian Exposition Auxiliary Scrapbook, (*Illinois Digital Archives*, no. 0348), in which Myra Bradwell served on the committee and called for more women to join the press realm.

Famously, Susan B. Anthony voted in the 1872 presidential election in her home state of New York. When she was arrested for this act, she claimed that the Fourteenth Amendment granted her the right to vote. Anthony went on trial for illegally voting in 1874, so the court referred to the precedent set in *Bradwell*. Myra Bradwell's lawyer Matthew Carpenter had argued in *Bradwell v. Illinois*, that expanding the Fourteenth Amendment to women would not result in women's suffrage, and the federal court used this judicial precedent, amongst other issues, to rule against Anthony's argument for suffrage.⁷⁹ This may explain Anthony's frustration over Bradwell's failure to include suffrage as a key right under the Fourteenth Amendment. Effectively, Bradwell gave the American legal system a free pass to refuse women's suffrage under the Fourteenth Amendment, as Anthony experienced. However, Bradwell came to Anthony's aid during her trial for voting under the Fourteenth Amendment. Bradwell stated that the federal judge "violated the Constitution of the United States more in convicting Miss Anthony of illegal voting, than she did in voting; for he had sworn to support it, and she had not."⁸⁰

Still, Bradwell carefully avoided claiming whether the Constitution provided Anthony the right to vote. Although, she did point out the judge's duty to support the Constitution. This statement shows that Bradwell simply believed in the justice of the legal system and felt more comfortable to push for the rights of women through the courts, rather than through political means. In a tribute to Anthony's devotion to the cause of women's suffrage, Bradwell stated that she "fully agree[ed] with her that the great battle-ground in the first

⁷⁹ "An Account of the Proceedings on the trial of Susan B. Anthony on the charge of illegal voting at the Presidential election...", (Rochester, N.Y.: Daily Democrat and Chronicle Book Print, 1874), 74.

⁸⁰ "An Account of the Proceedings on the trial of Susan B. Anthony...", 74.

instance should be in Congress.”⁸¹ Bradwell did not question the importance of suffrage or how to gain this right. At the same time, she saw that the courts could fight for other aspects of citizenship, outside of suffrage. To Bradwell, full citizenship for women went beyond the right to vote. While Anthony saw suffrage as the gateway to other political, social, and economic rights, Bradwell saw those rights as more fundamental than suffrage to the definition of women’s expanded citizenship.

Bradwell’s legal battle in *Bradwell v. Illinois* demonstrates her belief in the justice of the legal system. Whether she truly believed she would win or not will remain unanswered. Still, she at least thought enough of the system to believe that even if her fight ended in defeat, it would establish a constitutional foundation for expanded citizenship rights. Others in several different social movements saw *Bradwell v. Illinois* as a rallying point. In an article from *New National Era*, a weekly newspaper owned by and published for African Americans, Samuel Scottron questioned the effects of the *Slaughterhouse Cases*. He worried that if the Court ruled against white men receiving protection from the Fourteenth Amendment, “will the Constitution protect the black man where it does not the white?” The author then points to Myra Bradwell as another case lost by the “same objectionable line of reasoning as to the protection afforded by the amendments to citizens of the United States.”

Several important features stand out about this article. First, it shows how not only women, but also African Americans, saw Bradwell’s loss in the Supreme Court as a threat against their own rights. Even though Bradwell lost her own right of employment, which she viewed as one of her privileges and immunities as a citizen, her case acted as a call to arms for others who faced the same discrimination. Samuel Scottron asked the people of the

⁸¹ Ida Husted Harper, *The Life and Work of Susan B. Anthony; Including Public Addresses, Her Own Letters and Many from Her Contemporaries during Fifty Years* (Indianapolis, Kansas: The Bowen-Merrill Co., 1899), 346.

southern states “to keep a watchful eye on all such schemes,” utilizing Bradwell’s case to ask other African Americans to push back against such cases of granting “special and exclusive rights to companies.”⁸² Second, Scottron also recognized Bradwell as a citizen, despite her gender. Whether he thought that African American men and white women like Bradwell deserved the same rights of a citizen is questionable, but this article proves that he saw their political fights to be the same. Bradwell’s work within the American Woman Suffrage Association may have provided even more political coalition between the Black right’s and women’s rights, since the AWSA supported universal male suffrage. Either way, this newspaper article from the *New National Era* shows how *Bradwell v. Illinois* resulted in a larger push to expand the Fourteenth Amendment.

Whereas Bradwell immediately utilized the courts as a legal means to expand the Fourteenth Amendment to include women, *The Revolution* lamented women’s loss of rights under the Fourteenth Amendment: “The blundering of this amendment is worse, if possible, than its injustice. It defines who are citizens, then forbids positively any abridgment of ‘privileges or immunities of citizens,’ and afterwards provides for the *downright robbery of ‘citizens’* of that which is the symbol and crowning glory of citizenship, the right of suffrage!”⁸³ To the writers of *The Revolution*, full citizenship for women was not possible without the ability to vote. The efforts of Bradwell or “the hundred thousand female teachers, and the millions of laboring women [with] their complaints, petitions, strikes and protective unions are of no avail until they hold the ballot in their own hands; for it is the first step toward social, religions, and political equality.”⁸⁴ All the rights in which women sought from citizenship, like better employment, divorce rights, and political rights, would follow from

⁸² Samuel R. Scottron, “The Slaughter-House Case,” *New National Era* 4, no. 24, June 19, 1873.

⁸³ “Artful Dodging – The Chicago Platform,” *The Revolution* 1, no. 24, June 18, 1868.

⁸⁴ “The Ballot – Bread, Virtue, Power,” *The Revolution* 1, no.1, January 8, 1868.

suffrage. In an article from *The Revolution* titled “The Degradation of Women,” Elizabeth Cady Stanton stated, “the ballot is self-respect, bread, work and wages for every shade of mankind.”⁸⁵ Thus, even though Bradwell and Stanton had vastly different views on how best to secure the rights of citizenship, they both believed that employment and wage rights should fall under this category.

Bradwell’s and Stanton/Anthony’s shared belief in the importance of fair employment is clear in a letter to the editor article from *The Revolution*. In “A Lawyer’s Objections: Editors of the Revolution,” a man responded to the newspaper’s desire that “the word ‘male’ should be stricken out of the laws, and all regulations apply as well to women as to men.” The man wrote that he was unable to find any situation where women were excluded from employment offered to men, except for the bar and the pulpit of certain religions. Women could work as merchants, bankers, and brokers, all jobs normally monopolized by men. A lawyer himself, he clarified that women may not “obtain positions as porters, laborers, rodmen, etc., but surely [women] are not jealous of these privileges.”⁸⁶ To end his argument, the man reminded readers that even if women wanted to practice law or serve in a higher position within an organized religion, these organizations “give employment to very few women, to so few that it would scarcely pay to open to them.” The man’s letter argued that there seemed to be no reason to exclude the word male from laws because women would still not enjoy any more rights than before.

In response, *The Revolution* showed how “in denying [women] a right to enter all the colleges and seminaries, of law, medicine and theology, you prevent [them] from fitting [themselves] for those professions.” In many states where women still could not own

⁸⁵ Elizabeth Cady Stanton, “The Degradation of Women,” *The Revolution* 1, no. 2, January 15, 1868.

⁸⁶ “A Lawyer’s Objections: Editors of the Revolution,” *The Revolution* 1, no. 24, June 18, 1868.

property, make contracts, or to sue or be sued in their own name, they have no “credit in trade and prevent [their] success as merchants, bankers and brokers.”⁸⁷ All of these obstacles stemmed from the common law doctrine of coverture and were the same that Myra Bradwell faced in her battle to practice law. The paper even addressed the systematic oppression against women wishing to enter certain professions. The paper explained that “some women do desire to enter many departments of labor now monopolized by men,” like Myra Bradwell. But to do that, “it is necessary to adopt male attire,” in which there are “male laws forbidding a similar costume for men and women.”⁸⁸ This response is an important reminder that even though Bradwell and women of the NWSA may have disagreed on how to gain the full rights of a citizen, they did not disagree on what those rights constituted. Though Susan B. Anthony reprimanded Bradwell for not fighting for the right to vote within her Supreme Court case, her newspaper did publicly call for women like Bradwell to be able to practice law and called attention to the laws and institutional structures that prevented her from doing so.⁸⁹

Historian Linda Kerber notes that woman’s placement as “center of home and family life” led to exclusion, not empowerment. The argument that a woman was protected within her own sphere, separating the genders, only maintained the inability to achieve political rights. By adhering to the common law doctrine of coverture, all who preached in sanctity of womanhood believed that “a married woman’s obligation to husbands and families overrode their obligations to the state.”⁹⁰ Thus, the same doctrine of coverture that denied Bradwell the ability to practice law defined a woman’s citizenship as limited to the household. If a woman

⁸⁷ “A Lawyer’s Objections: Editors of the Revolution,” 388.

⁸⁸ “A Lawyer’s Objections: Editors of the Revolution,” 389.

⁸⁹ “Letter from Susan B. Anthony to Myra Bradwell (July 30, 1873) (recently discovered letter on file with author),” from Jane A. Friedman’s *America’s First Woman Lawyer: The Biography of Myra Bradwell*, (Buffalo: Prometheus Books, 1993), 26.

⁹⁰ Linda Kerber, *No Constitutional Right to Be Ladies*, 4.

strayed outside of this realm of domestic citizenship, then she risked the foundations of American society. Therefore, it was vital to the state that a woman's citizenship did not reach into the same bounds of political influence as a man's citizenship.

This did not mean that men viewed women as entirely outside the bounds of citizenship. Rather, just as they constructed different gendered spheres, they also constructed different spheres of citizenship. In his opinion in *Bradwell v. Illinois*, Justice Bradley stated that his disagreement with Bradwell was not whether women enjoy privileges and immunities as citizens, but what exactly the privileges and immunities of a female citizen were. Bradley explained how Bradwell's interpretation of women's citizenship operates on the assumption that it includes the right to pick and work in any profession or occupation. However, Bradley disagreed with this interpretation. Bradley's view of citizenship did not match across gender, race, or class-status, because he viewed these characteristics as natural components that can and should dictate a person's occupation. In fact, he acknowledged that this seemingly inequality in citizenship "is just the nature of things."⁹¹ To Justice Bradley and to many traditionalist views of this time, a person's right to citizenship was dependent on their social placement.

Not only did Bradwell and Anthony differ in their strategies to achieve full citizenship, they also employed different rhetoric. In the Victorian era, middle-class white women lived according to the social norms of the "Cult of True Womanhood." Women only gained social acceptance if they displayed the virtues of womanhood, including submissiveness, domesticity, purity, and piety.⁹² While some women's rights supporters saw these virtues as chains that further held them back from achieving full citizenship, others saw

⁹¹ *Bradwell v. Illinois*, 83 U.S. 130 (1873).

⁹² Barbara Welter, "The Cult of True Womanhood: 1820-1860," *American Quarterly* 18, no. 2 part 1 (1966): 151-174.

these social norms as a means to gain favor among the men in power and further justify why women should gain more political rights. On the surface, Bradwell, Stanton, and Anthony may seem to have held differing views on the Cult of True Womanhood. Famously, Susan B. Anthony resented how much time Elizabeth Cady Stanton devoted to her children and husband. However, just because Anthony refused the institution of marriage and motherhood, this does not mean that she was not a woman of her time. Women's right activists developed a variety of social beliefs to demonstrate how giving women a more prominent role in all aspects of society could better lives for all.

Women's historians have long noted that nineteenth-century laws that appeared to grant women more rights were not intended to promote a feminist agenda. Rather, most of these laws just reshaped the patriarchy instead of breaking it down. In their study of family law, Julia Brophy and Carol Smart argue that "although inequalities of power within the family have been modified, the basic patriarchal structure of the family...is sustained rather than undermined in family law."⁹³ For example, favoritism towards mothers in divorce custody cases resulted from the belief that women were inherently more nurturing and able to care for their children. Robert Griswold's article "Divorce and the Legal Redefinition of Victorian Manhood," covers the reshaping of nineteenth century masculinity towards "a middle conception of family authority, not feminist demands for sexual equality."⁹⁴ Ultimately, the legal changes towards women's rights during the Victorian era came from the social ideas that surrounded the gender ideals of domesticity.

⁹³ Julia Brophy and Carol Smart, "From Disregard to Disrepute: The Position of Women in Family Law," *Feminist Review*, no. 9 (Autumn, 1981): 4.

⁹⁴ Robert Griswold, "Divorce and the Legal Redefinition of Victorian Manhood," in *Meanings for Manhood: Construction of Masculinity in Victorian America* ed. Mark C. Carnes and Clyde Griffen (Chicago: University of Chicago Press, 1990), 97.

Feminists of the early women's rights movement recognized that in order to secure citizenship, they must tie women to these social beliefs. The rhetoric of Myra Bradwell, Susan B. Anthony, and Elizabeth Cady Stanton in the *Chicago Legal News* and *The Revolution* shows how these activists utilized, and perhaps, believed, in the relationship between women's citizenship and social norms. Myra Bradwell's newspaper and career shows how she argued that a woman's expanded citizenship could fit comfortably within the bounds of domesticity. For example, as she quoted from Justice Bradley in her article "The XIV Amendment and Our Case," the right to employment was one of the staple points of a citizen. However, Myra Bradwell stated that she wished to practice law so that she could aid her husband and be a dutiful wife. She also believed that if "married people worked side by side we would need no divorce courts."⁹⁵ Myra Bradwell argued that women could enjoy the benefits of citizenship while keeping within the realm of domesticity.

The Revolution depicted a more complicated relationship between women's citizenship and the traditional norms of womanhood. The article "Home Truths" from *The Revolution* shows their attempt to reprimand the submissive quality associated with women. In the article, the author states that the ideal American lady could be compared to sheep. While "a sheep is weak, cowardly, helpless, and very foolish at times...[it] does not make a virtue of its cowardly helplessness," which the American lady does. In this article, *The Revolution* did not equate the virtue of submissiveness with the citizenship of women. They expanded that "we women blindly follow the patriarch of the flock at Paris, no matter how crazy his leaps are...And we let him devour us, body and bones, by the thousand, year after year, and year after year, rather than throw off our sheepishness, and break away, at once and

⁹⁵ Friedman, *American's First Woman Lawyer*, 39.

forever, from the national flock of sick women."⁹⁶ To the leaders of the NWSA, the women who did submit themselves blindly to the will of men did not meet the standards to achieve rights of citizenship.

Moreover, *The Revolution* saw this submissiveness as counterproductive to their goal of citizenship. "When women make a boast of their utter incapacity to take care of themselves," the paper argued, "it is hard to see, sometimes, what possible rights they *ought* to have."⁹⁷ Members of the NWSA thought that when women submitted to the paternal supervision of men they proved the law to be right when it defined women as dependents. Under the law, a dependent could not exercise the rights of a citizen because other capable citizens provided for them. If women played into this dependency narrative, then legally it would not make sense to allow them access to expanded citizenship. *The Revolution* ended this attack by arguing that if masculine legislators gave women the right to vote "in pity...she should be ashamed to accept it thus."⁹⁸

The editors of *The Revolution* also ridiculed the male obsession with women and domesticity. Elizabeth Cady Stanton noted that women are exalted in the "holy office of wife and mother" and isolated "in the clouds where men worship in their sentimental moments." Women were celebrated as pure and ethereal beings because their denial of citizenship saved them from the stain of politics and the world of men. Stanton argued, however, that since women did not enjoy the full rights of citizenship like suffrage, these "exalted beings are ranked with idiots, lunatics, criminals, paupers, with those who fight duels and bet on elections, with rebels, minors and negroes."⁹⁹ Without the rights of full citizenship that would

⁹⁶ "Home Truths," *The Revolution* 1, no. 2, January 15, 1868.

⁹⁷ "Home Truths," *The Revolution*, 1868.

⁹⁸ "Home Truths," *The Revolution*, 1868.

⁹⁹ Stanton, "The Degradation of Women," *The Revolution*.

make them active political actors, women could not implement these nurturing services in society. The ballot “in [a woman’s] hand it will be a moral power to stay the tide of vice and crime and misery on every side.”¹⁰⁰

By characterizing the right to vote as a tool to aid in a women’s feminine caring abilities, activists portrayed full citizenship for women as the means to maintain a traditional society. *The Revolution* challenged these men to “go into the streets of your cities at the midnight hour, and there behold those whom God mean to be Queens in the moral universe, giving your sons and mine their first lessons in infamy and vice.” How, it asks, can women still remain pure if lack of political rights says results in their degradation in the streets? *The Revolution* then used the Cult of True Womanhood logic against lawmakers: “you cannot wrong the humblest of God's creatures without making discord and confusion in the whole social system.”¹⁰¹

Unfortunately, *The Revolution* also advocated for women’s expanded citizenship through the degradation of Black citizenship. As the organization platform states, the NWSA did not stand specifically against Black suffrage, but they did stand for “educated” suffrage. However, during the Victorian Era, there would have been little agreement on which Black citizens actually met this standard of education. The validation of male citizenship came through the subordination of their racial and gender inferiors - just like the superiority of white women was validated through the dependency of Black citizens. *The Revolution* frequently noted how the rights and citizenship of the Black man was put above that of the white women. Black suffrage was “an insult to the women who have labored thirty years for the emancipation of the slave, now when he is their political equal, to propose to lift him

¹⁰⁰ “The Ballot-Bread, Virtue, Power,” *The Revolution*.

¹⁰¹ “Who Are Our Friends?” *The Revolution* 1, no.2, January 15, 1868.

above their heads.”¹⁰² Not only did the NWSA see this as an insult considering all the work (white) women activists performed in the name of citizenship, but it also insulted their dominance in racial ranking. When a newspaper failed to acknowledge the push of women’s suffrage, a member of the NWSA asked “Three thousand million dollars and one million lives have gone to emancipate four million of blacks...Are not our wives, our daughters, our sisters, our mothers as capable of voting as 700,00 ignorant plantation Negroes, or even the Empress and Queens who have always governed Europe?”¹⁰³ According to these women, promoting Black citizenship above the citizenship of whites could unravel the racial threads on which American society had been built.

However, this did not mean that the NWSA believed the Black citizen should go unprotected. Rather, they believed that giving white women more power and expanded citizenship would also result in more rights for Black American citizens. *The Revolution* notes several instances of racial crimes against black in the southern states. For example, one article covered the murder of a mulatto family in Alabama by four white men. Though the men had been arrested and charged, the paper noted that murders are of “so common occurrence there, as that criminal courts would have to be in perpetual session to try the cases.” This same article was printed after a story about black men serving in jury. The ability to serve in a jury was a recent development for the rights of black citizens, as jury pools were picked on those who could vote. The paper quoted the Judge as saying that “the Grand Jury as the most attentive, intelligent, and industrious body of persons, which had been assembled in many years.”¹⁰⁴ These articles demonstrate a complex view of black citizenship that the NWSA utilized in the early women’s rights movement, a view similar to

¹⁰² “Who Are Our Friends?” *The Revolution* 1, no.2, January 15, 1868, 24.

¹⁰³ “George Francis Train Challenges Wendell Phillips,” *The Revolution* 1, no. 1, January 8, 1868.

¹⁰⁴ “Colored Jurors” and “Murder of a Mulatto Family,” *The Revolution* 1, no.1, January 8, 1868, 7.

the beliefs they held of lower-class white women. Activists believed that these groups deserved certain rights, but nonetheless, it was the duty of upper-class white women to protect them and decide what rights best suited each group.

Comparing these views to Myra Bradwell's coverage of Black jurors demonstrates how differently these white women saw the relationship between black male citizenship and white female citizenship. Myra Bradwell had similar coverage in the *Chicago Legal News*, discussing a lower court decision to block African American men from serving on a jury. Bradwell explained that the "Fourteenth Amendment to the Constitution effectively settled this matter and the Supreme Court as acknowledged these rights *so far as they relate to the negro*."¹⁰⁵ Bradwell showed readers how the courts still maintain a narrow interpretation of the amendment that only pertained to African Americans. By attaching herself to the "negro cause," each time Myra Bradwell campaigned for the rights of African Americans as citizens, she believed she did so to obtain the same rights for women as citizens. While Myra Bradwell was willing to align herself, or her cause, with African Americans to validate an expanded citizenship for both groups, Susan B. Anthony and Elizabeth Cady Stanton pushed for their full citizenship through the degradation of Black citizenship. Effectively, the women's rights movement used African American citizenship as an indicator to show legislators that what women's rights should be – whether equal, or in some cases, superior to black citizens.

Division has defined the women's rights movement. Historical narratives have at times centered on their disagreements and inner fighting. Yet focusing on the movement's collective call for expanded citizenship reveals areas of similarities among these early feminists. The Fourteenth Amendment, the coveted piece of legislation that promised

¹⁰⁵ "Colored Jurors," *Chicago Legal News* V., no. 33, October 8, 1870.

citizenship to all native-born and naturalized Americans, soon became a battleground for women's citizenship. Advocates, however, still had to fight against the traditional definition of women's citizenship as providing goods and services to the home, rather than serving the state. Feminists had to defend the right to contribute to the state while fulfilling their gender roles. As this battle raged, strategies, values, and philosophies crystallized, revealing a more nuanced set of similarities and differences within the women's rights movement than has previously been acknowledged. Specifically, women rights advocates differed over how to define the rights of citizenship, who deserved this status, and how to achieve it.

Both Myra Bradwell and Susan B. Anthony saw the common law doctrine of coverture as an obstacle to women enjoying the rights of citizenship, including employment, legal rights, and suffrage. While Bradwell utilized the realm of domesticity to demonstrate how women could engage in society and yet still maintain their roles as mothers and wives, Anthony fought to separate this doctrine from the definition of women's citizenship. Yet Anthony did appeal to traditionalist views by valuing the citizenship of whites over the citizenship of African Americans. Anthony's efforts to separate race and gender and show how Blacks progressed politically over whites, even if they were white women, shows her similar effort to play upon the views of traditional society. At the same time, Bradwell aligned her cause with that of the freedman in order to gain more political support and strengthen her judicial argument about how the enfranchisement of one disenfranchised group should result in the enfranchisement of another.

While this chapter highlighted Bradwell and Anthony as examples of the complex views of citizenship within the women's rights movement and how each side worked to fulfill their goal of expanded citizenship, this next chapter will present the results of their

work. How did Myra Bradwell's fight for women's citizenship within the judicial system affect American women? How did Anthony's fight for women's citizenship through suffrage enable American women to enjoy the rights of citizenship? Though this cannot answer which strategy was best, it can shed light on future political and judicial fights on the current stance of citizenship of women in America.

Chapter 3: Myra Bradwell and the Historical Memory of the Women's Rights Movement

In October 1871, flames consumed Chicago and burned the city for two days. The fire caused enormous damage, destroying thousands of buildings, homes, businesses, as well as claiming hundreds of lives. Fifty-five after the disaster, Bessie Bradwell Helmer described the first night of the fire. She told how she and her father, James Bradwell, frantically worked to save his priceless law books from his law office. After saving her father's professional possessions, young Bessie also saved the subscription book of her mother's newspaper publications, the *Chicago Legal News*. She proclaimed that the subscription book of the newspaper collection "[was] a good thing to save and I will take care of it."¹⁰⁶ Myra Bradwell praised her young daughter for saving the book, especially since the fire consumed the entire office of the *Chicago Legal News* and all the possessions within it. Bradwell also used the opportunity to secure success for her newspaper while its competitors still recovered from the fire. Out of the flames, the *Chicago Legal News* rose to become a premiere legal news institution.¹⁰⁷

Roughly thirty years later, a separate fire burned the documents of another famous women's rights activist. This fire, however, was purposeful. As Susan B. Anthony watched, the flames she had set wrapped around all of the notes, sources, and documents she had compiled on the women's rights movement for the last fifty years. Though it is impossible to pinpoint Anthony's exact intentions, the destruction of these original sources meant that Anthony's authorized biography and the *History of Woman Suffrage* would become the sole

¹⁰⁶ Letter from Bessie Bradwell Helmer to Caroline M. MacIlvanie, Chicago Historical Society, October 7, 1926. Digital item in "The Great Chicago Fire and the Web of Memory" collection on Chicago History Museum website.

¹⁰⁷ Friedman, *America's First Woman Lawyer*, 90.

source for later historians and readers reviewing the movement.¹⁰⁸ In the end, the intentional fire of Susan B. Anthony's archive would define the lives of both women and the collective memory of the early women's rights movement.

The women's rights movement has often reduced its many activists down to a singular contribution to the movement, featuring them more as a footnote in history. Thus, few activists besides the prominent figures, like Susan B. Anthony and Elizabeth Cady Stanton, are familiar to the people of today. Myra Bradwell's biographer Jane Friedman experienced this problem when studying the activist, as demonstrated in her prologue entitled, "Myra, Who?" Her friends, family, and academic peers had never heard of Bradwell. In fact, Friedman herself only discovered Myra Bradwell after teaching a course on Constitutional Law in which the unit on gender discrimination mentioned *Bradwell v. Illinois* (1873). Her curiosity piqued, she examined the thousands of issues in the *Chicago Legal News*. Friedman "became convinced that Myra Bradwell had to be resurrected from oblivion."¹⁰⁹ Despite these efforts, Bradwell's life and philosophy remain largely in the shadows. By analyzing the goals, events, and collective memory of women's rights activists that came after Myra Bradwell, this chapter examines the implications of social movements' attempts to reframe the lives and careers of activists like Bradwell within American history.

Even in books and articles where Bradwell's life seems especially pertinent, such as the history of employment or women lawyers, Bradwell goes unmentioned. For example, in a blog post from the Library of Congress titled "Women in History: Lawyers and Judges," the

¹⁰⁸ In her book *The Myth of Seneca Falls*, Lisa Tetrault cites multiple sources that Susan B. Anthony, along with the help and supervision of Ida Husted Harper, burned almost of her notes and documents that made up her rich archive of the women's rights movement. Lisa Tetrault, *The Myth of Seneca Falls: Memory and the Women's Suffrage Movement, 1848-1898* (Chapel Hill: University of North Carolina Press, 2014), 181.

¹⁰⁹ The copy of *America's First Woman Lawyer: The Biography of Myra Bradwell* used for this study was withdrawn from a public library because of "low demand." This provides a first hand example of Myra Bradwell's historical memory in modern society. Friedman, *America's First Woman Lawyer*, 12.

author fails to mention Myra Bradwell at all.¹¹⁰ In fact, the celebration of the centennial for women lawyers in 1969 was in honor of Arabella Mansfield, the first woman admitted to a state bar to practice law. The centennial celebration made no mention of Myra Bradwell, who passed but was not admitted to the Illinois bar the same year that the Iowa State Bar admitted Mansfield.¹¹¹ Even though Bradwell advocated for women in law, her own journey to become a lawyer failed. While Jane Friedman called her “America’s First Woman Lawyer,” Bradwell never practiced law after her admittance into the Illinois Bar Association in 1892 due to her failing health.¹¹² In the course of remembering strides for women lawyers, and the developments of the women’s rights movement overall, history has popularized the successes more than the so called “defeats” like Myra Bradwell, whose loss at the United States Supreme has often defined her career.

Of course, Bradwell has not been entirely forgotten. Bradwell’s Supreme Court case was the one of the first cases to argue against sex discrimination at the highest level of the American legal system, an essential step not only for women lawyers, but also for other women fighting for their legal rights. The 2018 film *On Basis of Sex*, covering Ruth Bader Ginsburg’s journey to becoming a lawyer herself, pays tribute to Myra Bradwell for this essential step of taking sex discrimination to the Supreme Court.¹¹³ Bradwell was also inducted into the National Women’s Hall of Fame, located in Seneca Falls, in 1994. With a public elementary school in Chicago named after her and a Myra Bradwell Award given each

¹¹⁰ Kelly Buchanan, “Women in History: Lawyers and Judges,” *In Custodia Legis* (blog), March 6, 2015, <https://blogs.loc.gov/law/2015/03/women-in-history-lawyers-and-judges/>.

¹¹¹ Marjorie M. Childs, “The Women Lawyers Centennial,” *Women Lawyers Journal* 55, no. 4 (Fall 1969): 6.

¹¹² “Myra Bradwell,” *Woman’s Journal and Suffrage News*, March 17, 1894.

¹¹³ In the final courtroom speech that Ginsburg delivers to the judge, she explains Bradwell’s loss to the Illinois Supreme Court as the “first time someone went to the Supreme Court to challenge his or her prescribed gender role.” *On the Basis of Sex*, directed by Mimi Leder, released November 8, 2018 (Los Angeles: Universal Pictures Home Entertainment, 2018), DVD.

year from the Women Lawyer's Association of Los Angeles, it is not question of *if* Myra Bradwell is remembered, but *when* and *how* she is remembered.¹¹⁴

More recent historical studies have questioned the traditional and long-standing narrative of the women's rights movement that have omitted women like Bradwell. Nancy Isenberg's 1998 book *Sex and Citizenship in Antebellum America* redefines the roots of the early women's rights movement by examining how antebellum feminists inserted themselves into the political conversation. Isenberg argues that "the legacy of the antebellum women's rights campaign extended beyond the vote or even the terms of what was to be the Fifteenth Amendment." Instead, she states, the main contribution "came from the varied and ingenious arguments for women's full entitlement as citizens."¹¹⁵ These arguments also extended past women's realm of domesticity into seemingly male-dominated world of political debates of fugitive slave laws, capital punishment, and the Mexican War. As seen with Isenberg's study, narratives like Bradwell's diverse and expansive career to secure women's full citizenship by seeking rights outside of suffrage represent a theme in the early women's rights movement, not just a random occurrence.

So why does suffrage still reign supreme as the major component of the early women's rights movement? Isenberg blames the overabundance of attention scholars have paid to the 1848 Seneca Falls Convention and argues against this event as the origins of the movement. Still, Isenberg never explains *how* this happened. Lisa Tetrault provides this answer in her work *The Myth of Seneca Falls: Memory and the Women's Suffrage*

¹¹⁴ The Myra Bradwell School of Excellence in Chicago, Illinois was established in 1889 (https://www.bradwellbruins.org/apps/pages/index.jsp?uREC_ID=376105&type=d). The Myra Bradwell Award from the Women's Lawyer Association, established in 1993, was given "to honor a law firm, corporate or government office, or other entity that has been exemplary in promoting and advancing women lawyers and issues important to women" (<https://www.wlala.org/page/9#Myra>).

¹¹⁵ Nancy Isenberg, *Sex and Citizenship in Antebellum America* (Chapel Hill: University of North Carolina, 1998), 20.

Movement, 1848 - 1898. Tetrault states that the Seneca Falls Convention became the origin of the women's rights movement because of Susan B. Anthony's manipulation of historical memory. In effort to consolidate the many different facets of the women's rights movement in the post-Civil War years, Anthony utilized the production of history in its written word to unite the movement under one beginning, and therefore moving inevitably, into one future with one goal. Scholars studying historical memory define this as seeking a "useable past," meaning a group or society reaches in its past for a historical narrative that validates their present political, economic, or social needs. Tetrault explains that these useable pasts, or origin myths, "work to legitimate and unify the messy contingencies of political struggle, making both the outcome and the story of that struggle seem unmanipulated, if not inevitable."¹¹⁶ Thus, framing the 1848 Seneca Falls convention, a rather unremarkable event to activists at the time, as the beginning of a movement whose primary goal was white women's suffrage, ensured that other political, economic, and social goals were labeled as outliers or hindrance to progression. Anthony and Stanton's treatment towards Black women and men demonstrate this tactic. By casting Black rights as a hindrance to the achievement of women's rights, Anthony and Stanton secured a whitewashed version of the movement.

Not only did Anthony define the movement through an origin story, but she further reinforced the perception that the movement just sought suffrage by only documenting and highlighting those efforts. With her colleagues Elizabeth Cady Stanton and Matilda Joselyn Gage, Anthony created the mammoth collection of the *History of Woman Suffrage*, composed of six volumes. However, Anthony and Stanton did not just merely intend to capture a moment of history with their writing. Instead, they hoped that if they could give the

¹¹⁶ Lisa Tetrault, *The Myth of Seneca Falls: Memory and the Women's Suffrage Movement, 1848-1898* (Chapel Hill: University of North Carolina Press, 2014), 4.

younger activists, who would eventually take over the movement from them, a collective memory of where the movement had been, they would follow the existent path of where it needed to go.¹¹⁷ Though a helpful goal for future activists, it also provided a good opportunity for them to reframe events through their own lens. This historical production dictated what ideals characterized the suffrage movement. For example, because of Susan B. Anthony and Elizabeth Cady Stanton's disagreement over the Fifteenth Amendment and thus separation from African American civil rights, the *History of Woman Suffrage* depicted the birth of the movement separate from abolitionists, rather than within abolitionism.¹¹⁸

Rewriting the birth of the movement apart from abolitionism effectively invalidated all of those suffragists who continued working within the Republican cause of freedmen rights in a post-Civil War society. Lucy Stone famously departed from Susan B. Anthony and Elizabeth Cady Stanton after the passage of the Fifteenth Amendment because she believed the cause of women's rights could still benefit and grow under the Republican umbrella. Thus, while Stone celebrated and joined those suffragists and activists who supported Black rights, Stanton and Anthony separated themselves from this cause. Bradwell joined Lucy Stone's suffrage efforts within the American Woman Suffrage Association. Examining how these two suffrage organizations viewed, valued, and presented the work of women like Myra Bradwell demonstrates the stark contrast in how they wanted to define the movement. Lucy Stone and her husband Henry Blackwell's newspaper, the *Woman's Journal and Suffrage News*, covered almost every political and legal effort of Myra Bradwell's career. This might have been because Myra Bradwell served as the Western Agent for the

¹¹⁷ Tetrault, *The Myth of Seneca Falls*, 113.

¹¹⁸ Tetrault, *The Myth of Seneca Falls*, 122.

newspaper, but it nevertheless shows that the paper's owners and readers saw Bradwell's efforts worthy of celebration and display.¹¹⁹

While Lucy Stone's documentation of the women's rights movement characterized Myra Bradwell's career as an immense help to the cause of women's rights, including suffrage, Susan B. Anthony and Elizabeth Cady Stanton's coverage of Myra Bradwell minimized her role, by presenting only part of Bradwell's efforts to validate their own political goals. First, their newspaper *The Revolution* did not mention Bradwell at all. The paper did not even mention her Supreme Court case, which would have seemed like an important event to cover for a newspaper that reported on women's rights developments. Anthony and Stanton *did*, however, mention Bradwell in their third volume of the *History of Woman Suffrage*. In the volume, they wrote about the Illinois state constitutional convention in 1869, where the matter of women's suffrage would be put to the political test (meaning voters could decide on women's suffrage) for the second time in American history. Myra Bradwell, along with another prominent Midwest suffragist Mary Livermore, was largely responsible for getting the question of women's suffrage to the state constitutional convention.¹²⁰ However, Anthony and Stanton did not mention the convention to praise the work of Bradwell. After all the convention did not secure women's suffrage in Illinois. Instead, they covered the convention to show the political failures that resulted from women like Bradwell who aligned themselves with Lucy Stone, rather than their organization.

Myra Bradwell and Mary Livermore successfully lobbied the Illinois constitutional convention to consider the matter of women's suffrage after organizing the midwestern

¹¹⁹ "Women's Journal," *Woman's Journal and Suffrage News*, January 8, 1870.

¹²⁰ The first political test for women's suffrage actually occurred in Kansas, two years before the Illinois state constitutional convention. The state put the question of women's suffrage up as a referendum to the people, but it ultimately failed. Friedman, *America's First Woman Lawyer*, 174-175.

women's suffrage convention in early 1869. Susan B. Anthony and Elizabeth Cady Stanton attended the Illinois constitutional convention and were shocked to see that the women of Illinois were encouraged not to speak, but rather to contribute through their own "quiet, moral influence." While the women of Illinois remained silent, a "conservative woman" from Michigan managed to "secure the hall of the convention and gave two lectures against women suffrage."¹²¹ Because of this, the convention decided not to let the matter of women's suffrage go to the people of Illinois for a vote. Instead, women's suffrage died on the floor of the convention. The convention also passed a clause that outlawed women from holding public office or place of trust in the state, but Anthony and Stanton credited Judge Bradwell with later removing the clause.¹²² They also praised Myra Bradwell for discrediting the state convention, quoting her as saying "the people of the state were told that one woman [the women from Michigan] had proved herself competent and well qualified to enlighten the constitutional convention upon the evils of suffrage."¹²³

Clearly, Anthony and Stanton did not entirely disagree with the couple. In fact, their appearance in Anthony and Stanton's writing demonstrates that the activists respected some of the couple's work. But overall, Anthony and Stanton still associated Myra Bradwell with the failure of women's suffrage at the Illinois state constitutional convention in 1869. By associating Myra Bradwell with the "male aristocracy" of the Republican-controlled state convention, they effectively cast Bradwell on the wrong side of their history.¹²⁴ Even though Bradwell, Anthony, and Stanton all viewed the 1869 Illinois constitutional convention as a loss, Anthony and Stanton placed Bradwell with their political enemies, the Republicans.

¹²¹ Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joselyn Gage, *History of Woman Suffrage: 1876-1885* (Salem New Hampshire: Ayer Company, 1881) 3: 571.

¹²² Stanton, Anthony, Gage, *History of Woman Suffrage*, 571.

¹²³ Stanton, Anthony, Gage, *History of Woman Suffrage*, 572.

¹²⁴ Stanton, Anthony, Gage, *History of Woman Suffrage*, 566.

Thus, the rewriting of Myra Bradwell did not result from profound disagreement over *Bradwell v. Illinois*, but instead how their political alliances played out in the suffrage movement.

Meanwhile, the coverage of the 1869 Illinois constitutional convention in the *Woman's Journal: Suffrage and News*, the newspaper that represented Lucy Stone's suffrage association, cast the suffrage debate in a far different light. First, the paper did not even mention the failure of the convention to secure women's suffrage. Instead, it highlighted the guest list, discussion, and progress. The paper described Liberty Hall, the sight of the convention, as filled with "able lawyers, eloquent and distinguished divines and gallant generals occupied seats upon the platform and took part in the deliberations."¹²⁵ In fact, Myra Bradwell's connections to the judicial system enabled her to bring these distinguished guests to the convention. The paper made no mention of the Republican delegates who, in Anthony's view, perpetuated a male hierarchy by silencing the women in attendance. Because Bradwell was a part of Stone's suffrage organization and thus Bradwell's efforts represented the organization, Stone's narrative of the Illinois constitutional convention portrayed the event in a positive light to benefit her political goals. Thus, both spectrums of the women's rights movement manipulated the historical narrative around Bradwell to shape their crafted political personas and goals. As Anthony said in reference to the *History of Women's Suffrage*, her documentation of history in the book was meant to achieve the goal of suffrage, and that goal was too important "to linger over individual differences."¹²⁶ This provides further confirmation that the rewriting of individual stories like Myra Bradwell did not result from fundamental differences, but rather from seeking the best political alliances.

¹²⁵ "Myra Bradwell," *Woman's Journal and Suffrage News*, March 17, 1894.

¹²⁶ Tetrault, *Myth of Seneca Falls*, 116.

If history has modified Myra Bradwell's narrative to fit Susan B. Anthony's suffrage story, how has this affected the women's rights movements that would follow? Jacquelyn Dowd Hall argues that a distortion of past events can hinder our search for the roots of systemic oppression today. Hall shows how the New Right movement of the 1980s reworked the narrative of the Black Civil Rights movement to completely ignore "the complexity and dynamism of the movement, its growing focus on structural inequality, and its radical reconstruction goals."¹²⁷ Due to this color-blind conservatism, current inequalities in the modern African American community have lost their historical roots, leaving white American society blind to these social facts.¹²⁸ Because the New Right reframed the movement as a battle to end segregation and ignored the narrative of activism for equal employment and housing, society can more easily invalidate contemporary inequalities since, according to the accepted public narrative of the struggle, legal segregation no longer exists.

A similar phenomenon played out in different manner within the long and complicated history of women's rights. History has broken women's activism into separate waves of feminism, each wave capturing a different cause or campaign that defined the women's movement of the time. The first wave of feminism, from the mid-nineteenth century to 1920, has been defined as a battle for legal rights for women, specifically for the right to vote. But, as seen with Myra Bradwell's fight for equal employment and full citizenship, suffrage does not fully capture the goals and desires of feminists and activists of the time. In fact, the second wave of feminism, beginning in the 1960s, intended to address the failures of the first wave by advocating for equality in employment and education, both of which were goals of earlier activists, as well. However, there was a historical disconnect

¹²⁷ Jacquelyn Dowd Hall, "The Long Civil Rights Movement and the Political Uses of the Past," *The Journal of American History* 91, no. 4 (2005): 1237.

¹²⁸ Hall, "The Long Civil Rights Movement," 1262.

between these second-wave feminists and the first-wave feminists who had fought for equal employment. When engaging with the past, second-wave feminists often referred to the work of Susan B. Anthony and often ignored the work of activists like Myra Bradwell. This historical disconnect resulted from Susan B. Anthony's stronghold over the historical production for the women's rights movement. By writing the history of the movement to aid her goals, she excluded those who did not aid in such goals.

Many societies have used the production of history to claim the past as their own, often reframing history to make their present society look exceptional. In *Silencing the Past: Power and the Production of History*, Michel-Rolph Trouillot discusses how historical narrators, the actors he defines as those with power, write the popular narratives that still define historical scholarship of today. These narrators, like the French Empire in the Haitian Revolution or the Texians in the Battle of the Alamo, were actually on the losing side of history. But, by silencing other voices that would offer different perspectives in their historical production, they have reclaimed victory. Trouillot states that this silencing does not occur just from a passive forgetfulness over time, but instead, the silencing is included in the very beginning of the historical process, like with archives. The sources that fall into these archives are inherently full of biases because "something is always being left out while something else is recorded."¹²⁹

The exact same silencing occurred in *The History of Woman Suffrage*, which historians have used for a starting point in their research of the women's rights movement for years. Anthony burning all of her notes and documents serves as an example of how she placed herself in control of the movement's history and effectively silenced all those who did

¹²⁹ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 72.

not follow the mantra that “‘woman’s rights’ meant exactly what Anthony had been insisting: woman suffrage, above all else.”¹³⁰ This had profound effects not only on activists during the first wave of feminism, but also on each subsequent wave of feminism. Examining the goals and rhetoric that appeared in the women’s rights battles shows how reimagining the mid-nineteenth century to early twentieth century as only a suffrage movement shaped the activism of a future generation and ignored the fact that they shared many similarities with activists like Myra Bradwell.

Second-wave feminists in the 1960s fought for equal employment and education, aspects of citizenship that also defined Myra Bradwell’s career. Beginning in 1960, the second wave of feminism sought to eradicate employment discrimination based on sex. Betty Friedan captured and mobilized this wish for equality in her 1963 book, *The Feminine Mystique*. Friedan defined the feminine mystique as the societal belief that the most aspirational and fulfilling occupation for a woman was that of a wife and mother. Interviewing hundreds of women in a post-war America, Friedan demonstrated that this feminine mystique did not fulfill the many women who desired something beyond their husbands and children.¹³¹ Because of the mystique that confined women to the home, fewer and fewer women were entering professional work.¹³² The same ideologies that prohibited Myra Bradwell from entering the profession still oppressed women, even with the right to vote secured under the earlier women’s movement. Thus, suffrage proved not to be the all-encompassing solution to women’s full citizenship and equality that Stanton and Anthony argued it would be.

¹³⁰ Tetrault, 54.

¹³¹ Betty Friedan, *The Feminine Mystique*, New York: W.W. Norton & Company (1963), 22.

¹³² Friedan, *The Feminine Mystique*, 4.

The Equal Rights Amendment also demonstrates how later feminists aimed to achieve rights that aligned more closely with Myra Bradwell's activism. Suffragist Alice Paul drafted the legislation almost immediately after Congress ratified the Nineteenth Amendment. Originally named the "Lucretia Mott Amendment," after the famous abolitionist and women's rights activist, the amendment's original wording called for men and women to have equal rights throughout the United States. Even though Alice Paul helped lead the suffrage movement, even she recognized the limitations of the right to vote. She drafted and lobbied for the amendment because she recognized that suffrage would not ensure all the equal rights for women, which had been sought from the beginning of the early women's rights movement.¹³³ Thus, the campaign for the Equal Rights Amendment pursued the legal and political rights still denied to women even after the Nineteenth Amendment.

But even Alice Paul faced pushback from the women's rights movement after drafting the Equal Rights Amendment. Some felt that the amendment would effectively invalidate all the protective legislation that some activists had sought for women, including workplace, child labor, and domestic abuse laws. Because of this, only a minority of the organized feminists in the 1920s supported the E.R.A.¹³⁴ The legislation faced similar pushback when the Senate finally debated the E.R.A. in 1946. Many senators discussed how the government should provide protection for women and the E.R.A. would prevent this. It was not until the 1960s, when more women questioned their socially designated gender roles, that they turned to the Equal Rights Amendment as a means to lead more fulfilled lives.¹³⁵

¹³³ "The History of the Equal Rights Amendment," *Alice Paul Institute*, accessed August 27, 2020, <https://alicepaul.org/era/>.

¹³⁴ Donald G. Matthews and Jane Sherron De Hart, *Sex, Gender, and the Politics of ERA* (New York: Oxford University, 1990), 30.

¹³⁵ Matthews and De Hart, *Sex, Gender, and the Politics of ERA*, 31.

Much of the rhetoric that surrounded the ERA campaign matched the earlier rhetoric of the suffrage movement. In 1973, *Ms.* newspaper ran an advertisement for a bracelet stamped with “E.R.A.” issued by the League of Women Voters. The League encouraged ERA supporters to wear it until the amendment was passed in order to “symbolize the shackles that still bind the American woman.”¹³⁶ Earlier suffragists often evoked the metaphor of the shackles to demonstrate how society bound women through legal, political, and social means. In an address delivered to a women’s rights convention in 1848, Elizabeth Cady Stanton proclaimed that a new era was dawning when “woman yielding to the voice of the spirit within her will demand the recognition of her humanity, when her soul, grown too large for her chains, will burst the bands around her set and stand redeemed, regenerated, and disenthralled.”¹³⁷ Notably, Stanton used the metaphor of the chains in a time when African Americans were actually enslaved with such tools. By referring to white women as chained, Stanton invalidated the actual enslavement of Black women and further confirmed the whitewashed narrative of the movement. This continued metaphor of shackles in the 1970s shows how this white narrative survived in memorializing Stanton and Anthony. Thus, many women in the 1970s understood that they experienced political, legal, and social oppression that women’s rights activists fought against in the 1840s and looked towards these earlier activists for inspiration in organization.

But what were these shackles, specifically during the second wave of feminism? Betty Friedan provides us with a social image of the typical American woman still defined as a mother and wife. However, other historical anecdotes offer even more of an insight into

¹³⁶ “Era.” *Ms.* 2, no. 5 (1973): 32. *Women’s Studies Archive*.

¹³⁷ Autograph Manuscript, Elizabeth Cady Stanton Papers, Manuscript Division, Library of Congress Prepared for the Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony, vol. 1, *In the School of AntiSlavery, 1840 to 1866*, ed. Ann D. Gordon (New Brunswick, N.J., 1997), 17.

how little women had progressed since the passage of the Nineteenth Amendment. In the 1960s, most women were denied credit if they did not have a male cosigner. As demonstrated in the United States Supreme Court case *Hoyt v. Florida* (1961), women could still not sit on juries in some states and therefore would be tried by an all-male jury, denying them their sixth amendment right to be tried by a jury of their peers. Until the 1973 decision in *Pittsburgh Press Company v. Commission of Human Relations* (1973), newspapers could legally advertise jobs as gender specific, meaning they were only available to men or women. The federal government denied women access to certain jobs, even making clear that they would not enforce a law against job discrimination on the basis of sex, which was part of the 1964 Civil Rights Act.¹³⁸ In fact, Representative Howard Smith of Virginia added the amendment against sex discrimination assuming it would doom the bill's chances of success before Congress, showing the controversy that still reigned over women's right to enter a workforce predominantly reserved for men.¹³⁹ Myra Bradwell's 1869 fight to open a profession previously closed to women remained a battle for women in the 1960s. While Bradwell was able to secure equal employment for women of Illinois by 1872, this remained an uphill battle for other women across the nation into 1964.

The social ideals that defined Bradwell's time still held a powerful sway over the political and legal American system. Therefore, organizations like the National Organization of Women (NOW) sprang up to fight these same battles and gain full citizenship and equal rights for women. In their constitution, NOW claimed that their purpose was to join a "new movement toward true equality for all women in America." Betty Friedan founded the organization with about a dozen other women in her Washington D.C. hotel room after they

¹³⁸ Gail Collins, introduction to *The Feminine Mystique* by Betty Friedan (New York: W.W. Norton & Company, 2013), xii.

¹³⁹ Claire Sherman Thomas, *Sex Discrimination in a Nutshell* (St. Paul, Minn.: West Publishing Co., 1991), 217.

learned that the federal government would not enforcing the law against job discrimination of the basis of sex in the Civil Rights Act.¹⁴⁰ Therefore, the organization's founding goal was the sort of economic equality for which Myra Bradwell fought back in the 1870s. But, organizations like NOW still tied their movement to the suffrage agenda of Susan B. Anthony and Elizabeth Cady Stanton.

To demonstrate the economic value of women in all areas of the market, Friedan and the workers of NOW organized a strike on August 26th, 1970, for all women to leave their work, whether they were a secretary or a housewife. However, while these equal employment movement shared many similarities with Myra Bradwell's effort to secure full citizenship, they tied their cause and history to the prominent suffragists before them. Lara Leigh Kelland discusses in her book, *Clio's Foot Soldier: Twentieth-Century U.S. Social Movements and Collective Memory*, how many feminist activists in the 1970s used women's history as a means to elevate their modern activism. Many activists during the 1960s, 70s, and 80s engaged with the professional realm of history because they understood the power of mobilizing the past to achieve their cultural and political goals. Kelland shows how these community historians sought to rewrite or insert their culture's history into an academic world that was often complacent to their oppression.¹⁴¹ Second-wave feminists found that they had to create a field of women's history within the field of professional history. Community historian Laura X founded the Women's History Research Center in 1970 after one of her professors claimed that not enough material on women's history existed to teach to students.

¹⁴⁰ Collins, Introduction to *The Feminine Mystique*, xviii.

¹⁴¹ Lara Leigh Kelland, *Clio's Foot Soldiers: Twentieth-Century U.S. Social Movements and Collections* (Boston: University of Massachusetts, 2018), 2.

In effort to show that women have always been a part of history, and to resist the professional historical tendency to only document women's history with household activities of a society, Laura X and her fellow activists created vast collections of documents and sources on women throughout the ages and across the world. While this institution took the important step of establishing the first women's history archive, the collections and inquiries still catered to the Seneca Falls origin story that Susan B. Anthony created. Kelland states that within the Women's History Research Center, "many of the inquiries sought to recognize individual women activists and early feminists, such as Charlotte Perkins Gilman, Sylvia Plath, Mary Wollstonecraft, the Grimke Sisters, and Susan B. Anthony and the suffragists."¹⁴² So while these feminists were seeking to overcome economic and employment barriers to full citizenship that Myra Bradwell also fought against, they still fed into and produced a history that ignored her narrative and focused on suffrage. Myra Bradwell would have served as a helpful historical tool because her earlier efforts to achieve equal employment would have given the second-wave feminists a clear connection from their current fight to the past. But since Susan B. Anthony's *History of Woman Suffrage* wrote out the diverse efforts of women like Bradwell, second-wave feminists like Laura X were blind to the early feminists whose goals were similar to their own.

Even those who recognized the forgotten side of the women's rights movement still omitted the earlier efforts of women like Myra Bradwell. In her 1969 speech "The Legal Revolution in Women's Employment Rights," senior attorney of the Equal Employment Opportunity Commission Sonia Pressman stated "most people - including women - forgot about the struggle for women's rights after the adoption of the Nineteenth Amendment in 1920 giving women the right to vote." She links this lack of awareness to the belief that other

¹⁴² Kelland, *Clio's Foot Soldiers*, 78.

rights would follow once feminists achieved the vote. But Pressman cautioned, “If history teaches us anything, it is that every right must be fought for. And so, 40 years after getting the vote, women in this country finally realized that equality did not automatically come with it, and a new movement for women’s rights was begun.”¹⁴³ While it is important to note that Pressman was aware that activists sought other rights, like equal employment, she does not explicitly mention these efforts or activists. She places the employment rights movement after the Nineteenth Amendment, despite the fact that women like Myra Bradwell and others in the 1870s paved a course for equal employment long before. By omitting Myra Bradwell’s fight for equal employment from the history of the movement, history casts future women’s rights activists as more radical for demanding rights that *seem* to have never been a part of the movement.

Others fell into the historic pitfall of tracing the beginning of the women’s rights movement to Seneca Falls. In 1971 article from the NOW newspaper, the organization celebrated August 26th as Women’s Equality Day.¹⁴⁴ The chosen date of August 26th further connected the movement to the historical activism started by Susan B. Anthony. Congress ratified the Nineteenth Amendment on August 26th, 1920. Thus, the date showed the power and stronghold Anthony created over the historical memory and thus future of the movement. The National Women’s Hall of Fame, into which Myra Bradwell was inducted, cites Seneca Falls as the “birthplace of the American Women’s Rights Movement.” The mill site of the convention became the home of the National Women’s Hall of Fame in 1969 because the institution believed “that the contributions of American women deserved a permanent home

¹⁴³ Women's Equity Action League [WEAL] (J136)., Women and Law: Section III: Employment. The National Women's History Project. *Women's Studies Archive*, December 5, 1969, 2-3.

¹⁴⁴ “August 26 Women’s Rights Day Set,” *NOW York Woman*, July 1971. The paper stated that the women’s rights movement began “with the first women’s rights Convention in Seneca Falls in 1848.”

in the small village where the fight for women's rights began.”¹⁴⁵ Even though the Hall of Fame included Myra Bradwell in their pantheon of activists, they did so using Susan B. Anthony and Elizabeth Cady Stanton's narrative frame of the women's rights movement. Perhaps this explains why Myra Bradwell's induction paragraph does not mention her efforts in the suffrage movement.

Because Anthony had presented and campaigned for suffrage as the key to women's liberation and activists in the second wave of feminism associated themselves with the suffragists, these modern day activists appeared even more radical compared to their historical counterparts. Like Jacquelyn Dowd Hall stressed in her study of the Long Civil Rights Movement, modern inequalities within minority communities without a proper or factual collective memory can appear out of place in society since their connection with past problems have been lost or forgotten. Not only did “further liberation” seem unnecessary if suffrage truly freed women, but the suffragists trapped the movement in the traditional social ideals of their time. Suffragists did not gain the right to vote entirely by successfully arguing that women and men were equal and therefore should be entrusted with the same responsibilities and rights. Rather, they secured the right to vote by also arguing that suffrage was the only way to ensure that women continued being good mothers and wives. They argued that if women could participate in the political process, they could ensure that proper laws are passed for the well being of the family. Therefore, Congress and the American people accepted the Nineteenth Amendment through “not necessarily justice, logic, or equality, but a woman's natural interest in children and family.”¹⁴⁶ This strategic and effective political move had profound impacts on the women activists of the 1960s, who now

¹⁴⁵ “Our History,” National Women's Hall of Fame, accessed August 13, 2020, <https://www.womenofthehall.org/about-the-hall/our-history/>.

¹⁴⁶ Matthews and Dehart, *Sex, Gender, and Politics of the E.R.A.*, 15.

argued that their lives, politically, economically, and socially, existed beyond the realm of children and family.

Women still face these employment and educational inequalities today. Of course, great strides have been taken towards women in the workforce. A 2018 report from the United States Bureau of Labor Statistics shows the progress women have made in gaining employment equality, including in the areas of wage equality, occupational level, and education. Yet, beneath these strides are some of the same inequalities that Bradwell sought to address in her own time. Compared to the average American white male, a white woman now makes seventy-nine cents to every \$1 that he makes. The comparison is even worse for women of color. While the end of common law restrictions means married women can enter the workforce with greater ease, the types of positions held by the different genders still demonstrates a male hierarchy in the workforce. In 2018, women made up only 27 percent of chief executives, as well as 37 percent of lawyers in the nation. On the other hand, 80 percent of elementary and middle school teachers are women, showing that it is still the norm for women to enter occupations that fit the gender ideals of nurturing and childrearing, rather than occupying a public office or profession.¹⁴⁷

Erasing the complex goals of early women's rights activists has set the stage for a larger acceptance of women's poorer economic status in modern society. Most recently, President Donald Trump announced a presidential pardon for Susan B. Anthony's conviction for illegally voting in the 1872 Presidential election. While this announcement exemplifies a political strategy of the administration to earn favor among women during the centennial anniversary of the Nineteenth Amendment, the pardon also demonstrates what political, economic, and social position the administration and a segment of American society feels

¹⁴⁷ Women in the Labor Force: A Databook (1084), U.S. Bureau of Labor Statistics, December 2019.

comfortable with women occupying. First, some claim that Anthony would not accept this pardon because doing so would admit that what she did was, in fact, wrong. Second, celebrating her does not expand our understanding of who fought for women's rights and what rights they fought for. Limiting our focus on Anthony, who stood on the platform of educated, effectively white suffrage, only, further confirms a white perspective of the history of the movement. Anthony's historical narrative whitewashed the contribution of women and men of color from the movement, and only recognizing Anthony continues this skewed version of history. Trump and others' failure to recognize a broader range of women limits our understanding of women's restrictions today, as well as which women remain in discussion. Bringing an activist such as Anthony, who already rules the present, into current discussion rather than a lost activist like Myra Bradwell, confirms that a crafted history has been and will continue to be utilized in order to confirm social gender norms for women.¹⁴⁸

The framing of the women's rights movement around Susan B. Anthony's middle-class, suffragist agenda has had profound effects on the historical memory of the movement and the current economic, political, and social standing of women in society. If this traditional narrative has resulted in significant setback, how should history and the collective memory reframe the movement? Scholars have offered many different strategies in other different historical scenarios. In their edited work *Slavery and Public History: The Tough Stuff of American Memory*, James Oliver Horton and Lois E. Horton capture that a common theme in current controversy over the memorialization of slavery has simply resulted from a lack of public education of the event's history. In his article "Slavery in American History: An Uncomfortable National Dialogue," James Oliver Horton connects the discomfort many

¹⁴⁸ "Susan B. Anthony Museum Rejects President Trump's Pardon of the Suffragist," *National Public Radio*, August 20, 2020, <https://www.npr.org/2020/08/20/904321406/susan-b-anthony-museum-rejects-president-trumps-pardon-of-the-suffragette>.

Americans experience when discussing slavery comes from the lack of education on the subject. What little national history most Americans remember from their public school days, Horton stresses, “seems to reinforce the romanticized notion of America as the land of the free.”¹⁴⁹ In other words, most of the time the American public education system teaches children a misleading, or outright wrong, narrative on the history of enslaved people and other marginalized groups in the country.

A similar misleading historical narrative takes place with women’s suffrage in American history textbooks, as well. First, as Lisa Tetrault would have predicted, many American history textbooks trace the beginnings of the movement back to the 1848 women’s rights convention in Seneca Falls. This frames the rest of the early women’s rights movement around suffrage. Even more, these educational resources cast the Fourteenth Amendment around the suffragist agenda rather than exploring the different citizenship arguments that were brought forward with the legislation. For example, the United States history high school history textbook *The Americans: Reconstruction to the 21st Century* does incorporate the Fourteenth Amendment to discuss how “women pursued court cases to test the Fourteenth Amendment.” This would seemingly offer an excellent opportunity to tell the story of Myra Bradwell’s own Supreme Court case, as the first women’s right activist to test the legislation at the highest level of the American legal system. Instead, the book limits the story to Susan B. Anthony and other women right’s activists’ attempt to vote under the Fourteenth Amendment in 1871 and 1872. Furthermore, the book tells readers “the Supreme Court ruled in 1875 that women were indeed citizens, but then denied that citizenship automatically

¹⁴⁹ James Oliver Horton, “Slavery in American History: An Uncomfortable National Dialogue,” in *Slavery and Public History: The Tough Stuff of American Memory* ed. James Oliver Horton and Lois E. Horton (New York: New Press, 2006), 36.

conferred the right to vote,” referring to the case *Minor v. Happersett* (1875).¹⁵⁰ This completely overlooks the significance of *Bradwell v. Illinois* (1873), which had ruled three years earlier that women were indeed citizens, but the question of what rights citizenship guaranteed remained open. By only showing the women’s rights activists who used the Fourteenth Amendment to vote while leaving out women like Bradwell who utilized it to expand employment rights, this book continues to mislead the American public into thinking that women right’s activists only sought to secure suffrage rather than other rights of citizenship.

When these historical textbooks do expand past the suffrage movement into other aspects of women’s lives during the early women’s rights movement, they still portray a skewed version of society. For example, the high school history textbook *American Anthem* does accurately capture that women had limited higher education opportunities in the 1800s. The women who could attend college were usually part of the middle or upper class. While the book states that professional opportunities were often denied to them, it contradicts this by stating that “job opportunities for educated middle class women expanded in the late 1800s.” They point to the expansion of women in the workforce as teachers and nurses, as well as women who “entered the business world as bookkeepers, typists, secretaries, and shop clerks.”¹⁵¹ While an accurate representation of a women’s experience in the workforce, the book misses a vital opportunity to show how other women attempted to (and sometimes even managed to) enter the workforce in other professional positions. By limiting the positions that women secured to secretaries and typists when women like Myra Bradwell

¹⁵⁰ Gerald A. Danzer, J. Jorge Klor de Alva, and Larry S. Krieger, *The Americans: Reconstruction to the 21st Century* (Evanston, IL: McDougal Littell, 2006), 316.

¹⁵¹ Edward L. Ayers, Robert D. Schulzinger, Jesus F. de La Teja, and Deborah Gray White, *American Anthem*, (New York: A. Horcourt Education Company, 2008), 530.

owned and edited the *Chicago Legal News*, the books invalidate the efforts of earlier women's rights activists also cast doubt over other women who currently fight for economic opportunity, as they appear to be the first to demand such rights when, in fact, others have led a similar charge.

The way in which history is produced, told, and used directly impacts the present. The loss of Myra Bradwell's struggle to gain women's full citizenship through the courts, employment rights, and other lobbying has resulted in a skewed version of history in which suffrage reigns supreme. Current inequalities for women are more easily accepted by society without knowledge of their historic roots. Changing the historical narrative to include the fight of activists like Myra Bradwell may dim the success of the suffrage amendment but would help highlight the work that remains to be done.

Conclusion

What can we learn from the life and career of Myra Bradwell? First, her career demonstrates that early women's rights activists did not limit themselves to expanding women's citizenship simply through suffrage. By taking her case of sex-related employment discrimination from her home state of Illinois all the way to the Supreme Court, Bradwell's history exemplifies how some women's rights activists saw potential of beneficial change in the judicial system. Her Supreme Court case, as well as the publication of the *Chicago Legal News*, her participation in the Illinois Constitutional Convention on women's suffrage in 1869, her work with organizations on education reform, and her role as a woman in journalism all show how she sought to secure full citizenship for women through many different areas of society. Placing her work around the other prominent figures in the women's rights movement shines a more illuminative light on the variety of strategies and ideas surrounding citizenship that defined the early stages of the movement.

Though Bradwell's career took drastically different turns from that of Susan B. Anthony and Elizabeth Cady Stanton, these three women did share many similar values and ideals of what full citizenship for women should look like. For instance, all of them agreed that full citizenship should include a women's right to employment, as well as the right to vote. True, they disagreed about strategies to achieve this full citizenship. This disagreement led to Susan B. Anthony's skepticism of change through the courts and her criticism of the failure to defend women's suffrage in Bradwell's arguments to the court in *Bradwell v. Illinois* (1873). However, these two women still recognized the importance of each other's work. After all, Myra Bradwell defended Anthony's attempts to vote under the Fourteenth Amendment, even though Bradwell herself did not argue in favor of this in her own case.

Bradwell, Anthony, and Stanton sought different political alliances to achieve women's equal rights, as well. While Anthony and Stanton abandoned the cause of Black rights once a Republican Congress ratified the Fourteenth and Fifteenth Amendments, Myra Bradwell aligned herself with a coalition of suffragists who supported the protection and the enfranchisement of African American citizens. The women of the National Women's Suffrage Association used racial, political rhetoric to show how much more deserving white women were of the vote, while women like Myra Bradwell placed the two causes together in order to follow a logical progression of rights. So though both groups still used the politics of African American rights to elevate their own cause, they evoked very different rhetoric around the citizenship of African Americans to the citizenship of white women.

As this thesis has shown, the historical memory of the early women's rights movement focuses on the narrative of Susan B. Anthony and Elizabeth Cady Stanton, while ignoring the efforts of Myra Bradwell. Susan B. Anthony recognized that she needed to claim and write the history of the movement in order to make her political strategies and goals seem inevitable. So even though Anthony actually agreed with Myra Bradwell on many aspects of women's citizenship, her subtle differences with Anthony, especially regarding Black voting rights and prioritizing other reforms over suffrage, meant that her efforts could not be highlighted in the history that Anthony created.

Because Myra Bradwell's life touched so many important and unique times in United States history, there are always more avenues to explore. This thesis examines Myra Bradwell's effort to ensure equal employment for women, an area of women's history remains understudied compared to other subjects in the historiography of the movement. Alice Kessler-Harris's 1982 book *Out to Work: A History of Wage-Earning Women in the*

United States provided an essential first step of telling the story of how women joined the labor force. She also provided an important framework of studying working-class women that Susan B. Anthony did not appeal to with her goal of suffrage.¹⁵² Though Myra Bradwell herself did not experience the harsh working conditions that many of these women did, her goal to secure a woman's ability to keep her earnings and choose her own form of employment undoubtedly appealed to more working-class women. Therefore, more work remains to be done in exploring how early women's rights activists like Myra Bradwell fought against employment discrimination. Though working-class women could not relate to the privileged, middle-class goal of suffrage like with Susan B. Anthony, how did they view Myra Bradwell? Were her efforts to end employment discrimination based on sex more welcomed among working-class women?

Myra Bradwell's life can illuminate so much about the early women's rights movement, but historians need to look beyond her. As a white, middle class, Protestant woman, Myra Bradwell does not dramatically challenge the traditional scholarly lens around early women's rights activists. Bradwell did align herself with causes that suffrage has overshadowed, like equal employment and racial equality, but she herself did not represent anybody in these communities who would benefit from such activism. For example, in her work, Rosalyn Terborg-Penn highlights the way the *History of Woman Suffrage* systematically wrote the narrative of Black suffragists out of history, just as they did Myra Bradwell. While *History* does mention Myra Bradwell by name, it does not include the names of many black suffragists. One of these names includes Mary Ann Shadd Cary, a black suffragist who mirrored Myra Bradwell in many ways. Not only did Cary follow suit in

¹⁵² Alice Kesser-Harris. *Out to Work: A History of Wage-Earning Women in the United States* (New York: Oxford University Press, 1982), 95.

Bradwell's journalistic efforts (she reported for *The New National Era*), she also attempted to practice law. In fact, Cary faced similar sex discrimination: she was denied her law degree from Howard University because the Washington D.C. legal code only admitted men to the bar.¹⁵³ Other women like Myra Bradwell existed, but with even more diverse and illuminating stories.

Myra Bradwell should not be the new standard, but rather a call to arms to tell the stories of other women in this time who have been lost to the Susan B. Anthony grand narrative. Because we have forgotten Myra Bradwell and her employment reform and efforts, American society can sit in ignorance as to the current inequalities that remain in the workforce for many women today. Imagine the connections and awareness that can shine through if more historians research people like Mary Ann Shadd Cary. The whitewashing of the women's rights movement continues because scholarship and memorialization still too often center around the stories of white, middle-class, Protestant women. Scholarship should expand to find the narratives of other activists outside of these characteristics to provide a more holistic study.

The discussion of Myra Bradwell's presence in historical memory also illuminates how she has faded from public history. When she is mentioned in venues of public history, her story still revolves around the suffrage movement. Changing public perception on the women's rights movement must begin with telling Myra Bradwell's story through public history, where the material is more accessible and reaches more every-day citizens. Including women like Myra Bradwell in public school textbooks, museums, and celebration of the women's rights movement challenges preconceptions of the past and in return, perception of

¹⁵³ Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote, 1850-1920* (Indianapolis: Indiana University Press, 1998), 38.

current inequalities for women, but it is only a beginning. If other “forgotten women” – working-class women, Black women, Asian American women, Latina women, indigenous women, and women, both cis and trans, from the LGBT+ community - are included in all forms of popular history, we can examine current inequalities among these groups with a fresh perspective and demand reform.

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Vita

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