“Pillars in the Same Temple and Priests of the Same Worship”: Woman’s Rights and the Politics of Church and State in Antebellum America

Nancy Isenberg

In 1853 the editor of Harper’s Magazine condemned “Woman’s Rights—or the movement that goes by that name.” No other movement was “so decidedly infidel,” he claimed, opposed as it was to divine revelation, time-honored proprieties, and biblical authority. At stake was a fragile but socially vital alliance between church and state, because, the editor contended, the “Christian ecclesia” bound civil society together by preserving sexual differences. Three well-known biblical verses supplied the basis for the editor’s scathing critique of woman’s rights. The Pauline injunction “I suffer a woman not to teach” reinforced the prohibition against women speaking, preaching, or engaging in “the life of the forum.” The bridal relation between the “Church and her Spiritual Lord and Head” signified male governance through a masculine godhead. Lastly, the editor quoted the most significant verse: “Let Them learn in Silence; Adam was first formed, then Eve.” This verse, which cast man closer to the divine and woman as man’s eternal pupil, reflected the principle that husband and minister were joint guardians of the church and family, both vested with earthly and sacred authority over women.¹

The editor’s charges did not go unanswered. In three sequential articles—“Harper’s Editor and the Women”—published in the Lily, the first significant periodical to herald the woman’s movement, the New York lawyer and woman’s rights supporter Anson Bingham challenged what he claimed was an absurd view of the Christian ecclesia. The term itself, like the dispute in which it figured, linked the political and religious realms. Originally, the Greek word ἐκκλησία referred to an assembly of free citizens of a town. The early Christians borrowed it to name their religious assemblies, suggesting that the church constituted a social order. By the

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¹ “Editor’s Table,” Harper’s New Monthly Magazine, 7 (Nov. 1853), 838–41; 1 Cor. 14:34, 35 King James; ibid., 11:3; 1 Tim. 2:11–13.
nineteenth century, Protestants had grown comfortable with the idea that the church and state had similar ways to legitimate masculine authority in public forums. Bingham thus rejected the contention that by "divine appointment" man acquired "domination" as his "prerogative," while woman acquired a place of "subordination." If married couples commingled in the temple of the home, then man and woman likewise could establish a "co-equality in all that concerns their common interests" in the res foras or the life of the forum. The additional argument that "ecclesia" vested "pantaloon" with "divine authority," combined with expressions of fear that woman might "appropriate to herself man's peculiar garment," suggested a man-made scale of religious justice that led opponents of woman's rights to worry lest "leveling up woman, levels down man." Bingham argued that the appeal to "apostolic" succession implied an inheritance of vested power that upheld the despotic "rule of the few over the many." By appropriating all the preaching and episcopal offices, men used the "Christian ecclesia" to elevate their earthly status, rather than to glorify God. Classes and castes, he asserted, had justified their divine privileges through the ages with the authority derived from "sacerdotal sanction" and "blind and thoughtless submission to priests and creeds."

A similar debate had occurred in 1848, in a public exchange of letters, published in newspapers in Seneca Falls and Rochester, New York, between a clergyman and Elizabeth Cady Stanton and Elizabeth McClintock. The dispute had been sparked by the first woman's rights convention, held in July, in Seneca Falls, in which Stanton and McClintock had assumed prominent public roles. In the aftermath of the Seneca Falls convention and during a meeting in Rochester the following month, Stanton and McClintock felt obliged to defend their gatherings against the combined charges of religious and political infidelity made by religious opponents—particularly Protestant ministers. They responded to a vociferous attack from a Seneca Falls minister who asserted that the existing government was "established by God" and that woman's rights mocked both Christianity and democracy. McClintock and Stanton claimed that woman's rights were founded on a religious liberty that rejected "fetters that bind the spirit of woman." They also called for ministers to engage in open and public debate on woman's rights. At

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the Rochester convention Stanton asked any unsympathetic clergy who might be present to speak out at that moment, rather than "as at Seneca Falls, [to] keep silent through all our deliberations, and afterwards, on the Sabbath day, use the pulpit throughout the town to denounce [woman's rights activists], where they could not, of course, be allowed to reply."4

In this article, I argue that the church must be viewed as a political institution and that when scholarship treats religion as purely a moral activity, it obscures key historical developments. Religion involves not only moral values but also theories about caste hierarchy, ecclesiastical power, and disciplinary practices that define behavior and reinforce political ideologies. The debates between the Harper's editor and Bingham and between Stanton and McClintock and the local minister demonstrated that the church could not be reduced to a moral terrain separate and distinct from the res foras or the political sphere; on the contrary, the model of the church, or ecclesia, provided guidelines for gender relations appropriated by the state. An alliance between church and state, then, contributed significantly to cultural and legal perceptions of women's civil status. Throughout the nineteenth century in the United States, as Carol Weisbrod has argued, "a special role for Christianity was at times conceded by the state," and the "systems of authority [of church and state] were sometimes cooperative, and even overlapping."5 For this reason, early woman's rights activists recognized the connection between the "life of the forum" in the church and the state; they recognized, that is, how politicians, lawyers, ministers, and newspaper editors routinely used religious analogies to describe the legal standing and rights of women as citizens. Because nineteenth-century woman's rights advocates and their opponents used a political and legal vocabulary infused with religious meaning, modern distinctions between religious and private morality, on the one hand, and political and public representation, on the other, distort our understanding of how religion shaped gendered notions of constitutional and political rights.

Antebellum Americans employed concepts of representation and public opinion that borrowed heavily from both political and religious understandings of the public forum. Nineteenth-century jurists and constitutional theorists derived the principles of political and clerical representation from the covenant framework. In Scripture covenant designated the formal agreement between God and the people of Israel, the act of incorporating the nation as a "kingdom of priests," and the recognition of a reciprocal pledge between the parties to form an organic, even

D.C.). Both letters are available on microfilm. See Patricia G. Holland and Ann D. Gordon, eds., The Papers of Elizabeth Cady Stanton and Susan B. Anthony (microfilm, 45 reels, Scholarly Resources, 1991), reel 6, frames 773, 779–81. I would like to thank Ann D. Gordon and Patricia G. Holland for allowing me to use the Stanton and Anthony Papers when the editing project was located at the University of Massachusetts.


familial, alliance, as stated in Exodus: "I will take you to me for a people, and I will be to you a God." The corporate theme of covenant expanded into a series of related legal and political analogies: The head represented the body, as in the common-law tradition the "chosen" part represented the whole, and the public man or elected official stood in for the body of the people. Public opinion—derived from the ability to constitute a public gathering and generate political opinions—similarly conjoined secular and religious meanings. When citizens met at "spontaneous conventions" or held public meetings, as the American scholar John Alexander contended in his 1869 study of constitutional conventions, they created forums that generated "public opinion in the making,—public opinion fit to be the basis of political action." The authority of such forums derived from the constitutional right of the people to assemble and petition the government. Alexander further noted that the common law justified "conventus publicos propria authoritate, or the voluntary meetings of the people." The word ecclesia had a similar usage. And Protestant congregationalism—particularly after disestablishment of the Congregational Church in Massachusetts in 1833, marked the demise of state churches in the United States—emphasized the voluntary nature of church membership as the basis of freedom of worship. Antebellum Americans saw voluntary assemblies of citizens as based on religious and political ideals.

Antebellum woman's rights activists believed that the older tradition of ecclesia, which celebrated religious liberty, had suffered as a result of what Antoinette Brown in 1851 saw as an "unholy alliance" between church and state. Public opinion required open debate and discussion, gatherings among equals. In 1843 Lucretia Mott urged that the "partition walls of prejudice" that divided men and women into different castes be surmounted. The "Christian ecclesia" had to return to its primitive, New Testament model of being "called forth," which antebellum reformers translated to mean being "called out" of conventional society.


7 For Antoinette Brown's statement, see Report of the Second General Convention of Friends of Woman's Rights (Boston, 1851), 95. For Lucretia Mott's, see Dana Greene, ed., Lucretia Mott: Her Complete Speeches and Sermons (New York, 1980), 43-44. The etymology of the Greek word ekkllesia suggests the act of assembling or
this notion of the church was dissent—a critical posture that led many woman's rights activists to leave their churches, to form new religious organizations, or in the case of prominent activists such as Mott, to act as vocal critics and provocateurs within their well-established religious institutions. Mott maintained her position as a minister in the Hicksite Society, but she supported the New York Congregational Friends and the Pennsylvania and Ohio Progressive Friends, all of which seceded from the Hicksites. Members of these new religious assemblies organized and attended the early woman's rights conventions held in Seneca Falls and Rochester in 1848, Salem, Ohio, in 1850, and West Chester, Pennsylvania, in 1852. Such religious dissenters assumed a prominent role in the woman's rights movement before the Civil War.8

Recognition of the strong connection between church and state reveals the need for a reexamination of two themes important in women's history—the separation of private and public and the feminization or domestication of religion. The theories of the twentieth-century political philosophers Hannah Arendt and Jürgen Habermas about the res foras or public sphere, offer a useful corrective.9

Arendt emphasized representation, meaning the ability to appear in public and speak for oneself or another. She argued that public "distinction," or "greatness," required the capacity to appear in public, lead, judge others, and risk being judged
by one's presence and words. Self-representation, visibility, and direct participation were crucial to having a public life. The public sphere was not a specific place; instead, for Arendt, a "public" was called into being when citizens spoke in a distinctive way that disclosed fundamental truths about the human condition. To Arendt, public speech was political action, and the absence of "works and deeds and words" implied "civil death," so representation was a crucial aspect of possessing a civil identity.10

Habermas argued that the public sphere allowed private citizens to critique and challenge the authority of the state, making government officials accountable to the public opinion of the people. Habermas identified a moral dimension to public opinion, which demanded that wrongs be exposed and the truth revealed, causing citizens to demand reform and redress of crimes by the state. Through the creation of what Habermas defined as an oppositional or "critical public" sphere, private citizens relied upon their "universal reason" to insist upon reform and redress of crimes by the state. An educated public readership, armed with the power of print and capable of meeting in informal public gatherings, laid the foundation for this critical public sphere.11

Both scholars also emphasized that a true public involved a forum of peers in which one was neither a "ruler or ruled." In such idealized forums, equality implied the transcendence—the suspension of social and caste distinctions that created neutrality and impartiality—that was required for honest disclosure and deliberations. Transcendence in the public sphere, or the attempt, described by Habermas, to create a forum in which meaning was transparent, self-evident, and adhered to universal principles, assumed that participants could unmask prejudices and make rational judgments. Yet achieving transcendence on these terms was a difficult proposition, because certain caste distinctions or prejudices could not be easily overcome. Gender differences created such barriers, for masculinity remained a prerequisite for participation in the public sphere. Despite their education or shared class background, women were rarely perceived as the peers of men.12

The work of Arendt and Habermas illuminates American political culture in the 1840s because they analyzed traditions and contexts important to nineteenth-century Americans—Arendt studied ancient, classical theories of the public and private realm, Habermas the changes in the public sphere generated by the Enlightenment. Antebellum Americans conceived of public opinion and representation much as the adherents of classical and Enlightenment traditions did, highlighting speech as essential to defining a public gathering, equality as a forum of peers, and representation as based upon public appearance, presence, and the capacity to embody the views of the people. The same conceptions allowed politicians and constitutional interpreters to legitimize the restrictions placed on women's political and legal standing. As the New York jurist Elisha Hurlbut argued in his 1845 Essays on Human Rights, and Their Political Guaranties, women lacked the capacity for

12 Ibid., 36, 53-54, 73, 99-101; Arendt, Human Condition, 32.
self-representation; women's exclusion from the polls was justified by the rule that women voted by proxy through male relatives. Similarly, although women had to appear before the court and stand trial, women did not exercise the right to judge others, as in jury service. From the beginning of the nineteenth century, jurors were "representatives" of the people, and women's exclusion from the jury box demonstrated that they were not considered the "peers" of men. Jurors were peers and "sentinels and guardians of each other," language that reinforced the gendered assumptions about jury duty by comparing it to military service (sentinels) and legal guardianship. Consent and dissent—exercised by those able to voice public opinions and to renounce political decisions as equals in the halls of government—were fundamental rights denied women. At best, women had the right to petition, a right they had even before the American Revolution, or to request a hearing in the legislature. Such limitations, Mott remarked in 1849, made woman nothing more than a "cypher" in the state. Women's lack of public presence as representatives suggested they were devoid of intrinsic civic value, demonstrating that Mott's term "cypher" shared much in common with Arendt's notion of "civil death."13

As Nathan Hatch has indicated in his study The Democratization of American Christianity, religious liberty in the first half of the nineteenth century implied the dual rights of consent and dissent, both the capacity to express one's fundamental beliefs and the freedom to criticize views contrary to one's personal faith and to reject accepted traditions of spreading the word. For legal and political reformers in the antebellum period, dissent also accorded the right to revolt and to demand full representation. Throughout the nineteenth century, political reformers used this notion of dissent to catalyze constitutional reform, organizing campaigns in individual states to call conventions or public forums to revise state constitutions. Inspired by Thomas Jefferson's Declaration of Independence, constitutional reformers often used the right of dissent to circumvent the legislature, call a convention, and elect local delegates to alter the constitution. Between 1846 and 1851, eleven states held constitutional conventions, which influenced the timing and organization of the early woman's rights conventions. New York held a state convention in 1846, and two years later woman's rights activists held the two spontaneous conventions in Seneca Falls and Rochester. The first woman's rights conventions in Salem, McConnelsville, and Akron, Ohio, were held in conjunction with the state constitutional convention of 1850–1851. Woman's rights activists organized a convention in Indiana in 1850, as the state weighed constitutional questions. And the first two national woman's rights conventions in Worcester, Massachusetts, in 1850

13 On rule by proxy, see Elisha P. Hurlbut, Essays on Human Rights, and Their Political Guaranties (New York, 1848), 115–16. For the historical background of this limitation on women, see Neil Cogan, "Standing' before the Constitution: Membership in the Community," Law and History Review, 7 (Spring 1989), 5–9. Jury service was as important as suffrage, since the Supreme Court did not invalidate all restrictions on jury service on the basis of gender until 1975. Christopher L. Tomlins notes that as early as 1787, Antifederalists sought to protect the people's voice in both the legislative and judicial departments, and that the common people thus needed to be included in the judiciary through trial by jury. Consequently, early republican advocates saw jury service by the common people as similar to legislative representation. See Christopher L. Tomlins, Law, Labor, and Ideology in the Early American Republic (New York, 1993), 69. See also Maltz, "Fourteenth Amendment Concepts in the Antebellum Era," 317, 324–26; Greene, ed., Lucretia Mott, 154; and Arendt, Human Condition, 19, 51.
and 1851, were organized in anticipation of the state constitutional convention held in 1853. Religious dissent tapped the same impulse as antebellum reformers critiqued existing institutions and practices, revolted and seceded from churches, revised creeds and rules for membership, and created a new public forum or new ecclesia.  

Within this context, woman’s rights activists eagerly and conscientiously applied the language of dissent to demand equal representation in both religious and political forums. In that language, two key terms of condemnation were *caste* and *sect*. Activists compared the clergy to “castes,” groups whose authority came, not from current popular consent, but from inherited, vested privileges—especially the coveted monopoly over religious “truth” displayed through public speaking or preaching. Activists also challenged the existing church as a “sect,” a narrow, exclusive, stultifying group. Their image of sect was revealed in the claim that the “ecclesiastical machinery” of most Protestant congregations had lost its public function as the embodiment of religious liberty and instead controlled the laity (and women, in particular) through rules, discipline, and creeds.

Woman’s rights activists clearly believed that the antebellum debate over the Christian ecclesia was destined to shape representative democracy and American jurisprudence. Constitutional conventions and church secessions suggested that the 1840s were a time of political and ecclesiastical transformation. Activists argued that women’s status as a “disabled caste” in the church or state constituted a violation of equal protection under the law, and they simultaneously promoted a revolutionary kind of public exchange between men and women that was premised on the ideal of “co-equal representation.” By changing the public forum of the church, activists sought to enhance women’s civil standing in government, thus reconstituting the meaning of representation for men and women in both religious and political assemblies.

Sacred Rights and Sectarian Wrongs

At the Seneca Falls convention on July 19-20, 1848, supporters gathered to discuss the “Social, Civil, and Religious condition of Woman.” Most participants came from the town of Seneca Falls, New York, the neighboring village of Waterloo, and the nearby city of Rochester. Lucretia Mott, the only nationally known speaker at the meeting, acquired new notoriety as the “moving spirit of the occasion.” The convention produced two major documents: a preamble and eleven resolutions, previously drafted and debated during the deliberations, and the Declaration of Sen-
timents, written a short time earlier by Elizabeth Cady Stanton, read and amended during the meeting.\(^{15}\)

In the Declaration of Sentiments, Stanton insisted that women should “have immediate admission to the rights and privileges which belong to them as citizens of the United States.” Here Stanton imitated a strategy popular with antebellum legal reformers eager to revise state constitutions. They asserted that certain fundamental rights defined national citizenship and that states could not violate those basic inalienable rights. Stanton’s conception of citizenship as national reflected the influence of Lysander Spooner, whom the modern scholar Charles Shively considers perhaps the most creative, if radical, constitutional theorist of the antebellum period in his definition of citizenship as a natural “birthright.” In *The Unconstitutionality of Slavery* (1847), Spooner argued that the federal Constitution guaranteed citizenship to “every man, woman, and child born in the United States.” Spooner also looked to the Declaration of Independence as a source of constitutional principles, advocating that birthrights as natural rights came from natural law. Any human law that failed to protect the natural rights of birthright citizens violated natural law. For this reason, William Blackstone’s definition of natural law appeared in the Seneca Falls Convention’s preamble:

> the law of Nature, being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; no human laws are of any validity if contrary to this, and such of them as are valid, derive all their force, and validity, and their authority, mediately and immediately from this original.

In the Declaration of Sentiments Stanton also appealed to natural law, contending that women, contrary to their birthright, were “fraudulently deprived of their most sacred rights.” Significantly, Spooner’s approach justified dissent, for any restriction, in his words, that was “contrary to natural right” could be challenged as a violation of the guarantee of citizenship to “every man, woman, and child born in the United States.” State constitutions were under the obligation to prove that women were not entitled to the same natural rights as men if both sexes were birthright citizens. For Spooner and Stanton, the burden of proof for women’s exclusion from the rights and privileges of full citizenship now required a constitutional justification that explained this apparent disregard for the authority of natural law and the protection of women’s “most sacred rights.”\(^{16}\)

It was not surprising that Spooner’s interpretation influenced the Seneca Falls convention. Gerrit Smith, who was Stanton’s cousin, sponsored the research for and

\(^{15}\) See Report of the Woman’s Rights Convention, held at Seneca Falls, N.Y., July 19th and 20th, 1848 (1848), in Woman’s Rights Conventions, Seneca Falls & Rochester, 7.

publication of Spooner’s book. As a key figure in the Liberty party and later in his own dissident party, the Liberty League, Smith promoted Spooner’s ideas among third-party reformers. Ansel Bascom, one of the most vocal discussants at the Seneca Falls convention, shared Spooner’s and Smith’s passion for legal reform and served as a delegate to the 1846 New York constitutional convention. The same year, through efforts of future league members, the Liberty party in New York became the first party to endorse woman suffrage. In 1847, the Liberty League’s party convention placed two women—Lucretia Mott and Lydia Maria Child—on the slate of nominees for the party’s presidential candidate.  

Spooners critique was attractive to Seneca Falls reformers, moreover, because his version of natural law, paralleling the religious concept of higher law, made natural and sacred rights interchangeable terms. One of the longest resolutions, most likely written by Lucretia Mott, pointed to God alone as the author of rights, declaring that every woman was “invested by the Creator with the same capabilities, the same consciousness of responsibility for their exercise.” Almost one-third of the participants were Congregational Friends, a group that had split from the Genesee Yearly Meeting a month earlier and by the fall included this same view of rights in their “Basis of Association.” Thomas McClintock, the author of that document, Mary Ann McClintock, and their daughter, Elizabeth W. McClintock, all spoke at the convention. In addition, Mary Ann McClintock had joined Stanton, Mott, and Jane Hunt, another Congregational Friend, in planning the convention.  

The Congregational Friends, like Spooner, believed that natural, or sacred, rights could not be transferred and surrendered. In the “Basis,” McClintock wrote that the individual stood in conjunction with God, so close as to be virtually inseparable from God, implying that sacred rights embodied the very being of the divine. The direct relationship between the individual and the state, which was the main feature of Spooner’s definition of national citizenship, paralleled what the Congregational Friends saw as the direct relationship between the individual and God. They would have agreed with Blackstone’s assertion that natural law was “dictated by God.”


“Basis of Religious Association” (1848), in *Proceedings of the Yearly Meeting of Congregational Friends, held at Waterloo, N.Y., on the 1st, 2d and 3d of the 6th Month, 1851* (Auburn, 1851), 20.
The Congregational Friends translated what Blackstone called "dictation" as divine inscription, which meant that no woman should rely on secondary sources for the law of "her nature." Even if this law were unrolled from the heights of Sinai, they declared, "she must herself ascend the mount, and there receive the law—not written on tablets of stone, but engraved on her very being." Higher or natural law gained a physical presence, for it was no longer an abstract principle but a constituent part of every living person. The contrast between inherited law and inscribed rights served still another purpose. A woman need not blindly follow tradition, custom, creeds, or received laws imposed by men; instead, she had to judge for herself the validity of man-made law, consenting only to rules consistent with the natural law of "her very being."  

Religion proved to be essential in helping women envision themselves as rights bearers, for the language of rights was closely intertwined with female activists' conception of religious liberty, accountability, and the exercise of conscience that, they believed, was necessary for forming public opinion. Consent had to be based on the "courthouse of conscience," as the members of the Worcester woman's rights convention were to proclaim in 1850, while dissent allowed women to demand the right to have rights, two exercises of liberty that antebellum woman's rights activists recognized as fundamental conditions for claiming and protecting sacred rights in the church and state. Conscience demanded respect for women's equality before God.  

The church served as the perfect forum for enacting the politics of dissent, and not only for the Congregational Friends. Five years before the Seneca Falls convention, the local Presbyterian church ignited a public controversy when Rhoda Bement was brought before a session—in the ecclesiastical equivalent of a trial—on charges of disorderly and unchristian conduct. Although Stanton did not observe the proceedings, her friend Eliza Bascom, who later attended the Seneca Falls woman's rights gathering, testified during the trial. Bement was placed on trial because she challenged the authority of her minister, the Reverend Horace Bogue. For two years she had refused to drink the communion wine as a temperance protest; she had attended an antislavery meeting led by Abby Kelley that had not been authorized by her minister; and she had urged Bogue to read reform announcements from the pulpit. Prior to the trial, Bogue had attempted to punish Bement through threats against her husband, warning that if his church attendance record was not improved, he would be disciplined. It was Bogue's refusal to read the announcements that finally led Bement to contest his actions in public. According to Bogue, Bement made accusations against him in the vestibule of the church before members of the congregation. At Bogue's instigation, this verbal confrontation resulted in a charge of disorderly conduct against Bement, which was issued by the church elders. Her principal transgression, Bogue claimed, was that she had

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20 Proceedings of the Yearly Meeting of Congregational Friends, held at Waterloo, N.Y., on the 3th, 6th and 7th of the 6th Month, 1853 (Auburn, 1853), 7-8.  
21 For "courthouse of conscience," see The Proceedings of the Woman's Rights Convention, held at Worcester, October 23rd & 24th, 1850 (Boston, 1851), 28.
stepped out of her place by "publicly affirming," "declaring," and "asserting" criticisms of him in the church. At stake for Bogue was his pastoral authority, since Bement had humiliated him publicly, before witnesses.22

In the trial proceedings, the broader implications of what Bement was protesting—the divestment of her rights as a church member and a woman—emerged as a crucial element in her defense. Bement was obliged to defend herself against charges of "exhibitions." Her critics claimed that she represented all women who dared to declare their dissenting views in public. In response, she contended that Bogue had misused his clerical authority by censuring her opinions and threatening to punish her husband as a proxy for her alleged misconduct. Her rights had been violated, she asserted in her testimony, for Bogue had sought to "bind [my] conscience & deprive me of Christian liberty." When faced with expulsion if she did not recant her accusations, Bement left the church and rejected all man-made authority, remarking in her final trial statement: "I appeal not unto Caesar but unto God." Eventually, Bement and her supporters joined the Wesleyan Methodist Meeting, which served as a public forum for many religious dissenters in Seneca Falls and later hosted the woman's rights convention in 1848.23

Bement did not attend the convention, having left town before it took place. Yet her protest paralleled other acts of defiance and dissent in New York, Ohio, Pennsylvania, and Massachusetts that fueled the woman's rights movement. Congregational Friends seceded from the Hicksites in 1848 because members felt their religious liberty had been unfairly restrained by elders trying to silence their testimony. Women in the Hicksite Society had contested the gender hierarchy embedded in the Quaker ecclesiastical government. In the first place, those who became Congregational Friends rejected the ascending series of meetings that made the Select Meeting of Ministers and Elders the "Head or Supreme Controlling Pow'r," the pinnacle of authority—the Supreme Court or ruling body—for the entire network of societies in a federated system similar to the United States government. Female members of the Hicksites suffered from a special imbalance of power, which Mott explained as the "assumed authority of the men's m[ee]ting[s], and the admitted subordinadon of the women's m[ee]ting[s]." Women, despite their ability to act as ministers and hold business meetings, still found themselves unable to participate in certain proceedings and to make crucial decisions about the policies of their local and regional societies.24

The ecclesiastical order of the church remained a pivotal problem for female dis-

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24 For the Hicksites' federated system and the "Basis of Religious Association," see Wahl, "Congregational or Progressive Friends in the Pre-Civil-War Reform Movement," 23, 328; and Hallowell, ed., James and Lucretia Mott , 275. For an account that focuses on the struggle over church hierarchy, see Hewitt, "Feminist Friends," 36–37.
senters. As in the case of the Bement trial, church authority paralleled forms of political hierarchy. In the Presbyterian Church, the elders acted as a governing body or representative committee, making business decisions, enforcing bylaws, and mediating disputes. The minister's duties covered instruction, pastoral guidance, and moral discipline over errant members of his congregation. A recurrent theme in most struggles between the laity and clergy was the tension over the control of information. Bement felt that Rev. Horace Bogue had prevented members from knowing about certain reform meetings, arbitrarily deciding not to let the laity judge for themselves. Bogue, in turn, had argued that Bement repeatedly defied his pastoral guidance, which he felt included the supervision of knowledge. On a larger scale, the trial highlighted the institutional regulation of public opinion and the inevitable ecclesiastical restraints on freedom of worship through the loss of "Christian liberty."

Antebellum woman's rights advocates assumed that the church functioned as a bastion either of liberty or of censorship. The key issue was whether the church constituted a public forum. When ministers rewarded conformity and curbed public criticism and members kept silent for fear of reprisal, then, as the Bement trial revealed, Christian liberty was sacrificed for church order and ecclesiastical rules were legitimized at the expense of the rights of the laity. As one reformer astutely noted in 1845, antebellum churches often sacrificed the life of the forum in the church to the ecclesiastical needs of the institution, especially when churches mobilized all their "ecclesiastical machinery" to make the "church itself into a state." To be a public forum, the church had to create an environment where members exercised consent and dissent, developing a critical perspective toward the abuses of state power. Absent such an environment, the greatest danger for the laity was spiritual paralysis or alienation, what McClintock and Stanton described as the "fetters that bind the spirit of woman."

This kind of criticism of the church resonated among reformers. In 1848, Gerrit Smith gave voice to what many antebellum dissenters believed, namely, that most churches or religious societies had been reduced to "the soul-shrivelling enclosures of a sect." The term "sect" and the political and denominational development identified as "sectarianism" reflected an intellectually and emotionally charged understanding concerning church-state relations. Having adapted the eighteenth century's contempt for political factionalism, critics were newly claiming that sectarianism resulted in the corruption of the public sphere through self-interested competition. The ambitious efforts of Protestant denominations for building the "evangelical empire" and factional struggles within churches over policy and creeds

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23 Ruling elders were "the representatives of the people, chosen by them, for the purpose of exercising government and discipline, in conjunction with ministers and pastors." See Revivalism, Social Conscience, and Community in the Burned-Over District, ed. Altschuler and Saltzgaber, 88, which cites "Constitution of the Presbyterian Church in the United States" (1842), p. 450.

indicated to dissenters a dangerous climate. A vast expanse of sects vied for members, institutional power, and public influence. Sectarian churches were portrayed by dissenters as exclusive enclaves, preoccupied with theological squabbles and petty rivalries, that carefully circumscribed members within their “respective circles of theology.” Antebellum dissenters gave sectarianism a modern meaning when they focused on the control of information and the closing of the American mind. By witholding the flow of public information, as Bogue had decided to do when he censored Bement’s public announcements, these churches sought to deter their members from confronting the social and political issues of the day, especially divisive and controversial issues like slavery. Devoted to building up denominational strength while isolating itself from open public debate, the sectarian church, one woman remarked, “has tended to make me a Methodist and nothing more.”

The public nature of the church had a direa bearing on women’s capacity for political action. Lucretia Mott echoed Smith’s allusion when she described the “sectarian enclosure on woman’s mind.” Activists believed that sectarianism constrained women’s knowledge, undermining and “dwarfing” women’s mental capabilities by preempting their ability to make independent decisions. Church creeds, as Progressive Friends in Salem, Ohio, observed, called for “blind obedience,” serving as inherited law that “enshrined the wisdom of the fathers as a yoke on posterity,” thereby keeping women distant from the active production of truth. As the Progressive Friend Jane Trescott explained in her statement of withdrawal from the Society of Friends in 1849, months before she attended the Salem woman’s rights convention: “No sectarian shield can absolve us from our individual duty to God and man, which implies not merely belief but action, and you as a Society being unwilling to let me serve as according to the dictates of my own conscience, (believing myself the best judge,) I hereby withdraw my right of membership.” Church membership did accord rights and duties. A democratic ecclesiastical order that placed the right and duty of dissent at its center could counter the process of alienation and provide women with a model of political action. If church members replaced “assent to lifeless creeds” with the “living spirit” of dissent, then sectarian enclosure would give way to public disclosure. Indeed, women would secure their rights when the church became a public forum, allowing each female member, according to Abby Price, “to contemplate her position under the full blaze of Christian dispensation.”


28 See Hallowell, ed., James and Lucretia Mott, 348. For the statement of withdrawal by Jane Trescott, see Anti-Slavery Bugle, Dec. 15, 1849; and for her connections to the Progressive Friends and the Salem woman’s rights convention, see ibid., March 17, 1848, Oct. 8, 1853. For references to creeds as “lifeless” and “yokes of posterity,” see Proceedings of the Ohio Yearly Meeting of Progressive Friends, held in Salem, from the 5th to the 7th of Ninth Month, inclusive, 1852 (Salem, 1852), 14; Proceedings of the Pennsylvania Yearly Meeting of the Progressive Friends, 1853, Old Kennett Meeting House, Chester County, Pennsylvania, 22nd of May (fifth month), 1853
Price brilliantly captured the meaning of public disclosure. Her phrase "under the full blaze of Christian dispensation" suggested open deliberations, scrutiny from different perspectives, and the truth derived without fetters or trammels on the mind of woman. Her understanding grew from her participation in a communal society, the Hopedale Community in central Massachusetts, which strove for the same goals as other dissident associations by allowing women to vote in all internal political elections and church proceedings. As one supporter explained:

It is not to be a mere Church or ecclesiastical communion; nor a mere civil government; nor yet duplicate organization of Church and State in mutual alliance; but a perfectly homogenous organization, at once religious, social and civil in its structural characteristics. It is a new order of human society, properly called "The Practical Christian Republic."

Price was engaged as a lecturer for the Practical Christian ministry, speaking at Hopedale and pulpits in nearby towns in Worcester County. Developing a friendship with Paulina Wright Davis, she helped organize the first national woman's rights convention in 1850, giving the longest address there, and she later served as an assistant editor of the Una, Davis's woman's rights periodical. Davis and Price shared a similar religious outlook in that, by 1850, Davis had ties to the Religious Union of Associationists, which rejected sectarianism and even religious divisions among Catholics, Protestants, and Jews or any partial or exclusive religion. William Henry Channing, who also played a prominent role in the Worcester convention, was the minister at the Boston Religious Union of Associationists. This band of reformers, along with other Unitarian and transcendentalist dissenters such as Theodore Parker and Thomas Wentworth Higginson, developed ties to the Pennsylvania Progressive Friends, making the same critique of sectarian churches.29


29 Dissenters, drawing on a distinctive tradition of religious discourse, used a variety of synonyms such as fetters, shackles, and trammels. It is striking to note that Abby Price's use of the word "blaze" captured what Arendt meant by disclosure constituting a transcendent reality. Both suggest that the expression of meaning through disclosure is such a powerful performance that the full meaning is exhausted (it is literally consumed as in a "blaze" of fire). Disclosure conveys immediacy and transcendence, because the performance cannot be repeated or preserved. On Price, see Adin Ballou, History of the Hopedale Community, from its Inception to its Virtual Submergence in the Hopedale Parish (Lowell, 1897), 186-88; and Adin Ballou, History of the Town of Milford, Worcester County, Massachusetts, from its first settlement to 1881 (2 vols., Boston, 1882), II, 979. For Price's role in the Practical Christian ministry, see Practical Christian, Dec. 6, 1851, Jan. 3, March 29, 1852, Jan. 1, July 2, 1853. On Hopedale's practice of granting women an equal voice in political affairs, see ibid., Dec. 18, 1852; and Proceedings of the Woman's Rights Convention ... Worcester ... 1850, 31. See also The Hopedale Community (Hopedale, 1855), 5, Local Institution Pamphlet Collection (American Antiquarian Society, Worcester, Mass.). On Paulina Wright Davis as a participant in the Boston Religious Union of Associationists, see Paulina Wright Davis to James T. Fisher, Feb. 15, 1853, James T. Fisher Papers, 1790-1865 (Massachusetts Historical Society, Boston, Mass.); Records of the Religious Union of Associationists, of Boston, 1847, ibid. See also Charles Crowe, "Christian Socialism and the First Church of Humanity," Church History, 35 (March 1966), 93-106. For Theodore Parker's and Thomas Wentworth Higginson's ties to the Progressive Friends, especially Joseph A. Dugdale, a founder of the group, see Theodore Parker to Joseph A. Dugdale, May 2, 1853, Joseph A. Dugdale Papers
For antebellum dissenters, the solution to sectarianism was what they called a "free church" or "people-church." As in the Congregational Friends or the Religious Union of Associationists, membership was open to anyone in the community, and the goal was to attract men and women from a wide range of religious faiths to discuss moral and political questions. In 1843, the year of the Bement trial, Gerrit Smith had organized a free Presbyterian church in Petersboro, New York. The Wesleyan Methodist Church, which Bement joined after her trial and which hosted the woman's rights convention in Seneca Falls, was also a free church. In 1842, William Henry Channing had established a "free religious society" in Brooklyn, New York, followed by a Christian Union the next year in New York City. After Theodore Parker was censured by the Unitarian Association, he and his supporters organized the Friends of Religious Thought in Boston in 1845. Thomas Wentworth Higginson led a free church in Newburyport after his ordination in 1847 and later, in 1852, became pastor of a free church in Worcester, Massachusetts. These radical new assemblies all experimented with a more democratic church polity and blended the constitutional fiction of popular sovereignty or rule by the people with their notion of a religious public forum. Gerrit Smith believed that a "simple democracy" was modeled on the "primitive churches," or the New Testament version of ecclesia, in which the Christians of a town or place joined together in worship. The Congregational and Progressive Friends looked to George Fox for their ideal model of the res foras, for the founder of the early Quakers had also used the primitive Christians as his precedent. Fox argued that a "meeting" came into being without regard to either time or place whenever "two or three are assembled together." Here the people assembled constituted the church.30

Woman's rights advocates believed that the conception of a church as a "simple democracy" raised the question of whether women had an equal place in such assemblies. As Elizabeth Wilson, an orthodox Presbyterian turned dissenter and woman's rights supporter, asked in her comprehensive study, A Scriptural View of Woman's Rights and Duties (1849): "If women were collected together to hear the word of God, would they constitute a church?" Wilson's query went to the heart

of the issue. Could women as “two or three gathered together” constitute a public assembly for worship?31

The answer was “no” for most denominations because incorporation required that trustees and elders possess the legal status of property holders. State governments drew a distinction between the establishment of a female benevolent society and the incorporation of a church by women. J. William Frost, for example, discovered that in Pennsylvania during the antebellum period, the state issued no charters to separate women’s churches, but it did incorporate women’s benevolent societies. Wilson had her own explanation for the absence of all-woman churches. A church as a public body required the presence of men, which Wilson sardonically acknowledged. She wrote that for a typical congregation, the ideal church required a “fine” meetinghouse and a male minister in the pulpit addressing a “large assembly of people ornamented with beards.”32

Appearance defined a “public man,” as Wilson realized. Arendt’s concepts of “distinction” and “appearance” resemble Wilson’s understanding of “presence.” Those concepts illuminate the interplay of external signs and social power. Wilson’s reference to the presence of men in the church also explained the way distinction informed legal and public standing. Distinction and presence presupposed the marks of masculinity—the shared ornament of beards—which for Wilson connoted adulthood, civil standing, and, of course, manhood. The beard distinguished men from women; it also placed women in the same category as young male children incapable of self-representation, who had not yet achieved independence and public standing. In political parlance, women and children shared their status as dependents, which was why fathers and husbands represented their interests at the polls. Presence thus equated physical appearance with the capacity for representation and the symbolic marks of masculinity.

Antebellum activists saw that standing in the church and state was derived from the relationship forged between public appearance and investiture, in which the masculine coding of presence clothed men with certain rights and privileges. Women could not constitute a public assembly for worship, because, as Wilson implied, they lacked presence—the vested symbols of social and public power. Women also lacked the presence to stand in the place of another, particularly as the proxy for men. For antebellum Americans, the right of public representation meant the capacity to act as a peer of, and proxy for, the people. And as woman’s rights advocates understood only too well, in the words of Abby Price, women were doomed to “stand without a temple,” as long as they lacked the right of “co-equal representation.”33

31 For Lucretia Mott’s views on Elizabeth Wilson and her book, see Lucretia Mott to Elizabeth Cady Stanton, Oct. 25, 1849, Garrison Family Papers (Sophia Smith Collection, Smith College Library, Northampton, Mass.); and Mott to Stanton and Elizabeth McClintock, Nov. 27, 1849, ibid. Both letters are available on microfilm: see Holland and Gordon, eds., Papers of Elizabeth Cady Stanton and Susan B. Anthony, reel 6, frames 936–47, 979–89. See also Elizabeth Wilson, A Scriptural View of Woman’s Rights and Duties, in all the Important Relations of Life (Philadelphia, 1849), 182, 240.

32 Many women’s historians have noted the role of women’s associations in changing women’s legal status, but they have failed to address how restrictions on the right of incorporation determined women’s civil standing. See J. William Frost, A Perfect Freedom: Religious Liberty in Pennsylvania (University Park, 1993), 119.

33 See address by Abby H. Price, Practical Christian, March 27, 1852.
In this 1852 cartoon, men donning the "new costume" are portrayed as sexually ambiguous infants rather than women. Divestment of masculine garb changes men into a politically dependent class—children.

*Harper's New Monthly Magazine, January 1852.*

Co-equality and Castes

In 1850, woman's rights activists decided to turn their convention at Salem, Ohio, into public theater by closing their proceedings to men. As a powerful symbolic gesture, the men were asked to retreat to the gallery, forced to watch the deliberations voicelessly. For the first time, women constituted the public assembly, debating and discussing resolutions, while the men were denied the right of public standing, assuming women's traditional role as silent spectators.³⁴

That year activists highlighted the theme of co-equality during the Salem and Worcester conventions, calling for women's "co-sovereignty" and shared administration in the church and state. Abby Price cleverly used the word "co-equal" to re-

define the "self-evident" phrase—"life, liberty, and the pursuit of happiness"—from the Declaration of Independence, and she, like Wilson and Mott, offered poignant biblical interpretations using the creation story as a metaphor for the first covenant and social contract. Price, Wilson, and Mott all rejected the traditional biblical prescription of the ordained subordination of woman as the helpmeet of man, instead arguing that man and woman were created simultaneously as "co-equals." As Mott explained in her "Discourse on Woman," read at the Salem convention: "In the beginning, man and woman were created equal. 'Male and female created he them, and blessed them, and called their name Adam.' He gave dominion to both over the lower animals, but not to one over the other." By rewriting the social contract, woman's rights advocates did far more than argue for individual rights. Through co-equality, they carved a theoretical space for women within the imaginary script of the "original contract" in the state of nature, and they challenged the vested superiority of man—as the "first" and privileged creation of God—over all creatures, including woman.

Mott and Wilson resorted to a familiar exegesis of the creation story in response to debates about pressing contemporary issues. Antebellum activists were hardly the first to use the creation story to portray the state of nature. The practice could be traced back to John Locke, John Milton, and other major social contract theorists. A speech Richard Henry Dana made in Philadelphia prompted Mott's public discourse on woman in 1849. Dana and several biblical commentators addressed in Wilson's ten-year study, A Scriptural View of Woman's Rights and Duties, invoked Milton's portrait of Adam and Eve from Paradise Lost mainly to uphold woman's divinely sanctioned obligation to "stand in awe and reverence of man." Similarly, John Quincy Adams, in his 1842 treatise The Social Contract, had applied the creation story to reinforce women's subordinate status and reaffirm men's role as their "sponsors" in government. His emphasis on women's status was revealing, since Adams drafted his views in reaction to the famous Dorr War, the most crucial event in antebellum constitutional reform. In Rhode Island, inspired by revolutionary precepts, Thomas Dorr and his supporters circumvented the legislature, based their demand for universal suffrage on the principle of equal representation, and even took up arms to defend their rights. Dorrites, as they were known, broached the subject of women's enfranchisement, arguing that popular sovereignty derived from the "people," by which they meant all citizens residing in the state. Yet they, too, soon qualified their position to mean white adult males. Both social contract theory and the creation story remained politically potent constitutional strategies. By 1850, woman's rights activists consciously employed a rhetorical appeal to "co-sovereignty" and "co-equality" to open the debate about constitutional issues to include the topic of sexual equality.

In this 1839 cartoon, women occupy the floor; they appear in bloomers, wear spectacles, and mingle with a crowd including one black male participant. The speaker points to the balcony, where men gesture, wave their hats, and disturb the proceedings. Unlike the men excluded from the Salem, Ohio, woman's rights convention in 1850, the men in the gallery pictured here do not become silent spectators.


Co-equality was a counterpoint to what Paulina Wright Davis described as women's current political and legal status as a "disabled caste." In her presidential address at the 1850 national woman's rights convention held in Worcester, Davis called for the "emancipation of a class," predicated on the constitutional principle of equal protection and due process of the law. A year earlier she had observed that the sexual double standard flouted the principle of equality under the law. She had reason for concern. In 1849, Chief Justice Lemuel Shaw of Massachusetts rein-

forced the idea of unequal vested rights, ruling in *Roberts v. City of Boston* that men and women were not "legally clothed with the same civil and political powers." Shaw reaffirmed the argument that women and children were subject to "paternal consideration" but not vested with the same rights as adult men. He assumed that the courts acted as a surrogate father or guardian for legal dependents, an approach that mirrored the standard approach to female representation—proxy. As Davis understood, women's status as a "disabled caste" sealed their political disenfranchisement. The state divested women of political rights such as suffrage, because government had a prior obligation to protect the vote as a vested right of men.37

Arguments about vested rights, the sexual order of creation, and public presence introduced by women's rights activists contributed to the antebellum controversy over women's right to represent themselves in the church and the state. As activists realized, establishing a public presence was difficult for women, because distinction implied literally and figuratively commanding respect and the attention of a public audience. Drawing on an eighteenth-century critique of fashionable or aristocratic women, antebellum critics associated public women with "spectacles," that is, false women who treated the public domain as a stage, wore disguises, and, like actresses, recited lines rather than voicing their actual opinions. Women who commanded an audience inverted the order of creation, daring to preach or teach to men, as one minister argued at the New York woman's rights convention in 1853. By demanding "awe and reverence" from male spectators, women appeared "unnatural," and they were accused of imitating men, or arrogantly asserting their independence from the supervision of male guardians, husbands, or ministers. Outspoken women such as Rhoda Bement were charged with "disorderly and unchristian conduct," while women who ventured into politics were castigated as modern-day Amazons, masculine women, or men disguised as women.38

Antebellum proponents of partisan politics cultivated similar symbols for males who remained outside the party system: They were branded as "political eunuchs" and effeminate males. Caricatures of nonconforming men as female served as unstable and distorted markers of political disorder that registered cultural fears of social change. Such burlesque images symbolized gender transgression as creating a "third sex of American politics." In the 1850s, "female politicians" and woman's rights activists were commonly lampooned in the newspapers either for

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stealing the breeches from duped husbands or pirating the petticoats of unsuspecting wives. Such images satirized apolitical men and public women as cross-dressing freaks and social misfits. The “battle for the pants” continued a much older motif of sexual inversion that had its origins during the Protestant Reformation in Germany. The power of its message persisted in attacks against those women seeking equality in “Christian, public, religious assemblies,” as Elizabeth Wilson noted, who were labeled women “putting on the pantaloons.” The fear of sexual confusion mimicked the more subtle reasoning used to restrict women’s constitutional equality. Indeed, vested rights depended on political dress, and the idea of women “putting on the pants” indicated their unnatural attempts to usurp the civic power of male citizens.39

Such charges surfaced in the Harper’s editorial of 1853. The woman’s rights movement was ridiculed for its “hybrid conventions,” and the editor accused women of hiding behind their “Quaker bonnets.” One particular bonnet—that of Lucretia Mott—probably inspired this angry harangue. During the previous decade, Mott had emerged as a highly visible public woman by traveling thousands of miles, attending hundreds of meetings, and speaking before large and small crowds on such topics as women’s rights, antislavery, sectarianism, peace reform, and land monopoly. She was considered the “principal speaker” at the Seneca Falls convention in 1848, and Mott either presided or gave keynote addresses at later conventions.40

As a popular figure, Mott served as a prism for competing images of public women. Her public presence was either praised or rebuked, and her abilities as a speaker celebrated or trivialized. One newspaper account portrayed her as a quaint matron (rather than a great orator with a commanding presence) whose style of public speaking was analogized to stitching together propositions as if she were knitting a pair of socks. Yet at the Unitarian Association meeting in 1846, she was lauded as the model of eloquence, described by the Reverend William Henry Furness as calm, dignified, and self-possessed in her speech and self-presentation. Her most outspoken critic among the Hicksites, the Quaker minister George White, had expressed disgust with her public appearances, comparing Mott to a disorderly shrew or “imperious woman,” roaming “over the country from Dan to Beersheba, spuming the protection of man.”41

39 For a discussion of party language that viewed male outsiders as political eunuchs, “Miss Nancys” (“nance” indicated effeminate males), and the “third sex of politics,” see Desley Deacon, “Politicizing Gender,” Genders (no. 6, Fall 1989), 7. See also Gary L. Bunker, “Antebellum Caricature and Woman’s Sphere,” Journal of Women’s History, 3 (Winter 1992), 6–43; Keith Money, “The Battle of the Sexes and the World Upside Down,” in That Gentle Strength: Historical Perspectives on Women in Christianity, ed. Lynda L. Coon, Katherine J. Haldane, and Elisabeth W. Sommer (Charlottesville, 1990), 136, 139; and Wilson, Scriptural View of Woman’s Rights and Duties, 184.

40 “Editor’s Table,” 841. In 1847, Mott covered over 2,800 miles in 69 days, visiting 71 meetings in New England, New York, Ohio, Indiana, and Pennsylvania. See National Anti-Slavery Standard, Nov. 25, 1847. For Mott’s wide range of lecture topics, see Anti-Slavery Bugle, Oct. 1, 1847. See also Bacon, Valiant Friend, 102, 106, 144–50, 157–58. On Mott as “principal speaker” at the Seneca Falls Women’s Rights Convention, see National Anti-Slavery Standard, Aug. 10, 1848.

Mott, however, saw herself as mediating between her religious tradition as a Quaker minister and the idealized version of public discourse that Habermas would describe as public opinion or "publicity." Although she wore the Quaker garb, Mott did not imitate the "singsong" style of female ministers, which caused some devout Friends to question her religious credentials. She spoke at public assemblies as a private citizen and what the Quakers called a "Public Friend," a minister granted formal recognition to represent a local Society of Friends by traveling and speaking before other societies. When addressing matters of general interest, Mott relied on her "conscientious reason." This term, "conscientious reason," Mott adopted from her "pet author," Blanco White, a dissenter who began as a Spanish priest, then converted to Anglicanism, studied and absorbed the views of George Fox, and eventually joined the Unitarians. "Conscientious reason" bridged the moral category of conscience and the enlightened belief in progress by application of reason, demonstrating for Mott how rationality and an ethical or religious understanding could be combined.*

Mott also described herself as a public critic, succinctly illustrated by her favorite saying borrowed from Thomas Hobbes, "truth for authority, not authority for truth." In a report published in the New York Times in 1855, Mott was described as an exemplar of a public opinion in the making. Here she was portrayed as a speaker without artifice, impassioned more by the power of thinking than feeling. She even symbolically bared her character for the audience by "laying aside her bonnet and shawl." An austere presence of "stern intellectuality," she appeared wholly unaffiliated with sect, caste, or sexuality, disclosing herself through words that induced "prejudices to entirely vanish." Mott was not seen as a Quaker minister in her bonnet or a woman in her shawl, but as a public speaker whose essence could be sensed through the honesty of her arguments.**

This portrait of Mott celebrated the idea of the "transcendent public," which modern scholars have described as a realm where universal truths supplanted particular, narrow, and self-interested concerns. As Arendt argues, "full appearance" requires a commanding presence before one's peers, that is, distinction, but it also calls on the speaker to voice a "reality" that reflects a universal perspective based on principles that conform to the public will and a shared sense of right. In general, women were not perceived as the purveyors of monumental truths, lacking what most antebellum Americans associated with a powerful orator—masculine stature, voice, and authoritative presence. Women lacked such "presence" before they spoke one word, as one woman's rights supporter contended: "Do they suppose that truth, in billing from female lips, changes its nature before it reaches the ears of

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* In 1847, Mott was criticized by Friends for not "preaching but lecturing," because she did not use the "singing tone." See Anti-Slavery Bugle, Sept. 10, 1847; Bacon, Valiant Friend, 122; and Hallowell, ed., James and Lucretia Mott, 317–19.

** For how Thomas Hobbes's theory—veritas non auctoritas facit legem—(truth, not authority, makes law)—applied to publicity, see Habermas, Structural Transformation of the Public Sphere, trans. Burger, 53. Mott's saying became the motto of the Pennsylvania Progressive Friends. See Albert Wahl, "The Progressive Friends of Longwood," Bulletin of Friends Historical Association, 42 (Spring 1953), 27. See also article on Lucretia Mott, National Anti-Slavery Standard, Nov. 17, 1855.
its listeners? One would suppose, although they deign to class truth with the femin- nine gender, that she must have a masculine exponent, or she would appear ridi- culous and absurd." Comprehensive and universal truths required depth and authen- ticity, two traits normally reserved for men, as Abby Price observed at the 1852 woman's rights convention in Syracuse, New York. She noted caustically that "women may speak when the themes are only trivial," but that they must remain silent when "the gathering is presumed to be from high and noble motives—to consider the truest and most important issues of the soul." Because women could not encompass the mind and soul of men, they could not presume to represent them. Such views recalled the biblical verse, "Let them learn in silence; Adam was first formed, then Eve." If woman was an imperfect variation of man in the order of creation, this logic went, then any woman who dared to speak for men must be misrepresenting their interests.

To satisfy woman's rights advocates, the church had to eliminate all caste privileges, particularly the exclusive monopoly that men had over clerical offices, which elevated public speaking as the preeminent symbol of their vested authority. Dissenters and free-church advocates criticized Protestant clergymen for clinging to traditional badges of personal distinction and physical display: the sacred text signified knowledge, the "drab coat and surplice" designated caste, and the pulpit was their exclusive platform for expressing words of wisdom. In 1845, as one contemporary observed, ministers continued to array themselves in the "vestments" of their carefully crafted "pulpit eloquence." Given the Quaker rejection of a professional ministry, it is not surprising that the Congregational Friends revived the term priestcraft to encompass what they saw as the continuing abuses of a clerical caste. Priestcraft signified the artifice and duplicity involved in creating an office that elevated ordinary men above the rest of humanity. It was synonymous with corrupt aristocracy, conveying the feudal image of courtiers and bishops pretending to please the sovereign while vying to win favor and power for themselves.

Accordingly, the most telling sign of priestcraft for Mott was the "appropriation of the pulpit by one sex." Apostolic authority offered the most telling source of women's exclusion from teaching and preaching, borne in the biblical verse dictat- ing that women remain silent in church and ask their husbands for instruction. Elizabeth Wilson summed up this credo by noting that ministers called for "woman always to be a learner" and "novice." Sarah Owen made a similar comment at the 1848 Rochester woman's rights convention, sarcastically remarking that priests

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"William Ellery Channing and Theodore Parker referred to the cloak or "drab coat and surplice" as insignia of the clerical caste. See Anti-Slavery Bugle, March 16, 1850; and Theodore Parker, "Conscience," Spiritual Philo- losopher, Dec. 7, 1850, 147. See also "On Preaching," United States Magazine and Democratic Review, 17 (July 1845), 31–39, 30. For use of the term priestcraft, see Wahl, "Congregational or Progressive Friends in the Pre-Civil-War Reform Movement," 330."
and husbands shared the same faith that a woman's opinion must always echo their own.46

Co-equality, then, required that the church create a public forum that vested men and women equally with the right to preach, that both encompassed and represented the opinions of the congregation. Dissenters promoted this idealized forum, encouraging a deliberative meeting of "so many different minds," where the public mind "presents itself without waiting to be re-presented." In this environment one was neither ruler nor ruled, men were not masters and women were certainly not novices, because there were "fewer orators, but more speakers; fewer speeches, but more talk; less spoken, but more said." By engaging in what Abby Price described as "an intercourse purified by a forgetfulness of sex," women and men could now recognize each other as co-equal sources of the truth. Indeed, men and women could view each other as two corresponding parts of the whole, each contributing a partial understanding of the truth.47

"Of the parts the whole is formed." These words of an anonymous woman's rights supporter in 1849, in line with the commitment to the "correspondence of the sexes, in true and rational relations," led this advocate to conclude that women's presence must be felt, not merely by "proxy," but personally in the church and the councils of state. This premise, though it sounded simple, was hotly contested when the issue of co-equal representation moved to center stage in the woman's rights campaign. During the 1853 World Temperance Convention held in New York City, Antoinette Brown captured the limelight when she presented her credentials as a delegate, appeared on the platform, and then tried to speak. She was never given the chance. For nearly an hour she was hissed at and finally shouted down. From the audience there came repeated outbursts forbidding her to speak. One minister pointed his finger and called, "Shame on the Woman!" The controversy Brown generated continued for three days, as Horace Greeley aptly summarized in the New York Tribune: "The first day, crowding a woman from the platform; second day, gagging her; and the third day, voting that she should stay gagged." Prepared for Brown's inevitable exclusion, reformers organized the Whole World Temperance Convention, which they believed would expose the hypocrisy of the "Half-World convention." In the same week, feminists decided to add a woman's rights convention to the roster of events to further foreground women's lack of public representation.48

48 C., "Women-Woman," Anti-Slavery Bugle, Nov. 10, 1849; C., "Women-Woman," ibid., Dec. 8, 1849. For the most complete account of events, see Antoinette Brown's speech. Proceedings of the National Women's Rights Convention held at Cleveland, Ohio, on Wednesday, Thursday, and Friday, October 5th, 6th, and 7th, 1853 (Cleveland, 1854). 117, 119, 121–22. See also Stanton, Anthony, and Gage, eds., History of Woman Suffrage, I, 506. The Whole World Temperance Convention was held September 1–2, the World Temperance Convention, September 4–6, and the Women's Rights Convention, September 6.
In this 1856 satire, the anonymous author attacks "petticoatocracy" and re-creates the woman's rights convention held in New York City in 1853 as an assembly of silly women incapable of following parliamentary procedures, with names such as Mrs. All-tongue, Miss Garrulous, and Mrs. Blood-good, who need the guidance and instruction of "Reverend Mr. M__, D.D.,” a paternal and patient minister outnumbered by the bonneted women in attendance.

Lucy Boston; or, Woman's Rights and Spiritualism: Illustrating the Follies and Delusions of the Nineteenth Century (Philadelphia, 1856).

Courtesy Wisconsin Historical Society, WHiX3 34369.

A vital principle was at stake. Brown's presence on the platform had a double meaning because she appeared as both an elected delegate and a minister. Brown had completed the theological curriculum at Oberlin College, but she had not assumed a clerical appointment. Less than two weeks later, she was formally ordained at a Congregational church in South Butler, New York, an occasion endorsed by two prominent free-church advocates, Gerrit Smith and the Reverend Luther Lee of the Wesleyan Methodists. But on Sunday during the week of conventions in New
York City, Brown gave a sermon, for which she was attacked by the religious press for falsely claiming the "title of Reverend." The mainstream press resorted to a wide range of sexual slurs. The *New York Times* compared Brown and her followers to an "Amazonian troupe." One paper described the Whole World Temperance Convention as "The New Barnum's Museum," noting that the main attraction was a freak show of transvestism with women clad in bloomers and the abolitionist Charles Burleigh adorned with long hair and curls. The *New York Express* described "Mr. Burleigh—a woman down to his shoulder blades, but a man, if pantaloons be the insigne, below." Burleigh was mocked and slandered for his feminine guise, which was seen as a ruse intended to garner him special "license" with the ladies on the platform. The negative press coverage encouraged a mob of rowdies led by a Captain Rynders to invade and disrupt the woman's rights convention that week. But the use of sexual innuendo and ridicule was not restricted to the media or mobs. When Brown left the platform at the World Temperance Convention, she noted a man's comments to her that "he had no objection to receive gentlemen on the platform, provided they wore the garb of gentlemen." With a touch of irony, Brown added, "You may gather your own inference from the very gentlemanly remark."49

The Constitutional Legacy: The Bradwell Case (1873)

In the aftermath of the Civil War, opponents of women's right to suffrage continued to defend the divinely ordained differences between the sexes. Religious arguments proved useful for those critics who sought a narrow interpretation of the Fourteenth Amendment, which for the first time had offered a uniform definition of national citizenship and made it part of the federal Constitution. An 1870 petition issued by an anti–woman suffrage organization to protest the extension of the franchise to women stated its rationale up front: "Because, Holy Scripture inculcates a different, and for us, higher sphere, apart from public life." Less than a year earlier Stanton had drawn a telling comparison between women and the clergy, challenging opponents of woman suffrage who insisted that both "classes" were "too pure, too spiritual, too exalted to vote." She undermined this view by noting that ministers were "treated as a superior class, as a privileged order," and were furnished homes, food, and clothing; lawyers fought their battles for free; physicians extended medical care without charge; and their property was not taxed, proving that "all pay more respect to the black coat than any other." For women, Stanton believed, the reverse was true, because "creeds, codes, customs, all point in the opposite direction, that with woman, disfranchisement is degradation."50


In 1873, the church-state equation was applied to woman's rights in the landmark constitutional case of Bradwell v. Illinois. Myra Bradwell was denied the right to practice law solely on the grounds that she was female. Considered by most modern legal scholars to be the premier case upholding sexual discrimination in employment, the Bradwell decision broached the larger constitutional issue of whether women in general had the right to engage in all areas of civil life. The case encapsulated the political context of nineteenth-century legal thinking, because it demonstrated that women's constitutional rights could not be divorced from their religious standing. In drafting and supporting this decision, jurists readily drew their legal analogies from civil and divine law.51

To deny that there was any precedent for female lawyers, the Illinois Supreme Court recurred to a comparison between church and state: "It is to be also remembered that female attorneys at law were unknown in England, and a proposition that a woman should enter the courts of Westminster Hall in that capacity, or as barrister, would have created hardly less astonishment than one that she should ascend the bench of bishops, or be elected to a seat in the House of Commons." Presuming that men and women did not command the same public presence, jurists carefully linked the secular and sacred offices of the law and ministry through a shared code of professional mastery. In the United States Supreme Court decision, Justice Joseph Bradley issued a concurring opinion, arguing that the practice of law was not only an activity based on "highly special qualifications and demanding special responsibilities" but also one calling for the marks of "confidence," "decision," and "firmness which are presumed to predominate in the sterner sex."52

Bradley's opinion reinforced the idea of male guardianship. He stressed that the husband was the wife's "head and representative." Because a woman lacked a separate existence and could not represent herself, she then could not assume the mantle of state power as a lawyer to represent clients before a court of law. He argued that "divine ordinance," the "design of God," and the "law of the Creator" were paramount considerations; a single divine authority had ordained "what offices, positions, and callings shall be discharged by men." As long as men retained


52 Emphasis added. Although the Bradwell case was decided by a vote of eight to one (Chief Justice Samuel B. Chase dissenting without rendering an opinion), Justice Joseph Bradley's concurring opinion was joined by Justices Stephen J. Field and Noah H. Swayne. Chase, Bradley, Field, and Swayne disagreed with the Court's reasoning in the majority opinion written by Justice Samuel F. Miller, particularly the limitation placed on the interpretation of the Fourteenth Amendment. (The same four justices had dissented in the Slaughterhouse Cases the day before.) Bradley used his concurring opinion to put a particular spin on the majority opinion, and his concurrence is often treated by legal scholars as the centerpiece of the decision. See "Bradwell v. Illinois," in The Oxford Companion to the Supreme Court, ed., Kermit Hall et al. (New York, 1992), 82–83. See also Barbara Allen Babcock et al., Sex Discrimination and the Law: Cause and Remedies (Boston, 1975), 4–9. The arguments for Bradwell drew a comparison to the ministry, contending that "the conclusion is irresistible, that the profession of law, like the clerical profession and that of medicine, is an avocation open to every citizen of the United States." It is significant that in the argument for the plaintiff, counsel still retained a gender distinction in speech. He reasoned: "There are many causes in which the silver voice of woman would accomplish more than the severity and sternness of man could achieve." See Bradwell v. Illinois, 83 U.S. (16 Wall.) 130, 132, 135, 137, 142 (1873).
This illustration from an 1869 book caricatures women practicing law, a prospect presented in the Bradwell case of 1873. Women serve as legal representatives, act as justices, and even hold the highest office of chief justice.


their place closer to God as first formed, women were obliged to remain outside the sacred circle of professional and public standing.\footnote{Bradwell v. Illinois, 83 U.S. at 140-42.}

The Bradwell decision made plain that the church continued to provide the ideal model for women's civil standing. Consistent with their position in the church, women could be considered members of the state, but not representatives. They could be limited rights bearers, but not among the privileged few chosen to assume public office. Nor could women be elevated to positions such as head of state or judge. The Bradwell case demonstrated that the framework of the "Christian ecclesia" had become part of the gendered logic and language of the highest court of the land.

Bradley's opinion was crucial, because in the same year he issued a dissenting opinion in the Slaughterhouse Cases that defended the right of the individual to pursue any professional calling. The fundamental difference between his two opinions arose from his definitions of citizenship and due process and his religious understanding of representation. In the Slaughterhouse Cases, he saw due process as the right of a "freeman," derived from the Magna Carta, which restricted the divestment of liberties, and he believed that the immunities and privileges guaranteed by national citizenship protected against the "law of caste." He contended that
"this right to choose one's calling is an essential part of the liberty which is the ob-
ject of government to protect; and a calling, when chosen, is a man's property and
right." In Bradwell, Bradley seemed to be suggesting that women were not freemen
by his definition, nor peers under the common law, and did not meet his standard
of citizenship or protection under the due process clause. It should not escape no-
tice that Bradley had to resort to religious arguments in the Bradwell case. The di-
vine order explained sexual differences, distinguishing men as a privileged caste,
and endowing men with the "highly special qualifications" to lead, judge, and rep-
resent others as public guardians.54

As Ellen Carol DuBois contends, the Bradwell decision addressed the constitu-
tional issue of citizenship, but not citizenship alone. The meaning of female citi-
zenship was, in 1873 no less than in 1853, rooted in the covenant framework of
representation. The ruling reaffirmed the alliance between church and state. When
the United States Supreme Court joined the lower courts to protect male monopoly
in ecclesiastical and political institutions, an important precedent was set. As the
Harper's editor contended in 1853, the "Christian ecclesia" was a bulwark of divine
law and sexual order.55

The political climate had changed between the 1850s and 1870s. The motivating
principle of dissent and constitutional revolution had lost its force for an obvious
reason. The idea of revolting against the existing government and secession had
led to the creation of the Confederacy, which failed, and few politicians or reformers
talked of rebellion as a legitimate political or legal strategy in the postwar period.
Among women's rights activists, the debate over the Fourteenth Amendment had
directed political efforts to the federal level of government. But state-level protests
continued throughout the seventies, as groups of women, especially those support-
ing the National Woman Suffrage Association (NWSA), entered the polls and de-
manded the right to vote. The right of consent—or a radical demand for full
inclusion—had supplanted the antebellum focus on dissent and self-exclusion. In
fact, what NWSA supporters called the New Departure was both an old and a new
approach, as activists returned to the principle that if citizenship was a "birthright,"
women were full citizens. This premise, they argued, had been endorsed by the
Fourteenth Amendment to the federal Constitution.56

The Bradwell decision, however, indicated that certain religious arguments
about sexual difference had become more entrenched. Indeed, Justice Bradley had
claimed divine authority as the fundamental proof of women's political and public
inequality, thus making it far more difficult for woman's rights activists to use a
religious model of equal representation as the basis for political and civil rights.
The lawyer arguing the case before the Supreme Court for Myra Bradwell, the
Honorable Matthew Carpenter, contended that women and men were created as

54 See Joseph Bradley's dissent in the Slaughterhouse Cases, 83 U.S. (16 Wall.) 36, 113–16 (1873).
55 Ellen Carol DuBois, "Taking the Law into Our Own Hands: Bradwell, Minor, and Suffrage Militance in
(Urbana, 1993), 30.
56 See ibid., 21–25.
equals, yet even he distinguished between social and political equality—conceding that co-equality did not automatically entitle women to the same political rights and privileges as men. Woman's rights activists continued to challenge creeds, castes, and the abuse of church power. In the decade following the Bradwell decision, in 1881, Matilda Joslyn Gage published a chapter entitled "Woman, Church, and State" in the first volume of the History of Woman Suffrage. In 1893, she expanded it into a book, which is considered a model for feminist theologians in the twentieth century.\footnote{Antebellum feminists had seen the contradiction between abstract rights and the dominant political discourse that defined representation as a masculine enterprise. Gender was never peripheral to the meaning of representation; it was vital in explaining the masculine marks of presence and speech that remained crucial to a nineteenth-century understanding of the public forum. It was the "fetters of the law, both sacred and secular," as Antoinette Brown claimed, that had placed a "thorny crown" on the brow and a "leaden scepter" in the hands of woman. To untangle this unholy alliance between church and state, women had to be welcomed onto the same public platform as men and vested with the right of co-equal representation. As the president of the West Chester woman's rights convention, Mary Ann Johnson, declared in 1852, only then would the day arrive when "woman and her brother are pillars in the same temple and priests of the same worship."\footnote{For an excerpt from the remarks of Hon. Matt. H. Carpenter before the Supreme Court, see Chicago Legal News, Jan. 20, 1872. See also Stanton, Anthony, and Gage, eds., History of Woman Suffrage, I, 753–800; and Matilda Joslyn Gage, Woman, Church and State: The Original Exposé of Male Collaboration Against the Female Sex (1893; Watertown, 1980).}}

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