THE POWER AND FRAGILITY OF SOCIAL MOVEMENT COALITIONS: THE WOMAN SUFFRAGE MOVEMENT TO 1870

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INTRODUCTION

Research and writing on the history of the women’s rights and woman suffrage movements grew tremendously during the twenty years or so leading up to the centennial of the ratification of the Nineteenth Amendment to the U.S. Constitution. This literature represents a great flourishing of serious research on gender in political history and contributes significantly to our understanding of the complexities and nuances of women’s history. Two aspects of this work are especially notable. First, much of it embeds women’s history more firmly in an understanding of the politics of the periods in which women’s movements took place.1 Second, this work attends much more to the interrelationships among gender, race, and class in history than much of the work in the past.2

Few histories of the woman suffrage movement, however, take full advantage of the very rich and useful body of work social scientists have created investigating the comparative study of social movements across time and place to understand the origins, nature, dynamics, challenges, opportunities, and impacts of social movements.3 This broader analytical framework deepens our understanding of any given movement. Some students of social movements

2 Among the very rich histories of the struggle for woman suffrage from the past two decades or so are ELLEN CAROL DUBoIS, WOMAN SUFFRAGE AND WOMEN’S RIGHTS 177-202 (1998) [hereinafter DUBoIS, WOMAN SUFFRAGE]; DUDDE N, supra note 1, at 8; LAURA E. FREE, SUFFRAGE RECONSTRUCTED: GENDER, RACE, AND VOTING RIGHTS IN THE CIVIL WAR ERA 6-8 (2015); LORI D. GINZBERG, UNTIDY ORIGINS: A STORY OF WOMAN’S RIGHTS IN ANTEBELLUM NEW YORK 157 (2005); MARTHA S. JONES, ALL BOUND UP TOGETHER: THE WOMAN QUESTION IN AFRICAN AMERICAN PUBLIC CULTURE, 1830-1900, at 8-10 (2007); CORRINE M. McCONNAUGHY, THE WOMAN SUFFRAGE MOVEMENT IN AMERICA: A REASSESSMENT 17 (2013); DAWN LANGAN TEELE, FORGING THE FRANCHISE: THE POLITICAL ORIGINS OF THE WOMEN’S VOTE 6-9 (2018); LISA TETRAULT, THE MYTH OF SENECA FALLS: MEMORY AND THE WOMEN’S SUFFRAGE MOVEMENT, 1848-1898, at 16 (2014); SUSAN ZAESKE, SIGNATURES OF CITIZENSHIP: PETITIONING, ANTISLAVERY, & WOMEN’S POLITICAL IDENTITY 7-10 (2003); Kim Sajet, Director’s Foreword to VOTES FOR WOMEN! A PORTRAIT OF PERSISTENCE, at viii, viii-ix (Kate Clarke Lemay et al. eds., 2019).
3 See generally, e.g., COMPARATIVE PERSPECTIVES ON SOCIAL MOVEMENTS: POLITICAL OPPORTUNITIES, MOBILIZING STRUCTURES AND CULTURAL FRAMINGS (Doug McAdam, John D. McCarthy & Mayer N. Zald eds., 1996); DOUG McADAM, SIDNEY TARBOW & CHARLES TILLY, DYNAMICS OF CONTENTION (2001); SOCIAL MOVEMENTS AND NETWORKS: RELATIONAL APPROACHES TO COLLECTIVE ACTION (Mario Diani & Doug McAdam eds., 2003); SUZANNE STAGGENBORG, SOCIAL MOVEMENTS (2d ed. 2016); STATES, PARTIES, AND SOCIAL MOVEMENTS (Jack A. Goldstone ed., 2003); SIDNEY TARBOW, POWER IN MOVEMENT: SOCIAL MOVEMENTS AND CONTENTIOUS POLITICS (2d ed. 1998); THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS (David A. Snow, Sarah A. Soule & Hanspeter Kriesi eds., 2004); THE OXFORD HANDBOOK OF SOCIAL MOVEMENTS (Donatella della Porta & Mario Diani eds., 2015); CHARLES TILLY & LESLEY WOOD, SOCIAL MOVEMENTS, 1768-2008 (Routledge 2020) (2009).
revolving around gender have linked their work to this broader literature, but most have not.

The result of not embedding the study of particular social movements in this larger framework is that even the best histories of the woman suffrage movement sometimes imply that the movement is sui generis, comprehensible only in its own terms, rather than a case study that can be informed by and contribute to our continuing growth in knowledge of the dynamics of social movements in general. This Article addresses the missing link by outlining the elements of social movement theory that can be useful in understanding the woman suffrage movement and by probing the history of a critical era in the context of social movement theory.

This framework can help us deepen our understanding of two important aspects of the nineteenth-century woman suffrage movement. First is its relationship to other movements and organizations—most notably the antislavery movement—and the processes and forces that led to the creation of an “independent” woman suffrage movement. Second is the vexed question of intersectionality and the woman suffrage movement, especially the role of race, which has received much attention in recent years. Too often, the well-known episodes of turmoil of the 1860s-1870s from which an independent woman suffrage movement emerged have been reduced largely to a story about the role of racist white women in the woman suffrage movement. Yes, there were racist

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5 See DUDDEN, supra note 1, at 8-10.
white women in the movement and certainly among the leadership, and yes, that had a large impact on the history of the movement. But that is a very partial story, and one that can be better illuminated by analyzing the movement in the larger context of social movement theory.

I undertake two tasks through this reexamination. The first is to apply a most important and relevant aspect of social movement theory: understanding social movements as coalitions of organizations, groups, and individuals who come to overlap and share concerns and approaches to addressing core political issues as part of a movement coalition but do not necessarily share all key concerns, priorities, or action repertoires, considered independently. This situation obviously makes movement coalitions fragile. It also means that it is important to consider the circumstances under which the ties that bind coalitions together are most threatened.

The second, related task is to take account of the larger culture of profound sexism and racism that existed at the time. I will consider the impact of both the broader gender and race cultures on the development of, behavior of, and challenges of building social movements revolving around expansion of democratic rights, arguing that both elements of the culture in which these movements were embedded created significant challenges of added fragility to the movements’ sustainability, success, and even reputation. This discussion is not based on new primary research but rather offers a reintegration and reinterpretation of much of the excellent work represented by the extant scholarly literature. I will begin with a summary of the relevant aspects of contemporary social movement theory and research, and then turn to the history of the rise of the independent woman suffrage movement using key aspects of social movement theory and research.

I. SOCIAL MOVEMENT THEORY AND RESEARCH

People and groups who have the means to leverage influence over both lawmakers and policy-makers or whose interests coincide with the dominant directions of law and policy do not need social movements in order to have an impact. Social movements arise and sustain themselves because they need the power of numbers and organizing to gain influence. The point might seem obvious—and certainly applicable to the nineteenth century women’s rights movements that arose when women had virtually no political or legal rights regardless of how wealthy or privileged the men of their family were—but this crucial precondition for the rise of social movements affects nearly everything about their dynamics and potential and processes for impact.

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6 See id. at 9-10, 22.
7 See BANASZAK, supra note 4, at 133-34.
8 See DUBois, WOMAN SUFFRAGE, supra note 2, at 31-33.
Social movement scholars differ in exactly how they define social movements, but nearly all share one core idea: a single organization does not constitute a social movement. Social movements consist of networks or coalitions of different organizations, groups, and individuals with overlapping but different interests, priorities, and sometimes strategic or tactical preferences. They are “diffuse phenomena with permeable boundaries consisting of a variety of actors, ideas, and events that change over time.” These organizations, groups, and individuals relate to each other and to the core concerns of the social movement in a variety of ways, and these shift over time. Some may work closely together and coordinate. They may have interlinked leadership or membership. Some may work together only from time to time, while others may do little more than share in common communication networks. Some students of social movements use the idea of social movement communities to emphasize this complex, permeable, and shifting character of movements. The implications of this view of movements for understanding their development, challenges, opportunities, and impact are enormous.

Particular organizations may be largely devoted to the work of a social movement—scholars in the field refer to these as social movement organizations or SMOs. But such organizations, no matter how central to the functioning or character of a movement, do not constitute the movement in themselves. Much as its leaders might have liked to think otherwise, the National Woman Suffrage Association (“NWSA”) was not the woman suffrage movement, nor was the American Woman Suffrage Association (“AWSA”) or the National American Woman Suffrage Association. The woman suffrage movement consisted of a large field of organizations, groups, and individuals who worked for woman suffrage, sometimes in concert or coalition with each other, sometimes in more parallel or informally intersecting activity, and sometimes in disagreement or conflict with each other.

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9 See generally Frank den Hond, Frank G.A. de Bakker & Nikolai Smith, Social Movements and Organizational Analysis, in THE OXFORD HANDBOOK OF SOCIAL MOVEMENTS, supra note 3, at 291.
10 Hatem M. Hassan & Suzanne Staggenborg, Movements as Communities, in THE OXFORD HANDBOOK OF SOCIAL MOVEMENTS, supra note 3, at 340, 340.
11 Id. at 341.
12 Id. at 340.
13 See, e.g., David B. Tindall, Networks as Constraints and Opportunities, in THE OXFORD HANDBOOK OF SOCIAL MOVEMENTS, supra note 3, at 231, 231.
14 TETRAULT, supra note 2, at 31-53 (examining how NWSA came to be widely regarded essentially as the woman suffrage movement).
15 Id.
This coalitional or network nature of social movements means that it is normal, probably unavoidable, for social movement partners and even leaders to differ among themselves in specific core interests, priorities, and styles of action and strategic or tactical preferences.\(^\text{16}\) Let us examine each of these elements in turn. Social movement participants may coalesce around a broad value (e.g., women’s rights or environmentalism) or even around a particular goal (e.g., a constitutional amendment to extend the franchise), but they may nevertheless differ in their support for particular issues some may see as fundamental to those goals. Social movements usually involve already existent organizations that have been working on other related issues. This was certainly true of the woman suffrage movement.

Participants in a social movement may agree on a wide range of issues and support common policy solutions but differ in their priority ordering. Given the limited resources such as time, finances, and people power that social movements have at their disposal, developing common priorities that guide where to invest those limited resources creates tensions, and sometimes outright conflict, within social movements: what should they focus on now, and what must wait until later?

Partners within social movement coalitions may also differ in their preferred strategies and tactics, often signaled by the presence of a more “radical” or “conservative” wing. These labels may refer more to action preferences than final goals—questions of how fast to move, whether to emphasize communication or direct action, what types of communication are most effective, whether to engage only in conventional or more aggressive strategies, and even what other groups or individuals to choose as political allies.

The great scholar of contentious politics and social movements Professor Sidney Tarrow has noted that

A classical mechanism in the social movement field is the “radical flank effect.” It has long been noted that social movements are frequently divided into moderate and radical factions. Despite a shared commitment to a common goal, they differ on what specific goals they should seek and the tactics that are best adapted to those goals.\(^\text{17}\)

Sometimes this also reflects generational differences.

A fourth source of critical difference within social movement coalitions is differences of social group membership and identity among participants and potential participants. Part of the crucial work of social movements is to establish a sense of common and politicized identity among its potential affiliates.\(^\text{18}\) I say politicized identity because it is not enough to identify as a


\(^{17}\) Sidney Tarrow, Contentious Politics, in The Oxford Handbook of Social Movements, supra note 3, at 86, 93.

\(^{18}\) See Sandra R. Levitsky, Caring for Our Own: Why There Is No Political Demand for New American Social Welfare Rights 66-90 (2014); Shane Phelan,
woman to become attached to a “women’s movement,” to identify as a member of a racial/ethnic group to affiliate with a social movement claiming to represent that group, or to care about the environment to become attached to an environmental movement. People also have to conceptualize these identities as constituting shared political interests best pursued by affiliating with a social movement and the particular social movement. As Professors Stephen Wulff, Mary Bernstein, and Verta Taylor remark,

Creating and sustaining a collective identity is no easy task though, thus requiring “identity work.” . . . Such work primarily rests on notions of “sameness” and “difference,” which refer to the similarities and differences group members simultaneously share with dominant groups, their targets, and each other as well as the competing demands and challenges involved in negotiating between the two.¹⁹

Cross-cutting or intersectional identities create both opportunities and challenges for building, mobilizing, and sustaining social movements. Of the matrix of social identities anyone might possess, or potentially possess, some will be more prominent than others and may add to or subtract from the likelihood that an individual will identify with a particular movement. If a social movement claims to represent a group of people who differ from each other in other important identities, the movement faces special challenges in binding itself together effectively. This is obviously the case for women’s movements, given that women potentially belong to almost every other social group imaginable.

Cross-cutting identities are relevant for social movements in at least two ways. Individuals’ multiple identities may diminish the likelihood that individuals feel any one of their identity elements to be politically compelling. I may feel that my fate is more intermingled with that of Jewish women, urban women, or professional women than with women as such. That is, I may not


¹⁹ Wulff, Bernstein & Taylor, supra note 4, at 112.

²⁰ It is important to remember that identity refers to a psychological condition—an aspect of consciousness—not a fact of existence. My ancestors may have hailed from a particular country, but whether I identify myself as associated with that country or its culture or possessing particular attributes because of it is another matter.
have a sense of shared fate with some generic or overarching concept of my
gender, race, or religion, but rather with a group that reflects a more defined
matrix of identities. 21 Second, the leadership or prominent membership of a
social movement might be populated or configure goals in such a way as to
alienate potential affiliates by highlighting subgroup differences in ways that
interfere with any commonalities. Race, gender, class, and age/generational
differences; framings; and prejudices have contributed mightily to the
challenges that social movements have faced in strengthening their numbers and
causes.

Finally, with respect to identity formation and social movements, many social
movements are organized not just around identity politics but also around
stigmatized identities. 22 These movements ask people to associate with a
stigmatized identity and to fight that stigma by banding together with other
similarly stigmatized people. In these cases, an important part of the identity
work that a social movement must do is to strategize the deployment of those
identities and the associated prejudices and stereotypes associated with them.
Should woman suffragists deny sex differences in political character—which in
the context of the era would deny their very femininity—or should they embrace
the stereotyped political character of women and claim that they would bring
something special to politics, but something special that many people would
define as inappropriate for politics? 23

These various sources of critical difference across associates within a social
movement may be overlapping—coalition partners with differing tactical
preferences may also have different specific priorities and social group
identities. The various bases of difference within a social movement coalition
may reinforce fissures and tensions. And those differences and tensions are
likely to be exacerbated under conditions of threat and stress.

The ebbs and flows of social movement activity, successes, and frustrations
are bound to create stress among activists; arguably, participants in social
movements ally and participate because they feel that they or interests that they
care about are threatened. But the dynamics of stress on social relations means
that when social movements are most threatened—for example, when they are
most lacking in the resources they need to address their full agenda—cross-
cutting and intersectional identities are most likely to bloom into conflict. Under
these circumstances, the stakes become higher for choosing among substantive
and strategic priorities because it becomes more obvious that choosing priorities
for resources and action have real consequences.

21 See generally Claudine Gay, Jennifer Hochschild & Ariel White, Americans’ Belief in
Linked Fate: Does the Measure Capture the Concept?, 1 J. RACE ETHNICITY & POL. 117
(2016) (concluding that perceived “linked fate” exists with regard to race, gender, class, and
religion but not political ideology, partisanship, or particular political actions).
22 Gamson, supra note 18, at 402; Wulff, Bernstein & Taylor, supra note 4, at 112.
23 DuBois, Woman Suffrage, supra note 2, at 97-98.
Stress has another potential impact on the coalitions within social movements: it can activate prejudices and stereotypes among affiliates toward each other. Research shows that prejudices and stereotypes, if not extreme, do not operate as constant forces on people’s perceptions and behavior; they can be background, rather than conscious, attitudes and beliefs that normally have little impact on thought and behavior but are activated under certain conditions, especially conditions of stress or threat. People need not be completely free of vestiges of identity-based stereotypes and prejudices to work in coalition, and deep cultural stereotypes and prejudices such as those based on gender, race, or age are likely not eliminated by working together in coalition. These social group identity differences are likely to become especially threatening to the coherence of a social movement coalition because they are, after all, so personal and fundamental.

Finally, it is crucial to remember that even apparently “large” mass movements usually involve only a tiny minority of the general population. Movement leaders have incentives to exaggerate their support because numbers are one of the major resources that social movements have. For people involved in social movements whose social networks are also embedded in the movement, it may seem like “everyone” is involved. But that is very unlikely to be the case, or they would have more power than they usually do. The majority of women were not involved in the suffrage movement or the twentieth-century women’s movements; the majority of students were not involved in the 1960s student movement. Indeed, it is usually relatively easy for movement opponents to find members of the target membership group willing and even eager to deny the legitimacy of the social movement.

II. THE NINETEENTH-CENTURY CONTEXT FOR MOVEMENTS FOR ENFRANCHEMENT

Many aspects of nineteenth-century culture and society shaped and conditioned the woman suffrage movement in important ways. Let us look at five often underappreciated aspects of the history of nineteenth-century women’s movements: (1) the importance of nineteenth-century federalism in shaping the politics and law of enfranchisement; (2) the very complicated history of enfranchisement before the final push for the Nineteenth Amendment; (3) the nature of women’s rights throughout the period of the woman suffrage movement; (4) the ambiguity of the language used to describe enfranchisement;

26 See Bert Klandermans, Motivations to Action, in THE OXFORD HANDBOOK OF SOCIAL MOVEMENTS, supra note 3, at 219, 219 (“Even mass mobilization rarely encompasses more than a few percentage points of the population.”).
especially with respect to race and gender; and (5) the fact that the impact of social movements may have much less to do with the nature of the movements and their internal dynamics than both supporters and detractors may think.  

A. Federalism

The overwhelming emphasis on the campaign for amendments to the U.S. Constitution to enfranchise people on the basis of race and gender can obscure the fact that determining qualifications to vote is a power reserved to the states, not one delegated to the federal government. The Fourteenth Amendment expanded the reach of the federal government by defining American citizenship as “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof” and citizenship in states (“and of the State wherein they reside”) in race- and gender-neutral ways, and it even backed into extending the right to vote to all male citizens twenty-one years or older in the states of the former Confederacy. It was the first time the Constitution said anything about voting qualifications.

The Fourteenth Amendment was a huge disappointment in the eyes of both the antislavery and women’s rights movements. Antislavery activists had hoped that the Amendment would enfranchise Black men throughout the country. And women’s rights activists, who were mostly active in the antislavery movement of the time, were disappointed not only because it did not do that but also because the Amendment inserted the word “male” into the Constitution for the first time, and three times at that. The final wording of the Fourteenth Amendment led both groups to launch campaigns at the federal and state levels to expand the right to vote. Differences of opinion about how that should be carried out, of course, drove a wedge into the previously allied emancipation movement. Activists organized campaigns in Kansas, New York, and the District of Columbia. They also campaigned for different versions of what became the Fifteenth Amendment to the U.S. Constitution, which states that “[t]he right of citizens of the United States to vote shall not be denied or abridged

27 In this Article I am not trying to establish “new facts” about the woman suffrage movement; there is no original research here. Rather, I am drawing on the excellent original research of many scholars to offer a particular framework for understanding many well-known observations about the movement and its context, casting many oft-repeated claims about it in a different light.


29 U.S. CONST. amend. XIV, §§ 1-2.

30 DuBois, WOMAN SUFFRAGE, supra note 2, at 98.

31 See id. at 117; see also U.S. CONST. amend. XIV.

32 See MELANIE SUSAN GUSTAFSON, WOMEN AND THE REPUBLICAN PARTY, 1854–1924, at 37 (Anne Firor Scott, Nancy A. Hewitt & Stephanie Shaw eds., 2001) (discussing Stanton and Anthony’s attempt to get “white” and “male” stricken from Kansas state voting requirements).
by the United States or by any State on account of race, color, or previous
condition of servitude,” leaving sex (regardless of race) still a category that
could be the basis to deny or abridge the right to vote.33

Some skirmishes on behalf of the newly independent woman suffrage
movement tried to leverage women’s rights out of the Fourteenth Amendment.
Victoria Woodhull appeared before the House Judiciary Committee to present
the legal case that the Fourteenth Amendment gave women the right to vote, but
Congress did not act.34 In 1872, both white and Black women—including,
famously, Susan B. Anthony in Rochester and Sojourner Truth in Battle Creek—
tried to vote in many parts of the country, claiming that they now had the
right to do so, but were foiled in the attempt. Virginia Minor appealed her case
all the way to the Supreme Court, but in Minor v. Happersett,35 the Court
unanimously ruled that although Minor was clearly a U.S. citizen, voting was
not one of the privileges or immunities of citizens of U.S. citizenship, and thus
the Fourteenth Amendment had nothing to protect.36 States were free to continue
to exclude women.

For most of the remainder of the nineteenth century, the woman suffrage
movement focused largely on campaigns to change laws and constitutions at the
state level, and many woman suffrage organizations, such as AWSA, focused
exclusively at the state level. This state-level focus meant that suffrage
organizations had to attend to the discrete configurations of legal and political
structures, party balances, and political and social cultures in order to achieve
state-by-state success to remove the legal gender restriction.

By the time the Nineteenth Amendment was ratified, women throughout
much of the country, including Black women outside of the former Confederacy,
could vote because of state-level changes.37 But even the Nineteenth Amendment once again required the state-by-state slog to achieve ratification,
with all the ramifications for understanding appropriate strategies and tactics for
influencing legislatures in Kansas, New York, Massachusetts, Texas, West
Virginia, or Tennessee.38 The realities of federalism render the overwhelming
focus on national politics without due attention to state politics massively
misguided.

33 U.S. CONST. amend. XV, § 1.
34 Tetrault, supra note 2, at 57-59 (noting that Woodhull argued that privileges and
immunities of citizenship guaranteed by Fourteenth Amendment included right to vote).
35 88 U.S. (21 Wall.) 162 (1875).
36 Id. at 177.
37 McConnaughy, supra note 2, at 251.
B. The History of Enfranchisement

The rules for enfranchisement in the United States were much more complicated and varying across the country than most people today realize. Debates were not just about rules; there was also considerable debate and discussion about the principles that underlay voting rules. The end of the Civil War, which launched the major campaigns for enfranchising Black people and women was, after all, only seventy-seven years after the ratification of the U.S. Constitution, a period in which the principles and practices of American democracy were under flux and regularly changed.

The pre-Revolution qualifications for enfranchisement varied across colonies, as they did later across states, but with few exceptions they limited the vote to white males who held real property. There were also some religious exclusions early on. Around the time of the Revolution, only about sixty percent of adult white men were enfranchised. There were serious discussions in the early Republic about whether further limitations might also be appropriate. The important principle at the core of these discussions was that, in order for an election to be fair and meaningful, every voter must be an independent, self-governing person, and some people because of their economic or other forms of dependence could not be independent voters, especially while voting was still a fully public act. Many leaders thought that this could not be true for paupers, servants, or people otherwise dependent on others, as women and enslaved persons were considered to be. Of course, pure racism and sexism also were reason enough to exclude women and Black people, but it would be wrong to ignore the debate around what the public theory of democracy required of the act of voting and who could vote.

Thus, it should not be surprising that many people—including those who might be understood as relatively modern in their conception of democracy for the times—advocated education or literacy requirements for voting. Of course, literacy requirements were ultimately installed as part of the bulwark of Jim Crow laws, specifically aimed at excluding Black people. Although education or literacy requirements, no matter how executed, would always disproportionately exclude the poor, immigrants, and any group that was systematically relegated to the underclass in any part of the country, they also had a rationale that had to do with the ability of a citizen to vote on the basis of

39 The best, most comprehensive history of enfranchisement remains Alexander Keyssar’s *The Right to Vote*. See id.

40 See id. at 7.

41 The secret or “Australian” ballot was introduced into the first American state only in 1888 and came into wide use in the 1890s. See Malcom Crook & Tom Crook, *Reforming Voting Practices in a Global Age: The Making and Remaking of the Modern Secret Ballot in Britain, France and the United States*, c.1600–c.1950, 212 PAST & PRESENT 199, 226-27 (2011).


43 See id. at 226-28.
an informed, independent decision.\textsuperscript{44} It is important to understand that this rationale arose from a real question about requirements for democracy as well as, in other cases, being used to target Black people, the poor, or immigrants as such for exclusion.\textsuperscript{45} It probably took a long time for most Americans to believe that voting should be a right contingent on mere adult citizenship. That was a radical idea.

Most states engaged in rounds of constitution writing and rewriting between 1790 and the midpoint of the nineteenth century, largely to respond to changes brought about by demographic, technological, and economic transformations.\textsuperscript{46} These efforts often included discussions about respecifying requirements for enfranchisement. It was very common for voting requirements to be different for local, state, congressional, and presidential elections.\textsuperscript{47} Even at the local level there might be different requirements for voting on matters related to schools, taxation, or local offices; a number of these allowed for enfranchisement of women in some times and places for school-related or, less frequently, taxation issues.

The story of the brief episode during which New Jersey women gained and then lost the right to vote at the turn into the nineteenth century is well known,\textsuperscript{48} but it is an exception to the general rule corrected quickly. With that exception, women could not vote anywhere in the United States until the late 1830s, when women were given the franchise for some local purposes (especially school-related matters) and eventually, in the last third of the nineteenth century, more comprehensively.\textsuperscript{49} Through the course of the nineteenth century, state laws varied with respect to the enfranchisement of women and Black people, although these topics were raised and discussed in state legislatures numerous times.\textsuperscript{50} In the early nineteenth century, a number of free states took the opportunity to further restrict the franchise for Black men.\textsuperscript{51} The struggle for enfranchising women and Black people was an uphill battle every step of the way and offers no good news for anyone who likes progress theories of history.

\textsuperscript{44} See id.
\textsuperscript{45} In fact, research that distinguishes the differences and overlaps between proposals for literacy and education requirements for voting that functioned as protections of the idea of the independent voter versus those that functioned as tactics for excluding particular demographic groups would be useful.
\textsuperscript{46} KEYSSAR, THE RIGHT TO VOTE, supra note 28, at 26-27.
\textsuperscript{47} Id. at 6.
\textsuperscript{48} See ROSEMARIE ZAGARRI, REVOLUTIONARY BACKLASH: WOMEN AND POLITICS IN THE EARLY AMERICAN REPUBLIC 30-37 (2007).
\textsuperscript{49} GUSTAFSON, supra note 32, at 41-42.
\textsuperscript{50} TETRAULT, supra note 2, at 80-82.
\textsuperscript{51} See JONES, supra note 2, at 13-14; KEYSSAR, THE RIGHT TO VOTE, supra note 28, at 53-76.
C. Women’s Rights and Women’s Status in the Nineteenth Century

Although students of early American history are well aware of how restricted the rights of women were, it often seems that few others comprehend just how much that was the case, regardless of their class or race. Here, I will focus on free women because enslaved women had no rights—much of what follows is about the “best case scenario” for women’s rights.

Most free women were subject to laws and conditions that derived from the common law for most purposes. This meant that upon marriage, a woman’s separate civil existence ceased, and she was assumed to function “under the cover of” or as a part of her husband. Married women could not own property beyond the clothing on their backs even if they technically earned money and made purchases with their wages. They could not make contracts, which meant that they could not seek employment without their husband’s permission and that their wages belonged to their husband. Their children “belonged” to their husband. If a woman left her husband’s domicile, she had abandoned him and everything pertaining to their family and household, including any children. If a man left the domicile and the woman did not follow him, she had abandoned him and everything pertaining to their family and household, including any children.

Women in wealthy or privileged families were generally better off than those from poorer or less privileged families, of course, but their condition of being better off was contingent upon the goodwill of their husband. If a husband wished to withhold the privileges of class or other resources from his wife, he could. A very important task for women, then, was maintaining that goodwill. No matter how badly a man treated his wife, if she remained with him, that was proof enough that he was maintaining her properly. Women could not independently be regarded as privileged. Although married women began to gain property rights in the 1840s, many aspects of coverture remained in law and social relations for a very long time, some of which were the focus of feminist action at the end of the twentieth century with the rise of the new women’s movement.

52 See LINDA K. KERBER, NO CONSTITUTIONAL RIGHT TO BE LADIES: WOMEN AND THE OBLIGATIONS OF CITIZENSHIP 11-15 (1998); ZAGARRI, supra note 48, at 26-29.
53 TETRAULT, supra note 2, at 1, 98.
54 KERBER, supra note 52, at 14.
55 DuBois, WOMAN SUFFRAGE, supra note 2, at 286.
56 Id. at 287.
57 Id.
58 Id. at 284.
These matters relating primarily to women’s lack of economic, property, and political rights are not the only limitations women faced. Equally important to understanding women’s situation in the nineteenth century was their subjection to physical abuse and violence. By consenting to marriage, women consented once and for all to sexual relations with their husband.\textsuperscript{59} The so-called marital exemption for rape did not begin to disappear until the late 1970s—no man was ever charged with raping his wife while he was still living with her until then.\textsuperscript{60} Only in 1982 did a U.S. court rule against the marital exemption for rape,\textsuperscript{61} specifically undermining the justifications used to give men unlimited sexual control over their wife’s body up to that time.\textsuperscript{62} With such impunity, and with women’s economic vulnerability to their husband regardless of family class or privilege, it would be challenging to estimate how often women were subjected to rape in their day-to-day lives during the woman suffrage movement.

Of course, as late twentieth-century feminists well knew, the state hardly protected women against rape outside the family. Estelle Freedman has detailed the very complex history of rape and sexual violence in the nineteenth century and after, including how class and racialized norms interacted with gender both before and after Emancipation.\textsuperscript{63} Although at various times the law appeared harsh in its intentions to punish rape or “seduction,” in fact it offered little leverage for women to protect themselves.\textsuperscript{64} Here, social mores of femininity played a critical role. Women did not belong in public except under very particular circumstances, and they were not supposed to appear in public alone.\textsuperscript{65} Suspect character then, as now, led to widespread suspicion of women “crying rape” despite the wringer an accuser would be put through. The exceptions involved the sexualized racism, documented at length so well by Ida B. Wells, that led to false charges of rape that justified the murder of Black men.\textsuperscript{66}


\textsuperscript{63} Freedman, \textit{supra} note 59, at 3-11.

\textsuperscript{64} See \textit{id.} at 33-51 (explaining myriad difficulties women faced in attempting to litigate claims of rape or seduction, including challenges to proving standing, families preventing their daughters from bringing such suits, and creative lawyering from defendants).

\textsuperscript{65} See \textit{id.} at 192-95 (noting how, as more women entered urban spaces in nineteenth-century America, their risk of being assaulted by men increased significantly).

But women faced other specific challenges. As long as women could not sue, they could not charge a man with rape or seduction; only their father or husband could do so. Further, the requirements of proof stipulated that a woman had to be of chaste character in order to have a case, there had to be sufficient evidence that she did not give her consent but resisted forcibly, and there had to be corroboration. All of this meant that women in the best of circumstances were very unlikely to be able to secure justice following violence against themselves. And women of color, poor or working-class women, and immigrant women were not in the best of circumstances.

Women’s rights advocates and eventually woman suffrage activists engaged the problem of violence against women, although they had to be very delicate with the language they used. Whenever they questioned the elements of male privilege inside or outside the family, they were attacked as radical. As Freedman explains, women involved in moral reform attempted to combat assault on women, “point[ing] out the limits of denying women the standing to sue.” After Emancipation many Black women tried to assert their rights to bodily integrity against racialized gender and sexual violence. And suffragists regularly blamed gender inequality before the law; women’s lack of access to courts, the political arena, and government; and men’s views of women as inferior as causes of the perpetuation of violence against women.

So, women’s rights and woman suffragist activists of the nineteenth century were well aware of the breadth and depth of legal, economic, political, and social inequality even for women from the most wealthy and privileged families. Whatever power, privilege, and protection they had was largely contingent on the goodwill of their husbands and fathers. Increasingly for activists seeking justice, the vote—the ability to participate legitimately in the policy and political system—was defined as a crucial instrument to protect themselves from harm.

D. The Ambiguous Language of Gender and Race Inclusion and Exclusion

One of the major challenges of intersectional analysis—is indispensable for social movement analysis—is the use of ambiguous terms such as race, sex, blacks, whites, men, and women among the sources we study. In a sexist or racist culture, do men and women include people of all races? Do blacks and whites include both women and men? The words man or men are even more ambiguous, as they have long been used both generically, to refer to human beings, and specifically, to refer to male human beings; many people still use man to include...
both men and women. “Universal” suffrage variously meant all men or all white men; only occasionally did it incorporate any women of any race and not, generally (except among woman suffragists) until much later. We have to be careful about how we read and use these terms.

Consider the ringing phrases used by Senator Lott Morrill (D-Me) who, in 1866 declared that “human rights” and “individual rights” guaranteed by the federal government would now replace old status hierarchies of slavery and servitude enforced though tyrannies large and small. “All attempts in this country to keep alive the old idea of orders of men, distinctions of class, noble and ignoble, superior and inferior, antagonism of races,” he argued, “are so many efforts at insurrection and anarchy.”

This may sound like an endorsement of “universal” rights, but Morrill was dead set against women’s enfranchisement.

The Nineteenth Amendment to the U.S. Constitution did not, in reality, grant all women the right to vote because the women who had also been excluded because of their race, age, or other conditions were no more eligible to vote after the Nineteenth Amendment than before. But equally, the Fifteenth Amendment to the U.S. Constitution did not grant all Black people the right to vote even technically (holding aside the realities of literacy tests, grandfather clauses, and Jim Crow terrorism) because Black people excluded on the basis of their sex, age, or other conditions were no more eligible to vote after ratification of the Fifteenth Amendment than before.

Understanding the history of the woman suffrage movement requires paying attention to and understanding its gendered and racial linguist context. During the period from the women’s rights movement of the pre–Civil War period to the end game of ratification in 1920, understandings of gender and race changed substantially; definitions of manhood, womanhood, masculinity, and femininity changed, as did definitions of Black, white, and nonwhite. Thus the same words might change their meaning over that time, and the vocabulary of gender, race, and rights changed. It would be wrong to analyze views of women and politics, including the franchise, as though gender or race (or class, or any other category that rightly belongs in a matrix of intersectional analysis of women’s history) were stable concepts during the entire period. Below, I will pay particular attention to Laura Free’s work on the shift to a more gendered understanding of citizenship in the mid-nineteenth century, with its heightened emphasis on political masculinity.

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74 Free, supra note 2, at 165.
E. The Impact of Social Movements

Social movement activists and participants must be forgiven for their excessive faith that social movements, if only constructed properly with the right strategies and tactics, directly convince lawmakers and other public officials to change law and policy in ways that the movements favor. It would be difficult to attract people to social movement activism if they did not believe they could have such an impact. Thus we see considerable focus on the impact of some woman suffragists’ decisions to break organizational ranks with the American Equal Rights Association’s (“AERA”) support for a Fifteenth Amendment that included race but excluded gender, preferring instead to establish a new organization that would continue to work for enfranchisement of women as well as Black men sooner rather than later. This move is often interpreted as undermining the movement for enfranchising Black men, an idea promulgated especially by Republican newspapers at the time that were already uninterested at best in woman suffrage.

Social movements are populated by social groups with relatively little direct power, at least with respect to the issues at hand. This characteristic is stark with respect to emancipatory movements and to movement aimed at enfranchising the disfranchised. The Black people and the women of the American Anti-Slavery Society (“AASS”), the AERA, or the NWSA or AWSA all lacked the key lever that could be used to reward or punish legislators: the vote. Other than the power of rhetoric (which they all used) or the power of threats of violence if legislators did not cooperate (which they did not use in the time period under discussion), how could these social movements achieve their ends? Why should the legislators with the power to turn on or off the rights taps listen to any of them?

Corinne McConnaughy explored precisely this question, although during a later period of the woman suffrage movement than I am highlighting here. According to the research literature she found, “[t]o the extent that there are accounts about what determined woman suffrage successes or failures, they are developed from the vantage point of the movement,” not from the point of view of those who actually made the decisions. She therefore studied the very large number of cases in which states considered the possibility of extending the right to vote to women, pointing out that “[e]ach state . . . presented a different political and social environment to be negotiated.”

McConnaughy gleaned a handful of explanations for the woman suffrage movement’s successes and failures from the literature and found most of them either implausible or contradicted by historical evidence. The strength of movement organization and capacity must often play a role, but there are cases in which success came without intervention of women’s movement

75 DuBois, WOMAN SUFFRAGE, supra note 2, at 8-11 (discussing DuBois’s early considerations and later interpretations of suffragist movement).
76 McCONNAUGHY, supra note 2, at 5.
77 Id. at 3.
organizations. Another explanation considers ideology and political culture, especially the idea that success came “when and where the idea of [women’s] enfranchisement was no longer a radical one.” But this hypothesis does not hold water under examination, and it suggests that political change is a natural thing that just happens at some point without the force of organizations, movements, parties, and leaders. During the closely fought battles, many people continued to find women voting a radical idea.

A common hypothesis focuses not as much on the strength of the movement as on the strength of enemies, such as the liquor industry or force of immigrant organizations with more conservative gender politics. Opponents play a role, but the comparative study of success and failure shows that while big opponents were involved in some cases, that was not always true. Another theory considers the presence of minor political parties such as the Populists, Socialists, or Progressives. While these groups were very involved in the question of women and the vote, as long as they were minor parties, they would not themselves have the force to decide the matter, so a fully functional theory would have to explain the process.

McConnaughy’s treatment of the successes and failures of the suffrage movement places lawmakers and partisan politics at the center of the analysis because the debates and the decisions about legislation are made in a partisan setting. She focuses on two hypotheses: strategic enfranchisement and programmatic enfranchisement. In the former case, political parties support or oppose extension of the franchise to a particular group because of their assumptions about the probable voting behavior of the potentially newly enfranchised group. But because women were integrated into every class, race, and religion and because their families represented every political party, no party had a strategic reason to enfranchise them, unlike the Republican Party, which maintained a strategic reason for enfranchising Black men.

Programmatic enfranchisement, on the other hand, emphasizes particular political opportunities that may vary from place to place—situations in which a movement could engage coalition partners who do hold sway with a political party, have a programmatic interest in the enfranchisement of the new group, and have resources to bring to bear on the decision makers. This emphasis on coalition partners is especially important, McConnaughy argues, because the forces against a decision by the powerful to extend the franchise to currently
disenfranchised groups are always the prevailing political winds. In the case of woman suffrage she writes,

Given that the political institutions that must be cleared to change suffrage laws are designed to make change hard, there is an inherent inequality in the costs and benefits for opposition and support of new suffrage laws. Real efforts to change suffrage qualifications are always costly, and thus require strong electoral incentives to take on. In contrast, in a cost-benefit analysis, sometimes opposition is worth mounting based on even slight notions that the new voters might not be friendly. Effective opposition to woman suffrage, for example, might only require influencing a few lawmakers on the relevant legislative committee to keep a measure from being introduced into the legislative chamber. And because effective opposition can be relatively cheap, it might be mounted by interests like the liquor industry even if they only perceived small risks to their interests if women were enfranchised – in other words, they need not realistically fear imminent prohibition.

McConnaughey’s comparative analysis states how, in focusing on policy and legislative decision makers, we can see that the details of the particular configurations of state political environments may differ, while the theory of identifying powerful coalition partners and advocates remains the critical factor in patterns of success and failure.

McConnaughy is certainly right that the status quo is a major force to overcome to convince lawmakers that they should risk extending the franchise, regardless of who the new recipients might be. Throughout the nineteenth century, perhaps even increasingly in the post–Civil War period, the idea of women voting was widely regarded as extraneous, even absurd, and those who advocated woman suffrage were deemed radical. From the Civil War through the turn into the twentieth century, suffragists found few coalition partners in few states with the political leverage to move legislative action. There were some, of course, especially in the West, notably in some of the territories. Sometimes farmer groups helped when they had power. Sometimes third parties helped as crucial coalition partners, especially after the dominant parties had experienced unusually competitive elections, thus enhancing the power of the third party. Urban machines and interests were less consistent. Urban machines depended on creating dependencies through patronage that led to vote support and were inclined against extending the franchise to groups that could

85 Id. at 14.
86 Id.
87 See id. at 2.
88 See id. at 137-69.
89 See id. at 141.
90 See id. at 215.
not be counted on to support them.\textsuperscript{91} Labor was an uncertain coalition partner for woman suffragists, fraught as the relationship was because of class tensions between labor and a middle-class dominated movement despite commonality in reforms to which they aspired.\textsuperscript{92}

Race played a crucial role in the story of woman suffrage, as ever in American politics. As discussed below, race and gender tensions shattered the old antislavery movement. In Jim Crow states, white male legislators had no incentive to extend the vote to women for fear that any extension of the franchise would encourage questions of extending the franchise that would threaten white domination. Some Southern white woman suffragists even argued that extending the vote to women would be helping in the quest for continued white domination because white women could help shore up the strength of the white vote, but this was not convincing to the legislators who feared Black women voting.\textsuperscript{93} If Black women gained the right to vote along with white women, Jim Crow states’ practices of racial exclusion would have to be asserted anew. This was not the only time the possibility that extending the vote to women might buttress white supremacy was raised; in 1866, a conservative Republican senator from Pennsylvania raised the possibility that if Black men were to be given the vote, women should be enfranchised as well, both for consistency of logic and to mitigate the problems of Black men voting. The proposal went nowhere.\textsuperscript{94} As Kate Masur points out, his “gambit succeeded in revealing that most Republicans’ universalism was for men only.”\textsuperscript{95}

In New Mexico, by contrast, where racial and ethnic politics revolved around Spanish-American and Anglo power balances, race and ethnicity were also factors, but in a different way. The Spanish-American men in the legislature and in the delegation to the 1910 Constitutional Convention, like Anglo men, tended to oppose proposals for woman suffrage.\textsuperscript{96} The woman suffrage movement tended to address Anglo women, thus misdirecting their attempted influence away from a critical voting group in the legislature. But also, some of the Spanish-American legislators believed that expansion of the vote to women would readjust the balance of power toward Anglos.\textsuperscript{97}

\textsuperscript{91} See id. at 142.

\textsuperscript{92} See id. at 155.

\textsuperscript{93} Dudden, supra note 1, at 92-93.

\textsuperscript{94} See Masur, supra note 73, at 143-44.

\textsuperscript{95} Id. at 144.

\textsuperscript{96} See McConnaughy, supra note 2, at 196-206.

\textsuperscript{97} Id. at 200.
III. DIFFERENCE, COALITION, AND THE BUILDING OF AN EFFECTIVE WOMAN SUFFRAGE MOVEMENT

Framing the history of the woman suffrage movement from the point of view of social movement theory and research can enhance our understanding of this critical period in women’s history that has already received such rich attention from historians. The point is not to rewrite that history, but to use the social movements research literature to let us see even more in the history. In this Part, I offer some brief notes to point the way, drawing on discussion above.

A. Women’s Rights Advocacy in the Antislavery Movement

It took quite some time for a woman suffrage movement to coalesce. Now and again women (and a few men) had spoken out on behalf of more rights, more respect, and more justice for women. It was not unusual in early America for women to organize to achieve their goals.98 But the woman suffrage movement was not created due to a centripetal force bringing different women’s organizations and actors on behalf of women’s rights together; it was born largely of a growing self-consciousness among women in the antislavery movement.

Legions of women became active in the antislavery movement. Women had worked in many ways to better their lives and the lives of others in their community, but it was the abolition movement that brought increasing numbers into the public to discuss politics with people, including men, and to ask them to sign petitions addressed to Congress asking them to end slavery.99 Although the majority of women who engaged in this activity were middle-class white women, many were also free middle-class Black women and working-class women of all races.100

Venturing into the public as political advocates transformed conventional boundaries for women.101 Susan Zaeske tracked the changes in the form and character of women’s participation in antislavery petitioning.102 At first, they framed their pleas within religious principles, often disavowing any political character in their mission. They used a traditional tone of humility in their petitions, presenting themselves as supplicants to the lawmakers. Even so,

100 See Zaeske, supra note 2, at 41.
102 See generally Zaeske, supra note 2.
women were conscious of how they were breaking the boundaries of femininity by engaging in petition drives, whether on behalf of abolition, temperance, or against the removal of the Cherokee from their lands.\(^{103}\) Women activists were sometimes verbally attacked for their impropriety,\(^{104}\) and there is good evidence that they felt the stresses of this stepping out.\(^{105}\)

This engagement in antislavery petitioning put many women on the path to further political activity, even as they wrapped their work in the cloak of women’s moral duty and benevolence. Their approach and experiences began to change through the later 1830s as anti-abolitionist sentiment heated up, even in the North. Whatever many white people in the North thought about the institution of slavery, “[t]o publicly declare oneself an abolitionist in the 1830s was to align with a small and despised minority. One placed oneself at the fringes of middle-class society and even risked the distinct possibility of violence against one’s person.”\(^{106}\) It was especially dangerous for women to be visibly involved in mixed-sex and mixed-race activities. Participating in the abolition movement was brave.

Women increasingly found themselves having to defend their place in this effort, and leaders among women such as Lucretia Mott led efforts to convince even more women to join.\(^{107}\) Women, both Black and white, engaged in an increasing number of activities around abolition and other reform efforts. Many women activists began to demonstrate a changed political consciousness revolving around their gender. They thought that their cause was a moral one; when they faced ridicule or criticism on the basis of their gender, their consciousness of the political significance of their gender bloomed.

White women activists sometimes defined their motivation and justification for antislavery activism in gendered terms, as when they felt that they were moved into action out of a special sympathy for the Black women who were so debased by slavery.\(^{108}\) They emphasized how they shared with the enslaved women the feminine concerns of family and children. Some also demonstrated that they knew something about the special forms of sexual abuse enslaved women endured. Many free white women believed that because enslaved women could not speak on their own behalf, the white women themselves had an obligation to act on behalf of the enslaved women’s interests.\(^{109}\) As with white women, gender also played a role in Black women’s participation in the antislavery movement, especially in their public emphasis on female

\(^{103}\) \textit{Id.} at 23-27.
\(^{104}\) \textit{Id.} at 86.
\(^{105}\) \textit{See id.} at 26.
\(^{106}\) \textit{Id.} at 38.
\(^{107}\) \textit{Id.} at 36.
\(^{108}\) \textit{See id.} at 64.
\(^{109}\) \textit{Id.} at 65.
respectability. Framing their motivations and words in the feminine concerns of domesticity made sense of women’s role in politics and political movements.

One of the major forces that likely spurred women on to greater politicized gender consciousness, and ultimately gender-based activism, was the resistance they encountered to their activism from their own political associates. The abolition movement’s male leadership did not welcome women into leadership, and they were far from unanimous even in welcoming women’s participation, although many were clearly happy to have women as foot soldiers of the movement. In fact, the abolition movement split in 1839-1840 partly over disagreements about the appropriate role of women in the AASS. William Lloyd Garrison retained the leadership of the AASS, which welcomed women as participants. Lewis Tappan led the group that left the AASS to form the American and Foreign Anti-Slavery Society, whose members thought that, although women had a role to play in the abolition movement, placing them in leadership positions or focusing on their rights was harmful to the movement.

The breakaway meeting was occasioned by the appointment of two women, Lydia Maria Child and Abby Kelley, to leadership positions in the AASS. What was the impact on activist women of witnessing or hearing about debates about their proper place in the movement that were so vehement that they tore apart the lead organization? Without further research we can only imagine how this shaped their own gender consciousness. We do know, however, that in this same period another debate over women’s role in the antislavery movement fed directly into intensified association with women’s rights and, ultimately, their transformation of women’s rights into a movement for woman suffrage.

110 See Jones, supra note 2, at 23-26.
112 See Jones, supra note 2, at 50-51.
113 Id. at 51 (noting that split “grew out of two questions: what was the clergy’s culpability for sustaining slavery and what should be the standing of women within antislavery societies?”).
114 Id.
115 See id.
The AASS sent a delegation of men and women to the 1840 World Anti-Slavery Convention in London, but the all-male British delegation objected, resulting in much of the first day of the convention being devoted to the question of gender inclusiveness in the movement to end slavery. Some women, at least, left London changed. “Mary Grew returned to Pennsylvania to circulate petitions for a married women’s property act. Her abolitionist father, who had encouraged her to do similar work in behalf of the slave, vigorously opposed her.”

More famously, Lucretia and her young friend Elizabeth Cady Stanton (a newlywed who, with her husband, devoted her honeymoon to attending the convention) walked the streets of London together dealing with their anger and resentment, discussing women’s rights and women’s writing on the subject, and vowing to hold their own meeting devoted to the subject.

It took some time to get to that, and Mott couldn’t attend, but Stanton did organize that meeting eight years later in her hometown, Seneca Falls, New York.

Debates over the place of women in the antislavery movement were widespread across many movement organizations and gatherings. At the 1841 New York State Convention of Colored Citizens in Troy, male delegates disagreed over whether they should even bring their wives, let alone have women participate. In contrast, another Black organization, the American Moral Reform Society, founded in Philadelphia in 1837, began to include women in 1839, even nearly quoting from the white Quaker abolitionist and woman’s rights activist, Sarah Grimké, “What is morally right for a man to do, is morally right for women.”

The point is that women who had already stretched gender-defined roles to become deeply involved in the abolition movement were witness to struggles among men in both the white-dominated and Black-dominated movement organizations over the degree to which they should be allowed to participate in this emancipatory movement. Sometimes, these women found themselves restricted in their ability to participate because of sexism. As Martha Jones points out, “the woman question had the power to divide antislavery activists, not simply between Garrisonian and political abolitionists, but even among . . . longtime allies . . . . It also signaled that, through such debates, ideas about the place of women in public culture were being transformed.”

117 Lisa Tetrault, To Fight by Remembering, or the Making of Seneca Falls, in Votes for Women!, supra note 2, at 1-3.
118 ELLEN CAROL DUBoIS, Feminism and Suffrage: The Emergence of an Independent Women’s Movement in America 1848-1869, at 25 (1999) [hereinafter DUBoIS, Feminism and Suffrage].
119 TETRAULT, supra note 2, at 10-12.
120 Id. at 2.
121 JONES, supra note 2, at 46.
122 Id. at 48 (quoting SARAH M. GRIMKE, Letters on the Equality of the Sexes and the Condition of Woman 122 (1838)).
123 Id. at 57.
appears that many women who later became active in the woman suffrage movement found their gender consciousness through the fight against slavery.

The women were changing, but so was the public culture of gender in the run up to the Civil War. But whereas many women were finding something of what we might call a feminist gender consciousness, the society around them had become more restrictive and sexist in many ways. Rosemarie Zagarri makes a good case that between the revolutionary potential that late Enlightenment writings opened for women and the political reformation surrounding the American Revolution and the Jacksonian Era, American public culture on gender became increasingly restricted.\(^{124}\) There was promising potential in the Revolution and Early Republic periods. As Zagarri writes,

Yet this opening for women soon closed. By 1830 a conservative backlash had developed. The recognition of women’s political potential, as much as actual changes in their role, unleashed this reaction. At the same time, the broadening of political opportunities for white males, especially the growth of political parties and the expansion of the franchise, diminished the importance of nonvoters, including women, in the electoral process and led to an increasing focus on a more restricted group, white male electors. The era of democratization for men thus produced a narrowing of political possibilities for women.\(^{125}\)

True, some opportunities for free women expanded visibly during the pre–Civil War period. Most notably, some educational opportunities opened up in the form of female seminaries and academies. States began to grant married women property rights in the 1840s. And women so inclined ventured into new avenues of activity in moral reform, benevolent societies, and the antislavery movement.

But much as feminist scholars have noted the limitations of the culture of “republican motherhood,”\(^ {126}\) which reimagined women’s domestic roles in terms of patriotic and nation-building import, the culture of domesticity placed stricter limitation on women.\(^ {127}\) The expansion of women’s world created a backlash, even within an emancipatory movement.\(^ {128}\) The clearest case of new legal restrictions on women came in 1855, when the first of a series of laws passed that made women’s nationality and citizenship contingent on her husband’s rather than relying on the usual rules of \textit{jus soli} and \textit{jus sanguinis}.\(^ {129}\)

Women who married foreigners were stripped of their citizenship.

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\(^{124}\) \textit{See Zagarri, supra} note 48, at 2.

\(^{125}\) \textit{Id}.


\(^{128}\) \textit{See Zagarri, supra} note 48, at 96-97.

Before the Civil War, women’s rights advocates focused on many different issues, but they did not coalesce as a distinctive social movement. Certainly, the franchise was not a major thread in that era despite the well-cited plank in the resolutions of the Seneca Falls Convention. Those attentive to women’s history know that the suffrage plank was not popular at that meeting and that it only survived to pass because of the apparently stirring advocacy of Frederick Douglass. Women advocating on their own behalf only changed from labeling themselves “women’s rights” activists to woman suffragists after the Civil War. The first “national” woman suffrage meeting took place in Worcester, Massachusetts in 1860.

Increasingly, women’s rights advocacy took place within the antislavery movement coalition. That is, not only were women engaged affiliates of that movement, whether as part of the AASS or other local groups but also they increasingly advocated for women’s rights as a part of that coalition. And many of the male leaders of the abolition movement—notably Frederick Douglass, James Forten, William Lloyd Garrison, Charles Fox Hovey, Wendell Phillips, Parker Pillsbury, Charles Lenox Remond, and Theodore Tilton, among others—advocated for women’s rights as well, arguing that the emancipation projects for Black people and women were inseparable. Nevertheless, Garrisonian abolitionism was too radical for many women abolitionists (as well as the men who broke off from the AASS), so they turned to other ways to pursue the abolitionist project through, for example, their churches or new abolitionist churches.

It was one thing for women to constitute the “[g]reat [s]ilent [a]rmy of [a]bolitionism” and to claim, along with many brothers in the movement, that women’s roles should be expansive enough to engage in this great moral battle. It was another for them to be considered full members. This was true of white-dominated organizations and Black antislavery organizations. A good example came at the 1848 National Convention of Colored Freemen, when supporters including Frederick Douglass and Martin Delany faced a difficult battle—and eventual defeat in committee—for their proposal that women should be able to speak and vote on the same basis as men. The resolution finally passed on the floor of the convention. Jones has documented the widespread support for ideas of gender equality and expansion of women’s rights within the Black subgroups of the antislavery and convention movements. But as she

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130 Tetrault, supra note 117, at 7.
131 Id. at 54.
133 See generally id. at i.
134 JONES, supra note 2, at 59.
135 Id.
136 See generally id.
points out, the question was fraught and faced limits when women appeared at the door of leadership or asserted gender equality as a priority.\textsuperscript{137} After 1848, their exclusion from leadership positions, which would continue, could no longer be naturalized by the notion of a woman’s sphere. Nor could the ideals of domesticity and respectable womanhood or a general disdain for manifestations of overt female public authority stand as unassailable norms. The emergence of the woman question exposed the extent to which black activists were making choices about the gendered character of institutional life, even though they were rarely of one mind. The stakes were indisputably high.

. . . Ideas about women’s rights would be recast as having no place inside the parameters of “race” organizations. By the mid-1850s, “three cheers for women’s rights” had been displaced by a new refrain: “This is not a women’s rights convention.”\textsuperscript{138}

“Fraught” seems just the right word for Black women’s position, caught between the sexism of Black organization (likely not much different from white-dominated antislavery organizations), the need for solidarity with Black men in the face of a deeply racist society, and their agreement with other women’s rights advocates on many issues. In a Black-dominated convention, women might be told that this was not a woman’s rights convention. In a white-dominated women’s rights convention they might be told that “[w]omen’s meetings were no place for questions of ‘color.’”\textsuperscript{139} Many Black women continued pressing their goal of gender equality within their churches\textsuperscript{140} out of the glare of race tension and conflict.

One of the most important sources of future promise for advocates of Black emancipation and equality with whites and for advocates of women’s rights and equality with men laid with one of new and potentially powerful coalition partners: the new abolitionist political parties such as the Liberty Party and ultimately—and most importantly—the Republican Party. The Republican Party did not go far enough in its vision of emancipation for some of the movement before the Civil War,\textsuperscript{141} but after the Emancipation Proclamation, abolitionists were mostly united in their affiliation with the Republican Party. That crucial linkage also became problematic for the cause of woman suffrage, described below.

\textsuperscript{137} \textit{Id.} at 85.
\textsuperscript{138} \textit{Id.}
\textsuperscript{139} \textit{Id.} at 92.
\textsuperscript{140} See \textsc{Jane E. Dabel}, \textit{A Respectable Woman: The Public Roles of African American Women in 19th-Century New York} 130-31, 149-51 (2008); \textsc{Jones}, supra note 2, at 66, 88.
\textsuperscript{141} \textsc{Jeffrey}, \textit{supra} note 132, at 163 (explaining that lack of votes for Liberty Party suggests generalized lack of support for abolition, but noting that “the impact of the Liberty Party extended beyond ballots cast” via “[p]ropaganda, lectures, and party rallies” that kept abolition relevant).
Before emancipation, many of the most prominent women’s rights advocates in the antislavery movement worked on behalf of both causes but placed primary emphasis on abolition, including the women who became most famous for their leadership in the later woman suffrage movement. Susan B. Anthony, for example, was a paid agent of the AASA. Arguably the first national political organization of women was the Women’s National Loyal League (“WNLL”), dedicated specifically to abolition and founded in 1863 by well-known women’s rights activists such as Susan B. Anthony, Ernestine Rose, Elizabeth Cady Stanton, and Lucy Stone. The WNLL proclaimed that the Emancipation Proclamation was not sufficient and that contrary to the view of the “Copperheads,” or the “Peace Democrats,” who wanted a negotiated settlement with the South, or of the many women whose taste for the continuing war had waned, the battle for a new society and full emancipation was worth pursuing. They demanded the loyalty of women across the North to that principle and to the Union efforts in the Civil War. The founders resolved “[t]hat the women of the Revolution were not wanting in heroism and self-sacrifice, and we, their daughters, are ready in this war to pledge our time, our means, our talents, and our lives, if need be, to secure the final and complete consecration of America to freedom.”

Although WNLL members pledged to support the Union efforts, the Republican administration, and Party efforts, they varied a bit in how contingent that support was. Anthony and Stanton believed that the administration and party would engage women of the North more if they took a stronger stand on the emancipation project, but they also saw it as a vehicle for partisan support. Others wanted to keep the Loyal League efforts noncontingent, and some, like Boston Leader Caroline Dall, did not want the group engaged in partisan politics. In any case, the WNLL purposely put women’s rights largely on the back burner to support the Civil War and nationwide abolition of slavery, seeing the latter as the most important goal they could pursue. The group organized petition drives that raised hundreds of thousands of signatures demanding that Congress pass a constitutional amendment to end slavery. The women leaders recognized that, given the war and the continuing institution of slavery, it was no time to be actively engaged in women’s rights as such.

143 Id. at 26-27.
146 Serena Covkin, The American Civil War and Women’s Citizenship: Susan B. Anthony, Elizabeth Cady Stanton, and the Women’s Loyal National League, 4 Ezra’s Archives 1, 6-7 (2014).
147 Silber, supra note 145, at 261-62.
B. Changes in the Race and Gender Culture of Citizenship and Voting Rights

Part of the story of the breakup of the old antislavery coalition and the creation of a new “independent” woman suffrage movement is well known, but reading it through a social movements framework deepens our understanding of it. It is not unusual for social movements to be ruptured with tensions and conflicts across the different coalition partners and network affiliates, especially under changing external circumstances, as described earlier. Let us look at the structure of the movement coalition in the context of the changing cultural and political environment.

The creation of the NWSA and AWSA was not the first rupture of the old antislavery coalition, nor was it the only one for which gender was an issue. The antislavery movement had already suffered tensions and division back in 1840, partly over the place of women in the movement. It did so again in 1865, described below, over the mission of an antislavery movement after slavery had been abolished. And it was rocked between 1865-1870, up through the passage of the Fifteenth Amendment, over the question of how broad the main emancipatory agenda would be—whether it would focus on gender as well as race.\(^{148}\) By that point, a new “independent” woman suffrage movement emerged out of the old coalition, fueled by disappointment and, in some well-known cases, deep hostility.\(^{149}\)

The period from the Emancipation Proclamation—January 1, 1863—to the ratification of the Thirteenth Amendment—January 31, 1865—signaled the final period in which a diverse social movement had a core goal around which to unite: the nationwide end to slavery. With the end of slavery, that coalition faced a few fundamental questions. Did the movement still have a specific core goal sticky enough to unify it? Or would the pieces of the coalition then peel away into different core issues and concerns, even if still revolving around an emancipatory agenda? For some people the emancipation project was bigger and more comprehensive than ending the institution of slavery. For others, the work of the unified organization was done and it was time to move forward with other work, even if related to the agenda of emancipation and a republican ideal.\(^{150}\)

\(^{148}\) Covkin, supra note 146, at 15.

\(^{149}\) See Davis, supra note 144, at 131, 139.

\(^{150}\) The original documents by associates of the movement regardless of race or gender made clear that the “republic” and republican citizenship was the ideal rather than “democracy” or democratic citizenship. But that may also have reflected party names and partisan attachments, with the movement so attached to the new Republican Party and opposed to the Democratic Party, which represented slavery.
One of the chief goals for the continued work was full political citizenship, represented most obviously with the right of Black men to vote. But the idea of extending the vote to Black men remained deeply unpopular across the broader society. It was one thing for Northerners to be in favor of ending the institution of slavery, which so many found morally repugnant. It was another for them, and especially the male legislative leaders among them, to favor extending the franchise, and therefore perhaps governmental leadership, equally to Black men. Referenda and bills proposing universal manhood suffrage were defeated repeatedly from Washington, D.C, through New England, New York, and the upper Midwest from the 1840s to the 1860s. Even moderate white Republicans had no enthusiasm for Black male suffrage and tried to hedge proposals with literacy, military service, or taxpayer status requirements for Black men if they were going to get the vote. Indeed, in the early part of the nineteenth century many Northern states intensified racial exclusions. Although some states allowed Black men to vote, it was not a popular view among white male voters or leaders, and of course they would not have undertaken this expansion of rights voluntarily anywhere in the South. They were essentially forced to do so by the victorious North.

The Republican Party, still the closest ally of the antislavery coalition, had strategic reasons for supporting the vote for Black men, at least as envisioned by the more radical wing of the party. The Republican Party was suffering some electoral losses and party leader advocates assumed that newly enfranchised Black men would vote Republican. But neither the Fourteenth nor the Fifteenth Amendment was easy to propose or get ratified. The Fourteenth Amendment was a particular disappointment to the antislavery movement because it did not include the hoped-for support for universal male suffrage. Some leaders, like Wendell Phillips and Frederick Douglass, denounced it for that reason.

Many women’s rights leaders who had devoted themselves to the antislavery movement saw the end of the Civil War, emancipation, and Reconstruction as the turning point toward a bright future that would include women’s rights. Some of the most prominent woman suffrage leaders envisioned an emancipatory Reconstruction and even contemplated a second founding of the great American Republic that would finally achieve the dream of equal

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151 See Free, supra note 2, at 61 (noting that universal male suffrage referenda failed in many states and territories).
152 See id. One of the best and most thorough studies of a movement and campaign for extending the franchise is Kate Masur’s book on Washington, D.C. See generally Masur, supra note 73.
153 Free, supra note 2, at 61; Masur, supra note 73, at 139.
155 Id. at 93.
156 Dudden, supra note 1, at 86.
157 See Davis, supra note 144, at 131, 138.
citizenship, uniting the efforts of Black people and women. Advocates of this idea like Elizabeth Cady Stanton and Lucy Stone believed that achieving this new democratic era required the rejuvenation of joint efforts, a refreshed coalition of those who had already been working together in the antislavery movement.

We have already seen what an uphill battle it was to secure the franchise for Black men. For most people, the idea of women voting—of any race—was far-fetched and too radical to bother contemplating or discussing. For this reason we find that few people argued in principle against woman suffrage (other than those in favor of Black male suffrage telling women to wait, and they were not arguing against woman suffrage as such) because it was just not a serious enough question for many people to bother arguing against.

It may be easy to underestimate the profound and widespread antagonism to woman suffrage because of the gender-neutral wording of the Fifteenth Amendment. But Congress purposely introduced gendered language into the Fourteenth Amendment, and few legislators regarded the gendering of the Constitution as a problem. Male leaders of the antislavery movement expected women to continue to put their gender-based emancipation to the side, much as they had explicitly done throughout the Civil War, in order to achieve advances for Black men first. Those who suggested otherwise were regarded as deflecting from the completion of the antislavery project: the enfranchisement of Black men on the same terms as white men and achievement of their political manhood. Woman suffragists who understood the contemporary situation would have been aware of how thoroughly the society in which they lived, both “left” and “right,” rejected the idea that they should pursue their right to vote.

In fact, the surrounding culture had already moved toward becoming increasingly gender marked and divided, and the privileges of men over women were asserted ever more vigorously, especially after the Civil War. How did this increasing political gender marking occur? As we have seen, in the early days of the American republic, there was no consensus on who had the competence to vote. There was no claim as there is now—hollow though it might be—that all citizens should have an equal vote, and there still was not in the post–Civil War period.

By the middle of the nineteenth century, states had left religious qualifications far behind and had also abandoned property as a qualification for most electoral purposes. New York continued to apply property qualifications to Black male voters (women did not have the franchise, of course) until the Fifteenth Amendment was ratified. In fact, an 1869 New York referendum reaffirmed this requirement. Meanwhile, the majority of states had explicitly stated that

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158 See id. at 94-96.
159 Id. at 131.
160 DUDDEN, supra note 1, at 62.
161 FREE, supra note 2, at 10.
voters had to be white, and although women were not allowed the full franchise anywhere, the majority of states also explicitly defined voters as male.162

Competitive party politics and the Jacksonian era introduced a new, apparently more democratic understanding of the franchise: it should belong to all white males.163 The exclusion of Black men required discussion and debate in many legislatures. That women should not vote “was so obvious that it did not warrant debate.”164 The dominant view in society was still that men represented their families and that women were protected and represented by their husbands.165

Toward the middle of the nineteenth century, the linkage between citizenship and manhood became stronger. Earlier, property ownership assured that an individual had the independence to be able to vote in an appropriate manner (and married women, of course, could not own property). By the middle of the century, and especially after the Civil War, being a man—a free man—became more widely the signal qualification. This idea was bolstered in the wake of the Civil War: bearing arms, shedding blood, and risking one’s life for one’s country came to be important currency justifying the right to vote. Senator Lot Morrill (R-Me) was not the only legislator who believed that “the ballot is the inseparable concomitant of the bayonet. Those who practice the one must be prepared to exercise the other.”166

Some states legislated to ensure, if it was not clear already, that women not be allowed to vote. Women’s rights advocates had worked before the Civil War to remove the word “male” from state constitutions, but they were unsuccessful in every case.167 Free, in her detailed study of gender, race, and voting rights in that period, traced how the franchise was increasingly associated with masculinity and maleness in the Reconstruction period, to the detriment of both an intersectional race-and-gender-emancipatory movement and to the possibility of eliminating the then near-universal requirement that voters be men.168

162 Id.
163 Id. at 16.
164 Id.
165 SILBER, supra note 145, at 263-64.
166 Id. at 263 (quoting CONG. GLOBE, 39th Cong., 2nd Sess. 40 (1866) (statement of Sen. Morrill); see also Jones, supra note 2, at 121 (describing how military service redefined manhood).
167 FREE, supra note 2, at 48 (“[T]he purpose of gender-based language in state constitutions was to create a male polity . . . .”).
168 See generally id.
Free argues that this assertion of the right to vote as a matter of masculine citizenship, the right of a free man, gave activists pursuing political emancipation for Black men a strong rhetorical basis for their aspirations and claims. Black men shared with white men being men and, in many cases, men who had fought for their country. They wanted political manhood just as white men had and increasingly used this framing of their claims.

The minutes of an 1840 New York statewide convention of Black men pursuing the goal of ending the racialized property qualification are threaded with references to their manhood and masculinity and to their history of being men who shed blood for their country. The men of that convention did call on women to support their efforts, but in the end they said, “We base our claim upon the possession of those common and yet exalted faculties of manhood. WE ARE MEN.” Or, as Frederick Douglass—one of the staunchest male allies of women’s rights for decades—said, “We . . . claim our rights as men among men.”

Free detected a change in the language used by Black male activists from the 1830s to the 1840s and 1850s that highlighted manhood and masculinity in arguments related to citizenship and voting rights much more than in the past. One example is the 1845 “Address to the People of New York” where delegates stated that “when you have taken away an individual’s right to vote . . . when a distinct class of the community . . . are wholly and forever disfranchised and excluded . . . they have lost . . . their panoply of manhood.” Likewise, an 1848 Pennsylvania convention announced that the “constitution, by disfranchising us, while it claims to be republican, has stricken a blow at our manhood, and not only ours, but a majority of those who people this globe. We intend suing for our rights as men.”

Delegates at an 1853 convention said that after enduring oppression for so many years, “we have now resolved to come forward; and, like men, speak and act for ourselves.” Black conventions for the expansion of political rights

169 Id. at 34.
170 MINUTES OF THE STATE CONVENTION OF COLORED CITIZENS HELD AT ALBANY ON THE 18TH, 19TH, AND 20TH OF AUGUST, 1840, FOR THE PURPOSE OF CONSIDERING THEIR POLITICAL CONDITION 33 (1840).
171 FREE, supra note 2, at 34 (alteration in original) (quoting PROCEEDINGS OF THE NATIONAL CONVENTION OF COLORED MEN, IN MINUTES OF THE PROCEEDINGS OF THE NATIONAL NEGRO CONVENTIONS, 1830-1864, at 9 (1969)).
172 Id. at 40-41.
173 Id. at 41 (alteration in original) (quoting NEW YORK STATE FREE SUFFRAGE CONVENTION, SEPTEMBER 8, 1845, IN 1 PROCEEDINGS OF THE BLACK NATIONAL AND STATE CONVENTIONS, 1865-1900, at 39 (Philip S. Foner & George E. Walker eds., 1986)).
174 Id. (alteration in original) (quoting MINUTES OF THE STATE CONVENTION OF THE COLOURED CITIZENS OF PENNSYLVANIA, IN 1 PROCEEDINGS OF THE BLACK STATE CONVENTION, supra note 173, at 64).
175 Id. (quoting PROCEEDINGS OF THE FIRST CONVENTION OF THE COLORED CITIZENS OF THE STATE OF ILLINOIS, CONVENED AT THE CITY OF CHICAGO, THURSDAY, FRIDAY, AND SATURDAY, OCTOBER 6TH, 7TH,
often focused on their military service (as did white men’s discussions of the vote), which excluded a justification for women of any race to be enfranchised.\(^\text{176}\) At the very important 1864 Convention of Colored Men in Syracuse, John S. Rock, a delegate from Boston, said,

All we ask is equal opportunities and equal rights. This is what our brave men are fighting for. They have not gone to the battle-field for the sake of killing and being killed; but they are fighting for liberty and equality. [Applause.] We ask the same for the black man that is asked for the white man; nothing more, and nothing less. When our men fight bravely, as they always do, they don’t like to be cheated out of the glory and the positions they so dearly earn.\(^\text{177}\)

The “Declaration of Wrongs and Rights” passed at that convention included four major charges, among which was: “As a people, we have been denied the ownership of our bodies, our wives, homes, children, and the products of our own labor . . . .”\(^\text{178}\) It called for the “full enjoyment of enfranchised manhood, and its dignities.”\(^\text{179}\) An important marker of manhood at that time was to be able to own and protect one’s own body and that of one’s wife and children.\(^\text{180}\)

It is important to remember that many of the leading delegates at the Convention were supporters of expanded women’s rights, especially its president, Frederick Douglass. The convention invited women to address it, including women’s rights advocates Edmonia Highgate and Frances Ellen Watkins Harper, but they were not invited as women’s rights advocates and did not speak as women’s rights advocates. The persistent underscoring of gender simply reflected the larger culture of the time. Black men’s emphasis on their manhood in their advocacy for themselves was an assertion of equality with white men—their right to the political standing that white men had. These claims powerfully undermined the legalized race basis for enfranchisement while bolstering the gender basis on which rights were distributed.

\(^{176}\) Id. at 50-51.
\(^{177}\) Proceedings of the National Convention of Colored Men Held in the City of Syracuse, N.Y., October 4, 5, 6, and 7, in Minutes of the Proceedings of the National Negro Conventions, supra note 171, at 23-24.
\(^{178}\) Id. at 41.
\(^{179}\) Id. at 42.
\(^{180}\) The view of manhood as the guardian of the household is still with us. On June 1, 2020, the conservative “journalist” Tucker Carlson said in his essay criticizing Donald Trump’s lack of leadership that “[t]he first requirement of leadership is that you watch over the people in your care. That’s what soldiers want from their officers. It’s what families need from their fathers.” Fox News, Tucker: Our Leaders Dither as Our Cities Burn, YOUTUBE, at 17:31-41 (June 1, 2020), https://www.youtube.com/watch?reload=9&v=3n5_D59ISjc&has_verified=1 &bpctr=159644257 [https://perma.cc/8YPZ-RBDV].
Thus, the attachment of the abolition coalition’s women leading the post–Civil War women’s rights effort to an idea of a strong, effective combined emancipatory coalition advancing a comprehensive Reconstruction represented an inspiring aspiration, but it was one that already had little basis on which to stand.181 Manhood was the leading theme in advancing citizenship rights within the old antislavery coalition and the Republican Party. Many of their antislavery coalition partners supported expansion of women’s rights and roles, even in the political realm, but they either did not believe that women were deserving of the same rights and privileges as men, or certainly did not think that women’s rights—pertaining to women of any race—were as important or pressing as Black men’s rights.

Wendell Phillips, for example, a long-time advocate for women’s rights, said in an 1866 speech on women’s rights,

I do not blame men when I meet them full of prejudice against this movement. I do not feel by any means that keen agony of interest in this question that I did in the Slavery Question. I do not feel even that intense interest that I did in the Temperance cause, because the drunkard asked us to help him in the effort to rise upon his feet; but here is woman, educated, influential, walking up and down the highways of society, wielding enormous influence, corrupting the channels of politics to-day.182

One view of women is that they can have a spiritual, moral impact on society and politics. Another, however, is that women are petty, parochial, and corrupting.

It should not be surprising that the old coalition broke down once the glue that held them together—commitment to ending the institution of slavery—was no longer present. Nor should the rising tensions and even some flaring of sexist and racist vitriol among former movement comrades be surprising either. Of course, a few of the prominent white leaders of the woman suffrage movement eventually drove full steam into racist rhetoric.

C. Social Movement Organization and Woman Suffrage in the Post-Emancipation Period

With the Civil War over and the Thirteenth Amendment ratified, women’s rights advocates took women’s rights off the back burner and initiated specific steps toward creating an organizational infrastructure for political action. Elizabeth Cady Stanton and Susan B. Anthony now preferred to create a stable organization rather than relying on the old pre–Civil War informal organization and annual conventions. They proposed transforming both the Women’s Loyal National League and the AASS to serve the new post-Emancipation Reconstruction purposes by merging them into a new organization devoted to

181 See Davis, supra note 144, at 130.
the combined mission of political emancipation: equal rights on the basis of both sex and race. Of course they were met with significant resistance.

The first public conflict came between Wendell Phillips, who became president of the AASS in 1865, and Elizabeth Cady Stanton. Phillips was an advocate of women’s rights, but he wanted nothing to deflect from pursuit of the franchise for Black men. As the discussion of what became the Fourteenth Amendment geared up, he called for women to continue to put their own goals aside as they had throughout the war. “I hope in time to be as bold as Stuart Mill and add to the last clause ‘sex’!! But this hour belongs to the negro. As Abraham Lincoln said ‘One War at a time’; so I say, One question at a time. This hour belongs to the negro.” Clearly Phillips did not mean all Black people—he only meant Black men.

At a meeting in Pennsylvania, Stanton argued with Phillips, stating that race alone was not a sufficient basis for emancipation, even of all Black people. “Mr. Phillips said to us yesterday afternoon that the result we should demand as the price of this war was the equality of the races . . . What to the slave woman is the equality of the races?” She elaborated by underscoring the unemancipated state that women live in, especially in their families. But she further pursued her argument in a racist manner that became increasingly typical of her public rhetoric and opined that because of Black men’s socialization under the “tyranny and despotism” of slavery, Black women were especially victimized by the sorts of domestic tyranny women can face because of their gender. Black women would live under a “triple bondage that man never knows” without the power of the ballot.

Stanton commented on Phillips’s speech to Susan B. Anthony that she had been arguing with “Phillips and the whole fraternity, but [she] fear[s] one and all will favor enfranchising the negro without [them]. Woman’s cause is in deep

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183 See DAVIS, supra note 144, at 130-32 (discussing Anthony’s attempt to develop the AERA “to combine the antislavery and the woman’s rights movements and to work to secure a constitutional amendment to enfranchise women and black men”).

184 Phillips became president as a result of a May 1865 meeting when then-president William Lloyd Garrison proposed that because slavery ended, the AASS should disband because its mission was complete. Garrison was soundly defeated and left the meeting, and Phillips was elected president.

185 DAVIS, supra note 144, at 130-31.

186 Id. at 131 (quoting Wendell Phillips, Address Before American Anti-Slavery Society (May 9, 1865), in NAT’L ANTI SLAVERY STANDARD, May 13, 1865, at 2).

187 DUBois, FEMINISM AND SUFFRAGE, supra note 118, at 69.

188 Susan B. Anthony, Address Before the Twenty-Ninth Annual Meeting of the Pennsylvania Anti-Slavery Society (Nov. 22, 1866), in NAT’L ANTI SLAVERY STANDARD, Dec. 1, 1866, at 3.

189 DUBois, FEMINISM AND SUFFRAGE, supra note 118, at 69 (Anthony, supra note 188, at 2).

190 Id.
water.”191 She was sharper in her letter to Phillips: “May I ask in reply to your fallacious letter just one question based on the apparent opposition in which you place the negro and the woman. My question is this: Do you believe the African race is composed entirely of males?”192 Indeed, given the gender-generic way people often discuss the Fifteenth Amendment, the erasure of Black women is not unusual.

Phillips did not just reject woman suffrage as a goal for the movement in the 1860s; he also made moves that denied the woman suffrage movement a major bequest that was supposed to be used for the purposes of woman suffrage in the event of emancipation. This bequest would have been the main financial support for the woman suffrage movement, and Phillips’s action left it desperate for funds.193 Phillips also cut women suffrage out of the main communication media available to the old abolition coalition. He was responsible for the content of National Anti-Slavery Standard, the newspaper of the AASS, and he began to reduce and, by 1866, eliminate any news relating to women’s rights.194 Parker Pillsbury resigned from the Board in protest.195 Horace Greeley’s New York Tribune, a Republican newspaper associated with the abolition movement, also regularly included articles and editorials about the enfranchisement of Black men but none about woman suffrage, and “most [of the articles] used gendered terms for voters.”196 The Republican Party generally was now opposed to pursuing woman suffrage, therefore Republican newspapers followed suit. The woman suffrage movement was swimming against the cultural tide and was starved of resources and communication outlets.

Phillips blocked consideration of a new joint organization at an early 1866 AASS meeting, but the women who wanted to proceed went ahead and founded the AERA in May at the first women’s rights convention since before the Civil War.197 It adopted the mission of joint political emancipation:

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191 Davis, supra note 144, at 131 (quoting Letter from Elizabeth Cady Stanton to Susan B. Anthony (Aug. 11, 1865), in 2 Elizabeth Cady Stanton as Revealed in Her Letters Diary and Reminiscences 105 (Theodore Stanton & Harriet Stanton Blatch eds., 1922) [hereinafter Elizabeth Cady Stanton as Revealed]).
192 Letter from Elizabeth Cady Stanton to Wendell Phillips (May 25, 1865), in Elizabeth Cady Stanton as Revealed, supra note 191, at 104-05.
193 Dudden, supra note 1, at 10.
194 DuBois, Feminism and Suffrage, supra note 118, at 69.
195 Id. at 74.
196 Free, supra note 2, at 107.
197 Davis, supra note 144, at 131.
The only tenable ground of representation is UNIVERSAL SUFFRAGE, as it is only through Universal Suffrage that the principle of “Equal Rights to All” can be realized. All prohibitions based on race, color, sex, property, or education, are violations of the republican idea; and the various qualifications now proposed are but so many plausible pretexts to debar new classes from the ballot-box.\textsuperscript{198}

Stanton “wished to broaden [their] Woman’s Rights platform, and make it in name—what it ever has been in spirit—a Human Rights platform.”\textsuperscript{199} Wendell Phillips had been invited when the leaders assumed there might be a merger with the AASS; he made clear once again that although he was opposed to inserting “male” into the Constitution, he thought that extending the vote to Black men should take precedence over giving it to any women.\textsuperscript{200} He also added some insulting remarks about women while he was at it.\textsuperscript{201}

Two of the Black participants in the founding meeting, Frances Ellen Watkins Harper and Josephine Griffing (who became one of the vice presidents of the organization), made important and more sophisticated observations about the mix of race and gender in the need for the vote while opposing Phillips’s dismissal of the need for woman suffrage.\textsuperscript{202} Griffing was an example of a Black woman who had long been both an abolitionist and woman’s right advocate. She accepted the need to support the Fifteenth Amendment as framed, even if it expanded that right only for men at that time, but she was also clear that “[t]he fact of woman’s being also unrepresented is now becoming slowly understood.”\textsuperscript{203} In 1866, she co-founded the Universal Franchise Association in Washington, D.C., an organization aimed at securing the right of women to vote as well as men.\textsuperscript{204} Black and white women worked together to demand the right to vote in Washington, D.C. as late as 1871.\textsuperscript{205} Some white women, however, left that organization to work together on a race-segregated basis.\textsuperscript{206}

\textsuperscript{198} \emph{Id.} at 131-32 (quoting 2 \textit{HISTORY OF WOMAN SUFFRAGE} 170 (Elizabeth Cady Stanton, Susan B. Anthony & Matilda Joslyn Gage eds., 1882)).

\textsuperscript{199} \emph{Id.} at 132 (alteration in original) (quoting 2 \textit{HISTORY OF WOMAN SUFFRAGE}, supra note 198, at 172).

\textsuperscript{200} \emph{Id.}

\textsuperscript{201} \textit{See} \textit{Dudden, supra} note 1, at 84 (quoting some of Phillips’s callous remarks and commenting that “Phillips addressed the women in the hall as if they represented the frivolity of fashionable ‘Woman’”).

\textsuperscript{202} \emph{Id.} at 84-86.

\textsuperscript{203} \textit{Masur, supra} note 73, at 174 (quoting 2 \textit{HISTORY OF WOMAN SUFFRAGE}, supra note 198, at 221).

\textsuperscript{204} \emph{Id.}

\textsuperscript{205} \emph{Id.} at 175.

\textsuperscript{206} \emph{Id.} at 177.
Ideas about the need for the ballot separated those who wanted a comprehensive campaign and those who were content with a constitutional amendment that empowered only men. Proponents and opponents of enfranchisement of Black men and/or women believed that the ballot was instrumentally upending domination and was a key to citizens’ ability to protect themselves against a host of social ills. Contention over who needed the ballot for self-protection was highly gendered and racialized.

For many of the former abolitionists, only Black men required the vote as a tool for self-protection. If they thought about women at all, the logic of familial gender roles led them to assume that enfranchised Black men would, in turn, protect the women of their families, a point that Sojourner Truth, among others, famously rejected.207 At an 1867 AASS meeting in New England, this logic was again confronted:

If the case for black men’s suffrage was to protect them from reenslavement, Stephen Foster wanted to know, “Who is going to save the black woman from slavery?” The answer, from the floor, “Her husband.” “Her husband!” Pillsbury exclaimed in frustration, “I say, God pity her then! It is time we had done with this trifling. The right of suffrage, if it came from God, came for woman as well as men.”

Woman suffragists also saw the ballot as a means for self-protection. Women of any class or social group had precious few rights at the time and no direct means to change law or public policy. But one aspect of women’s experience that could rarely be discussed, even by the most radical of the woman’s rights advocates, and was no more a priority in the late nineteenth century than it was through much of the twentieth—or arguably later—was the pervasiveness of violence against women in its various forms, including sexual assault in and out of the family and domestic violence. Women in the temperance movement certainly recognized this, and so did many women in the early birth control movement.

A well-known exchange involving Frederick Douglass during the debates over the Fifteenth Amendment highlights how different activists of the time understood questions of violence and self-protection. In presenting his case for why it was important for the combined movement to do everything in its power to support the Fifteenth Amendment even if it excluded women, he argued that the vote was essential for self-protection against a murderously racist society:

207 DUDDEN, supra note 1, at 96.

208 DUBOIS, FEMINISM AND SUFFRAGE, supra note 118, at 72 (quoting Proceedings of the New England Anti-Slavery Convention, NAT’L ANTI-SLAVERY STANDARD, June 15, 1867, at 2); see also id. at 187 (noting that Douglass and others held position that “not granting strategic priority to black suffrage was itself a major betrayal of the ex-slave”).
When women, because they are women, are hunted down . . . ; when they are dragged from their houses and hung upon lamp-posts; when their children are torn from their arms and their brains dashed out upon the pavement; . . . then they will have an urgency to obtain the ballot equal to our own.209

Douglass said, “[w]ith us the matter is a question of life and death.”210 A voice asked Douglass, “Is that not all true about black women?”211 Douglass answered, “Yes, yes, it is true of the black woman, but not because she is a woman but because she is black.”212 His comment, of course, ignored the fact that the Fifteenth Amendment would deny Black women protections as Americans and did not recognize that the racism and race-based violence Black people experienced was also gendered. The comment also ignored the forms of gender-based violence to which Black women would be subject, like white women, because they were women.213

White Southerners and Democrats had a different view of self-protection that also related to manhood and its connection to citizenship and the franchise. As Free observes, “they focused on men’s social and sexual control over women” and argued that “the most important prerogatives white men possessed were the right to sexually access white women, to contract marriages with white women, and to rule those women within a family.”214 As Free explains,

In linking the social and political power of manhood to white women, Democrats posited dominance over white women as the ultimate expression of male power. They claimed that if all the rights of white manhood were extended to African American men, then the right to control, access, and rule white women would have to be extended to them as well. Capitalizing on Americans’ racist fears of miscegenation, Democrats took this claim one step further and argued that if given political power, black men would seek sexual control over white women through violence.215

209 Id. at 187-88 (second alteration in original) (quoting Woman Suffrage, N.Y. WORLD, Nov. 21, 1868, at 5).
210 Id. at 187 (quoting Woman Suffrage, N.Y. WORLD, Nov. 21, 1868, at 5).
211 Dudden, supra note 1, at 178.
212 Id.
213 Faye Dudden reports that Anthony “challenged Douglass, accusing him of male pride and declaring ‘he would not exchange his sex’ and swap his black manhood, however oppressed on account of race, for white womanhood.” Id. They sparred, as they regularly did, over the issues of race and gender and tactics. Id.
214 Free, supra note 2, at 80.
215 Id.
Kate Masur has demonstrated the degree to which many white men saw the extension of voting rights in Washington, D.C. to Black men as heralding the breakdown of social hierarchy, especially the hierarchy of white male sexual dominance.\footnote{Masur, supra note 73, at 140.}

The AERA was largely dominated by white women, but some men of both races and Black women were important parts of the effort. There was significant disagreement in all groups over exactly whether and how the cause of the vote for women should be mixed with the cause of the vote for Black men. Among Black women activists, Harriet Forten Purvis and Sojourner Truth thought that the two causes could be bound in coalition. Frances Ellen Watkins Harper “urged members of the 1866 AERA founding convention to remember that the rights of black men, black women, and white women were all ‘bound up together,’ and that the organization therefore ought to avoid arguments over priority.”\footnote{Tetrault, supra note 2, at 22 (quoting Jones, supra note 2, at 141).}

Sojourner Truth, at the first anniversary meeting of the AERA said in her speech to the floor,

There is a great stir about colored men getting their rights, but not a word about colored women; and if colored men get their rights, and not colored women getting theirs, you see the colored men will be masters over the women, and it will be just as bad as it was before. So I am for keeping the thing going while things are stirring; because if we wait till it is still, it will take a great while to get it going again.\footnote{The Proceedings of the First Anniversary of the AERA reveal a rich and serious discussion among its diverse participants over the principles and strategies that should guide their emancipatory project. See Proceedings of the First Anniversary of the American Equal Rights Association, Held at the Church of the Puritans, New York, May 9 and 10, 1867, at 20 (1867) [hereinafter Proceedings of the Equal Rights Association].}

It appears that those who actually participated in the AERA meetings at first stuck to the idea that these goals worked together; it seems that it was those who did not participate, like Phillips, who thought that woman suffrage should not be raised as priority at all.

The AERA leadership issued a ringing endorsement of equality on the basis of race and gender. Its 1867 \textit{Memorial of the American Equal Rights Association to the Congress of the United States}, signed by Lucretia Mott as President; Theodore Tilton, Frederick Douglass, and Elizabeth Cady Stanton as Vice Presidents; and Susan B. Anthony as Secretary, asserted that “Woman and the colored man are loyal, patriotic, property-holding, tax-paying, liberty-loving citizens; and we cannot believe that sex or complexion should be any ground for civil or political degradation.”\footnote{Lucretia Mott et al., \textit{Memorial of the American Equal Rights Association to the Congress of the United} (1867), https://www.visitthecapitol.gov/exhibitions/artifact/memorial-american-equal-rights-association-congress-january-3-1867 [https://perma.cc/99NK-GF54].}

They “respectfully and earnestly pray that all
discriminations on account of sex or race may be removed; and that our Government may be republican in fact as well as form; A GOVERNMENT BY THE PEOPLE, AND THE WHOLE PEOPLE; FOR THE PEOPLE, AND THE WHOLE PEOPLE.” In 1867, the leadership cooperated together to oppose the Fourteenth Amendment as it had been written. During an important campaign in New York, for example, the coalition worked well together, even though it was ultimately defeated.

But 1867 also ended up posing one of the worst challenges for the unified movement. Republicans in various states proposed legislation to expand the franchise, and the larger movement engaged in these states to move public opinion, gain allies for lobbying, and lobbied legislators themselves. The Kansas campaign was in many ways the beginning of the end of the grand coalition as far as the woman suffragists were concerned, although Phillips and others had already dismissed it on their part. The Kansas legislature, led by Republicans, voted to extend the franchise by eliminating the limiting words “white” and “male” from the constitutional definition of voters, which then had to be ratified by a public referendum. This seemed a good chance to achieve both goals.

The Kansas campaign offers an excellent example of the political structures and party politics that come into play in achieving the goals that social movements seek. The Kansas Republican Party was so riven with political and personal rivalries that much of what occurred there had little to do with national debates and more to do with local politics. The constitutional question was broken into two separate referenda, one on race and one on sex, and some Kansas factions promoted these as in competition with each other, encouraging infighting among the forces for change. This was the first statewide referendum on woman suffrage. It was not the first referendum on Black suffrage, but such referenda had yet to win. Thanks to Wendell Phillips, the AERA was financially broke and could send only limited national help into Kansas to campaign. Phillips also kept his national organization from showing much campaign presence.

Some political forces in Kansas advanced the idea that woman suffrage was a tool to defeat Black male suffrage. “The Leavenworth Daily Conservative had originally dismissed woman suffrage as a farce when it was first proposed by its arch-enemy Sam Wood. It now complained that woman suffrage was merely a ploy to defeat black suffrage.” One of the Kansas leaders of the antisuffrage faction waged a dirty campaign, accusing woman suffrage leaders of scandalous sexual behavior; calling female supporters “male women” and male supporters “poodle pup[s]”; and declaring that woman suffrage would break down the

220 Id.
221 TETRAULT, supra note 2, at 22.
222 DUDDEN, supra note 1, at 109.
223 Id. at 111.
224 Id. at 113 (footnote omitted).
Party, society, and Christianity and bring about “a conflict of races and sexes.”225 Others including the Leavenworth Daily Conservative joined in the dirty campaign. Both referenda went down to defeat with roughly the same margin.226 The Kansas Republican faction that was embarrassed by the loss of the Black suffrage referendum claimed that the woman suffrage campaign caused the defeat.

The most damaging impact of the Kansas campaign on the potential for a suffrage coalition was not the loss itself, because that was a common experience for both Black male and woman suffrage; it was the politics of the loss, and especially the lesson that Stanton and Anthony took to heart from experiencing the Republican Party’s unwillingness to support woman suffrage. Republican Party leaders seemed to have concluded from the Kansas debacle that woman suffrage was a diversionary issue that would interfere with their more important agenda, and thus it sealed their opposition as a party.227 Stanton, Anthony, and some (but by no means all) woman suffrage leaders concluded that they had to be more independent of the Republican Party and that they had to forge their alliances more strategically, including their alliances with political parties, in pursuit of their goals.228 Anthony declared that she “stood outside of any party which threw itself across the path of complete suffrage for women, and therefore she stood outside of the Republican party, where all her male relatives and friends were to be found.”229 This was an attempt to change the structure of the coalition fundamentally.

Then, as later in American history, there were only two major political parties to choose from (although they were divided into regional factions), and of course appealing to a political party is crucial to gain support in partisan legislatures. The Republican Party, the traditional party of abolitionists and women’s rights advocates, had turned its back on woman suffrage. Some Democrats seemed sympathetic to woman suffrage, but it remained clearly the party of racism. Starved of financial support and access to the press and unable to carry on their work any further, late in the process, Stanton and Anthony accepted the attention and support of George Train—an infamous character associated with the Democrats and a committed racist—who promised them sufficient financial support to launch their own independent newspaper, The Revolution. This association and their departure from the Republican loyalists enraged former associates. A year later Stanton again reached out to other Democrats who

225 Id. at 118 (quoting C.V. Eskridge, The Pernicious Proposition. Another Letter from Eskridge, Emporia News, July 12, 1867, at 1).
226 Id. at 130.
227 Gustafson, supra note 32, at 37.
228 Id. at 38.
229 Id. at 37 (quoting Meeting of the Illinois Woman Suffrage Association in Chicago, in 2 The Selected Papers of Elizabeth Cady Stanton & Susan B. Anthony, supra note 142, at 213, 216).
seemed inclined toward woman suffrage, even as they maintained the racist policies and language of their party.230

In the late 1860s, the question of coalitions between race and gender inclusivity was often more about tactics and perceived effectiveness than about rejection of woman suffrage in principle. In Wendell Phillips and Elizabeth Cady Stanton’s private battle over mixing the two causes, Phillips expressed a fear that coalition would be bad because “[he thought] such mixture would lose for the negro far more than [they] should gain for the woman.”231 In fact, Phillips did not see any chance that women would be extended the right to vote at that time, which is why he thought that incorporating it into the postabolition agenda was a counterproductive distraction.232 And, of course, he was one of the many leaders who simply did not believe that the vote was as important for any woman as for Black men, who needed equality with their white male counterparts.

Stanton and many woman suffrage advocates believed coalition was the best solution for tactical reasons. They saw power in coalition, but also thought that there was a time window for possible success in achieving universal adult suffrage that would soon pass. While Reconstruction was ongoing, the South was not fully back in power and the Republican Party was still ascendant, so it made sense to think that there could not be a better time; but if they missed that opportunity, it would be a very long wait before women would have the vote. There was also another tactical issue: Stanton believed that the Republican Party was on track to extend the vote to Black men anyway, so the movement’s task was to push to make them also include women.233 But that would only be possible if the movement was broadly in coalition with the Republican Party, while maintaining some independence from it.

There was also a principle involved beyond any question of tactics: The lead woman suffragists simply believed fundamentally in gender equality as part of democracy. They thought that the respect and power of the franchise was as important for women as for men. Stanton, for one, and some other woman suffragists were especially irked that social acceptance of gender inequality was so profound—including among their colleagues in the emancipation movement—that popular opinion was that any man, no matter how uneducated or incompetent, deserved the vote more than any woman, no matter how worthy. At the first anniversary meeting of the AERA in 1867, Susan B. Anthony returned to the general principle:

230 FREE, supra note 2, at 160.
231 DUDDEN, supra note 1, at 63.
232 Id. at 71, 84.
233 Id. at 71-73.
The question is not is this or that person right, but what are the principles under discussion. As I understand the difference between Abolitionists, some think this is harvest time for the black man, and seed-sowing time for woman. Others, with whom I agree, think we have been sowing the seed of individual rights, the foundation idea of a republic for the last century, and that this is the harvest time for all citizens who pay taxes, obey the laws and are loyal to the government.\textsuperscript{234}

The AERA faced its worst challenge—a mortal blow—in 1869, as interest groups and Congress worked on what became the Fifteenth Amendment, proposed by Congress in February 1869 and ratified in February 1870.\textsuperscript{235} Many woman suffrage leaders hoped that the next amendment to the U.S. Constitution would create equal political citizenship. Stanton’s proposed AERA resolutions of 1869 make clear the understanding of at least part of the woman suffrage community—that in the interest of a full Reconstruction aimed at emancipation, the franchise should be extended to women as well as Black men based on a principle that refused to differentiate between the logic of race-based and sex-based exclusion. One resolution read, “That the Republicans in adopting the motto of ‘Manhood Suffrage’ are bound to extend the application of the principle to Women—otherwise it is no better in principle than the Democratic watchword of ‘a white man’s Government’—an aristocracy of Sex being no better than an Aristocracy of Color.”\textsuperscript{236} She drafted a proposal, further, “That any Reconstruction which does not establish Woman’s right to vote will fail to secure permanent peace and prosperity.”\textsuperscript{237} The resolutions proposed that Congress extend suffrage to women on equal terms with men in the District of Columbia and the territories and that Congress propose an amendment to the Constitution “prohibiting political distinctions on account of Sex.”\textsuperscript{238}

But virtually no legislators, not even from the most radical wing of the Republican Party, were interested in giving women the franchise. As challenging as it was to get the congressional votes and the state ratifications necessary to extend the vote to Black men, there was little serious interest anywhere outside a band of social movement activists to grant the franchise to any women.

Woman suffrage leaders’ persistence won them no favor with their former comrades from the antislavery movement. And there were many women in the movement—women in favor of woman suffrage—who fundamentally believed that under the circumstances of the post–Civil War period it was more immediately important to make sure that Black men had the vote, even if that

\textsuperscript{234} \textit{PROCEEDINGS OF THE EQUAL RIGHTS ASSOCIATION}, \textit{supra} note 218, at 60.
\textsuperscript{235} \textit{DUBOIS, supra} note 2, at 116.
\textsuperscript{237} \textit{Id.}
\textsuperscript{238} \textit{Id.}
meant that all women would still have to wait for an unspecified future. One reason was tactical—the idea that they should get what they could for now. The other reason is that the nineteenth-century (and maybe later) gender culture that defined citizenship and political rights as more fundamentally important for men than women was widely shared, including among women.

Much of the Republican Party threw its weight behind a constitutional amendment extending the vote to Black men, largely for critical strategic reasons. The Republican presidential candidate, Ulysses S. Grant, won his election with a very slim margin (smaller than the number of Black men already voting), so it was in their strategic interest to enfranchise Black men. But the debate over the Fifteenth Amendment broke up not just the remnants of the old antislavery coalition once and for all, yielding an independent woman suffrage movement but also splintered the woman suffrage movement itself at its birth. The reasons for this were many, none of which should be ignored, including personal animosities, political differences, different values placed on the female vote, the growing venom and racism of Stanton’s statements, and differences over tactics. The politics of the transformation of the coalitions were much more complicated than the story that is often repeated today—i.e., that it was a straightforward matter of Stanton and Anthony’s racism and everyone else’s devotion to equal citizenship for Black people.

Late in 1868, a bill was introduced into both the House and the Senate to extend the right to vote to women of Washington, D.C.—Black men had gained that right a year earlier. At first it seemed it would get wide movement support—even from Wendell Phillips. But as the Fifteenth Amendment faced headwinds, some activists, including Lucy Stone, who had previously supported woman suffrage, feared the Washington, D.C. measure would interfere with the politics of the Fifteenth Amendment. Moreover, there were new stirrings among conservative white people in Washington to take away the Black male vote, so some woman suffragists became engaged in defending the gains already made rather than fighting for new ones. The woman suffrage measure in D.C. died.

The leadership of the woman suffrage community had become riven with personal animosities stemming from many things already discussed, plus regional rivalries and contention over leadership and leadership style. A group of pro-Republican Boston woman suffragists founded an organization in late 1868 designed mainly to counter the leadership of Stanton and Anthony and

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239 Dudden, supra note 1, at 162.
240 Dudden offers a very useful description of the Fifteenth Amendment process in relation to woman suffrage and the breakup of the AERA. See id. at 161-66. I draw my version largely from hers.
241 Id. at 162.
242 Id. at 164-65.
243 Id. at 165.
244 Id.
ultimately to support Black male suffrage in the short run rather than woman suffrage. Lucy Stone turned against Stanton, for reasons including Stone’s unwillingness to abandon the Republican Party, and apparently repaired her old rifts with Frederick Douglass in this turn. As hopes for an inclusive Fifteenth Amendment dimmed, some woman suffragists, including Stanton, argued for a simultaneous Sixteenth Amendment to give the right to vote to women. Others worried that such a move would imperil the Fifteenth Amendment and opposed that idea. And some advocates of the Fifteenth Amendment were not interested in expanding women’s political rights. Not all organizations devoted to the expansion of suffrage to Black men even welcomed women. The 1869 Convention of Colored Men required some debate to admit a woman as a delegate, and a male speaker who supported woman suffrage was hissed at by his audience.

The meetings of 1869 were contentious and angry. As Stanton became increasingly frustrated by opposition to woman suffrage and questions about her leadership, she sunk increasingly into racist rhetoric, which appalled many of her Black and white allies, men and women alike. To understand the dynamic of racism in her perspective analytically, it is important to distinguish among different underlying messages. One was her repeated statement that she believed it was wrong to pursue the vote sequentially: first for Black men, then for women. Those statements related to her belief in pursuing universal suffrage. At some points, however, she or Anthony stated a preference, if a choice had to be made, for giving the vote to women (presumably white women) first. As Anthony said, “If you will not give the whole loaf of justice to the entire people, if you are determined to give it, piece by piece, then give it first to women, to the most intelligent & capable of the women at least.” We will turn to the question of capability and the vote shortly.

But she also increasingly relied on racist stereotypes to support her argument for woman suffrage. For example, in her repeated reminders that the Fifteenth Amendment was only about suffrage for Black men and not for Black women (although Black women needed the vote) and her speculation about a special tyranny of Black men over women. Occasionally she also expressed her perception of a nearly universal dislike of women’s rights among Black men. The racism of Stanton’s statements about Black men did not stand on its own; it was part of a larger and common pattern of ethnic and racial stereotypes and negative views about immigrants (as well as about women) that were common.

245 DuBois, supra note 2, at 164.
246 Id. at 167.
247 Dudden, supra note 1, at 177.
248 Id. at 182-83.
249 Id.
currency in late nineteenth-century America. This also returns us to an underlying theme that recurred in discussions of voting qualifications throughout the nineteenth century and into the twentieth century: qualification by education or competence rather than demographic group.

Stanton argued that universal manhood suffrage was not just bad for women; it could usher in a kind of national suicide.\textsuperscript{251} “Remember, the fifteenth amendment takes in a larger population than the 3,000,000 black men on the Southern plantations. It takes in all the foreigners daily landing in our Eastern cities, [and] the Chinese crowding our western shores.”\textsuperscript{252} “Think of Patrick and Sambo and Hans and Yung Tung, who do not know the difference between a monarchy and a republic, who cannot read the Declaration of Independence or Webster’s spelling book, making laws for Lucretia Mott ... [or] Susan B. Anthony.”\textsuperscript{253} She believed that the Fifteenth Amendment “create[d] an antagonism everywhere between educated, refined women and the lower orders of men, especially at the South.”\textsuperscript{254} She believed that, at least indirectly, the Fifteenth Amendment would increase the power of the already very large “ignorant foreign vote” that could destroy American democracy replacing elections based on reason with elections based on “impulse or passion, bribery or fraud.”\textsuperscript{255}

Stanton regularly repeated her attacks on men who she saw as less qualified to vote than the best women. In 1867 she had opined,

It is consolation to the “white male,” to the popinjays in all our seminaries of learning, to the ignorant foreigner, the boot-black and barber, the idiot— for a “white male” may vote if he be not more than nine-tenths a fool—to look down on women of wealth and education, who write books, make speeches, and discuss principles with the savans of their age. It is a consolation for these classes to be able to say, “well, if women can do these things, they can’t vote, after all.”\textsuperscript{256}

Her attacks on lesser men never seemed to be just about education but also about race, ethnicity, and nativism. As she said,

If you would know, women of the republic, how little trust you can put even in the men of your own race, look at your statues and constitutions, and see the barbarous laws for women. If Saxon men have legislated thus for their own mothers, wives, and daughters, what can we hope for at the hands of Chinese, Indians, and Africans?\textsuperscript{257}
But conceits about sexism, nativism, ethno-nationalism, and class were normal parts of American discourse at the time, shaping a considerable amount of public discourse and policy for decades to come. “Respectability” had many dimensions, and any twenty-first century observer searching for instances of pure egalitarianism in that era will be sadly disappointed. Even Frederick Douglass, in reflecting on those who voted against Black male suffrage criticized “drunken Irishmen and ignorant Dutchmen, . . . the tools of the negro-hating Democracy of this city, many of whom would sell their votes for a glass of whiskey.” 258 Harper’s Weekly, which took a moderate stance on slavery (in view of its Southern readership) commented on the Washington, D.C. debate about enfranchising Black men by printing a political cartoon in 1866 in which a very respectable-looking, light-skinned Black woman sat next to a clearly working-class, rough, white woman holding what is presumably stinky fish (a reference to Catholics who eat fish on Friday) captioned, “Holy Horror of Mrs. McCaffratty in a Washington City Street Passenger Car. [Mr. McCaffratty Voted against Negro Suffrage].” 259 In this case the respectability of the comely Black woman bettered the unpleasant Irish Catholic woman.

So the Fifteenth Amendment deliberations worked their way into the cracks of the remaining old antislavery coalition and split it apart. Stanton and Anthony had already concluded that women needed to form effective organizations for themselves and had tried to forge a new coalition partnership in the creation of the Working Women’s Association in alliance with women typesetters late in 1868. 260 But in May 1869 they took their important step of founding the NWSA with the goal of either getting the Fifteenth Amendment expanded to create universal adult suffrage or to support a Sixteenth Amendment that would extend the vote to women. Anna Dickinson, Harriet Forten Purvis, and Mary Ann Shadd Cary were among the other early joiners. 261 The NWSA restricted its membership to women and, in fact, had moved ahead without informing or attempting to include many of the woman suffrage leaders who, they already knew, deeply disagreed with them. Their core issue was the vote, but they also intended to pursue a wider range of gender equality issues.

Six months later, the woman suffragists who were both more tied to the Republican Party and committed to the ratification of the Fifteenth Amendment as written founded their own organization in Boston—the AWSA. 262 The founders included Julia Ward Howe, Lucy Stone, Henry Ward Beecher, and Mary Livermore. 263 The AWSA was gender integrated; they decided that the

258 DUDDEN, supra note 1, at 42 (alteration in original) (quoting Equal Suffrage Defeated, DOUGLASS’ MONTHLY, Dec. 1860, at 369, 369).
259 MASUR, supra note 73, at 140-42.
260 DUBoIS, FEMINISM AND SUFFRAGE, supra note 118, at 138.
261 GUSTAFSON, supra note 32, at 39.
262 DUBoIS, FEMINISM AND SUFFRAGE, supra note 118, at 196.
263 TETRAULT, supra note 2, at 34.
leadership should alternate between a woman and a man. Its intention was to campaign for woman suffrage on a state-by-state basis rather than through another constitutional amendment, and unlike the NWSA, it eschewed involvement in other gender issues such as family law, intending to stick to the single issue of the franchise.

No clean lines on these issues divided race and gender. Some Black women, like Edmonia Highgate, spoke up about the pressing need for woman suffrage and even shared the view that more educated women were especially qualified for the vote. Some, such as Frances E.W. Harper, chose their statements with a view of the social context in which they were speaking, giving solid support to the Fifteenth Amendment as written before white audiences but endorsing woman suffrage when among Black people. Frederick Douglass and Sojourner Truth appear to have participated in both major organizations. And while personal animosities divided the two groups, many personal friendships transcended the organizational divides.

Tetrault has shown how Stanton and Anthony created not just the “myth of Seneca Falls,” but the even more unfortunate myth that Stanton, Anthony, and their organization were the woman suffrage movement. That was never true. In fact, the NWSA and AWSA together were never the woman suffrage movement, and when these two most prominent national organizations merged in 1890 to create the National American Woman Suffrage Association, this single organization was still not the woman suffrage movement. As we have seen, a single organization, or even two of them, do not constitute a social movement even if they take leading roles in the movement’s activities. To argue otherwise is to ignore the rich range and diversity of groups and organizations across the country devoted to woman suffrage in the final decades. And that would systematically downplay the roles of women of color, working-class women, rural women, and many others.

For another half century after the old coalition finally broke up and an independent woman suffrage movement emerged, the movement included an increasing number of national, state, and local organizations across the country that variously networked with the national organization but were not formally associated with each other. Many organizations whose primary mission was not woman suffrage participated in the woman suffrage organization, and these involved women (and some men) of many different social groups and communities. New generations took over, even while Stanton, Anthony, Douglass, Mott, Stone, and others of the early generation still lived, but many of the gains in the states that extended the vote to women and the hardest battle of

264 DUBOIS, FEMINISM AND SUFFRAGE, supra note 118, at 196.
265 Id. at 197.
266 DUDDEN, supra note 1, at 185.
267 Id. at 185-86.
268 GUSTAFSON, supra note 32, at 39.
all—the battle for the Nineteenth Amendment—took place after these people were all dead.

CONCLUSION: THE LONG AND VARIED SUFFRAGE MOVEMENT COALITION

Using a social movement framework gives a very different impression of the history of the woman suffrage movement than the conventional one. This Article has not ventured into any original research or newly uncovered historical facts; rather, it relies on the work of some of the many excellent historians and others who have studied the movement but places that work in a different context. I have reexamined the rise of gender consciousness within the antislavery movement; the shifts in the context, priorities, and structures over the middle decades of the nineteenth century; and the forces that broke apart the old antislavery movement coalition and gave birth to a new woman suffrage movement. In the process, we have looked beyond the now-conventional story of the rising racism of some of the woman suffrage leaders; instead, we look to the more complicated issues of gender and race, such as how gender and race conflict within and between movements, and we look to those who held the power to change the law: political parties and political leaders.

A social movement is a coalition or network of organizations, groups, and individuals who come together, coordinate, or even work in parallel on a common goal. But those within the movement may differ from each other, even in substantial ways, on other goals that are of significant importance to them; on their priorities; on preferred strategies and tactics; or in their social background, characteristics, and life experiences. The organizational logic of a coalition or network is that they are challenging to launch and maintain. They are fragile. Without a very strong and specific shared goal they can easily dissolve or break apart.

The period from the 1830s through the 1860s first saw the rise of woman’s rights advocacy and women’s political gender consciousness, especially in the context of the antislavery movement. Many women worked to advance women’s roles, rights, or status since the beginning of American history, but they generally did not act as a social movement. The women who participated in the antislavery movement entered into new public activities that bent and even broke some of the previous restrictions on women, and for some, finding themselves hampered in their participation in an emancipatory movement because of restrictions on their sex encouraged the further growth of gender consciousness and of a motivation to turn their social and political activity towards addressing those restrictions.

Abolition remained the primary issue for most of the women’s rights activists who eventually turned to leadership in the woman suffrage movement as long as slavery existed anywhere in the United States. That remained the core issue that kept them attached to the large coalition movement, keeping their advocacy for women’s rights as a secondary priority. But once emancipation was accomplished, it was already hard enough to keep the antislavery coalition together; as many women were inspired by the movement’s shift toward political
emancipation through the franchise, an increasing number began to define gaining women’s right to vote as their core issue. They envisioned a continuation of the grand coalition to fight for universal adult suffrage—emancipation on the basis of race and gender. But that was not to be. And when they met resistance that denied their claims, or at least clearly pushed them into “someday” priority, the result was explosive.

The story of difference and conflict within the antislavery movement and its heirs over both race and gender (and ethnicity and class) is more complicated than it has often been made out to be. None of it is pretty, not to contemporary eyes. The virulent racism exhibited by some prominent members of the woman suffrage movement has widely been singled out for attention in recent years and is crucial to understand as central to the story. The rejection of the idea that political rights are as important for women as for men owing to the normal order of things in which men represent and protect women was also central to this story. Racism and sexism were deeply embedded in American society, so much so that even those leading emancipatory movements reveal signs of one, the other, or both. And the treatment of “Black suffrage” and “woman suffrage” as two entirely separable issues has led to the erasure of Black women from the story. All too often that separation and erasure continues to afflict the story of woman suffrage today.

The woman suffrage movement increasingly included a wide variety of organizations and groups across the country working for the goal of enfranchising women, and these had different relations to the question of race and racism (and many other issues) because the many communities in which women pursued enfranchisement over the next fifty years were vastly different from each other. The emphasis on federalism early in this Article should remind us that the bulk of movement work at most times took place in states and communities, not at some abstract “national” level. Thus the movement looked different and had to contend with different political opportunities and challenges in different regions and cities. With respect to race and gender, consider for example Chicago, with active Black woman suffrage groups; Southern towns and cities structured by Jim Crow; Southwestern communities with large Latinx populations; and much of the country outside of the South which, before the twentieth-century Great Migration, had very little, if any racial diversity.

The social movements framework, especially the focus on conditions and dynamics of networks and coalition, needs to be explored more for later periods of social movements. The resurgence of the women’s movement in the 1960s and 1970s was marked by groups that differed among themselves in strategic and tactical preferences and styles. Those, such as the National Organization for Women and the National Women’s Political Caucus, sometimes labelled as the “older” wing, used more formal organization and aimed most often at conventional lobbying and pressure group politics, while the “younger” wing incorporated cultural politics such as consciousness-raising groups; direct action, including health and reproductive services and shelters; and attention-grabbing symbolic protest such as those organized by the New York Radical
Women at the 1968 Miss America Pageant (including the Freedom Trash Can and crowning a pig Miss America) and the Lavender Menace demonstration at the 1970 Second Congress to Unite Women. During the resurgence of the women’s movement in the early 1970s, debates over whether lesbian rights should be incorporated into women’s movement priorities was partly an example of priority differences. Likewise, the contemporary questions over whether trans issues should be incorporated as primary emphases of sexuality movements is partly a difference of definition of the movement and partly a difference in priorities.  

We are reminded once again that social movements emerge across groups and individuals in coalitions and networks with each other when they do not have access to power to achieve their goals through conventional political means. The women who launched the woman suffrage movement did so because of and in spite of significant resistance, even among their previous movement compatriots, to the idea of expanded political rights for women. For women to participate in social movements, serve great causes, and devote themselves to the social and political needs of others is now conventional. In the pre–Civil War period it was certainly not conventional, but a large proportion of the radicals of the antislavery movement welcomed women’s assistance. It took anger and frustration for women to rise up and claim political emancipation for themselves. This is a great lesson recently argued by Rebecca Traister. Anger is often an essential ingredient to political engagement, especially of those lacking in power. But anger engenders conflict, and in a social movement, that anger can provoke conflict along social group lines that is destructive.  

For Black people to have acted on their own behalf to pursue their own political emancipation was frightening and enraging to much of America, not just because white America was comfortable with Black people in subservient positions, enforced by violent domination, but also because they feared what would happen if Black people were no longer subservient. Women were also supposed to be subservient, devoting themselves to the selfless care of others. When women prioritize themselves as women, highlighting their social and political needs as women, this calls out the trope of selfishness and disregard for others—a violation of what is understood as female character. Antisuffrage media were filled with images of the results of women’s emancipation: babies left neglected, henpecked husbands, the family in shambles. When people from oppressed groups express anger and indignation on their own behalf they are viewed especially negatively. Both Black and white women encountered


resistance to incorporating emancipatory goals on the basis of gender into the
great antislavery movement.

Social movements are not organizations with clearly defined boundaries. They are coalitions and networks. They generally entail tension and conflicts of many kinds, especially when success seems most unattainable. The maintenance of these coalitions and networks is difficult; one might argue that it is more amazing when social movements are sustainable for some significant period of time than when they fail, especially because of internal strife. If this is all true, then it must be even more true for women as a “group,” no more homogeneous by any conceivable characteristic than men.