

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 5: The Jacksonian Era – Equality/Gender

Kansas Debates the Rights of Women (1859)¹

The Seneca Falls Convention successfully called public attention to women's rights issues. John Adams was able to laugh when Abigail Adams suggested that he "remember the ladies." Members of state constitutional conventions held after 1850 dealt more seriously with women's issues. Members of the Kansas Constitutional Convention of 1859 allowed Clarina Howard Nichols, a prominent suffragette, to have a seat of honor and address the convention. Nichols successfully convinced representatives to grant woman greater economic and social rights. Her pleas for greater political rights fell on deaf ears.

When reading the brief excerpts below, consider the relationship between economic and political rights. Why were members of the Kansas Constitutional Convention more willing to grant women greater economic equality than greater political equality?

Clarina I. Howard Nichols, "Reminiscences"

...
My pleas before the Constitutional Convention and the people, were for equal legal and political rights for women. In detail I asked:

1st. Equal educational rights and privileges in all the schools and institutions of learning fostered or controlled by the State.

2nd. An equal right in all matters pertaining to the organization and conduct of the Common Schools.

3d. Recognition of the mother's equal right with the father to the control and custody of their mutual offspring.

4th. Protection in persons, property, and earnings for married women and widows the same as for men.

The first three were fully granted. In the final reading, Kingman changed the wording of the fourth, so as to leave the Legislature a chance to preserve the infamous common law right to personal services. There were too many old lawyers in the Convention. The Democracy had four or five who pulled with Kingman, or he with them against us. Not a Democrat put his name to the Constitution when adopted.

...
... [T]h Committee's report on the Women's Petition, furnishes a page of history of which some of the actors, at least, will have no reason to read with special pride.

Report of Judiciary Franchise Committee on Woman Suffrage Petitions

¹ Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joselyn Gage, eds., *History of Woman's Suffrage*, vol. I (Rochester, NY: Charles Mann, 1889), 193–94.

The committee on the judiciary, to whom, in connection with the committee on elective franchise, was referred the petition of sundry citizens of Kansas “protesting against any constitutional distinctions based on difference of sex,” have had the same under consideration, and beg leave to make the following report: Your committee concede the point in the petition upon which the right is claimed “that the women of the State have, individually, an evident common interest with its men in the protection of life, liberty, property and intelligent culture;” and is not disposed to deny that sex “involves them in greater and more complicated responsibilities.” But the committee are compelled to dissent from the conclusion of petitioners. They think the rights of women are safe in present hands—the proof that they are so, is found in the growing disposition on the part of different Legislatures to extend and protect the rights of property, and in the enlightened, progressive spirit of the age, which acts quietly but efficiently upon the legislation of the day. Such rights as are natural are now enjoyed as fully by women as men. Such rights and duties as are merely political in their character, they should be relieved from, that they may have more time to attend to those “greater and more complicated responsibilities” which, petitioners claim and your committee admits, devolve upon women.



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