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The Need for Contextual ReVision:
Mercy Otis Warren,
A Case in Point

Janis L. McDonald†

No final resting place soothes my spirit quite as well as the Old Pilgrim Burial Ground on the craggy hills overlooking Plymouth Bay in "the Massachusetts," surely one of the loveliest sites for a cemetery in the entire country. At its apex, Mercy Otis Warren's grave lies hidden behind an imposing edifice built in modern times to commemorate her husband, General James Warren, who is described on the stone as "Scholar, Patriot, General of the American Revolution." Directly behind this ornate tribute to her husband is the original plain white stone they shared. Her inscription reads, "Mercy Warren, born 1728 died 1814. Wife of James Warren, Daughter of James Otis, Sister of James Otis, Jr."

No reference appears to her role as mother of five sons, or historian of three volumes on the American Revolution; no mention either of her role as an active player in the radical patriot efforts which created the committees of correspondence and which culminated in the American Revolution; no word of her as a political satirist, or published poet, or political advisor to the founding fathers, or fierce advocate of a bill of rights; no recognition evident of her role as mentor, friend, and correspondent with other women and men throughout the colonies.

The lessons I have learned from this woman have prompted me to rethink the way traditional and feminist historiographies assess women's contributions. My struggle to take Mercy Otis Warren seriously led me to believe that feminist historians fall into some of the same traps sprung by traditional historical treatments of women and, unfortunately, create new barriers to a

† Visiting Associate Professor of Law, Syracuse University College of Law. This article was presented in an earlier form as part of the Mitchell Lecture Program on Women's Legal History at SUNY Buffalo on March 21, 1992. I would like to thank all of the people who created that series, particularly Lucinda Finley and Isabel Marcus, for giving me a chance to develop this piece. The other speakers at the conference (Taunya Lovell Banks, Ellen DuBois, Lea Vander Velde, Reva Siegel, and Mary Becker) were instrumental in encouraging me to publish this work and offered insightful comments in reaction to my presentation.

This work is part of a larger effort to study the contribution of Mercy Otis Warren. She has been my instructor, speaking as a voice from the past that refuses to be silenced until we get it right. My research on her contributions is part of a soon-to-be-completed dissertation at Yale Law School and a book on her work. My dissertation committee—Bruce Ackerman, Akhil Amar, and Nancy Cott—continue to provide encouragement and advice on this endeavor. I would also like to thank my research assistants Deborah Diaz and Donald Abraham for their support on this project. I appreciate the support of the faculty of Syracuse University College of Law, who provided a summer grant for this effort.

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comprehensive understanding of the contributions of some women in our past.

As feminist theory takes great leaps forward in unravelling our foundational assumptions across disciplines, the work of writing history must reflect a new dimension in the way we assess the past. This new dimension requires that modern historiographers step back and take another look at their own efforts to interpret women's history.

Reexamination will reveal a tendency to discount particular contributions because women of the past failed to recognize what modern feminists would define as their own oppression. It will require a reassessment of the dependence on traditional philosophical, political, religious, social, and moral assumptions used in evaluating the context and work of a preceding era.

If, for example, ideas of individual responsibility are assessed in the context of traditional understandings of the basic precepts of "Liberal Individualism" or "Classical Republicanism," does this encourage a neglect of the different ways an 18th-century American woman might have thought about individuals and their responsibilities? Does being true to the context in which women developed their ideas mean accepting the traditional portrait of how those ideas are shaped and managed? By depending on traditional assumptions, historians may distort ideas expressed by women of a different age, failing to take these women and their ideas seriously.

My journey in rediscovering the life and work of Mercy Otis Warren led me down an unexpected path. Because I had no clue who she was when I began my search for women who had opinions about the newly proposed United States Constitution in 1787, I unwittingly bypassed both traditional and feminist assessments of her work until I had "discovered" her for myself. The contrast between the exciting ideas suggested by my reading of her work and the reluctance of most historians to probe deeply into the thought of Mercy Otis Warren forced me to think about her history in its larger context.

By using Mercy Otis Warren as an example, and by offering my own process of rediscovering her ideas as a contrast to other historical treatments

1. According to one scholar,

   Though liberal individualism is only one strain of liberal thought, it has, since the seventeenth century, roughly from Hobbes on, been a dominant one in Anglo-American political thinking. Liberal individualism accords the individual not only ontological and epistemological priority, but moral priority as well . . . . As human beings, individuals require the freedom and security to pursue their lives unhindered. Hence the term "liberal individualism."


2. Classical republicanism has received increasing attention as scholars have reconsidered the intellectual origins of the American political tradition. For an understanding of the ideas of republicanism and the interpretation of its role in 18th-century America, see BERNARD BAILYN, IDEOLOGICAL ORIGINS OF THE AMERICAN REVOLUTION (1967); J.G. POOCK, THE MACHIAVELLIAN MOMENT: FLORENTINE POLITICAL THOUGHT AND THE ATLANTIC REPUBLIC TRADITION (1975); CAROLINE ROBBINS, THE EIGHTEENTH CENTURY COMMONWEALTHMAN (1959); GORDON S. WOOD, THE CREATION OF THE AMERICAN REPUBLIC, 1776-1787 (1969). As a result of this work, legal scholars have attempted to apply ideas of republicanism, with its myriad definitions, to a revival and/or critique of republicanism as applied to the modern era. See generally Symposium, The Republican Civic Tradition, 97 YALE L.J. 1493 (1988).
of her work, this article identifies deficiencies in both traditional and feminist historiographies. I also describe important aspects of a new stage of feminist historiography that builds on our evolving appreciation of feminist analysis. This new stage seeks to understand the contexts within which women of the past lived their lives and articulated their thoughts. It acknowledges that these women lived during particular periods in history but vigorously reexamines each period in light of new insights about the ideas, events, and women of that era.

I. BLISSFUL IGNORANCE?

I started with an assumption that there had to have been women who expressed opinions about the United States Constitution when first proposed. I appreciated the difficulty of discovering the modes of expression used by women to articulate their opinions during that age. I began my task willing to search for these opinions in diaries, letters, pamphlets, learned treatises, or other forms of expression.

The first day of my random search in the Boston Public Library led me to focus on Mercy Otis Warren. She seemed to be cited primarily as the recipient of letters from famous men of the era. I looked her up in a biographical dictionary and soon found myself in the Rare Book Room with one of the only extant copies of her pamphlet opposing the proposed constitution, written in 1788 during the ratification debates.

Next I discovered her letterbook, known to historians, containing her own handwritten copies of letters she had written. After schooling myself in her...
peculiar style of handwriting, I plunged into the task of deciphering over 500 pages of her letters to an incredible array of people.

My initial introduction to Mercy Otis Warren's work focused on her original work rather than historiographical treatments. If one reads her work in its entirety—including correspondence, poetry, plays, political pamphlets, and her History—and takes the ideas expressed seriously, Warren presents a vision for society that reflects concern for the individual as well as for the direction of the society as a whole. Only after forming my early impressions of her did I turn to the views of other scholars for information about her and the political, legal, social, moral, and philosophical context of her age. If I had begun my work on Mercy Otis Warren by analyzing traditional historiography, early women's history, or feminist assessments of her contribution, I would not have fully recognized elements of her vision that require further analysis.

II. THE TRAPS OF TRADITIONAL HISTORIOGRAPHY

According to William Raymond Smith, American historiography up to the mid 1950's "typically has taken the form of descriptive bibliography, biography, study of sources, and comparison of the treatment of special

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Historical Society. The Letterbook contains her handcopied correspondence with, among others, Abigail and John Adams, Catharine Macaulay (a British historian writing at about the same time as Warren), Samuel Adams, Henry Knox, James Otis, Martha Washington, Elbridge Gerry, Hannah Lincoln, and Hannah Winthrop. She is also known to have corresponded with Thomas Jefferson, Benjamin Rush, Benjamin Franklin, and other leaders of the period. See, e.g., WARREN-ADAMS LETTERS 345-47 (Massachusetts Historical Society, ed., AMS Press 1972) (1925).

7. Although Mercy Otis Warren was a prolific writer, her correspondence has never been fully collected for publication. In addition to the Letterbook of over five hundred pages, and other correspondence included in the Massachusetts Historical Society Mercy Warren Papers, other correspondence appears in THE ADAMS-JEFFERSON CORRESPONDENCE (Lester J. Cappon ed., 1959); WARREN-ADAMS LETTERS, supra note 6; Correspondence Between John Adams and Mercy Warren, (July-August 1807) in 4 COLLECTIONS OF THE MASSACHUSETTS HISTORICAL SOCIETY, 5th Series, at 317-491 (1878); A STUDY IN DISSENT: THE WARREN-GERRY CORRESPONDENCE, 1776-1792 (C. Harvey Gardiner ed., 1968).

8. MERCY OTIS WARREN, POEMS, DRAMATIC AND MISCELLANEOUS (Boston, 1790). This book of poems was dedicated to President George Washington and includes two major tragedies, The Sack of Rome and The Ladies of Castile, which contain political commentary aimed indirectly at the situation in revolutionary America.


10. Only one political pamphlet is currently attributed to Mercy Otis Warren, entitled OBSERVATIONS ON THE NEW CONSTITUTION AND FEDERAL AND STATE CONVENTIONS BY A COLUMBIAN PATRIOT, supra note 5.

problems.\textsuperscript{12} The problem with applying this approach to the study of women's contribution, as one study asserts, is that "[h]istorians' neglect of women has been a function of their ideas about historical significance. Their categories and periodization have been masculine by definition, for they have defined significance primarily by power, influence, and visible activity in the world of political and economic affairs."\textsuperscript{13} Prioritizing certain types of information and resources automatically limits consideration of that which is excluded from these priorities.\textsuperscript{14} The assessment of ideas considered important for historical purposes has placed emphasis on published books, monographs, and political documents. Women have had little access to these forms of expression, and their other forms of expression have received little or no attention.

Additionally, women have often become the focus of historical attention only in so far as their lives reveal information about important men. This neglect is partly a consequence of the difficulty of obtaining sources about the women themselves. As a result, their lives could only be explained in terms of the men who surrounded them. They have also suffered from a prioritization of male thought and action.

Traditional historiography relies on implicit or explicit assumptions about the period of history under examination. As historians become influenced by new theories of interpretation, they attack underlying assumptions of past historiographical work. For example, as historians responded to evidence that seventeenth-century intellectual ideas played a stronger role in the American revolutionary period than had been previously understood, new modes of investigation proliferated.\textsuperscript{15} Similarly, assumptions about the causes and motivations of the American Civil War shifted dramatically in several identifiable phases of historical work on the subject.\textsuperscript{16}

\textsuperscript{12} William Raymond Smith, History as Argument: Three Patriot Historians of the American Revolution 17 (1966). Smith attempts to use histories published immediately after the American Revolution as original, rather than secondary, sources, evidencing themes of the period. Id. at 20. He develops an approach to assessing how these historians, including Mercy Otis Warren, used history "in their self-conscious attempt to build a city on a hill." Id.

\textsuperscript{13} Ann D. Gordon et al., The Problem of Women's History, in Liberating Women's History 75 (Bernice A. Carroll ed., 1976).

\textsuperscript{14} Gerda Lerner, The Creation of Patriarchy 4 (1986). According to Lerner, until the most recent past . . . historians have been men, and what they have recorded is what men have done and experienced and found significant. They have called this History and claimed Universality for it. What women have done and experienced has been left unrecorded, neglected, and ignored in interpretation. Historical scholarship, up to the most recent past, has seen women as marginal to the making of civilization and as unessential to those pursuits defined as having historical significance.

\textsuperscript{15} As the results of J.G. Pocock's The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition, supra note 2; Bernard Bailyn's Ideological Origins of the American Revolution, supra note 2; Caroline Robbins's The Eighteenth Century Commonwealthman, supra note 2; and Gordon Wood's Creation of the American Republic, 1776-1787, supra note 2 filtered into the consciousness of modern historians, new work started to emerge that challenged many of the previous assumptions of the past history of this period.

\textsuperscript{16} For a brief description of this transformation of historiographical bent on the American Civil War,
We have yet to feel the full influence of feminist theory on historiography. We have yet to feel the full influence of feminist theory on historiography. Traditional historical research has been influenced in myriad ways by the unquestioned assumptions that are instrumental in assessing the context of ideas emanating from the period during which Mercy Otis Warren lived and worked. Some of these assumptions, if superimposed on an attempt to understand the contributions of women of the period, may block any success in understanding their contributions.

A. Valuing Women in History Only as They Relate to Men

Historians prior to the mid 1950's characterized Warren as "a lady with an illustrious name," and her life received attention as it related to powerful men in her close circle of family and friends. She was born into the family of a prominent citizen and politician of Barnstable, Massachusetts, and traditional accounts of her early life are primarily descriptions of her father's and brother's political successes and failures. Warren worshipped her older brother and felt an enormous responsibility to carry on his work after his death.

In contrast to the famous male Warrens, very little is known about Warren's mother, Mary Allyne, except that historians duly note her direct lineage back to Edward Dotey, a passenger on the Mayflower in 1620. Warren referred to her as a "woman of superior character." An 1896 biography of Warren's life provided the first sketches of her background, yet the author, Alice Brown, admitted in her preface:

[There are few consecutive incidents, save the catalogue of births, marriages, and deaths, to be gathered concerning the life of Mercy Otis

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18. See discussion infra part III.
19. See discussion infra part II.C.
21. John Adams attended the court argument made by James Otis, Jr. against the hated Writs of Assistance in 1761 in Boston. He wrote of that speech, "American Independence was then and there born; the seeds of patriots and heroes was then and there sown, to defend the vigorous youth . . . . Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain." Letter from John Adams to William Tudor (Mar. 29, 1817). Adams also characterized James Otis's political pamphlet, A VINDICATION OF THE CONDUCT OF THE HOUSE OF REPRESENTATIVES OF THE PROVINCE OF MASSACHUSETTS, as continuing "in solid substance, all that is found in the Declaration of Rights and Wrongs issued by Congress in 1774, the Declaration of Independence in 1776, and the subsequent writings of those political philosophers who upheld the national cause." Letter from John Adams to William Tudor (Apr. 5, 1818). Otis's mercurial rise to leadership in the early stages of the movement leading to the American Revolution intrigued historians all the more because he burned all of his papers prior to his lapse into mental illness and eventual death after the Revolution. See also, Ferguson, Reason in Madness: The Political Thought of James Otis, 36 WM. & MARY Q. 194 (1974).
22. ALICE BROWN, MERCY WARREN 13 (Boston, Massachusetts Historical Society, 1896).
23. Id.
Warren. Therefore it seems necessary to regard her through those picturesque events of the national welfare which touched her most nearly, and of which she was a part.²⁴

Despite her extraordinary access to Warren’s unpublished correspondence, Brown relies on biographies of famous men and contemporary portraits of mid 18th century American life to paint a picture of what life must have been like for Mercy Warren. To her credit, she does publish many of Warren’s letters for the first time, although she is somewhat disdainful of those dealing with substantive political thought. She wrote,

The most casual glance at the correspondence of Mercy Warren is enough to send the mind fondly and appealingly in another direction . . . . One feels like praying Mrs. Warren to chronicle her desire for a “white Paduasoy,” or her need of instruction about the “pig-killing.” No hope of that! [S]he is painfully abstract, and, so far as her correspondence bears witness, she lived upon stilts. ²⁵

From Brown we learn that Warren received no formal education although she received her education “second hand” from her brother’s tutoring sessions prior to his attendance at Harvard.²⁶ She developed a close relationship with this brother, James Otis, Jr., who shared his reactions to life at Harvard with her. She became a voracious reader, borrowing his books whenever possible.²⁷

Her own generation delivered a more generous evaluation of her reputation. John Adams wrote that he “had a feeling of inferiority” “whenever [he] approached or addressed her.”²⁸ He reported that her “attainments dwarf those of most men.”²⁹ Thomas Jefferson ranked her a “genius.”³⁰ James Bowdoin, one-time governor of Massachusetts, admitted to seeking her advice, acclaiming her a “good judge in politics.”³¹

The women of the subsequent generation recognized the contributions of Mercy Otis Warren and praised her accordingly. Judith Sargent Murray regarded her as an important guiding light.³² In her first letter to Warren in 1796, Murray spoke of her admiration for Warren’s use of women as the main

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²⁴. Id. at vii.
²⁵. Id. at 67.
²⁶. Id. at 23.
²⁷. Id. at 23-27.
²⁹. Id.
³⁰. 10 The Writings of Thomas Jefferson 231-32 (A. A. Lipscomb and A.E. Bergh eds., 1903).
characters in her poetry:

I trace in that invaluable publication, amid the brilliant manifestations of Genius so conspicuously displayed therein, unequivocal demonstration of a mind fraught with a sufficient degree of candour, and benevolence, to embolden a more humble Adventurer in the Career of fame . . . . But, tracing thy splendid footsteps, the daughters of Columbia become ambitious of some reflected ray, by which to point the lengthening view . . . ."}

Sarah Wentworth Morton wrote an "Ode to Mrs. Warren by Philenia-Constantia" in the Massachusetts Magazine in 1790. Warren definitely provided a role model for some women who were aware of their status in society.

But historians were more interested in what Warren could reveal about a more important historical figure, John Adams. Warren maintained a special relationship, usually manifested by lengthy correspondence, with John Adams throughout her life. Adams considered his wife, Abigail Adams, and his friend, Mercy Warren, to be exceptional women with whom he could discuss politics and other matters of significance.

In 1773, Adams encouraged Warren to write her history, advising her: [T]he faithful historian delineates characters truly, let the censure fall where it will. The public is so interested in public characters that they have a right to know them, and it becomes the duty of every good citizen who happens to be acquainted with them to communicate his knowledge.

Problems developed when Warren took him up on the challenge and wrote her description of his character in her History: "a statesman of penetration and ability; but his prejudices and his passions were sometimes too strong for his sagacity and judgment." Adams, incensed by this rendition of his character, commenced a battle by correspondence to redeem his place in history and put Mercy Warren back in her rightful place.

33. Id. at 328.
38. Adams wrote ten lengthy letters to Warren attempting to get her to change these "errors" in her
Adams, "was not the province of the Ladies."  

The correspondence between these two has been studied for what it revealed about John Adams. Because of this interest, Warren's letters in response to Adams's criticisms have been published, but most of her other correspondence remains unpublished.

B. Valuing Particular Forms of Expression and Participation

Traditional historiographical treatment of Warren's work measured that component of her writing that intersected with the standard modes of male expression of political, legal, and moral debate in the revolutionary era and found her lacking. These historians made little effort to assess her overall vision or contribution, ignoring the bulk of her correspondence and the ideas expressed in her dramas and poems. They focused instead on the more recognized vehicles for the dissemination of "important ideas": her History of the Rise, Progress and Termination of the American Revolution, and because they contributed to a greater understanding of John Adams, on letters Adams wrote to Mercy Warren.

Evaluations of her History tended to denigrate the substantive import of her work. One historian assessed the work as "wholly uncritical," and another found it tainted by an anti-federalist slant. Only one early historian,
Moses Coit Tyler, treated Warren as a serious historian. Tyler described Warren as “an expert in the public transactions of the world in her day and a penetrating judge of the characters of the men who had a principal share in them.”

More modern treatments of Warren's contributions focus again on a traditionally defined role—albeit an unusual one for a woman in her era—the role of Warren as historian. This attention was part of a larger interest in the role of the historians writing in the immediate aftermath of the Revolutionary War. Warren's work as a revolutionary historian was contrasted with the work of David Ramsay, of South Carolina, and John Marshall, of Virginia.

Although Warren is the only one of these historians not accused of plagiarizing significant portions of work from the Annual Register, a British register of military records edited for a time by Edmund Burke, and although her descriptions of events and people are deemed to be extraordinarily accurate, somehow her historical achievement, according to traditional historians, does not rise to the level of the others.

Although there were some attempts to elucidate her philosophy, the limited focus on her role as a historian excluded full consideration of her contribution. Lester Cohen, who has written perhaps more than anyone on her views, suggested that she had the most sophisticated understanding of the interplay between ideology and ethics.


47. David Ramsay published several histories at about the same time as Warren's HISTORY, including THE HISTORY OF THE REVOLUTION OF SOUTH-CAROLINA FROM A BRITISH PROVINCE TO AN INDEPENDENT STATE (1809), and THE HISTORY OF THE AMERICAN REVOLUTION (1789).


49. According to William Raymond Smith, "Attention paid to the early histories of the Revolution during the last sixty years has concentrated on their plagiarism." SMITH, supra note 12, at 32. While Mercy Otis Warren used the ANNUAL REGISTER as source material, she did not simply repeat information from it as some of her contemporaries did. Id. at 38.

50. Friedman and Shaffer viewed her role as a historian as one similar to most others writing at that time; she reflected an extreme patriotism toward the goals of the American Revolution and used that patriotic theme in her history as a "staple of a new American nationalism," one which went far in fulfilling "God's plan for mankind." Friedman & Shaffer, supra note 35, at 197, 206. They suggested that Warren attempted to make the Americans "one people" by combining two themes: the special republican character of the nation, and the special example America played in the world, as "an enviable example to all the world, of peace, liberty, righteousness, and truth." Id. at 199 (citing 3 WARREN, HISTORY, supra note 11, at 435).

51. Cohen has attempted to treat various aspects of Warren's work, including her use of republican rhetoric. See Lester Cohen, Mercy Otis Warren: The Politics of Language and the Aesthetics of Self, supra note 46. For his commentary on her role as a historian see supra note 46.
C. Valuing Male Assumptions

The traditional assumptions underlying political, ethical, social and philosophical theories have recast women's words in the male terminology of the age, foreclosing the possibility that women had something different in mind as a result of their own perspectives and experience. Thus Warren's protests against the weaknesses of the proposed constitution, when assessed at all, were cast in traditional terms, relegating her to those unfortunates of history, the Antifederalists. "Winner's history," as Charles Beard reminded us, thus assigned her a place on the losers side, adding another reason for her invisibility.

But in a more pernicious way the assumptions of traditional political theory served to mask or silence those ideas Warren offered that did not fit the mold expected to contain her thoughts. Whether historians decided to evaluate ideas in terms of definitions of "republicanism" or "liberalism" that prevailed at any one period makes a difference in how women's thought of the time is assessed. By classifying Warren's thought as typical of a particular category of commonly understood ideas, which have traditionally been translated in terms of assumptions about the framework of society and the role of individuals within that society, commentators have foreclosed other avenues of investigation.

When viewed in terms of the traditional views of the prevailing ideologies of her times, Warren becomes a typical Antifederalist who objected to the proposed United States Constitution in 1788 during the ratification discourse. Her objections are explained in classical republican terms: a concern that republics cannot work in a large geographic area, a concern about the absence of Constitutional protections against government interference with individuals, a fear that an aristocratic tyranny will gain control of the new republic, and a concern that a government must be based on the private and public virtue of the people. What happened in this analysis is that historians, when they looked at her at all in this manner, sought out those key phrases they decided linked all Antifederalists and failed to question whether her views differed in any substantial ways. In part, this is a common fate for all those designated as Antifederalists, who suffered first from the "winner's history" phenomenon mentioned earlier and also from the tendency, only recently being rectified, to view the complicated sets of ideas represented by these people as containing

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52. CHARLES BEARD, AN ECONOMIC INTERPRETATION OF THE CONSTITUTION OF THE UNITED STATES (1913).
54. Id. (citing WARREN, HISTORY, supra note 6).
only one major theme. As that unpacking of Antifederalist rhetoric occurs, Warren's role may become clearer. As indicated later in this article, the traditional analysis devalues terms used by Warren that do not fit easily into customary concepts, rendering them virtually meaningless.66

Historians' automatic dismissal of her as an Antifederalist, though, precluded a serious consideration of the full range of what she was trying to say. The reduction of ideas of Antifederalism to slogans taken with the reluctance to believe that a woman might have offered her own slant on the underlying structure of government and goals of society, rendered Warren's ideas as a stereotype of a dominant male way of thinking in her generation.

III. THE ADVENT OF WOMEN'S HISTORY

The emergence of women's history should have helped to elucidate the full nature of Warren's work, yet its agenda did not encourage the complex untangling of all of Warren's offerings.

In order to understand why this is true it helps to examine some of the highlights in the development of women's and feminist history. When women's history first emerged as a field it examined the methodology of traditional historiography and challenged fundamental assumptions about the authentic subjects, queries and resources relevant to historical inquiry.57

A dynamic relationship developed between the rapidly evolving feminist insights and the concomitant historical endeavor to understand a previously ignored past—each fed the other. New evidence of the depth and diversity of women's contributions through the ages spurred even deeper observations about a new way of thinking. These new ideas incited more historical inquiries in an ever increasing upward spiral.58

Historians first focused on what some have called "Compensatory History" or "Exceptional Women's History."59 Informed by their new awareness of the importance of women in history, historians reexamined accomplishments

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56. Warren herself recognized that she and her husband were considered Antifederalists, a term she thought a misnomer. Letter from Mercy Warren to Catharine Macaulay (Dec. 18, 1787) in Letterbook, supra note 6, at 25.
59. Gerda Lerner, Placing Women in History: A 1975 Perspective, in LIBERATING WOMEN'S HISTORY, supra note 13, at 357. Lerner called for the addition of new categories (e.g., sexuality, reproduction, female consciousness) to the general categories historians consider. She also called for a study of women's separate spheres, as well as a synthesis of the tensions between men's and women's cultures. She hoped that by this study a new universal history might be undertaken. Id. at 365.
of women across historical lines and uncovered an abundance of raw material for future assessment. Legitimate criticism soon followed that these efforts focused on privileged white women who were successful by traditional male standards.  

As part of this critique, women of color and others developed a broader range of compensatory history, uncovering the contributions of women of color. They created an appreciation for new forms of expression and ways of participation that had previously been ignored.

The early “Compensatory History,” and the critiques of this work, made further investigation possible. The exhilaration of discovering active, powerful women played an enormous role in fostering further historical inquiry as well as offering support for modern women’s appreciation for a part of their previously buried past. As part of this effort, Mercy Otis Warren’s activities received further attention. A 1953 article by Maude Macdonald Hutcheson in the William and Mary Quarterly reflected the beginnings of the compensatory efforts on behalf of Mercy Otis Warren. In addition to chronicling the events of Warren’s life and the lives of the men surrounding her, Hutcheson examines some of the sources less commonly analyzed by the traditional historians, including Warren’s satires. Hutcheson also notes Warren’s pamphlet criticizing the proposed United States Constitution, titled Observations on the New Constitution and on the Foederal and State Conventions, but fails to address its contents.

In 1958, Katharine Anthony’s First Lady of the American Revolution

60. See, e.g., Deborah Gray White, Ar’n’t I a Woman? Female Slaves in the Plantation South (1985); Bell Hooks, Ain’t I a Woman? Black Women and Feminism (1981); All the Women Are White, All the Blacks Are Men, But Some of Us Are Brave (Gloria T. Hull et al. eds., 1982); Bettina Aptheker, Women’s Legacy: Essays on Race, Sex, and Class in American History (1982); Hallie Q. Brown, Homespun Heroines and Other Women of Distinction (1988); Angela Davis, Women, Race, and Class (1981).


63. Id. at 383-89.

64. Id. at 393.

65. A second biography, Katharine Anthony, First Lady of the Revolution: The Life of Mercy Otis Warren (1958), attempts to analyze Warren’s contributions, chiefly her dramas. Much of the detail of her life is written by reference to the events and men who shared her circle. She cites Elizabeth Ellet’s work on the women of early American history: “In point of influence, Mercy Warren was the most remarkable woman who lived in the days of the American Revolution . . . . As a writer she was in advance of her age . . . . Seldom has one woman, in any age, acquired such an ascendancy over the strongest by the mere force of a powerful intellect, and her influence continued to the close of her life.” Elizabeth Ellet, The Women of the American Revolution (1850), cited in Id., at 11. Other attention to Warren appeared in due time. See, e.g., Feer, Mercy Otis Warren, in Notable American Women (E. T. James et al. eds., 1971); Jean Fritz, Cast for a Revolution: Some American Friends and Enemies, 1728-
attempted to resurrect Warren from oblivion. Although Anthony devotes large sections to reports of the lives and work of Warren's father, brother and husband, she continues the efforts of Hutcheson in reviving Warren's works and ideas. Anthony elucidates Warren's participation in the events preceding the American Revolution, reporting that prior to the American Revolution Boston radicals, including Samuel Adams, James Otis, Jr., Mercy's husband James Warren and others deliberately held meetings at her home so that she could actively participate in their debates. Anthony suggests that Warren may in fact have helped to originate the idea for the Committees of Correspondence, the vital link established among the colonies, although history generally assigns her husband as the originator of that idea.

The attention paid to Warren during this initial effort at resurrecting a "woman worthy" should not be underestimated. Without these efforts little of the evidence on Warren would have survived for further analysis.

A. Creating a Woman's Sphere

In response to a heightened consciousness of the unique role of women in society, an innovative generation of scholars forged a new path of historical and sociological inquiry into "women's culture" and the impact of "women's spheres of activity" on the social and political world in which women existed. These studies offered critical historical documentation of the ways in which women developed communication, support and survival skills within their own spheres of life.

For the most part, Warren's work, when examined through the lens of an understanding of the "women's sphere," fell squarely within the role assigned to the "Republican Mother." In that role, Warren could be interpreted as fulfilling her duties to educate the youth, primarily the white, propertied male youth, in the ideas of private and public virtue so essential for the success of Republicanism.

At least one scholar analyzed Warren's work as gendered and places her squarely within the confines of a woman's sphere. Nina Baym recently

1814 (1972).
66. ANTHONY, supra note 65, at 76.
67. Id. at 76-77.
69. See KERBER, supra note 68, at 235, 269-288 for a description of Republican motherhood. Essentially, the concept focused on the duty of women to educate the young men to become full members of the republic. See also NORTON, supra note 68.
70. See, e.g., KERBER, supra note 68. Historians who assessed Warren's role as a historian also tended to view her work as an effort to educate the future youth in the principles of the "old republicans" of the American Revolution. See, e.g., COHEN, supra note 44, at 204.
suggested that Warren's *History*, and to a lesser extent her poetic tragedies, reflect a "gendered melodrama" that is consistent with the idea of a woman's sphere located primarily in the private arena of domestic life.\(^7\) According to Baym,

Warren's two ways of gendering women - as powerless public bodies and as powerful private minds - can be seen as compatible with each other and with a doctrine of separate spheres in which the material, physical, and biological differences between men and women put women at a truly fatal disadvantage when they are forced into the man's world.\(^7\)

The idea of the separate spheres, while a critical advance in thinking about women's contributions, forced the historian to categorize thoughts and actions within a specific mode. At times, this effort created barriers to understanding overlapping or new ways of assessing the thought of any one individual or groups, straining for commonalities where they may not exist.

Feminist critics soon appeared to suggest the dangers of isolating or romanticizing women's culture, calling for a better understanding of the oppression that created those cultures as well as a more thorough comprehension of how women understood that oppression in various historical contexts.

**B. Understanding Oppression**

Further work in women's history tended to concentrate on the efforts of women to secure rights, particularly the right of suffrage, already accorded to men.\(^7\)\(^3\) The analysis emphasized the awareness and support of women in the struggle for a redefinition of their rights, and an appreciation of the oppression under which they lived. What role did women play in redressing the deprivation their rights? How did women view the private sphere to which they were relegated? How did they justify their transgressions in crossing beyond their assigned sphere to interact in the public domain?

In addition to the valuable insights gleaned from this work, an inevitable consequence of these efforts was often the subtle, and not so subtle, disparagement of those women who failed to assess the world, or their standing in it, according to this vocabulary of rights. Evaluations of Mercy Otis

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72. *Id.* at 551.
Warren, who never directly advocated suffrage rights for women, were tainted by this hidden historiographical disdain.  

Joan Hoff, in her recent book, *Law, Gender & Injustice, A Legal History of U.S. Women*, discusses Mercy Otis Warren at some length. According to Hoff, historians may have already given far too much credit to Warren and to other women of her generation. Hoff assesses Warren's intellect and decides that she was "circumscribed" by her gender "to such a degree that she, like most of her female characters, acted only within prescribed male parameters—pushing their limits on occasion but never crossing over into the public sphere without permission, and then often at their own or their husband's expense."  

Hoff adopts Clifford Shipton's 1933 description of Warren's plight, which she deems "sexist but probably accurate." Shipton wrote:

She was a woman whose strong character and never-quiet pen made her more famous than her husband. Untroubled by logic, reason, or perspective, furious in her prejudices, she poured upon the leading men of the times a confident and assertive correspondence which caused many a pitying glance to be cast toward her husband.

In analyzing the women who lived during the American Revolution and its immediate aftermath, Hoff focuses on whether their socioeconomic and legal status, and their perceptions of that status, changed as a result of the war. After studying the existing literature about Warren she concludes that, like other women of her generation, Warren "did not aspire [nor could be expected to aspire] to equality with men," did not "conceive of a society the standards of which were not set by male, patriarchal institutions," did not "envision the modern public system that evolved from the Revolution[,] nor did she project any public roles for even the most patriotic women." Hoff says that Warren did not believe in education for women, at least in the latter part of her life, and apologized frequently for leaving her assigned place

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76. Id. at 69-70.
77. Id. at 70.
78. Id.
79. Id. (quoting Clifford K. Shipton, 2 Sibley's Harvard Graduates 584 (1933), quoted in 1 Adams Family Correspondence xiv (L.H. Butterfield et al. eds., 1963)).
80. Id. at 49.
81. Id. at 57.
82. Id. Hoff adds that they should not have been expected to conceive of these institutions in any other way.
83. Id. at 58.
84. Id. at 55. Contrary to Hoff's interpretation, Warren consistently supported the idea of education for women. Warren's comment that "education was as unnecessary for a woman as virtue was for a gentleman" only makes sense if one understands that Warren continually emphasized the primary
in a woman's sphere to write her plays, history and correspondence with men about political topics.\(^8\)

Hoff fails to appreciate Warren's recognition of the context in which she lived. In fact, Warren recognized too painfully that one had to play the game in order to be heard or prevail in the end. To her, this was a matter of survival, not submission or ignorance.\(^6\) Warren accepted the realities of her present predicament, stating that women needed for the moment to be resigned to the "appointed subordination" of females to males "for the sake of order in families" until these "temporary gender distinctions subside and we may be equally qualified to taste the full draughts of knowledge & [sic] happiness prepared for the upright of every nation and sex."\(^7\) Warren did apologize for entering a sphere normally relegated to the opposite sex. In her History, which received the bulk of attention, Warren acknowledged in her introduction that "It is true there are certain appropriate duties assigned to each sex; and doubtless it is the more peculiar province of masculine strength . . . to describe the bloodstained field, and relate the story of slaughtered armies."\(^8\)

Warren had no doubt, however, that women could play a role in shaping the political destiny of their republic:

You see madam I disregard the opinion that women make but indifferent politicians. It may be true in general, but the present age has given one example at least to the Contrary, and pray how many perfect theorists has the world exhibited among the masculine part of the human species either in ancient or modern times? When the observations are just and honorary to the heart and character, I think it very immaterial whether they flow from a female lip in the soft whispers of private friendship or whether thundered in the Senate in the bolder language of the other sex.

Nor will 'the one be more influential than the other on the general conduct of life or the intrigues of statesmen in the Cabinet so long as

\(^8\) See Letter from Mercy Warren to A Very Young Lady (no date) in Letterbook, supra note 6, at 111, 114-117. Warren told her niece the same thing. Letter from Mercy Warren to Sally Sevier (Jan. 5, 1780) in Letterbook, supra note 6, at 457-58. These examples are used in the Friedman and Shaffer article to suggest that Warren buried her private interest in order to preserve the union that seemed threatened by dissension. Friedman & Shaffer, supra note 35, at 207-13. See also Letter from Mercy Warren to Rebecca Otis (1776) in Letterbook, supra note 6, at 57-58 (advising her niece that, as an educated woman, she should address her domestic duties first and with "industry," in order to have time for more "improving" pursuits).

88. 1 WARREN, supra note 11, at iv. Warren often included in her public writing and in her correspondence to men apologies for her boldness in entering upon duties normally reserved for the opposite sex. Warren suggested that her poetry, which addressed political topics, was "written as the amusement of solitude, at a period when every active member of society was engaged, either in the field, or the cabinet, to resist the strong hand of foreign domination." WARREN, supra note 8, at iii.
private interest is the spring of action which is indeed too often the Pole Star that governs mankind from the King to the Cottage. 89

Warren's private correspondence and her plays are replete with evidence that she recognized the capacity and potentiality of women and the adverse environmental conditions which placed them in an inferior position in society. In her play The Motley Assembly, A Farce, published and widely circulated in 1779, she begins with the following observation by one of the female characters:

I mean it as such Mr. Runt;—if your sex are so weak and undiscerning, as to prefer the fading, short lived, perishable trifle beauty, to the noble exalted, mental accomplishments, which only are of intrinsic value, Mr. Runt;—it is fit they should be mortified.—O why has Heaven permitted our passive sex to be so long deceived and misled by the idle and groundless opinion of the superior wisdom of the male sex! in animal strength I grant their superiority;—and I have found some capable of pleasing;—but few—very few indeed capable of informing me. 90

There can be no question that Mercy Otis Warren appreciated the immensity of the obstacles she faced daily as a result of her gender. Women's understanding of their own oppression is an important area of inquiry. However, when it is the only mode of inquiry, we are judging the women of history by our own, modern standards. This is not meant to be a criticism of Joan Hoff, who does attempt to treat Warren seriously. However, it is indicative of the barriers that can be created to a further understanding of Warren's work.

Another scholar, Judith Markowitz, published an assessment of Warren's work which further advanced the discovery of the importance of Warren's contributions. 91 Markowitz emphasized the lack of attention various historical treatments have shown Warren's thought. Markowitz also attempted to demonstrate that Warren was not only radical but feminist as well. She determined that "[Warren's] analyses of war, her concern for the Native

89. Letter from Mercy Warren to Catharine Macaulay [Graham] (Dec. 29, 1774) in Letterbook, supra note 6, at 6-7. Warren is referring to Macaulay as the "one example." Hoff interprets this quote to be "at worst referring to a 'pillow talk' type of politics, or at best to a 'power-behind-the-scenes' political role for her sex." Hoff, supra note 74, at 64. This again attempts to use a modern context to interpret her meaning. Warren often "whispered" to her friends when she knew she could not make a public statement. In her letter to Catharine Macaulay in December 1787 she "whispers" that she is the author of the pamphlet critiquing the proposed Constitution. Letter from Mercy Warren to Catharine Macaulay (Dec. 18, 1787) in Letterbook, supra note 6, at 25-26.

90. Mercy Warren, The Motley Assembly, A Farce (1779), microformed on Early American Imprints, 1639-1800, at 16668 (Readex Microprint Corp.).

American, and her warnings against an established military and aristocracy based on wealth commend particularly to the attention of those concerned with problems of war and peace." Markowitz looked briefly at Warren's *History* and at her *Observations on the New Constitution*, suggesting that

[b]ecause women are viewed, *a priori*, as apolitical and even ahiistorical, emphasizing Warren's feminism, or using her gender to explain her ideas, has tended in the past to obscure her political and historical significance. Defining Warren first as a woman had allowed historians to trivialize and obscure her political thought: she is thus seen as a woman who happens to write history rather than as an historian and ideologue who happens to be a woman. Hopefully, historians will no longer split exceptional women into schizophrenic beings and Warren can be viewed as a whole person, a nascent feminist and a revolutionary republican.  

Markowitz was one of the first to suggest that a more complex study of Warren was necessary to rectify the historiographical mistreatments and neglect of Warren's thought.

*C. Adding a New Dimension*

Gerda Lerner, an early and innovative contributor to the understanding of women's history, offered a useful metaphor to demonstrate the need for interactive historiographical work about women:

The computer shows us a picture of a triangle (two-dimensional). Still holding that image, the triangle moves in space and is transformed into a pyramid (three-dimensional). Now the pyramid moves in space creating a curve (the fourth dimension), while still holding the image of the pyramid and the triangle. We see all four dimensions at once, losing none of them, but seeing them also in their true relation to one another.

She suggested that

[s]eeing as we have seen, in patriarchal terms, is two-dimensional. ‘Adding women’ to the patriarchal framework makes it three-dimensional. But only when the third dimension is fully integrated and moves with the whole, only when women’s vision is equal with men’s vision, do we perceive the true relations of the whole and the inner

92. *Id.* at 10.
93. *Id.* at 19.
We may need more dimensions. We certainly need to add an understanding of how oppression worked to relegate women to their own spheres and how they responded to this oppression by utilizing the resources at their disposal to create their own culture. We need to add an understanding of how women began to understand their oppression through the development of communication and support networks within that culture. In order to give these women the full assessment they deserve, we also need to evaluate them within the context of their era. This evaluation has much to offer our own generation.

When a woman’s vision is taken as seriously as that of her male counterpart, when it is interpreted within its own context, a context which we have examined and learned to value with the benefit of feminist insight, an alternative voice will be heard, a voice articulating different priorities and goals for society. This voice may clash with conventional wisdom, it may be labelled hopelessly idealistic or impracticable, but it forces us to see history from a different perspective. This voice may even speak to current dilemmas.

IV. A REEVALUATION OF WARREN’S WORK

When I first studied Mercy Otis Warren’s work—in her correspondence, plays, poems, and history—her references to a “mediocratic” society, “equal liberty,” “equal rights,” and the concerns of “savages,” “blacks,” “women,” and “religious dissenters” fascinated me. After examining her work as a whole, I realized that these references were not mere asides but a part of Warren’s whole vision for the new republic.

In order to make her concerns with these ideas fit within the conventional categories employed to assess her era, conventional theorists working within the “Antifederalist” or “Classical Republican” traditions, or even within the emerging “Liberal” tradition, have devalued and deemphasized the import of Warren’s use of the terms “mediocratic” and “equal liberty” and have not taken seriously her identification of the plight of those kept from less than full membership in the society. Singling out these terms for attention and valuing them as important parts of a coherent whole alters their traditional characterizations.

A. Taking Mediocrity and Equal Liberty Seriously

Warren considered herself to be a “Republican” engaged in preserving the principles and ideals fought over during the American Revolution. She understood only too well the system of government proposed by the new
Constitution. She recognized the dangers of emphasizing private interest as a societal priority and sought to develop mechanisms to ameliorate the destructive capacity of such an emphasis. She recommended an alternative vision for society that prioritized "mediocrity," a middle ground, where individual wealth accumulation was not the focus. Instead, the societal priority would be the improvement of the individual for the benefit of the community at large. Tolerance, education, fair distribution of assets, participation, and representation in government all played critical roles in simultaneously preserving the goals of society and maintaining the integrity of the individual.

Warren did not write a treatise entitled "Thoughts on Government and Mediocrity." Such a work would have been handy. It also would certainly have made historians sit up and take notice. Instead, it is only through carefully sifting through, reading, and thinking about Warren's approach that her emphasis on mediocrity surfaces. When attention is paid to the references and context of her perspective and analysis, the importance of Warren's use of mediocrity as a model for a new society becomes clear.

Warren understood the dangers of unbridled self-interest and sought to send society's commitment along a different route. Rather than espousing a view mired in the classical republicanism of the past, Warren envisioned a future fraught with the possibility of brilliant success. Motivated by a disgust for the repeated degeneration of republics through the ages as a result of corruption and greed, Warren aimed to eliminate the relevance of individual profit for its own sake as a societal goal.

References to a society which prioritized mediocrity are common throughout Warren's work. In setting forth the introduction to her History, she observed,

Many who first stepped forth in vindication of the rights of human nature are forgotten, and the causes which involved the thirteen colonies in confusion and blood are scarcely known, amidst the rage of accumulation and the taste for expensive pleasures that have since prevailed; a taste that has abolished that mediocrity which once satisfied, and that contentment which long smiled in every countenance.96

She also wrote admiringly of the early Puritan community:

[once the settlers overcame their religious bigotry], a spirit of candor and forbearance every where took place. They seemed, previous to the rupture with Britain, to have acquired that just and happy medium between the ferocity of a state of nature, and those high stages of civilization and refinement, that at once corrupt the heart and sap the

96. 1 WARREN, HISTORY, supra note 11, at 4.
foundation of happiness.  

On April 27, 1785, Warren wrote to John Adams that

[a]n avidity for Pleasure has increased with our Freedom and a thirst of acquisition for its support pushes to the most dangerous Experiments. And though sensible it is owing to the Perversion of Reason, a Corruption of Taste and the Cravings of Artificial Necessity which causes the Restless pursuit of objects seldom attainable. Yet Neither the Reasonings of the Philosopher nor the maxims of Religion will bring back to that Mediocrity which ought to bound the wishes of Man, Either the people or the individual who has tasted the more Refined and Elegant accommodations of life.  

Warren considered “ambition and avarice” to be “the leading springs which generally actuate the restless mind.” She blamed these “primary sources of corruption” for “all the rapine and confusion, the depredation and ruin, that have spread distress over the face of the earth from the days of Nimrod to Cesar, and from Cesar to an arbitrary prince of the house of Brunswick.”

Where society encouraged ambition and avarice, the republic was doomed and the masses would succumb to the rule of tyrants. Warren’s concern stems from her belief that the human character is frail and possesses the possibility either for much good or for much evil:

The study of the human character opens at once a beautiful and deformed picture of the soul. We there find a noble principle implanted in the nature of man, that pants for distinction. This principle operates in every bosom, and when kept under the control of reason, and the influence of humanity, it produces the most benevolent effects.

Yet, she warned that “when the checks of conscience are thrown aside, or the moral sense weakened by the sudden acquisition of wealth or power, humanity is obscured, and if a favorable coincidence of circumstances permits, this love of distinction often exhibits the most mortifying instances of profligacy, tyranny, and the wanton exercise of arbitrary sway.” Thus, unlike her

97. 1 WARREN, HISTORY, supra note 11, at 20-21. Warren also criticized the slave-holding settlements in the South, which did not have this understanding of mediocrity. Id. at 21-23.

98. Letter from Mercy Warren to John Adams (Apr. 27, 1785), in 2 WARREN-ADAMS LETTERS, supra note 6, at 252.

99. 1 WARREN, HISTORY, supra note 11, at 2.

100. Id. The “prince of Brunswick” is a reference to George III and the decadence and corruption of the British preceding the American Revolution.


102. 1 WARREN, HISTORY, supra note 11, at 2.

103. Id.
Calvinistic forbears, Warren refused to believe in predestiny for the human soul, but depended in large part on the influences of "humanity" as the artifices that "check conscience" and guide people toward benevolence and the interests of humanity itself. After the war, Warren became alarmed that the societal structure critical to the survival of the new republic appeared ready to fall apart. She wrote of her dismay to Catharine Macaulay, the British historian:

You will doubtless be surprized when I tell you that republicanism, the Idol of some men, and independence, the glory of all are nearly dwindled into theory. The ideas of the first are defaced by a spirit of anarchy and the latter almost annihilated by the views of private ambition and a rage for the accumulation of wealth by a kind of public gambling, instead of private industry.

Warren’s attack on avarice and greed motivated her to advocate a society based on mediocrity. While aristocracy of wealth, rank, or power posed the greatest threat to the republicanism of her day, mediocrity was its hope. Warren’s concern that avarice was the root of all threat to republics permeates her plays and poetry. Her play, *The Group*, underscores the real danger uncontrolled greed poses to the fabric of government.

In her *Observations on the New Constitution and on the Foederal and State Conventions*, Warren reaffirmed these concerns:

On these shores freedom has planted her standard . . .; and here every uncorrupted American yet hopes to see it supported by the vigour, the justice, the wisdom and unanimity of the people, in spite of the deep-laid plots, the secret intrigues, or the bold effrontery of those interested and avaricious adventurers for place, who intoxicated with the ideas of distinction and preferment have prostrated every worthy principle beneath the shrine of ambition.

She characterized the purposes of government in the following manner:

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104. The teachings of the Protestant Reformation, and of Calvinism in particular, emphasized "predestiny"—that the soul was either marked for salvation or damnation from its inception. The early Puritan church carried on the practice of identifying "saints"—those who were predestined for salvation as the members of the church. Cheryl Oreovicz, one of the few commentators to discuss the influence of religion on Mercy Otis Warren’s views, has suggested that Warren “offered a vibrant re-reading of the bases of American Calvinism as the key to America’s salvation,” and that she provided “a vision of a Calvinist republican.” Cheryl Oreovicz, *Mercy Warren and “Freedom’s Genius,”* U. MISS. STUD. ENG., Aug. 1987, at 215, 218.


106. *See generally WARREN, THE GROUP, supra note 9.*

107. *WARREN, OBSERVATIONS, supra note 5, at 5.*
All writers on government agree, and the feelings of the human mind witness the truth of these political axioms, that man is born free and possessed of certain unalienable rights—that government is instituted for the protection, safety and happiness of the people, and not for the profit, honour, or private interest of any man, family, or class of men...  

The role of government was not to impose a specific moral view, but to create the conditions within which individual and public morality could thrive. In this sense, government does not take the ultimate responsibility away from the people to define the public good or morality but encourages the deliberations that lead to that result. In the aim of promoting the public welfare, a good republican government should develop mechanisms to encourage and educate the citizenry to exercise self-restraint with regard to acting in pure self-interest. As she told John Adams,

I have long been an admirer of a republican government, and was convinced, even before I saw the advantages delineated in so clear and concise a manner by your pen;—that if established on the genuine principles of equal liberty,—it, was a form productive of many excellent qualities, and heroic virtues in human nature—which often lie dormant for want of opportunities for exertion.  

Although a pragmatist in facing the world as she knew it, Warren dared to assert a vision of the society that blended religious notions of benevolence and a divine plan for universal happiness and human progress with a deep-seated belief in human capacity to change. Although human nature exhibited a strong tendency toward selfish acquisitiveness, humans possessed the ability to exercise control over their lives and the ability to achieve dignity through the use of reason, benevolence, and tolerance.  

She limited her teleological framework to one which considered God's interest in assuring human happiness, and to a firm conviction that everything humans eventually accomplished somehow comported with this divine plan. Most of the responsibility for earthly action, however, Warren placed within human control. Religion, while a useful "cement" for society, had no place in civil government.

B. Survival of Community and the Bill of Rights

During the ratification debates in the states, Warren operated behind the
scenes in opposition to the proposed Constitution as drafted, because, among other reasons, it lacked a Bill of Rights. How could one who advocated a community-based norm for society argue so vehemently against a Constitution that failed to delineate a Bill of Rights? There are several explanations of Warren's actions that are consistent with Warren's work.

The rights that Warren fought for are rights that are integrally tied to her view of the survival of the republic. Warren’s rights were those that helped the individual make the republic a success. This stems from her visions of community and of the individual and from her vision of the individual’s and the community’s reciprocal responsibilities.

Freedom of the press and freedom of conscience were essential to Warren’s concept of the republican community. For Warren, a community could not survive as a republic without assurance that the individual’s exercise of freedom of conscience or freedom of the press would be protected. The right to a jury was for Warren, just as much an important educational tool for community members, and a check on governmental authority, as it was a protection for the accused.

C. Equal Liberty and Equal Rights

Liberty, tempered by equality, was an essential element of Warren's theory. Although she prized liberty, Warren placed it within a context of responsibility to community, modifying the concept to become that of “equal liberty.” Under Warren’s approach, the structures and responsibilities of government were crucial to preserving liberty and virtue.

Warren spoke of the equal qualifications and capacities for achievement of women and men in her private correspondence as well as in her public work. She employed the term “equal liberty” in a 1775 letter to John Adams,

I am more and more convinced, of the propensity in human nature to tyrannize over their fellow men:—and were it not for the few—the very few, disinterested and good men, who dare venture to stem the tide of power, when it grows wanton and overbearing, the ideas of native freedom, and the equal liberty of man, would long e’er this have been banished the western hemisphere.

111. See generally Charles Warren, supra note 5, at 143-164.
112. For example, in her HISTORY, Warren wrote of the “spirit of more equal liberty.” 1 WARREN, HISTORY, supra note 11, at 21-22. See also, Letter from Mercy Warren to A Very Young Lady (no date), in Letterbook, supra note 6, at 114-115; Letter from Mercy Warren to John Adams (Oct. 1775), in Letterbook, supra note 6, at 157; Letter from Mercy Warren to John Adams (Mar. 1776), in Letterbook, supra note 6, at 163.
When opposing the proposed Constitution Warren also used the phrases "equal rights" and "equal participation."\textsuperscript{114} By these terms she meant to temper liberty with responsibilities to others and the community at large. She simply did not believe in liberty for its own sake. Unbridled liberty, liberty that swallowed up the interests of others, was the bane of society.

Even before the new Constitution emerged from the Philadelphia Convention in 1787, Warren feared an emphasis on a strong national government unaccompanied by an equal emphasis on the freedoms and equalities necessary for its survival:

\[T\]he spirit of intrigue [sic] is matured in this country—even among the politicians of yesterday. As sample of this truth may be exhibited in the future establishments of America, and the systems of policy that may be adopted by the busy genius's [sic] now plodding over untrodden ground and who are more engaged in the fabrication of a strong government than attentive to the ease freedom and equal rights of man.\textsuperscript{115}

She believed in a fabric which supported liberty, one that depended on the institutional guarantees to, as well as limitations on, the individual.\textsuperscript{116} She acknowledged that liberty had its obligations, placing the rights of life, liberty, and property within their community context. For example, in her \textit{Observations} she noted "[t]hat the origin of all power is in the people" and they may not only "check the creatures of their own creation" but also "guard the life, liberty, and property of the community . . . ."\textsuperscript{117}

Warren based her vision for society on the improvement of conditions for humanity at large. Within that vision she included a concern for those excluded

\textsuperscript{114} \textit{WARREN, OBSERVATIONS, supra note 5, at 6, 8.} Although originals are available in rare book rooms of several libraries, pages here are cited to the more generally available reprint in \textit{FORD, supra note 6.} \textit{See also, I WARREN, HISTORY, supra note 11, at 40.}

\textsuperscript{115} \textit{WARREN, OBSERVATIONS, supra note 5, at 6.}

\textsuperscript{116} \textit{WARREN, OBSERVATIONS supra note 5, at 21.}

\textsuperscript{117} \textit{Id. at 6.}
by classical republican and emerging liberal theories. Throughout her life, Warren showed concern for the welfare of African-Americans, women, religious dissenters, the non-propertied, and Native Americans. She believed in equality of all human beings at birth and sought to ensure equality of conditions whenever possible in the new society. She wrote that “[d]emocratic principles are the result of equality of condition. A superfluity of wealth, and a train of domestic slaves, naturally banish a sense of general liberty, and nourish the seeds of that kind of independence that usually terminates in aristocracy.”

Slavery itself was an anathema to her. She understood that an equitable distribution of knowledge and property, more evident in the New England colonies, encouraged a “spirit of more equal liberty.” Her disdain for the articulations of liberty emanating from the South emerged throughout her writing: “[w]herever slavery is encouraged, there are among the free inhabitants very high ideas of liberty, though not so much from a sense of the common rights of man, as from their own feelings of superiority.”

Her belief in equality led to a concern for the plight of the Native American “savages” (as she called them), and she challenged the legitimacy of westward expansion in light of their “prior right to the inheritance.” She stressed the fundamental equality of Native Americans, writing:

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118. 1 WARREN, HISTORY, supra note 11, at 22.
119. Id. at 21.
120. Id. at 22. Nina Baym recently suggested that Warren did not really care much about the condition of Blacks in Revolutionary America. She stated:

Nor, it may be added, is she any more proleptically enlightened about American blacks. She writes, absolutely without irony, that Lord Dunsmore, the Royal Governor of Virginia, “had the inhumanity early to intimate his designs if opposition ran high, to declare freedom to the blacks, and on any appearance of hostile resistance to the king’s authority, to arm them against their masters.”

Baym, supra note 71, at 546-47 (quoting 1 WARREN, HISTORY, supra note 11, at 110). Baym makes no attempt to rationalize this with Warren’s earlier references in the HISTORY to the idea of slavery. After a careful reading of the section referred to by Baym, it seems to me that Warren is reflecting her basic reaction to the actions of both Governor Dunsmore and other southern crown officials to use emancipation as a threat of violence to control the white American patriots. She did not choose to address her total opposition to slavery at this particular point in the HISTORY. Warren shared the firm convictions of her brother, James Otis, Jr. who wrote in 1764 that “The colonists are by the law of nature freeborn, as indeed all men are, white or black . . . . Does it follow that’t is right to enslave a man because he is black? Will short curled hair like wool, instead of Christian hair, as’t is called by those whose hearts are as hard as the nether millstone, help the argument?” JAMES OTIS, RIGHTS OF THE BRITISH COLONIES ASSERTED AND PROVED 29 (1764), reprinted in BERNARD BAILYN, PAMPHLETS OF THE AMERICAN REVOLUTION 439 (1961).
121. 3 WARREN, HISTORY, supra note 11, at 314. Warren suggested that a “Chinese Wall” should have been stretched along the Appalachian ridges, that might have kept the nations within the boundaries of nature. This would have prevented the incalculable loss of life and property, and have checked the lust of territory, wealth, and that ambition which has poured out streams of innocent blood on the forlorn mountains. The lives of our young heroes were too rich a price for the purchase of the acres of the savages, even could the nations be extinguished, who certainly have a prior right to the inheritance: this is a theme on which some future historians may more copiously descant.

Id.
Nature has been equal in its operations, with regard to the whole human species. There is no difference in the moral or intellectual capacity of nations, but what arises from adventitious circumstances, that give some a more early and rapid improvement in civilization than others.\textsuperscript{122}

Despite her own strong, private religious beliefs, Warren also advocated tolerance for religious dissenters. The persecution of the Quakers in early New England settlements, she wrote, could “never be justified either by the principles of policy or humanity.”\textsuperscript{123}

\textbf{D. Specific Objections to the Proposed Constitution}

Warren’s concern about the role of representation in guaranteeing equal liberty is evident in her objections to the proposed Constitution. She believed that in order to preserve the ideal of equal representation, representatives should be elected every year:

It will be allowed by every one that the fundamental principle of a free government is the equal representation of a free people . . . . And when society has thus deputed a certain number of their equals to take care of their personal rights, and the interest of the whole community, it must be considered that responsibility is the great security of integrity and honour; and that annual election is the basis of responsibility . . . .\textsuperscript{124}

A “frequent return to the bar of their Constituents,” she argued, “is the strongest check against the corruptions to which men are liable.”\textsuperscript{125} She believed that a further benefit of rotation in office for public officials was that service in the government fostered the education and participation of members

\textsuperscript{122} 2 WARREN, HISTORY, supra note 11, at 123. Warren did not see any problem, however, with “civilizing” the “savages.” She wrote in this same passage:

The ideas of some Europeans as well as Americans, that the rude tribes of savages cannot be civilized by the kind and humane endeavors of their neighbours, is absurd and unfounded. What were once the ancestors of the most refined and polite modern nations, but rude, ignorant savages, inured to all the barbarous customs and habits of present existing tribes? . . . This gradual rise from the rude stages of nature to the highest pitch of refinement, may be traced by the historian, the philosopher, and the naturalist, sufficiently to obviate all objections against the strongest efforts, to instruct and civilize the swarms of men in the American wilds, whose only natural apparent distinction, is a copper-colored skin. When the present war ceases to rage, it is hoped that humanity will teach Americans of a fairer complexion, to use the most strenuous efforts to instruct them in arts, manufactures, morals, and religion, instead of aiming at their extermination.

\textit{Id.} at 122-23.

\textsuperscript{123} 1 WARREN, HISTORY, supra note 11, at 13.

\textsuperscript{124} WARREN, OBSERVATIONS, supra note 5, at 8.

\textsuperscript{125} \textit{Id.} at 8.
of the community and kept officials in touch with their communities.\textsuperscript{126}

The rights that Warren most wanted to include in a Bill of Rights were those that aided the survival of a republic by keeping individuals free and by supporting the institutions that helped them to exercise that freedom. Thus, she valued “security in the profered [sic] system, either for the rights of conscience or the liberty of the Press” as a guarantee against “arbitrary power” and the silencing of “the most decent remonstrances of an injured and oppressed people.”\textsuperscript{127}

Warren recognized that jury trials acted as a check on government, and she traced the right to them back to “our Saxon ancestors.” She suggested that the elimination of the right to a jury trial in civil cases was motivated by “fear of inquisition for unaccounted thousands of public monies” or “from the apprehension some future delinquent possessed of more power than integrity, may be called to a trial by his peers in the hour of investigation.”\textsuperscript{128}

Without recognizing it as such, Warren perched on the threshold of liberalism and sensed its dangers. Instead of institutionalizing individual tendencies toward self-interest, she emphasized mutual respect and interest in the progress of humanity as a whole, without devaluing the integrity or diversity of individuals.

Mediocrity offered an alternative vision of society from either the classical republican or the emerging liberal one. Although her mediocratic society evolved from the republican tradition, particularly from the early dissidents of the Puritan Revolution of the mid-1600s, Warren recognized the impossibility and the inadvisability of maintaining a homogeneous society where all shared the same interests. She believed that the existence of different opinions would encourage deliberation and lead to a common understanding of community needs.\textsuperscript{129}

The government’s role in tolerating individual conscience shaped Warren’s concept of republicanism:

It is rational to believe that the benevolent Author of nature designed universal happiness as the basis of his works. Nor is it unphilosophical to suppose the difference in human sentiment, and the variety of opinions among mankind, may conduce to this end. They may be permitted, in order to improve the faculty of thinking, to draw out the powers of the mind, to exercise the principles of candor, and learn us to wait, in a becoming manner, the full disclosure of the system of divine government. Thus, probably, the variety in the formation of the human soul may appear to be such, as to have rendered it impossible

\textsuperscript{126} Id. at 11.
\textsuperscript{127} Id. at 9.
\textsuperscript{128} Id. at 10.
\textsuperscript{129} 1 WARREN, HISTORY, supra note 11, at 16.
for mankind to think exactly in the same channel. The contemplative and liberal minded man must, therefore, blush for the weakness of his own species, when he sees any of them endeavouring to circumscribe the limits of virtue and happiness within his own contracted sphere, too often darkened [by] superstition and bigotry.  

Warren also feared the disengagement of people from the activities of self-government. She matured during the intense public engagement with political affairs and activities of self-governance of the revolutionary era. She admired the willingness of the Massachusetts citizenry to govern themselves after the British dissolved their assembly during the years prior to revolution, and she wrote, "Nothing but the Virtue of this people prevents our feeling daily the dreadful consequences of anarchy in the extreme." She valued the deliberative and educational participation by members of society in all forms of community, state, and national governance. Warren insisted on the connection between members of society and government, emphasizing the relationship between private and public virtue, and cautioning against isolating the private sphere from the public. Her argument laid a foundation for the future inclusion of underrepresented groups in participatory governance. This can be contrasted with the insistence on negative liberties emerging in federalist thought, which necessarily created a private sphere in which white male power holders could protect themselves and their "property" against governmental infringement and which imprisoned all women and slaves as objects of their private power domain. The standard treatments of 18th-century American republicanism scarcely deal with these ideas for their own intrinsic worth. References to "equal liberty" or "mediocrity" are brief and obtuse; for the most part, they are duly repeated in quotations and noted as terms located in their 18th-century context without much effort to decipher possible implications of their use. "Mediocrity" is lumped with classical republican dreams of an ideal republic, dreams seen as pathetically out of touch with, or ignorant of, the emerging liberal scheme.

E. Homogeneity Versus Heterogeneity

Warren's views of community and republic raise significant questions about traditional conceptions of Antifederalist objections to the Constitution. The typical historical treatment suggested that Antifederalists relied on the classical republican view that no republic could survive unless it existed in a small homogeneous community. Only those who shared the same interests and

130. Id. at 16-17.
131. WARREN, OBSERVATIONS, supra note 5, at 6.
133. See, e.g., KENYON, supra note 3; MAIN, supra note 3; STORING, supra note 55.
goals and could participate in a discourse on governmental affairs could hope to survive as a republic. For this reason Antifederalists opposed a Constitution that created both a large national government with diverse interests and a representative government that could not hope to provide for the interests of local communities.

Warren, too, objected in her *Observations* that a geographically large republic could not survive. But Warren's analysis, when considered as a cohesive whole, incorporated support for a strong, energetic national government and a belief that even small communities represented a heterogeneous mix of interests that could not be said to have one voice. Warren believed in the strength of that heterogeneity: she hoped that people with diverse interests, empowered by education, tolerant of each other, and joined together in vigorous debate, could arrive at the shared interests of the whole community.

Warren was concerned about the geographically large republic, not because of a lack of homogeneity or opportunity for direct discourse, but because of the lack of governmental structures that encouraged reciprocal responsibilities among individuals, their communities and the government.

V. BENEFITTING FROM THE GAINS OF FEMINIST THEORY

It is fascinating to analogize Warren’s vision to modern alternative feminist visions. Both challenge the underlying values of their societies. Certainly, that is yet another dimension to consider when analyzing the contributions of women in our history. Modern and postmodern feminist theories offer new tools for reconsidering, deconstructing, and rebuilding our comprehension of 18th-century ideas. These tools should not marshall evidence into a 20th-century mold, rather they should provide us with new questions. For example, does the ethic of care identified by modern feminist theory provide different ways of understanding what Warren's “mediocrity” meant? This is different from asking whether Warren understood the “ethic of care.”

The perspective of one who understands the modern world in feminist theoretical terms creates a new microscopic, or even macroscopic, lens with which to study existing evidence. As our microscopes improve, so too may the results. Certainly they may help the historian notice an emphasis, a mode of conceptualization, a priority that may have been neglected by past methodologies. It may help to put the pieces of the puzzle back together in an unconventional manner, one that enriches the debate about historical

134. See *Warren, Observations*, supra note 5, at 12.
136. See supra pp. 219-220.
interpretation.

Critical race theorists show that categorizing either by race or sex creates artificial understandings of Black women, and their lessons help us understand how Mercy Otis Warren operated on many different levels in society. Each of her roles overlapped and informed the others, and much can be learned from the various intersections and their impact on each "independent" role or function. A study of one such role, without full comprehension of all of them, misses the richness of her offering. The studies of Warren that concentrate solely on her role as a historian, or as a poet, or as a woman operating within her own sphere, or as a misplaced feminist, fail to consider the depth of the life and thought of this woman in history.

The purpose of this essay has not been to lay out Mercy Otis Warren's full vision for society. Certainly, my interpretations are not the final word, nor are they intended to be. By using the example of Warren's work, I hope, rather, to encourage historians to view different dimensions of women's work and thought in context. Only then will we understand the scope of women's contributions to history as distinct from their appreciation of the limitations of the society in which they operated. Each stage of the development of "herstoryography" merits our full attention, with careful thought to the way in which all dimensions exist and relate one to the other, and with caution for the possible ways we may inadvertently create our own barriers to that which we most wish to discover.

For example, in recent years feminist political theory has challenged core assumptions of liberalism.138 Fascinating work revealing the gender bias implicit in ideas of consent and individualism may transform liberal theory into a vulnerable "house of cards." For example, Nancy Hirschman suggests that basic human relations are not created by autonomous individuals exercising free choice based solely on self-interest. Rather, they arise from different types of obligations, including involuntary relations like those in the family.139 Such an understanding of political theory can lead to a more accurate assessment of women's voices in the past as well as the present, one that is true to their historical context.

What happened to Mercy Otis Warren during the merger of women's history and feminist theory illustrates the need to step back and reexamine our own efforts to interpret women's history. Warren herself is not the important focus of this examination—the point I want to advance here is that because of the emphasis on particularized types of inquiry, we may be ignoring other ways of assessing the contribution of the women of our past.

Because of our interest in how women of the past understood and responded to oppression, there has been less emphasis on challenging the traditional rendition of Warren's social, political and moral vision. We have been willing to accept the standard assessment of her theories and concentrate on her standing in the rankings of prefeminists. We devalue women's visions by failing to take their views seriously.

In our efforts at rediscovering her story, as a story of feminism or as a sign of early feminism, we may be unconsciously building barriers against the possibilities of new understandings of the past contributions of women in history. By continuously contrasting past women's efforts with modern feminist expectations, just as traditional historians often contrasted women's activities with male institutional models of success, we are in danger of creating our own dichotomy in which we assume dominance and they, the women of the past, necessarily become our victims. Because they are doomed to fail by our standards, we note their valiant efforts and move on, patting ourselves on the back for uncovering these brave but constrained souls, and missing the relevance their thought had for their struggles and, indeed, for our own.