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BRADWELL, MYRA COLBY

February 12, 1831–February 14, 1894

LAWYER, PUBLISHER, WOMEN'S RIGHTS ADVOCATE

Myra Colby Bradwell, founder and editor of the *Chicago Legal News*, and a tireless advocate of women's rights and other legal and social reforms, was born in Manchester, Vermont, the youngest of the five children of Eben and Abigail Hurd (Willey) Colby. Both parents were of New England stock and belonged to the Baptist faith. Shortly after Myra Colby's birth, the family moved to Portage, New York. In 1843 the family moved to the township of Schaumburg, Illinois. Myra Colby received part of her education in Kenosha, Wisconsin, then attended finishing school in Elgin, Illinois; she taught for several years in local schools.

On May 18, 1852, Myra Colby married James Bolesworth Bradwell of Palatine, Illinois, the son of poor English immigrants. The couple moved to Memphis, Tennessee, where they taught and opened their own private school. James Bradwell also began studying law, and in 1854 the Bradwells moved to Chicago. Earlier that year, before arriving in Chicago, their first child, Myra, was born; three more followed. Only two survived, Bessie (1858), and Thomas (1856). James Bradwell continued his legal education and in 1855 was admitted to the Illinois bar. He entered into a partnership with a brother-in-law, built up a large practice, and in 1861 was elected a Cook County judge.

Since the early years of their marriage, Myra Bradwell had been reading law under her husband's guidance. In 1868 she undertook the publication of a weekly newspaper called the *Chicago Legal News*. At the same time, the Bradwells also set up a printing, binding, and publishing company that worked in tandem with the newspaper. In 1869 Bradwell applied for admission to the Illinois bar. Her application was accompanied by a document certifying that she had passed the bar examination and by a brief in which she stated that the only question involved in the case was whether or not being a woman disqualified her from receiving a license to practice law.

The Illinois Supreme Court promptly denied her petition and based its decision not on the grounds that she was a woman but that she was a married woman. Under the law of coverture, a principle under which the husband and wife's legal existences merged into one, a married woman would not be bound by contractual obligations made between herself and her clients. Brad-

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well countered by re-petitioning and filing a brief arguing that most married women's legal disabilities had been removed by recently enacted laws. The Illinois Supreme Court again denied her petition, this time not because she was a married woman but simply because she was a woman.

Bradwell appealed the decision to the United States Supreme Court and retained Senator Matthew H. Carpenter of Wisconsin, one of the country's ablest constitutional lawyers, as her attorney. As Carpenter prepared his case, he realized that the greatest obstacle to a favorable judicial decision was the widespread fear that if women were declared constitutionally entitled to practice law, it might follow that they were also constitutionally entitled to vote. This specter of nationwide woman suffrage was far more terrifying to the populace than was the threat of women being admitted to the bar. Carpenter thus took great pains to distinguish Bradwell's constitutional right to practice law from the establishment of woman suffrage. Carpenter based his argument upon the Fourteenth Amendment's Privileges and Immunities clause, arguing that Illinois could not abridge the right of citizens to practice their chosen professions. Nevertheless, in 1873, the United States Supreme Court denied Bradwell's claim, stating that the right to practice law was not a privilege covered under the Constitution.

As a result of these court decisions, the *Chicago Legal News* became the focal point of Bradwell's legal career. A brilliant success from the start, the *Chicago Legal News* quickly became the most important legal publication west of the Alleghenies. Known for its broad and judicious coverage of the legal news of the entire country, it carried more advertising than any other paper in the state. It became a platform for reform even as it served to record and publicize important legal cases. For twenty-five years Bradwell discussed and evaluated opinions of lawyers and the courts as well as new legislation. She advocated such reforms as regulation of railroads, reform of local zoning ordinances, improved court procedures and courtrooms, and implementation of new and better standards in the legal profession. Bradwell also addressed such issues as temperance, prison reform, and the rights of women.

Bradwell's *Chicago Legal News* became an arena in which vying concepts of woman's place and power were argued and developed. On the one hand, the rhetoric of domesticity led nineteenth-century women to argue for participation in the political world as an extension of their role within the separate, private sphere of the household. On the other hand, the rhetoric of women's civil rights led others to argue for increased power within society based upon the belief that there were no inherent differences between men and women sufficient to justify women's second-class citizenship; they argued for a public role for women based upon citizenship and equality.

Drawing from these two views, Bradwell proposed that although men and women were different, this difference should not be defined by domesticity or woman's sphere but by women's capabilities in the public sphere. She insisted that women deserved a greater role in influencing the society around them, arguing that to do otherwise would be an indication of immoral and irresponsible behavior on men's part in particular and society's on the whole. Women were rational, civic citizens, whose sense of duty was equal to that of men.

Advocating women's legal equality meant changing existing statutes, especially those concerning married women, through such new laws as Illinois's married women's property acts. Through a statute passed in 1861, married women were guaranteed the right to ownership of separate property brought to a marriage; they could control, transfer, and contract upon this property as they saw fit. Bradwell sought to extend this control to income acquired during marriage. In 1869, with the support of her husband, nationally known suffragist Elizabeth Cady Stanton, and others, including CATHARINE WAITE and KATE NEWELL DOGGETT, Bradwell lobbied successfully for this amendment. She also secured passage of a law giving a widow an interest in her husband's estate in all cases.

As the drive for women's rights increased, suffrage became of increasing importance to Bradwell. The advances in married women's property rights gave her the necessary foundation for the advancement of woman suffrage. After expansion of women's legal independence, Bradwell was certain that women would start to cross the lines of the household and demand recognition and participation in politics. In 1868 the franchise for women was a radical notion. Most men clung to the tradition of a separate, domestic sphere for women and could not see the logic in allowing women to vote, especially in public. As one contemporary male admonished, "My wife shall never vote—the idea of her making herself ridiculous by crowding up to the polls on election day"; and his companion, echoing his beliefs, affirmed, "I would not *allow* my wife to vote" (Anonymous, *Chicago Legal News*, November 7, 1868). Bradwell, who had recorded and published this episode in the *Chicago Legal News*, was quick to note that "we felt like asking the gentleman if his wife ever rode in street cars or attended matinees. . . . The very expression that this man used, shows that he regarded the poor being who was unfortunate enough to be selected as the companion of his life, more as his cringing slave than his wife" (Bradwell, *Chicago Legal News*, November 7, 1868).

As with married women's property rights, the march toward the franchise for women was often fragmented and contradictory. Bradwell strove for a middle ground, trying to piece together a moderate, national coalition of suffragists, which included such eminent leaders as Lucy Stone and MARY LIVERMORE. Closer to home, Bradwell was for many years a member of the executive committee of the Illinois Woman Suffrage Association, where she worked closely with fellow Chicagoan Catharine Van Valkenburg Waite. Bradwell also was careful to record progress in other states and territories, praising Wyoming and its politicians, for example, for allowing women to vote. In 1891 in Illinois, a statute was finally passed allowing "school suffrage," a partial franchise that allowed women to vote on local school issues. Predictably, Bradwell had lobbied hard through the *Chicago Legal News* for its passage. The law was immediately contested in the courts, but with a new result. For the first time in Illinois history the Supreme Court of Illinois had decided a women's rights case in favor of women. In 1893 Bradwell voted for the first time, casting a ballot in a Chicago school board election.

The *Chicago Legal News* also became a forum for discussions of asylum reform. Bradwell had developed a keen interest in the issue from firsthand knowledge of the sufferings of Mary

Todd Lincoln, a longtime friend of the family, who had been committed to the Bellevue Place Asylum by her son, Robert. Concerned about his mother's overspending and the consequent effect on her estate, he initiated committal proceedings that ended in her incarceration in 1875. Bradwell, answering Mary Todd Lincoln's pleas for help, was successful in getting her released, but only after a protracted battle with Robert Lincoln and the asylum's resident physician.

Myra Bradwell continued to edit and publish the *Chicago Legal News* until the end of her life. In addition to her contributions to married women's property rights, the woman suffrage movement, women in the legal profession, and asylum reform, she advocated the advancement of women in many public offices, believing that there was no occupation that women should be barred from solely on account of either their gender or their marital status. These professions included the office of notary public; elective offices in the public school system; and the position of master in chancery or assistant to a judge presiding over a court of equity. Bradwell was successful in opening many professional doors for future generations of women. Although she never practiced law, in 1890—when she was fifty-nine—the Illinois Supreme Court, acting on her original motion of 1869, admitted her to the practice of law in that state; two years later she was admitted to practice before the Supreme Court of the United States. She died at the age of sixty-two and was buried in Rosehill Cemetery, Chicago. Her newspaper continued under the management of her husband and then of her daughter, Bessie Bradwell Helmer, until 1925.

In the first issue of the *Chicago Legal News*, Myra Bradwell wrote, "One thing that we do claim—that a woman has the right to think and act as an individual—believing that if the Great Father had intended it to be otherwise, he would have placed Eve in a cage and given Adam the key" (*Chicago Legal News*, November 7, 1868). Through her sustained challenge in the courts to practice law, and in her political activities, legal journalism, and suffrage advocacy, she forcefully argued for women's equality and full citizenship.

Sources. There is a small collection of items in the Myra Bradwell Papers in the Illinois State Historical Library, which includes a letter to the governor of Illinois in 1870 outlining her efforts to advance the legal status of married women. Other primary sources include some sparse correspondence in the Authors and Editors Collection at the CHS. Bradwell's *Chicago Legal News* is available through the CPL, the Illinois State Library in Springfield, Northwestern Univ. Law Library, and the UC Law Library. For a recent useful study of Bradwell, see Jane M. Friedman's book, *America's First Woman Lawyer: The Biography of Myra Bradwell* (1993). For information on female lawyers in Illinois, see Charlotte Adelman, *The Women's Bar Association of Illinois—The First 75 Years* (1992). A number of articles and essays are also quite valuable, including Ellen Carol DuBois, "Taking the Law into Our Own Hands: Bradwell, Minor, and Suffrage Militance in the 1870s," in *Visible Women: New Essays on American Activism*, ed. Nancy A. Hewitt and Suzanne Lebsock (1993); Meg Gorecki, "Legal Pioneers: Four of Illinois' First Women Lawyers," *Illinois Bar Journal*, October 1990; Nancy T. Gilliam, "A Professional Pioneer: Myra Bradwell's Fight to Practice Law," *Law and History Review*, Spring 1987; and Herman Kogan, "Myra Bradwell: Crusader at Law," *Chicago History*, Winter 1974/75.

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