Women and the Constitution: Why the Constitution Includes Women

WE, the People of the United States, in order to form a more perfect union, eſtabliſh juſtice, inſure domeſtic tranquility, provide for the common defence, promote the general welfare, and ſecure the bleſſings of liberty to ourſelves and our poſterity, do ordain and eſtabliſh this Conſtitution for the United States of America.

ARTICLE I.

Sect. 1. ALL legiſlative powers herein granted ſhall be veſted in a Congreſs of the United States, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Sect. 2. The Houſe of Repreſentatives ſhall be compoſed of members choſen every ſecond year by the people of the ſeveral States, and the electors in each State ſhall have the qualifications requiſite for electors of the moſt numerous branch of the State legiſlature.

No perſon ſhall be a repreſentative who ſhall not have attained to the age of twenty five years, and been ſeven years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that State in which he ſhall be choſen.

Repreſentatives and direct taxes ſhall be apportioned among the ſeveral States which may be included within this Union, according to their reſpective numbers, which ſhall be determined by adding to the whole number of free perſons, including thoſe bound to ſervice for a term of years, and excluding Indians not taxed, three-fifths of all other perſons. The actual enumeration ſhall be made within three years after the firſt meeting of the Congreſs of the United States, and within every ſubſequent term of ten years, in ſuch manner as they ſhall by law direct. The number of repreſentatives ſhall not exceed one for every thirty thouſand, but each State ſhall have at leaſt one repreſentative; and until ſuch enumeration ſhall be made, the State of New-Hampſhire ſhall be entitled to chuſe three, Maſſachuſetts eight, Rhode-Iſland and Providence Plantations one, Connecticut five, New-York ſix, New-Jerſey four, Pennſylvania eight, Delaware one, Maryland ſix, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the repreſentation from any State, the executive authority thereof ſhall iſſue writs of election to fill ſuch vacancies.

The Houſe of Repreſentatives ſhall chuſe their Speaker and other officers; and ſhall have the ſole power of impeachment.

Sect. 3. The Senate of the United States ſhall be compoſed of two ſenators from each State, choſen by the legiſlature thereof, for ſix years; and each ſenator ſhall have one vote.

Immediately after they ſhall be aſſembled in conſequence of the firſt election, they ſhall be divided as equally as may be into three claſſes. The ſeats of the ſenators of the firſt claſs ſhall be vacated at the expiration of the ſecond year, of the ſecond claſs at the expiration of the fourth year, and of the third claſs at the expiration of the ſixth year, ſo that one-third may be choſen every ſecond year; and if vacancies happen by reſignation, or otherwiſe, during the receſs of the Legiſlature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legiſlature, which ſhall then fill ſuch vacancies.

No perſon ſhall be a ſenator who ſhall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that State for which he ſhall be choſen.

The Vice-Preſident of the United States ſhall be Preſident of the Senate, but ſhall have no vote, unleſs they be equally divided.

The Senate ſhall chuſe their other officers, and alſo a Preſident pro tempore, in the abſence of the Vice-Preſident, or when he ſhall exerciſe the office of Preſident of the United States.

The Senate ſhall have the ſole power to try all impeachments. When ſitting for that purpoſe, they ſhall be on oath or affirmation. When the Preſident of the United States is tried, the Chief Juſtice ſhall preſide: And no perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

Judgment in caſes of impeachment ſhall not extend further than to removal from office, and diſqualification to hold and enjoy any office of honor, truſt or profit under the United States; but the party convicted ſhall nevertheleſs be liable and ſubject to indictment, trial, judgment and puniſhment, according to law.

Sect. 4. The times, places and manner of holding elections for ſenators and repreſentatives, ſhall be preſcribed in each State by the legiſlature thereof; but the Congreſs may at any time by law make or alter ſuch regulations, except as to the places of chuſing ſenators.

The Congreſs ſhall aſſemble at leaſt once in every year, and ſuch meeting ſhall be on the firſt Monday in December, unleſs they ſhall by law appoint a different day.

Sect. 5. Each houſe ſhall be the judge of the elections, returns and qualifications of its own members, and a majority of each ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authoriſed to compel the attendance of abſent members, in ſuch manner, and under ſuch penalties as each houſe may provide.

Each houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each houſe ſhall keep a journal of its proceedings, and from time to time publiſh the ſame, excepting ſuch parts as may in their judgment require ſecrecy; and the yeas and nays of the members of either houſe on any queſtion ſhall, at the deſire of one-fifth of thoſe preſent, be entered on the journal.

Neither houſe, during the ſeſſion of Congreſs, ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that in which the two houſes ſhall be ſitting.

Sect. 6. The ſenators and repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the United States. They ſhall in all caſes, except treaſon, felony and breach of the peace, be privileged from arreſt during their attendance at the ſeſſion of their reſpective houſes, and in going to and returning from the ſame; and for any ſpeech or debate in either houſe, they ſhall not be queſtioned in any other place.

No ſenator or repreſentative ſhall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which ſhall have been created, or the emoluments whereof ſhall have been increaſed during ſuch time; and no perſon holding any office under the United States, ſhall be a member of either houſe during his continuance in office.

Sect. 7. All bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe or concur with amendments as on other bills.

Every bill which ſhall have paſſed the Houſe of Repreſentatives and the Senate, ſhall, before it become a law, be preſented to the Preſident of the United States; if he approve he ſhall ſign it, but if not he ſhall return it, with his objections to that houſe in which it ſhall have originated, who ſhall enter the objections at large on their journal, and proceed to reconſider it. If after ſuch reconſideration two thirds of that houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other houſe, by which it ſhall likewiſe be reconſidered, and if approved by two-thirds of that houſe, it ſhall become a law. But in all ſuch caſes the votes of both houſes ſhall be determined by yeas and nays, and the names of the perſons voting for and againſt the bill ſhall be entered on the journal of each houſe reſpectively. If any bill ſhall not be returned by the Preſident within ten days (Sundays excepted) after it ſhall have been preſented to him, the ſame ſhall be a law, in like manner as if he had ſigned it, unleſs the Congreſs by their adjournment prevent its return, in which caſe it ſhall not be a law.

Every order, reſolution, or vote to which the concurrence of the Senate and Houſe of Repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Preſident of the United States; and before the ſame ſhall take effect, ſhall be approved by him, or, being diſapproved by him, ſhall be repaſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in the caſe of a bill.

Sect. 8. The Congreſs ſhall have power

To lay and collect taxes, duties, impoſts and excifes, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, impoſts and excifes ſhall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the ſeveral States, and with the Indian tribes;

To eſtabliſh an uniform rule of naturalization, and uniform laws on the ſubject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the ſtandard of weights and meaſures;

To provide for the puniſhment of counterfeiting the ſecurities and current coin of the United States;

To eſtabliſh poſt offices and poſt roads;

To promote the progreſs of ſcience and uſeful arts, by ſecuring for limited times to authors and inventors the excluſive right to their reſpective writings and diſcoveries;

To conſtitute tribunals inferior to the ſupreme court;

To define and puniſh piracies and felonies committed on the high ſeas, and offences againſt the law of nations;

To declare war, grant letters of marque and reprifal, and make rules concerning captures on land and water;

To raiſe and ſupport armies, but no appropriation of money to that uſe ſhall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, ſuppreſs inſurrections and repel invaſions;

To provide for organizing, arming, and diſciplining, the militia, and for governing ſuch part of them as may be employed in the ſervice of the United States, reſerving to the States reſpectively, the appointment of the officers, and the authority of training the militia according to the diſcipline preſcribed by Congreſs;

To exerciſe excluſive legiſlation in all caſes whatſoever, over ſuch diſtrict (not exceeding ten miles ſquare) as may, by ceſſion of particular States, and the acceptance of Congreſs, become the ſeat of the government of the United States, and to exerciſe like authority over all places purchaſed by the conſent of the Legiſlature of the State in which the ſame ſhall be, for the erection of forts, magazines, arſenals, dock-yards, and other needful buildings;—And

To make all laws which ſhall be neceſſary and proper for carrying into execution the foregoing powers, and all other powers veſted by this conſtitution in the government of the United States, or in any department or office thereof.

Sect. 9. The migration or importation of ſuch perſons as any of the States now exiſting ſhall think proper to admit, ſhall not be prohibited by the Congreſs prior to the year one thouſand eight hundred and eight, but a tax or duty may be impoſed on ſuch importation, not exceeding ten dollars for each perſon.

The privilege of the writ of habeas corpus ſhall not be ſuſpended, unleſs when in caſes of rebellion or invaſion the public ſafety may require it.

No bill of attainder or ex poſt facto law ſhall be paſſed.

No capitation, or other direct tax ſhall be laid, unleſs in proportion to the cenſus or enumeration herein before directed to be taken.

No tax or duty ſhall be laid on articles exported from any State. No preference ſhall be given by any regulation of commerce or revenue to the ports of one State over thoſe of another: Nor ſhall veſſels bound to, or from one State, be obliged to enter, clear, or pay duties in another.

No money ſhall be drawn from the Treaſury, but in conſequence of appropriations made by law; and a regular ſtatement and account of the receipts and expenditures of all public money ſhall be publiſhed from time to time.

No title of nobility ſhall be granted by the United States:—And no perſon holding any office of profit or truſt under them, ſhall,

Several years ago, a friend who was editing a special issue of a history journal asked me to contribute an article about women and the Constitution. Having just completed some research on women and *The Federalist*, I knew the technique that I would use: Assuming that women were nowhere discussed in the debates in the Constitutional Convention, I would look at the use of gendered language for clues about what the Founders thought about women and their place in the government they were creating. Like most other historians, I believed that the available political ideologies—republicanism and liberalism—excluded women. Republicanism extolled self-sacrifice for the common good, while liberalism vaunted the individual. But neither ideology, received wisdom held, thought that a woman could be a citizen, with a politically significant self, either to sacrifice or to be served by government.

I wanted to study th e terms of exclusion, the bases for asserting that women were politically insignificant. I thought that if I paid close attention to the way in which language was used and if I listened carefully to the silences—the places where gender might have been discussed but wasn't—then I might have something useful to contribute to our understanding of the place of women in early American politics and political thought.

Fig. 1. Pennsylvania Packet and Daily Advertiser no. 2960 [U.S. Constitution], September 19, 1787. The Gilder Lehrman Collection, courtesy of the Gilder Lehrman Institute of American History, New York.

So I dutifully went about my work of reading through the *Records of the Federal Convention* (New Haven, 1986), the compilation of notes taken by James Madison and other participants in the Constitutional Convention and the closest thing we have to an actual transcript of the debates, looking for a hidden discourse of gender. What I found there surprised me—an explicit reference to women in one of the most important moments of one of the most important debates. (The *Records* are now online at the Library of Congress's American Memory Website.)

The reference wasn't supposed to be there, we've been told. So far as I know, no historian or political theorist had ever noticed these words before or remarked upon them. In fact, the reigning assumption was that women were nowhere mentioned in the Constitution, and the only question was what should be made out of this fact. Some have argued that women's omission meant that they were implicitly included, and hence were members of what Benedict Anderson has called the "imagined community" of the new American nation. Others have argued that women's omission was intentional and hence that women were not part of the political community created by the Constitution.

But what if women indeed were mentioned? Would we have to change our interpretation of the place of women in the Constitution? And would the context in which women were mentioned shed new light on other aspects of the

Constitution? Would we have to think about the Constitution in new ways?

Women were introduced, as it were, to the Constitutional Convention on June 11, in one of the early debates about representation in what would become the House of Representatives. According to James Madison's notes, Roger Sherman of Connecticut proposed that each state's representation "should be according to the respective numbers of free inhabitants." Two South Carolinians, John Rutledge and Pierce Butler, immediately responded that representation should instead be based not upon population but upon each state's material contribution to the national government. It was in this context, a debate about whether representation should be based upon population or wealth (which would include slaves), that Pennsylvania's James Wilson, one of the most active and influential members of the convention, suggested that it be "in proportion to the whole number of white & other free Citizens and inhabitants of every age sex & condition including those bound to servitude for a term of years and three fifths of all other persons not comprehended in the foregoing description, except Indians paying taxes, in each state."

We can recognize this formulation as the first draft of the infamous Three-fifths Clause, which is what it became by the end of the summer, after several more months of debate and editing by the Committee of Style (the Convention's copy editors, charged with improving the document's rhetoric without changing its substance). Purely for stylistic reasons the Committee deleted the phrase "of every age sex & condition" (along with, incidentally, the adjective "white"). In other words, the framers had expressly included women among those whom the new government was intended to represent, and then had almost immediately edited their presence out, leaving explicit only—and I will return to this matter later—an odious compromise with slavery.

It might be objected that when the convention struggled to find the words for an acceptable compromise on slavery, it was merely engaged in formulas and word games, and not trying to make a sweeping statement about gender and politics. To some extent, that is true. The delegates to the Continental Congress had wrangled over that issue year after year. When James Wilson introduced this germ of the Three-fifths Clause, he was simply repeating, word-for-word, the formulation for levying assessments that Congress had recommended in 1783. Both in Congress and the convention, the delegates were trying to effect a simultaneous compromise on two very difficult issues: first, whether taxation and representation should be based on population or on wealth, and then, how slaves should be taken into account.

The issue of gender, make no mistake, was rather far from anyone's mind. In Congress and then in the convention, when the delegates hammered out their formulas for representing and accounting for slave property, nobody spoke up when the term "sex" was mentioned. And, there is no record of any discussion about women, their rights, or their duties, at any point during the Constitutional Convention. On this, the standard interpretations have been correct.

At the same time, however, gender had been brought into the discussion, and even though no one wanted to draw out the implications of this fact, it could not help having important implications for government and political thought. As feminist scholars always note, gender is always there. In any political theory or any form of government, women are either included or excluded; the only question is on what terms, and whether those terms are explicit or implicit. The Constitution presents an interesting case, for the explicit—but unexamined—inclusion of women was quickly obliterated, making the presence of women in the Constitution even more shadowy. Unless the light is very bright, you cannot see them at all. Still, they are there, and the terms of their inclusion have important implications.

First of all, the mere mention of "sex," however fleeting and inadvertent, means that the Constitution rests on an inclusive theory of representation. Historians who believe that the American Revolution and the new American nation rested on a foundation of republican political thought have generally argued that government represented only those men who had sufficient property to make them independent; government was supposed to be for and by the propertied. To be sure, there was debate in the Convention about whether property or persons were to be represented—and it was the advocates of persons who prevailed. Once representation was shifted off the ground of property and onto that of persons, there was no longer any obvious rationale for excluding women. It would have been quite easy to use the word "men," but the delegates chose instead the more inclusive "persons," and in their debates, if not the final, edited version of the Constitution, they made it clear that "persons" included women.

They did so, I believe, for two reasons. First, many of them believed that the purpose of government was to protect society. Wilson himself made this clear a few years later in his *Lectures on Law*—delivered to an audience of both men and women in Philadelphia over the winters of 1790-91 and 1791-92—when he noted that "by some politicians, society has been considered as only the scaffolding of government; very improperly, in my judgment. In the just order of things, government is the scaffolding of society; and if society could be built and kept entire without government, the scaffolding might be thrown down, without the least inconvenience or cause of regret." This notion was not original to Wilson, by any means. Rather, it was the liberal orthodoxy of Paine, of Madison, of Jefferson. Men (and women) realized their potential not in public, but in private. Hence, "government was instituted for the happiness of society."

And women were members of society. Every political and social theorist who discussed this matter—not only Wilson, but Paine, Jefferson, and all the influential Scottish thinkers from Francis Hutcheson to Adam Smith—were explicit here. If government's role was to protect society, and society included women, one of the objects of government was the protection of women.

Implicit, then, in the Constitution's doctrine of representation was that the new government, in securing the happiness of society, was to look after

women—not as women, but as members of society. To put it another way, the liberalism of the Constitution is far more capacious than we have generally imagined. Most historians of American political thought consider liberalism a rather cramped philosophy, one that rests on the Lockean principle of self-ownership. Society, in this view, is nothing more than what C.B. Macpherson called "relations of exchange between proprietors," and political society nothing more than "a calculated device for the protection of this property and the maintenance of an orderly relation of exchange." Yet the handful of words that the Committee of Style deleted from James Wilson's formula for representation suggests the presence of a liberalism that is more encompassing, more generous, more nurturing even—or at least a liberalism with that potential.

We can see some of that potential when we look at the Bill of Rights. Those who characterize liberalism as excessively individualist often also complain that Americans are exceedingly concerned with their rights. But the rights protected by the First Amendment are not, by and large, the rights of the atomized individual but those that are expressed in public. The Establishment Clause protects both the right of conscience and the right to worship with others, while the freedoms of speech, press, assembly, and petition are clearly the rights of the public sphere; they are the rights that sustain society. And the Fourth, Fifth, Sixth, Seventh, and Eighth Amendments all protect citizens from overbearing government, not from their fellow citizens. Significantly, all of these rights pertained to women. Women were not, as Linda K. Kerber has recently demonstrated, called to the duties of citizenship. But they certainly were accorded its rights.

The Constitution, then, included women, and it made women rights bearers. But that does not seem to have been the express intent of any of the Constitution's authors. If it had been, surely they would have been more explicit about it, and the Committee of Style would not have deleted James Wilson's phrase about "every age sex & condition." When Wilson introduced that language, his purpose was not to make sure that women—or children, or any of the others who could not represent themselves—were represented, but to solve a particular problem, one that had very little to do with gender. That problem was whether wealth or population was to be represented in the House, and how slaves were to be counted, whichever approach was used. Why, then, add the phrase about age, sex, and condition, and not just leave it at "three fifths of all other persons"? Why mention gender at all?

Let us remember why Wilson introduced the clause and what its origins were, which brings us to the second reason that the Constitution includes women. Here we leave the realm of abstract principle and enter the one of practical politics, or, to be more accurate, the one where principle and politics converge. Wilson was suggesting that representation be based upon population—a democratic proposition—and sweetening it for Southerners by offering to count three-fifths of their slaves. Context, however, shapes meaning: When the same formulation had been suggested in the Continental Congress several years

earlier for levying taxes, it penalized the South, rather than rewarding it, for the South would have paid extra taxes for its slave population.

The debates over taxation had begun in 1775, when Benjamin Franklin suggested that each state's expenses be computed in proportion to the number of male polls between sixteen and sixty in that state. Because this was a standard formula in the North for determining who voted—male taxpayers—it might have seemed a reasonable and innocent basis for assessing taxation. In the context of Congress's debates, however, it was a significant concession to the South, as it would have excluded all slaves from taxation, even though adult slaves, male and female both, were generally taxed in the South. A year later, John Dickinson countered with what might have seemed a much more democratic proposition, that taxes be in proportion to the total "Number of Inhabitants of every Age, Sex and Quality, except Indians not paying Taxes." Clearly, however, the language was crafted as a response to Franklin's proposal, and Dickinson's intent was to make certain that the Southern states were taxed on their slaves. Without even using the word "slave," Franklin and Dickinson had opened up a discussion about slavery.

In the context of these debates, the language of sex was an instrument for taxing—or not taxing, as the case might be—slaves. To propose counting only tax-paying males between sixteen and sixty was to exclude a significant part of Southern wealth—and wealth-creating laborers, including female slaves—from taxation. To counter, as Dickinson did, with a proposal to tax everyone, whatever their age, sex, or status, was to advocate that slaves be taxed. Hence, Dickinson's "every Age, Sex and Quality" meant "tax the slaves." To those words, Congress eventually added the Three-fifths Clause, which represented a compromise between Franklin's proposal (tax none of the slaves) and Dickinson's (tax them all). Had the clause gone into effect, it would have exacted a partial tax on slave property. But then, when James Wilson suggested exactly the same language as the basis for representation in the House, it gave the South a bonus for holding slaves, increasing their representation in the House by about 25 percent. When it would have inflated their tax bill, the Southern states quite obviously would have preferred not to have their slaves counted, but when it would increase their representation in Congress, they just as obviously would want all of their slaves to be counted. Women, then, were brought into this debate not for themselves, but only to enable the delegates, first in Congress and then in the Convention, to deal with the divisive issue of slavery by embedding it in more general, less inflammatory terms.

Looking back on these debates and political maneuverings more than two centuries later can make one dizzy. The delegates to the Continental Congress and the Constitutional Convention were always aware of both the philosophical implications and practical effects of any proposal they made, and although they tried always to gain the practical point without sacrificing ideological consistency, they sometimes impaled themselves on the horns of their own contradictions. So it was with gender and slavery. Between 1775 and 1788, democrat after democrat laid out the rationale for broad representation, one

that implicitly included women and accorded them civil rights. But these same democrats, in order to create a form of government that best protected both liberty and their own states' interests, made or resisted a series of compromises with slavery. In the process, the inclusive language of gender—"every age, sex & condition"—was twisted to sustain slavery.

So far as I can tell, the first person to notice that the Constitution included women was not a feminist trying to use that principle to empower women or to make a claim on their behalf. Instead it was a Kentucky senator, Richard M. Johnson, who, in the 1820 debates over the Missouri Compromise, defended the Three-fifths Clause. True, slaves, who could not vote, were represented, but so were women and minors. Then, in 1843, another Southern congressman, Thomas Gilmer, from Virginia, elaborated the argument by pointing to women and comparing their political status to slaves. Gilmer began with a paean to the protective state. "Each State is responsible for the care and protection of every part of its population; and its power should be in proportion of its responsibility." By this principle, slaves should be represented, "as part of the human family, whose lives and sustenance are protected by government . . ." "It is true," Gilmer acknowledged, "that slaves do not vote. Neither do women or minors. Yet these are enumerated in the apportionment of representatives. Representation is never confined to that class of population alone who vote." Women (and children) now stood for all those who were represented but who could not represent themselves. The denial of women's right to vote became an instrument for the perpetuation of the power of slaveholders.

So what does this convoluted history tell us? It holds, I think, both a promise and a warning. First, the promise: The Constitution and the liberal political thought that informed it embodied a doctrine of protection and inclusiveness that make both document and doctrine richer, more encompassing, more hopeful, and more social than critics have sometimes thought. The Constitution included women, and it called for their protection as members of society. But a vision does not realize itself; and a promise does not bring its own fulfillment. Principles can be bent to a variety of ends. The social Constitution and its doctrine of protection, even at the time they were authored, were bent to sustain slavery. In half a century's time, that vision had been all but forgotten except by those who would use it to defend the continuing subjugation of other human beings. We might object that this is not what the Founders intended except that they gave us both the promise and its perversion, conceived at the same moment, the one always the other's undoing.

Yet, if there is undoing, there is doing as well, and what has been undone, may yet be repaired. This, perhaps, is what Elizabeth Cady Stanton, Susan B. Anthony, Antoinette Brown Blackwell, Lucy Stone, and a handful of other feminists were thinking in 1866 when they petitioned Congress for universal suffrage. The Constitution, they noted, "classes us as 'free people,' and counts us as *whole* persons in the basis for representation . . ." Feminists remembered that the Constitution included women, and they asked the nation, as should we, to make something of it.

Further reading: Some of this article is adapted from my "'of every age sex & condition': The Representation of Women in the Constitution," *Journal of the Early Republic* 15 (1995): 359-87. Rosemarie Zagarri and Linda K. Kerber have been exploring, respectively, the promise and the limitations of early American political thought for women. See Zagarri's "Morals, Manners, and the Republican Mother," *American Quarterly* 44 (June 1992): 192-215, and "The Rights of Man and Woman in Post-Revolutionary America," *William and Mary Quarterly*, 3d Ser., 55 (1998): 203-30, and Kerber's *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (New York, 1998). The quotation from Wilson can be found in Robert Green McCloskey, *The Works of James Wilson*, 2 vols. (Cambridge, Mass., 1967). The quotation from C.B. Macpherson is in his *The Political Theory of Possessive Individualism: Hobbes to Locke* (London, 1962). The *Journals of the Continental Congress* are also at the Library of Congress's American Memory Website. I thank Margo Anderson for a serendipitous meeting and the reference to the Missouri debates.

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Before Jan Lewis passed away in 2018, she was professor of history, Rutgers University, Newark. She was interested in the connections among family, gender, race, and political thought in the early national era. This article is part of a book she was completing for Cambridge University Press on that topic.