

History

and the

Art of Storytelling:

*Two Tales from the Early American Republic,
Each Told in Two Different Ways*

Minnesota River Valley: Rich in American History
Summer Institute, Part I

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South Central Services Cooperative, North Mankato, Minn., 10 June 2010

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Tale #1:

Women's Rights in the Atlantic World during the Age of Enlightenment *High School Curriculum, NAEP Historical Period 3*

Recommended Reading:

DuBois, Ellen Carol, and Lynn Dumenil, eds. "Mothers and Daughters of the Revolution, 1750-1800." In *Through Women's Eyes: An American History with Documents*. 2d ed. Boston: Bedford/St. Martin's, 2009. Pp. 122-85.

Lewis, Jan. "Did the Constitution Create a Republic of White Men?" In *What Did the Constitution Mean to Early Americans?* Edited by Edward Countryman, 113-40. Boston: Bedford/St. Martin's, 1999.

Kerber, Linda K. *Women of the Republic: Intellect and Ideology in Revolutionary America*. Chapel Hill: University of North Carolina Press, 1980.

Teacher's Guide	3
Answer Key	4
Primary Sources and Student Worksheets	5-7

Tale #2:

From the XYZ Affair to the Alien and Sedition Acts *Middle School Curriculum, NAEP Historical Period 3*

Recommended Reading:

Herring, George C. "None Who Can Make Us Afraid." In *From Colony to Superpower: U.S. Foreign Relations since 1776*. Oxford: Oxford University Press, 2008. Pp. 56-92.

Simon, James F. *What Kind of Nation: Thomas Jefferson, John Marshall, and the Epic Struggle to Create a United States*. New York: Simon and Schuster, 2002.

Teacher's Guide	8
Answer Key	9
Primary Sources and Student Worksheets	10-12

Philosophy of Education: Some Questions to Ponder

- Does objectivity require neutrality?
- Might neutrality in some instances inhibit objectivity just as much as partisanship can in other instances?

Women's Rights in the Atlantic World during the Age of Enlightenment

Teacher's Guide—Two Ways to Tell the Tale

Version A: Second-Class Citizens	Version B: Exalted by Natural Law
<ul style="list-style-type: none"> ▪ Men have subjugated women for centuries. ▪ Enlightenment ideals of personal liberties and individual rights were developed primarily by and for men—more specifically, white men. ▪ The American Revolution was conservative with respect to gender relations—just as with race. ▪ Neither the Declaration of Independence nor the U.S. Constitution affirmed women as full citizens. ▪ States typically did not permit women to own property, file for divorce, or vote. ▪ A common law notion of “<i>coverture</i>” defined women as daughters or wives, lacking legal independence and subject to fathers or husbands. ▪ Mary Wollstonecraft’s <i>A Vindication of the Rights of Women</i> (1792) boldly applied Enlightenment individualism to women, but women would not receive property rights in America until the 1840s, nor the vote until 1920. ▪ The John and Abigail Adams correspondence reveals the limits of politically savvy women: Abigail could entertain the idea of women being emancipated through the Revolution, but John would remind her of the fairer sex’s proper sphere. ▪ And so it was, that the Revolution did not correct the historic injustices by which men denied women their rightful status as equals. ▪ But, women would not give up trying. What Abigail Adams and Mary Wollstonecraft began in the 1700s would continue under Susan B. Anthony, Lucretia Mott, and Francis Willard in the 1800s, followed by Margaret Sanger and Betty Friedan in the 1900s. In 2008, a woman would be nearly become president. 	<ul style="list-style-type: none"> ▪ Human flourishing for men, women, and children has historically been closely associated with the natural family—a lifelong bond between one man and one woman, together with their children. ▪ The Judeo-Christian tradition of “natural law” has been a major influence in the development of western civilization, providing westerners with an inner voice of criticism against instances of exploitation (e.g., Bartolomé de las Casas and Martin Luther King, Jr.). ▪ Although articulated with great clarity by medieval Catholic theologians, natural law in fact transcends religious, ethnic, and other divisions; for example, Confucius taught the same Golden Rule as Christ. ▪ Both Scripture and natural law prompted New England Puritans to regard husbands as “heads” of households and wives as “submissive” to them. They understood headship as a loving and protecting role. Significantly, women and girls of Puritan New England had the highest literacy rate in the world; their intellects were greatly esteemed within the home. ▪ By the time of the American Revolution, a notion of “Republican Motherhood” was developing, whereby wives and mothers were valued for the assistance they provided to husbands and the training they provided to sons (future statesmen) and daughters (future mothers of the republic). ▪ Voting, initially intended as a safeguard for property rights, previously had been limited to landholders; thus, household, not individual, suffrage had been the prevailing understanding. ▪ The Protestant Reformation had regarded the family as the fundamental unit of society. Enlightenment political philosophy can be read “backwards” as being consistent with that ideal, or else “forwards” as promoting individuals as the fundamental unit of society. ▪ As the revolutionary spirit of popular sovereignty spread throughout the early Republic, voting eligibility was relaxed, trending toward universal white male (head of household) suffrage. ▪ In some instances, women did vote, although like men, they were to do so on behalf of a household. ▪ Modest liberalization of divorce laws followed the Revolution. ▪ The veil of “<i>coverture</i>” was not necessarily an exploitative tool for suppressing women; it also could protect their interests, particularly with respect to the political immunity they received amid the American Revolution.

Women's Rights in the Atlantic World during the Age of Enlightenment

Answer Key

1. Yes. (The working draft specifically defines "citizens" as being persons "of every sex.")
2. Yes. (The number of representatives per state is proportionate to the number of men *and* women in that state.)
3. No. (Although not all historians agree as to why the committee revised the text in this way, removing the phrase "of every sex" does not exclude women any more than it excludes men; the key word is "persons," and both men and women were counted for apportioning representatives to each state.)
4. Yes. (Although it is true that women could not vote in national elections until the Nineteenth Amendment (1920), it was always recognized that the government existed to protect the rights of women, children, and non-voting men. How well this principle has been followed in practice is, of course, a different question, but the historical record reveals that women were, as a matter of law if not also of practice, included as citizens of the early republic.)
5. It becomes the joint property of her and her husband, with her husband serving as the family's legal representative in public affairs. Therefore, he may lease, trade, or sell it at will.
6. She would be acting as an agent of her husband (as a "deputy husband"), who in turn is the legal head of their household.
7. He should cast his ballot for the best interests of his household, including his wife and children. This is known as "household suffrage."
8. Many examples could be given, such as instances of marital infidelity, physical abuse, or selfish use of acquired property. These concerns motivated women to seek independent rights later in history.
9. Blackstone writes of a wife being "under [her husband's] wing, protection, and cover," indicating an expectation that he would provide for and protect, not abuse or exploit, her.
10. (Encourage students to discuss this and to provide reasons for their answers. Some might suggest loyalty to a spouse, since family members should protect each other from tyrannical governments. Others might suggest loyalty to the nation, supposing an instance in which a spouse is a spy for a terrorist organization. In the eighteenth century, the primacy of the family over the state was virtually beyond question. In more recent history, the family has weakened and the state has taken on a larger role in providing for and protecting individuals. Even today, however, spouses are protected from being required to testify in court against each other.)
11. (Again, encourage a discussion or debate, asking students to provide good reasons to support their views. Although they may not be a single correct answer, some reasons in support of a particular answer are better than others. Always encourage a clearly stated rationale.)
12. (This one is somewhat paradoxical. On the one hand, the notion of having a woman submit to her husband seems to rob her of political power. On the other hand, it enables her to tell the court that she fled the country only because her husband asked her to do so, and then she can claim that if it were not for her marriage, she would have been a patriot rather than a loyalist—in which case she would be entitled to keep her property in America. So, by submitting to her husband through marriage she *gains* legal authority over her property. History can surprise us!)
13. In the end, the court agreed that William, Jr., was entitled to inherit his mother's portion of the estate. (Whether or not the students agree with that judgment will, of course, depend upon the conclusions they reached in the preceding questions.)

Women's Rights in the Atlantic World during the Age of Enlightenment

Primary Sources and Student Worksheets

Name: _____ Date: _____

Working Draft of the U.S. Constitution	Final Draft of the U.S. Constitution
Representation in the House shall be “in proportion to the whole number of white & other free Citizens & inhabitants of every sex[,] age & 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 not paying taxes, in each state.”	Representation in the House of shall be “apportioned among the several states ... according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to servitude for a term of years, and excluding Indians not taxed, three-fifths of all other persons.”

Commentary and Questions:

James Wilson proposed the language of the working draft quoted above. The constitutional convention approved his phrasing. Later, a Committee of Style revised the Constitution into the final draft, ratified by the states.

1. According to the working draft, are men and women both considered “citizens”?

2. According to the working draft, does the House represent men and women equally?

3. Does the final draft change the status of men or women as compared to the working draft?

The founding fathers thought the main purpose of government is to protect people’s rights, especially when people are unable to protect those rights by themselves.

4. Review your responses to Questions 1-3. Did the Constitution establish a government that was supposed to protect women as well as men?

Today, we often think of voting as a “right of citizenship.” For the founding fathers, it was rather a privilege—or perhaps a “political right,” but not a “civil right.” In their view, men and women had identical civil rights, but some men—particularly those who owned property—additionally had the political right or privilege to vote.

The U.S. Constitution is silent about who may or may not vote; each state determines that locally. But the Constitution does guarantee that “persons” (“of every sex,” as Wilson had phrased it) are to be protected through their representation in the House.

Just as Congressmen were expected to vote on behalf of all whom they represent, so also property holding men were expected to vote on behalf of the members of their household. In that sense, women were indirectly represented.

Today, women have direct representation, since they, too, may vote. However, the Constitution still requires the government to represent the interests of, and protect the rights of, all people, whether they can vote or not. Therefore, when men and women cast votes, they are electing representatives on behalf of children, non-naturalized immigrants, or other persons who cannot vote, just as men did in our nation’s early history.

Women's Rights in the Atlantic World during the Age of Enlightenment

William Blackstone, *Commentaries on the Laws of England*, vol. 1 (1765)

"By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs everything."

Commentary and Questions:

Blackstone's Commentaries summarized the principles by which English courts had made their decisions for the preceding centuries—what is known as "the common law tradition." America's legal system was built on this foundation of English common law. In the passage above, Blackstone defined the legal doctrine of "coverture," by which a woman's legal identity merges into her husband's identity through marriage.

Answer the following questions as Blackstone would have answered them:

5. If a woman owned property before marriage, whose property does it become once she is married?
6. If a woman sells some of her husband's property, on whose behalf is she doing so?
7. If a husband casts a ballot in political election, whose rights should he be trying to protect by selecting a particular candidate to serve in government?

English common law had three basic sources: history (English history, but also reaching back as far as Roman times), the Bible, and natural law. All three of those sources agreed that husbands served as heads of households (pater familias, as the Romans had called it) and that wives were to submit to their husbands.

8. In what way might a wife's submission to her husband be a disadvantage to her?
9. Which phrase in Blackstone's *Commentaries* suggests that the husband should not take advantage of his wife?

From the XYZ Affair to the Alien and Sedition Acts

Teacher's Guide—Two Ways to Tell the Tale

Version A: Protecting National Security	Version B: Infringing upon Rights
<ul style="list-style-type: none">▪ Earlier in the 1790s, France experienced a bloody, chaotic revolution. By the late 1790s, the nation was stabilizing, but Napoleon had gone on the war path against Britain.▪ The United States, as a young nation, tried to stay neutral. Some Americans, however, had strong feelings in favor of Britain, and others had strong feelings in favor of France.▪ John Adams, Alexander Hamilton, John Marshall, and other leaders of the Federalist Party saw Britain as a better role model for the United States. They thought the U.S. President should be somewhat like the British King, the U.S. Senate somewhat like the British House of Lords, and the U.S. House of Representatives somewhat like the British House of Commons. After all, Britain had been the greatest empire of the colonial period, and it was British philosophers who gave Americans their political ideals about liberty and freedom.▪ The Federalists recognized that national security requires economic stability, and they had reason to expect that favorable trade relations with Britain would ensure economy growth.▪ The Federalists saw their political rivals in the Republican Party as a threat to America. Republicans criticized the British and admired the French, but the French government was corrupt and chaotic. Just look at how conniving the XYZ bribery attempt was!▪ The Federalists sought to protect American interests by steering clear of European wars, limiting immigration from Europe, authorizing the president to deport aliens back to Europe, and preventing American presses from criticizing the U.S. government.▪ The Federalists did these things to keep America strong, as a united nation that would preserve the benefits acquired through the Revolution.	<ul style="list-style-type: none">▪ The Republican Party, led by Thomas Jefferson and James Madison, saw things quite differently than the Federalists.▪ France, not Britain, was their role model. Britain had denied Americans their rights for decades. That is why the Americans rebelled in 1776. During the Revolutionary War, France provided funding and troops so that America could win independence. France, too, had a revolution, tossing aside the monarchy and aristocracy of the past and welcoming a future of democracy and equality.▪ True, the XYZ affair showed that not everyone in France was friendly toward the United States, but one should remember that Mr. X, Mr. Y, and Mr. Z were not genuine representatives of the French government. The real French government is friendly to the United States.▪ Moreover, the United States promised to help the French when the two nations became allies during the American Revolution. France helped the United States win independence, and now it was America's time to repay the favor—America should help France against Britain.▪ Unfortunately, the Federalist Party now controls the Presidency, the Senate, and the House, as well as the Judicial Branch of government. The Federalist Party has enacted the Sedition Act, which violates the First Amendment rights to freedom of speech and freedom of the press. When Republicans are taken to court because of editorials they write in violation of that act, the judges (who are Federalists) ignore the First Amendment and find them guilty of sedition.▪ The Federalists are becoming just as tyrannical as Britain was back in the colonial days.

From the XYZ Affair to the Alien and Sedition Acts

Answer Key

1. Unfriendly. (The French did not wish to meet, they delayed meeting, then sent three mysterious middle-men rather than meeting officially, and then they tried to bribe and extort America. In a sense, France was treating the United States more like a European colony than like an equal partner in international affairs.)
2. Federalists. (The Federalists fared well in the 1798 elections. However, after the Alien and Sedition Acts, the Republicans would start to look better and in 1800 they would gain a sweeping electoral victory, with Thomas Jefferson as President.)
3. Yes. Yes. Yes. No.
4. Federalists. Republicans.
5. If the law remained in effect after a new president was inaugurated, then the Federalists would want the opportunity to criticize the president if he happened to be Republican. Therefore, they made the law expire in time for the next president to be sworn in. (As it turns out, that next president was Thomas Jefferson, a Republican.)
6. To shorten or condense.
7. Freedom of speech. Freedom of the Press.
8. A strict reading of the Constitution, taking the words literally, would clearly establish that the Sedition Act violates the First Amendment. A looser reading of the Constitution would allow for some “wiggle room.” Some Americans take the “strict construction” view, whereas others think of the Constitution as a “living document” that can be reinterpreted to fit unique circumstances. (There has been lively debate over this topic throughout our nation’s history.)
9. (Encourage a discussion, asking students to provide reasons in support of the conclusions that they voice. Some might suggest that limitations of free speech in time of war are good, because they help to protect our nation, which in turn protects our liberties. Others might suggest that such limitations of free speech empower the government to take our liberties away.)

Primary Sources and Student Worksheets

Name: _____ Date: _____

A Paraphrase Summary of John Marshall's Report of the XYZ Affair (1797)

The French government did not want to meet with us Americans. The foreign minister's name is Talleyrand. He made us wait three whole months before we could meet with the French government. When we finally did meet, the government officials did not show up. Instead, three mysterious men—Mr. X, Mr. Y, and Mr. Z—demanded that America do three things:

1. President Adams must apologize for complaining about France to Congress last spring.
2. Congress must approve a large loan of \$12 million to the French government so that Napoleon can continue to fight against Britain.
3. The United States must also pay a bribe of \$250,000 to Talleyrand before the French government will begin its peace talks with the United States.

Commentary and Questions:

1. Did Marshall's report make the French seem friendly or unfriendly toward the United States? Explain.

The Federalist Party generally had ill feelings toward France and thought Britain was a better role model for the United States. Jefferson's Republican Party looked at things just the opposite. Jefferson admired the French for their democratic spirit and disdained the British for its royal pomp.

2. The XYZ Affair made France look bad in the eyes of American voters. Which political party do you think started to look better to many Americans? Explain.

From the XYZ Affair to the Alien and Sedition Acts

Sedition Act, sec. 4 (1798)

Section 3. ... If any person shall write, print, utter, or publish ... any false, scandalous* and malicious** writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States ... or to excite against them, or either or any of them, the hatred of the good people of the United States ... then such person ... shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years. ...

Section 4. That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer.

* "Scandalous" means harming someone's reputation by accusing someone of wrongdoing.

** "Malicious" means motivated by evil intentions against someone.

Commentary and Questions:

3. Complete the following chart by checking "Yes" or "No":

<u>Office</u>	<u>Party Affiliation in 1798</u>	<u>Does the Sedition Act forbid people from criticizing this office?</u>	
House	Federalist Majority	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Senate	Federalist Majority	<input type="checkbox"/> Yes	<input type="checkbox"/> No
President	John Adams, Federalist	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Vice President	Thomas Jefferson, Republican	<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. Complete the following sentence:

The Sedition Act forbade people from criticizing the offices held by members of the _____ Party, but allowed them to criticize an office held by a member of the _____ Party.

The next presidential election would be held in 1800. The newly elected president would be inaugurated on March 4, 1801. Depending upon the outcome of the election, that president might be a Federalist or a Republican.

5. Why do you think that the Federalist majority in Congress decided to make the Sedition Act expire on March 4, 1801?

