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NO WITCH IS A BAD WITCH: A COMMENTARY ON THE ERASURE OF MATILDA JOSLYN GAGE

ZANITA E. FENTON*

I. INTRODUCTION

There is something unreal about living in a world replete with borders, bias, and a seemingly infinite range of inequality. Where do Truth, Rationality, Equality, and Justice reside? Is there a Land of Oz¹ where this is true? Can our imaginations create the reality to which we aspire? Will this place ever be Home? I wonder if I will ever find it or if it is only fantasy. Someone clearly forgot to give me my silver shoes.²

The Wonderful Wizard of Oz, by L. Frank Baum, is an enduring children's story, notable for its progressive messages.³ The most obvious of these include the release of the munchkins⁴ in a post-abolitionist society⁵

* Professor of Law, University of Miami School of Law. I dedicate this Essay to my sister, Deidra Fenton Mahoney (1962–2010), with whom I spent many hours watching *The Wizard of Oz* and *The Wiz*. I thank all the participants of the Taking Oz Seriously symposium for comment and camaraderie that made writing this essay possible. I appreciate Charlton Copeland, Caroline Corbin, Mary Anne Franks and Margaret Sachs for their insightful comments and feedback during the writing process. I thank librarian, Pam Lucken, for her exceptional research skill.

¹ See generally L. FRANK BAUM, *THE WONDERFUL WIZARD OF OZ* (2003) (creating a fantasy world—called the Land of Oz). This book was originally published in 1900 and was the first in the “Oz” series of fifteen books written by Baum.

BAUM, *supra* note 1, at 13. Many people are more familiar with the ruby red slippers, as presented in the visual media adaptation, *THE WIZARD OF OZ* (MGM 1939). This work, along with *THE WIZ* (Motown Productions and Universal Pictures 1978), was the primary form of my exposure to Baum's work during my childhood. I especially related, culturally, to *THE WIZ*. Interestingly, each of the visual media versions I referenced above, also, independently embody one or more forms of social hierarchy. As this Essay explores the nature of power, it is appropriate that it focuses on the first book, *THE WONDERFUL WIZARD OF OZ*, instead of the other terrific stories created by Baum.

² See, e.g., David B. Parker, *The Rise and Fall of the Wonderful Wizard of Oz as a “Parable on Populism,”* 15 J. GA. ASS'N HISTORIANS 49, 53 (1994) available at <http://archives.colstate.edu/GAH/1994/49-59.pdf> (discussing how “many people in post-Watergate, post-Vietnam America were fascinated to learn that their favorite children's story was something of a subversive document, an anti-establishment fairy tale.”).

³ BAUM, *supra* note 1, at 13. In Oz, however, class was perpetuated even in bondage. Dorothy stayed at the home of “one of the richest munchkins in the land” before she set out to find the Emerald City. *Id.* at 20.

⁴ See generally C. VANN WOODWARD, *THE STRANGE CAREER OF JIM CROW* (2002) (explaining that after the Emancipation Proclamation was issued on January 1, 1863, abolitionists continued to pursue the freedom of black Americans in the slave states, and not until the Thirteenth Amendment was adopted in 1865 did legal slavery in the United States officially end). By the first publication of *THE WONDERFUL WIZARD OF OZ*, the Reconstruction Amendments were adopted and the laws enacted between 1876 and 1965 ushered society into the Jim Crow Era.

and later the release of the yellow Winkies⁶ from bondage. These events from the story can be seen as referencing the treatment of the Philippines after the Spanish American War in 1898,⁷ the plight of Chinese immigrants⁸ after the enactment of the Chinese Exclusion Act of 1890,⁹ or simply as a general commentary on labor inequities.¹⁰ Interestingly, however, in other areas of his public life, Baum had antagonistic reactions toward Indian nations.¹¹ Baum's characterization of the Winged Monkeys in Oz reflected popular conceptions of the Sioux and other American Indians.¹² Baum was also quite progressive in choosing a female protagonist, Dorothy, and making her the heroine in her own world—with a brain, heart, and plenty of courage.¹³ Baum's decision to have a female protagonist could have been influenced by feminist activist Matilda Joslyn Gage, his mother-in-law, who once said, "[S]elf-reliance is one of the first lessons to be taught our daughters; they should be educated with our sons, and equally with them taught to look forward to some independent means of support—either to

⁶ BAUM, *supra* note 1, at 111.

⁷ Parker, *supra* note 3, at 51 ("The enslavement of the yellow Winkies was 'a not very well disguised reference to McKinley's decision to deny immediate independence to the Philippines' after the Spanish-American War."); BAUM, *supra* note 1, at 102 ("The Winkies were not a brave people, but they had to do as they were told; so they marched away until they came near to Dorothy. Then the Lion gave a great roar and sprang towards them, and the poor Winkies were so frightened that they ran back as fast as they could. When they returned to the castle, the Wicked Witch beat them well with a strap, and sent them back to their work.")

⁸ Gretchen Ritter, *Silver Slippers and a Golden Cap: L. Frank Baum's "The Wonderful Wizard of Oz" and Historical Memory in American Politics*, 31 J. AM. STUDIES 171, 188 (1997) ("The Winkies may be read to represent Chinese immigrants. Chinese laborers came to the United States in the nineteenth century, many as contract workers (or 'coolies'), to work the gold mines in California and build the western segment of the transcontinental railroad. When these tasks were completed, some turned to skilled work and manufacturing jobs in the western (and some eastern) states. White laborers responded angrily to their presence, particularly in California during the economic downturn of the 1870s. Anglo-Americans complained that the low wages of the Chinese were beneath what an independent citizen could live on, and they called for a ban on immigration and expulsion of the Chinese immigrants already in the United States. The immigration ban was passed by Congress with the Chinese Exclusion Act of 1882, but many Chinese laborers remained and were subjected to hostility and violence by their white counterparts.")

⁹ Chinese Exclusion Act, 8 U.S.C. §§ 262–97 (repealed Dec. 17, 1943).

¹⁰ See generally Henry M. Littlefield, *The Wizard of Oz: Parable on Populism*, 16 AM. Q. 47 (1964).

¹¹ Ritter, *supra* note 8, at 187 ("The story of the Winged Monkeys parallels these popular understandings of the Sioux and other North American Indians in the late nineteenth century. Free-spirited and playful, the Monkeys are made out to be close to nature and childish. Their demise is caused by their own misbehavior which is immature and uncivilized. The response by the region's ruler includes the threat of extermination, but is softened by a more paternal and benevolent ruler to just exile and subordination."). See S. R. Wagner, *Introduction to MATILDA JOSLYN GAGE, WOMAN, CHURCH, AND STATE: THE ORIGINAL EXPOSÉ OF MALE COLLABORATION AGAINST THE FEMALE SEX* xxiv (1980) (discussing Joslyn Gage speaking out against the oppression of Indians and the government breaking treaties with them).

¹² Ritter, *supra* note 8, at 187.

¹³ See Russel B. Nye, *An Appreciation, in THE WIZARD OF OZ AND WHO HE WAS* 1, 12–13 (Martin Gardner & Russel B. Nye eds., 1994) ("For Oz is beyond all doubt a little girl's dream-home. . . . There is no consistent father-image in Oz, or brother-image. . . . The Land of Oz, where Dorothy is a Princess in her own right, is all that a girl could ask for in a dream home, just as Dorothy is Baum's picture of the daughter he never had. A coolly levelheaded child in whom a refreshing sense of wonder is nicely balanced by healthy common sense. . . . A solid, human, child, Dorothy takes her adventure where she finds it, her reactions always generous, reasonable, and direct."); Ritter, *supra* note 8, at 178 ("Baum's choice of a girl instead of a boy for this central role is significant in several respects. Many of the rulers and protagonists in Oz were female. In addition to Dorothy and Glinda, later books introduce Ozma and Lurline, both benevolent rulers. Frank Baum was committed to the cause of women's rights. Both his wife and mother-in-law campaigned for women's suffrage. The Populists of South Dakota were also proponents of women's rights.")

one of the professions, or the business best fitted to exercise their talents.”¹⁴ However, as with his antagonism toward Indian nations, Baum could be inconsistent in his relationships and public positions. For example, in the second Oz book, *The Marvelous Land of Oz*, Baum satirized suffragist activism:

[*The Land of Oz*] chronicles the temporary overthrow of Oz by an army of comely young women. . . . Once the female dictatorship is established, the husbands of Oz are forced to take over all the former duties of their wives. This proves annoying to both wives and husbands, but luckily the one throne is soon restored.¹⁵

The resulting complexity is best understood through an examination of privilege and the human quest for its acquisition and maintenance.

Whatever the relationship between Baum and his mother-in-law, Matilda Joslyn Gage, a staunch critic of the Nineteenth Century Christian witch hunts,¹⁶ was likely the inspiration for the empowering “good witch”¹⁷ in *The Wonderful Wizard of Oz*. Glinda, the good witch, let Dorothy know that she always had the “power” to return home.¹⁸ At the time leading up to and during Joslyn Gage’s life,¹⁹ “witches” too often were educated women who challenged existing power structures;²⁰ this is precisely what Joslyn Gage did by challenging the church in its support of witch hunts.²¹ “The witch was in reality the profoundest thinker, the most advanced scientist of those ages. . . . No less to-day than during the darkest period of its history, is the church the great opponent of woman’s education, every advance step for her having found the church antagonistic.”²²

¹⁴ Matilda Joslyn Gage, Speech at the Women’s Rights Convention, Held at Syracuse, (Sept. 1852.) at 3, microformed on SSX Film HQ 1101.H57 reel 942 no. 8500 (Research Pub, Inc.) [hereinafter Joslyn Gage’s Speech].

¹⁵ Martin Gardner, *The Royal Historian of Oz*, in *THE WIZARD OF OZ AND WHO HE WAS* 19, 23 (Martin Gardner & Russel B. Nye eds., 1994) (explaining that *THE MARVELOUS LAND OF OZ* is a blatant satire on feminism and the suffragist movement).

¹⁶ See Mary E. Corey, *Matilda Joslyn Gage: A Nineteenth-Century Women’s Rights Historian Looks at Witchcraft*, OAH MAG. HIST. 51, 51 (2003). See also HEINRICH KRAMER & JAMES SPRENGER, *THE MALLEUS MALEFICARUM* 41–47 (Montague Summers ed., Montague Summers trans., Dover Publ’ns, Inc. 1971) (1928) (discussing the reasons why women are more likely to be witches); Matilda Joslyn Gage, “*The Dangers of the Hour*,” *Women’s National Liberal Convention*, 1890, in 2 *MAN CANNOT SPEAK FOR HER: KEY TEXTS OF THE EARLY FEMINISTS* 339 (Karlyn Kohrs Campbell ed., 1989). See generally CAROL F. KARLSEN, *THE DEVIL IN THE SHAPE OF A WOMAN: WITCHCRAFT IN COLONIAL NEW ENGLAND* (1987) (discussing the role of gender in the witch hunts that occurred in the United States).

¹⁷ BAUM, *supra* note 1, at 14 (Dorothy says, “But I thought all witches were wicked.”). Baum likely was engaging in the debate about a “woman’s place in the public sphere.” Stuart Culver, *Growing Up in Oz*, 4 *AM. LITERARY HIST.* 607, 616 (1992).

¹⁸ BAUM, *supra* note 1, at 181 (explaining that Glinda refers to the power of the silver shoes, which Dorothy had possessed almost the entire time of her journey).

¹⁹ See, e.g., DALE SPENDER, *WOMEN OF IDEAS AND WHAT MEN HAVE DONE TO THEM* 238 (1982) (referring to the European witch-craze during the fifteenth, sixteenth, and seventeenth centuries (circa 1450–1750), when upwards of one hundred thousand victims, mostly women, were tried, tortured, and executed in France alone).

²⁰ *Id.* at 238 (“Teaching the extreme wickedness of women, to women and men alike, teaching that it was the duty of men to control wicked women, the Church laid the foundation for men to believe it was their right to persecute women—and for women to believe they had no rights, and no alternatives but to submit and endure. . . . [R]ather than being a period of aberration, the witch-hunts, in this context, became a logical extension of existing beliefs.”).

²¹ See Gage, *supra* note 16.

²² MATILDA JOSLYN GAGE, *WOMAN, CHURCH AND STATE* 243 (Annette K. Baxter & Leon Stein eds., Arno Press, 2d ed. 1972) (1893).

Joslyn Gage, born into an abolitionist household used as a stop on the Underground Railroad, was a resolute abolitionist,²³ a steadfast suffragist,²⁴ a staunch advocate and activist for women's rights and equality,²⁵ and an unyielding critic of the church for being the primary force in the subordination of women. She was quite consistent in her views and pursuit of equality for all. She did not believe that gaining the vote without full social and political equality would be the best course in the long run.²⁶ Her insights were very much ahead of her time. This was "Matilda's magic." For her ideals and her perseverance in their service, Joslyn Gage was elbowed out of her own organization and, for a time, out of women's history.²⁷ Because she had the temerity to challenge male hierarchy, also known as patriarchy, in a manner that also refused replication of that hierarchy, Joslyn Gage was "disappeared" from history,²⁸ sustaining the illusion of power for those who held it.²⁹

This Essay uses the life of Matilda Joslyn Gage, as well as the text of *The Wonderful Wizard of Oz*, to explore the nature of power (or the illusion of it) and hierarchy, especially in organizations which seek progressive objectives. In Part II, this Essay will examine power and the means used for its maintenance in *The Wonderful Wizard of Oz*. This Part will provide some basic analyses on the operation and maintenance of hierarchy. It also provides a comparison between fantasy and reality as the next Part explores the complexities of hierarchy in real historical context. Part III provides a short biography of the life of Joslyn Gage. This discussion will include an application of the lessons learned from the nature of hierarchy to understand how Joslyn Gage came to be omitted from history. Additional historical examples will be used for comparison and support of the general theories of hierarchy. In conclusion, this Essay seeks to end where it

²³ LEILA R. BRAMMER, EXCLUDED FROM SUFFRAGE HISTORY: MATILDA JOSLYN GAGE, NINETEENTH-CENTURY AMERICAN FEMINIST 6 (2000).

²⁴ Joslyn Gage's speech, given in Canandaigua and 16 other towns of Ontario County prior to the trial of Susan B. Anthony for illegal voting, is the most remarkable line of argument using democratic theory and constitutional history to support equality for all individuals and specifically making the case for women's suffrage. Matilda Joslyn Gage, The United States on Trial note Susan B. Anthony, Speech before the Trial of Susan B. Anthony, in AN ACCOUNT OF THE PROCEEDINGS ON THE TRIAL OF SUSAN B. ANTHONY, ON THE CHARGE OF ILLEGAL VOTING, AT THE PRESIDENTIAL ELECTION IN NOV., 1872, AND ON THE TRIAL OF BEVERLY W. JONES, EDWIN T. MARCH AND WILLIAM B. HALL, THE INSPECTORS OF ELECTION BY WHOM HER VOTE WAS RECEIVED (1874).

²⁵ See, e.g., Matilda Joslyn Gage, *Decade Speech, on the Progress of Education and Industrial Avocations for Women*, in A HISTORY OF THE NATIONAL WOMAN'S RIGHTS MOVEMENT 42, 42 (Paulina W. Davis ed., 1970).

²⁶ BRAMMER, *supra* note 23, at 91. See also Joslyn Gage's Speech, *supra* note 14, at 3 ("To those who say women do not desire their rights, or think they have them already, I would say, converse with any intelligent women on the subject, and you will not find them indifferent. Woman feels deeply, keenly, her degradation, but is bound by the iron hand of custom which so long has exercised tyrant rule over her. An ignorant woman is virtually in the same condition as the peasant who thinks it right that a king shall rule over him; and to keep him content, he is made to believe it would be blasphemy and treason in him to call in question this right.").

²⁷ See generally, BRAMMER, *supra* note 23 (showing an account of her exclusion from history).

²⁸ BRAMMER, *supra* note 23, at 107-15. See also SPENDER, *supra* note 19, at 226 ("[I]n most of the standard books on that period little or no reference is made to Matilda Joslyn Gage. It is as if—for the most part—she had not existed."). Spender also notes that Husted Harper, Susan B. Anthony's biographer and co-editor, made only passing reference to Joslyn Gage in the Preface to Volume IV of the *History* (1902) even though Joslyn Gage authored the first two chapters as well as the last in Volume I. SPENDER, *supra* note 19, at 226.

²⁹ See *infra* Part IV.

began—musing about the role of fantasy and activism in finding real change.

II. POWER IN OZ

Fantasy has some relationship to, or more likely is grounded in, the conceivable and the realistic.³⁰ Baum managed to upset some hierarchies in his progressive vision of society in *The Wonderful Wizard of Oz* (“Oz”),³¹ but he also used *Oz* as a platform to satirize the manifestations of power in society. Many scholars have explored the sociopolitical allegories in *Oz* and the *Oz* series.³² This Essay explores the manifestations of power underlying the hierarchies inherent in those politics. The perpetuation of hierarchy may be understood as follows:

The paradox of hierarchy is that it strives to reaffirm itself, whether through law or through other social structures of which the law is inevitably a part. The indicia of success (or the markers for equality, as the case may be) are established through the structures of power. Someone not at the top of a relevant hierarchy has incentives to achieve or acquire the badges of success within that system.³³

In *Oz*, this quest for success within hierarchy is demonstrated by Dorothy’s companions—the Scarecrow, the Cowardly Lion,³⁴ and the Tin Woodman—both in their individual pursuits and in the general outcomes of the story. The Scarecrow desires a brain, even though he does not lack intelligence or thoughtfulness;³⁵ the Lion seeks courage, even though he is

³⁰ Nye, *supra* note 13, at 2 (trying to break from earlier molds for fairytales, Baum “drew freely on the past. And his books are far more derivative than possibly he realized. The *Oz* books conform to the accepted pattern far more often than they deviate.”).

³¹ *Id.* at 10 (expressing Baum’s utopia as follows: “In Emerald City, . . . there was no disease, no illness, none but accidental death and that seldom. All inhabitants worked one-half the time and played one-half, a self-enforced obedience to the rule that all work or all play makes dullness or irresponsibility. Emerald City had no poor, because there was no money and no private property . . . Foodstuffs were divided equally; clothes, jewels, shoes, housing, everything was there for the asking . . . Men lived in complete harmony with nature and technology . . .”).

³² See generally Littlefield, *supra* note 10; Parker, *supra* note 3; Ritter, *supra* note 8; Culver, *supra* note 17; David Payne, *The Wizard of Oz: Therapeutic Rhetoric in a Contemporary Media Ritual*, 75 Q.J. SPEECH 25 (1989); Francois R. Velde, *Following the Yellow Brick Road: How the United States Adopted the Gold Standard*, 2Q ECON. PERSP. 42 (2002).

³³ Zanita E. Fenton, *Teaching from the Left: A Conference at Harvard Law School: Part IV: Constitutional Law: The Paradox of Hierarchy—Or Why We Always Choose the Tools of the Master’s House*, 31 N.Y.U. REV. L. & SOC. CHANGE 627, 629 (2007) (citations omitted).

³⁴ Ritter, *supra* note 8, at 181 (“Some scholars have speculated that the Cowardly Lion represents William Jennings Bryan, or political reformers more generally. (Others associate Bryan with the Wizard who came to Oz from Omaha, Nebraska—Bryan’s home town). Certainly, Bryan rose to fame in the House of Representatives and at the 1896 Democratic Convention in Chicago because of his oratory prowess. Once he gained the position of presidential standard-bearer for the Democratic and Populist Parties in 1896, Bryan was burdened with great expectations from voters and movement activists who hoped for him to lead the way to dramatic political and economic change. These were expectations that Bryan ultimately failed to meet. In his confrontation with the established powers of Washington, Bryan lost and lost again in three separate presidential races.”) (citations omitted).

³⁵ BAUM, *supra* note 1, at 131 (Wizard saying to the Scarecrow “[y]ou don’t need [brains]. You are learning something every day . . . Experience is the only thing that brings knowledge, and the longer you are on earth the more experience you are sure to get.”).

brave throughout the journey;³⁶ and the Tin Woodman requests a heart, even though he is always caring toward his companions.³⁷ Each of these characters seeks a social marker of success, even when such marker is already held or demonstrably meaningless. Though it is sad that the Oz travelers believe someone else must give them these markers, this does not mean that all sought after markers of success are either bad or illegitimate. Independently, each may be beneficial objectives important for social function. Nonetheless, each traveler has to work for that which was or should always have been his. In many ways this demonstrates the activist's plight. Perhaps more emblematic of hierarchies' inertial force, the travelers' ultimate success at the conclusion of the story was in the ascension to a throne or head of a particular realm,³⁸ perpetuating the structures of hierarchy.³⁹

Money and the material are significant in the dynamics of power and of hierarchies in the real world, and this is no less true in Oz. The symbolism of the Yellow Brick Road leading the way to the Emerald City is hard to mistake. The Emerald City's power is manufactured as it is bathed in a green light,⁴⁰ and the road leading up to it is yellow, a facsimile of those streets paved in gold.⁴¹

Baum demonstrates illusions of power more bluntly in other places in the story. For example, could the power of the bad witches have been anything but illusory when it crumbled⁴² or washed away?⁴³ The "Great and Terrible Wizard" is the ultimate power in Oz, yet he appears, in turn, as a "great Head,"⁴⁴ a "lovely Lady,"⁴⁵ a "terrible Beast,"⁴⁶ and a "Ball of

³⁶ *Id.* (Wizard replying that "[y]ou have plenty of courage . . . All you need is confidence in yourself . . . True courage is in facing danger when you are afraid, and that kind of courage you have in plenty.")

³⁷ The Wizard is most cynical in this response: "I think you are wrong to want a heart. It makes most people unhappy. If you only knew it, you are in luck not to have a heart." BAUM, *supra* note 1, at 132.

³⁸ Littlefield, *supra* note 10, at 58 ("Noteworthy too is Baum's prophetic placement of leadership in Oz after Dorothy's departure. The Scarecrow reigns over the Emerald City, the Tin Woodman rules in the West and the Lion protects smaller beasts in 'a grand old forest.' Thereby farm interests achieve national importance, industrialism moves West and Bryan commands only a forest full of lesser politicians.")

³⁹ BAUM, *supra* note 1, at 181 (explaining that the Scarecrow becomes ruler of Oz and Emerald City, the Tin Woodman chooses to go rule over the previously freed Winkies, and the Lion is made King of the beasts "over the hill of the Hammer-Heads"); Ritter, *supra* note 8, at 196-97 ("Historian Lawrence Goodwyn argues that the end of the nineteenth century saw a shift in American political culture from a Populist ethos of equality to a progressive ethos of management and governance. From the perspective of Dorothy and her friends, Baum's tale often seems to celebrate democracy, co-operation, and individual ability. But, when the monkeys and Winkies are recalled, the story shifts to a celebration of order and paternal rule in a world where racial and class distinctions hold sway.") (citing LAWRENCE GOODWYN, *THE POPULIST MOVEMENT* (1978)).

⁴⁰ BAUM, *supra* note 1, at 130 (discussing how Emerald City was built at the behest of Oz. "[T]o make the name fit better I put green spectacles on all the people, so that everything they saw was green."). Perhaps this is an allusion to the U.S. currency notes of 1861-1862 during the Civil War, which was eventually replaced by U.S. Notes from 1962-1971, both colloquially known as "greenbacks." See generally Wesley C. Mitchell, *Gold, Prices and the Wages Under the Greenback Standard* (1908).

⁴¹ See HAROLD WEISS, *AND THE STREETS ARE PAVED WITH GOLD* (2002) (referencing the draw for European immigrants in the latter part of the nineteenth century).

⁴² BAUM, *supra* note 1, at 13-14.

⁴³ See *id.* at 108.

⁴⁴ *Id.* at 127. (the manner in which Wizard appeared to Dorothy).

⁴⁵ *Id.* (the manner in which Wizard appeared to the Scarecrow).

⁴⁶ *Id.* (the manner in which Wizard appeared to the Tin Woodman).

Fire;”⁴⁷ each expression⁴⁸ is mere theater, only make believe.⁴⁹ When the Wizard tips over the screen in the corner, it is the ultimate revelation, exposing the person who typically holds power in society as “a little, old man, with a bald head and a wrinkled face...”⁵⁰ After being revealed to the travelers, the Wizard was most concerned about maintaining the illusion of his power for the Emerald City dwellers and thus continuing his influence.⁵¹

What is really fascinating is that even after the Wizard revealed the illusion and explicitly denied his ability to help each individual,⁵² the party of travelers still believed that the Wizard met their requests.⁵³ This suspension of disbelief assisted the Wizard in maintaining the illusion of his power.⁵⁴ This suggests that it is not the holder of power alone who has an interest in its maintenance; even those without the kind of power at issue may be invested in reinforcing it.

It is also not difficult to imagine the source of power of the silver shoes⁵⁵ or of the golden cap.⁵⁶ It seems that the power wielded from these two sources is genuine while the rest of the powers in Oz are only illusions. The golden cap gave its holder three commands of the Winged Monkeys which first served as a means for the Wicked Witch of the West to persecute Dorothy and her friends, but ultimately enabled them to return to Oz for the Wizard’s promised help.⁵⁷ The silver shoes were coveted by the Wicked Witch of the West⁵⁸ and ultimately were the means for Dorothy to return home.⁵⁹ Even though she is not aware of it,⁶⁰ only Dorothy has the power to get home on her journey for self actualization—signified by the return to home.⁶¹ She is also the only one who does not seek power (including that which she holds) and does not acquire it at the end of her

⁴⁷ *Id.* (the manner in which Wizard appeared to the Lion).

⁴⁸ See also Littlefield, *supra* note 10, at 54 (“[A] little bumbling old man, hiding behind a facade of paper mâché and noise, . . . able to be everything to everybody.”).

⁴⁹ BAUM, *supra* note 1, at 128 (revealing that the Wizard uses theater tricks to create the illusions).

⁵⁰ *Id.* at 127.

⁵¹ *Id.* (“[D]on’t speak so loud, or you will be overheard—and I should be ruined. I’m supposed to be a Great Wizard.”).

⁵² *Id.* at 130.

⁵³ *Id.* at 135 (explaining that the Scarecrow gets new brains composed of straw, pins, and needles); *Id.* at 136 (explaining that the Woodman gets a heart composed of sawdust stuffed silk); *Id.* at 138 (explaining that the Lion received courage by drinking green-colored water).

⁵⁴ *Id.* at 138 (“Oz, left to himself, smiled to think of his success in giving the Scarecrow and the Tin Woodman and the Lion exactly what they thought they wanted. ‘How can I help being a humbug,’ he said, ‘when all these people make me do things that everybody knows can’t be done? It was easy to make the Scarecrow and the Lion and the Woodman happy, because they imagined I could do anything.’”).

⁵⁵ BAUM, *supra* note 1, at 15. See generally Ritter, *supra* note 8.

⁵⁶ BAUM, *supra* note 1, at 102 (“Whoever owned it could call three times upon the Winged Monkeys, who would obey any order they were given.”). See generally Ritter, *supra* note 8.

⁵⁷ BAUM, *supra* note 1, at 15.

⁵⁸ BAUM, *supra* note 1, at 15. Conflict and competition over material items holds its own form of power that I do not specifically address in this Essay.

⁵⁹ BAUM, *supra* note 1, at 182.

⁶⁰ Then “she happened to look into the child’s eyes and saw how simple the soul behind them was, and that the little girl did not know of the wonderful power the Silver Shoes gave her.” BAUM, *supra* note 1, at 104. See also Littlefield, *supra* note 10, at 55.

⁶¹ BAUM, *supra* note 1, at 182–83.

journey, except in the fulfillment that comes from embarking on an existential quest. The journey, which is the activist mission, is itself an end.

Violence is also a means of establishing and maintaining power.⁶² Even though Baum moved away from the gruesomeness of fairy tales of the age,⁶³ he nevertheless uses violence as an important tool for the acquisition and maintenance (or destruction) of power. Early in the story, the Tin Woodman kills a wildcat to protect the Queen of the Field Mice⁶⁴ entitling him to be served by the mice.

The Wizard required Dorothy and each of her companions to kill the Wicked Witch of the West in order to receive their requested gifts.⁶⁵ Thus, the Wizard targets those he fears in order to eliminate their legitimate power while simultaneously reinforcing the appearance of his own. This is especially important when the holder of power knows his own power is an illusion. The Wizard admits that “one of [his] greatest fears was the Witches, for while [he] had no magical powers at all [he] soon found out that the Witches were really able to do wonderful things.”⁶⁶

The characters and their actions in *Oz* help demonstrate the draw of hierarchy. The impact of the operation of hierarchy is not exclusive to individual motivation and behavior; it also has relevance to the complexities in group dynamics and organizational politics. Organizations, as steered by individuals, have incentive to be successful, be at the top of the relevant hierarchy, and to mimic the actions of organization or groups which are already successful, even when the objective is to challenge the superiority of those organizations or groups. The dynamics of hierarchy, individual as well as organization oriented, are best understood in real contexts. Very often, those that exist in reality are much more complex than those demonstrated in fantasies. This is exemplified by an analysis of some of the historical context surrounding the life of Joslyn Gage.

III. MATILDA’S “MAGIC”

Matilda Joslyn Gage was born into an abolitionist household distributing anti-slavery petitions from an early age.⁶⁷ Joslyn Gage remained a strong supporter of black suffrage and equality as well as an advocate for universal liberty and peace.⁶⁸ Her father, Dr. Hezekiah Joslyn,

⁶²Violence within the law’s text can reaffirm these hierarchies. See PIERRE SCHLAG, *LAYING DOWN THE LAW: MYSTICISM, FETISHISM, AND THE AMERICAN LEGAL MIND* 12 (1996) (“[L]aw erases its own doubts, negates its own inadequacies, denies its own internal instability.”). See also Robert M. Cover, *Violence and the Word*, 95 *YALE L.J.* 1601, 1608–09 (1986) (discussing the threat of violence, via jail time or even death, that permeates the texts of court opinions); Anthony Paul Farley, *The Station, in AFTER THE STORM: BLACK INTELLECTUALS EXPLORE THE MEANING OF HURRICANE KATRINA* 147, 148 (David Dante Troutt ed., 2006). See generally Zanita E. Fenton, *Mirrored Silence: Reflection on Judicial Complicity in Private Violence*, 78 *OR. L. REV.* 995 (1999) (discussing acts of “private” violence and even conditions of violence that the law permits).

⁶³Nye, *supra* note 13, at 2.

⁶⁴BAUM, *supra* note 1, at 69.

⁶⁵*Id.* at 89 (Dorothy); *id.* at 90 (the Scarecrow); *id.* at 91 (Tin Woodman); *id.* at 93 (the Lion).

⁶⁶Compare *id.* at 131, with *infra* note 75 and accompanying text.

⁶⁷BRAMMER, *supra* note 23, at 1–2.

⁶⁸*Id.* at 6.

educated Matilda in Greek, mathematics, and physiology.⁶⁹ Her brilliance as a historian was often remarked by her contemporaries;⁷⁰ her brilliance as an orator, legal scholar, and advocate is evident in her writings.⁷¹ In spite of life-long illness from heart problems, she raised four children and was a passionate activist.⁷²

Joslyn Gage consistently wrote and spoke about the many ignored contributions of women. For example, in a speech at the Woman's Rights Convention of 1852, she noted the literary pursuits of Helena Lucretia Corano, a genius in language, poetry, painting, music, and medicine; the mathematics and astronomy of Mary Cunitz; the sculpture, engraving, and music arts of Anne Maria Schureman; the literary attainments of Contia Grierspan, made before her death at twenty-seven; Joanie Baillie was termed the female Shakespeare; the astronomical discoveries of Caroline Herschell; as well as the accomplishments of Lady Jane Grey, Mrs. Montague, Miss Cushman, Jenny Lind, Miss Chesebro, Miss Carey, Miss Fennimore Cooper, Grace Greenwood, Mrs. Stowe, and Margaret Fuller Ossoli.⁷³ In a separate speech, Joslyn Gage persuasively spoke of the role of Anna Ella Carrol in the winning military strategies of the Civil War and pointed out the injustice of Carrol's inability to receive a pension from the government which would have been granted had she been male.⁷⁴ There were many other efforts on Joslyn Gage's part to record women's history.⁷⁵

Joslyn Gage's examination of the root causes of women's social inequality identified and exposed Christian church teachings as the primary cause. For example, regarding the usage of "original sin," she observed:

The Christian Church is based upon the fact of woman servitude; upon the theory that woman brought sin and death into the world, and that therefore she was punished by being placed in a condition of inferiority to man—a condition of subjection, or subordination. This is the foundation to-day of the Christian Church.⁷⁶

⁶⁹ "Dr. Joslyn considered a full medical education for Matilda; instead, she received a strong, liberal education attending Hamilton Seminary, Deuyter Academy, and the Clinton Liberal Institute." 2 NOTABLE AMERICAN WOMEN 1607-1950, at 4-6 (Edward T. James, Janet Wilson James & Paul S. Boyer eds., 1971); but see MARY DALY, GYN/ECOLOGY: THE METAETHICS OF RADICAL FEMINISM 218 (1978) (discussing how Warbasse obscures the work of Joslyn Gage, yet praises Joslyn Gage's father for directing his daughter's education). Daly also notes that Joslyn Gage does not include her father in the dedication to *Women, Church, and State*, rather, Joslyn Gage includes an inscription to the memory of her mother who she considered a mother, sister, and friend. *Id.* at 218-19.

⁷⁰ BRAMMER, *supra* note 23, at 2-3.

⁷¹ See, e.g., *id.* at 8-9 (explaining that Joslyn Gage was involved in litigation for the vote); *id.* at 11 (explaining that Joslyn Gage petitioned to Congress to be relieved of political disability just like convicted criminals could be).

⁷² *Id.* at 2.

⁷³ Joslyn Gage's Speech. *supra* note 14, at 2-3.

⁷⁴ MATILDA JOSLYN GAGE, WHO PLANNED THE TENNESSEE CAMPAIGN OF 1862? OR ANNA ELLA CARROLL VS. ULYSSES S. GRANT: A FEW GENERALLY UNKNOWN FACTS IN REGARD TO OUR CIVIL WAR 2-3 (1880).

⁷⁵ BRAMMER, *supra* note 23, at 36-39.

⁷⁶ Matilda Joslyn Gage, *Address, in THE PROCEEDINGS AND ADDRESSES OF THE FREETHINKERS' CONVENTION HELD AT WATKINS, N.Y., 1878*, at 213 (Da Capo Press 1970) (1878); Brammer, *supra* note 23, at 71. Joslyn Gage did not exclusively address the practices of Christianity: "I have no faith in any form of religion, be it what it may, Christian, Mohammedan, Buddhist, that receives revelation only through some man; or father than that, I will say, I have no faith in any form of religion that does not

In 1893, Joslyn Gage published *Woman, Church and State*,⁷⁷ a thorough examination of the abuses and oppressions of the church in harming women and men and a work which she dubbed her “chief life work.”⁷⁸ Her primary thesis is that the church and its teachings have legitimated and justified a situation where one half of humanity has ravaged, enslaved, and plundered the other half. She especially believes that the institution of marriage is inconsistent with the full realization of political rights for women. “In fact a marriage performed by clergyman of any denomination should be regarded as invalid in light of the civil law It is an infringement of individual rights, that either state or church should possess absolute control over this important relation, one that enters the inmost life of the individual person contracting it.”⁷⁹ She also asserts that Christianity is meaningful only when women are subordinated to men; Christianity would collapse without women’s subordination.

Christianity, she argues, has not led to man’s treatment of woman, but has grown out of it, reinforced it, extended it. It is a rationale produced by men in the attempt to explain and make acceptable their violent and barbarous treatment of women; if they did not treat women in this way they would have had no need of Christian ideology.⁸⁰

Joslyn Gage argued that the church oppressed women by supporting witch hunts,⁸¹ a practice that primarily targeted women. Joslyn Gage noticed that women who acquired knowledge in medicine and the healing arts were the greatest threat to patriarchy and thus were identified as witches.⁸² At the height of the witch craze, witches were burned 400 at a time. Witches were burned instead of boiled in oil because oil was expensive.⁸³ This unfortunate historical reality coincides much too closely to the reasons that the Wizard feared the Wicked Witch of the East⁸⁴ and his consequent requests to have her killed:⁸⁵

place man and woman on an exact equality of religious rights. HISTORY OF WOMAN SUFFRAGE 747 (Elizabeth Cady Stanton et al. eds., 1881). See also Brammer, *supra* note 23 at 69.

⁷⁷ GAGE, *supra* note 22. See also BRAMMER, *supra* note 23, at 18–19.

⁷⁸ BRAMMER, *supra* note 23, at 18 (citation omitted).

⁷⁹ Joslyn Gage’s Speech, *supra* note 14, at 349.

⁸⁰ SPENDER, *supra* note 19, at 236.

⁸¹ For an examination of the European witch hunts focusing on women’s experiences and gender issues, see generally ANNE LLEWELLYN BARSTOW, WITCHCRAZE: A NEW HISTORY OF THE EUROPEAN WITCH HUNTS (1994); WOLFGANG BEHRINGER, WITCHES AND WITCH HUNTS: A Global History (2004); Robin Briggs, *Many Reasons Why: Witchcraft and the Problem of Multiple Explanation*, in WITCHCRAFT IN EARLY MODERN EUROPE: STUDIES IN CULTURE AND BELIEF 49 (Jonathan Barry et al. eds., 1996).

⁸² SPENDER, *supra* note 19, at 339 (stating that “it is no coincidence that ‘at the time that witchcraft became the great ogre against which the church expended all its terrific powers, women doctors employed anesthetics to mitigate the pains and perils of motherhood.’”). See also DALY, *supra* note 69, at 218 (“The sons of the church had to erase women with the power to heal, not only by killing them, but [also] by denying that they healed of their own power. It must have been ‘through diabolical agency,’ that is, through obedience to another—the ‘devil.’”); *id.* (discussing the erasure of the power of women and the denial that they are the source of their own power). See generally Bernice A. Carroll, *The Politics of “Originality”: Women and the Class System of the Intellect*, J. WOMEN’S HIST. 2, 2 (1990).

⁸³ See SPENDER, *supra* note 19, at 238.

⁸⁴ BAUM, *supra* note 1, at 131.

⁸⁵ *Id.* at 89–91.

[T]he Witches of the East and the West were terribly wicked, and had they not thought I was more powerful than they themselves, they would surely have destroyed me. As it was, I lived in deadly fear of them for many years; so you can imagine how pleased I was when I heard your house had fallen on the Wicked Witch of the East.⁸⁶

Subsequent to the National Woman's Rights Convention in 1852,⁸⁷ Joslyn Gage became active and well-known in the abolitionist and suffrage movements by writing and speaking in support of both causes.⁸⁸ Joslyn Gage was an especially tireless advocate engaged in pursuit of the goal of equality for women. As part of this pursuit, she, along with Elizabeth Cady Stanton and Susan B. Anthony, organized and advocated for women's suffrage. Unlike Anthony, however, Joslyn Gage did not believe that suffrage was sufficient or should be an end sought to the exclusion of comprehensive equality.⁸⁹ Joslyn Gage not only did not believe that the vote alone was enough to bring meaningful equality but was also interested in ensuring broader access to equality for all.

Between passage of the Fourteenth Amendment in 1868 and the proposal of the Fifteenth Amendment in early 1869, the National Woman Suffrage Association ("National"), an organization made up exclusively of women, was formed by Anthony and Cady Stanton.⁹⁰ Anthony and Cady Stanton formed the National specifically as an alternative to the American Equal Rights Association over political and philosophical divisions regarding the Fourteenth and Fifteenth Amendments.⁹¹ In their efforts to secure a constitutional amendment for women's suffrage, Anthony and Cady Stanton opposed passage of the Fifteenth Amendment, which provided that "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."⁹² It was their position that the language in this Amendment easily could have included "sex" in its protected list.⁹³ This single, but meaningful, word left out of the Fifteenth Amendment protection created a kind of "competition" between two groups that otherwise would have had similar, if not common, interests. This demonstrates how hierarchy maintains itself. As part of the ensuing

⁸⁶ BAUM, *supra* note 1, at 131.

⁸⁷ MATILDA JOSLYN GAGE FOUNDATION, NATIONAL WOMEN'S RIGHTS CONVENTION, 1852 (1852), <http://www.matildajoslyngage.org/gage-home/womens-rights-room/gages-writing/national-womens-rights-convention-1852/>.

⁸⁸ BRAMMER, *supra* note 21, at 4-7.

⁸⁹ *Id.* at 16.

⁹⁰ *Id.* at 21-25.

⁹¹ *Id.*

⁹² U.S. CONST. amend. XV § 1.

⁹³ BRAMMER, *supra* note 26, at 24. *See also* Matilda Joslyn Gage, *No Title So Proud as American Citizen*, in III HISTORY OF WOMAN SUFFRAGE: 1876-1885 93, 93 (Elizabeth Cady Stanton, Susan B. Anthony & Matilda Joslyn Gage eds., 1887) (explaining that after opposition to the Fifteenth Amendment failed, suffragists agitated for a Sixteenth Amendment prohibiting states from disenfranchisement on the basis of sex before the Senate Committee on Privileges and Elections, making an obvious reference to the Fifteenth Amendment, "[A]s proud as this name of American citizen, it brings with it only shame and humiliation to one-half the nation. Woman has no part nor lot in the matter. The pride of citizenship is not for her, for woman is still a political slave.").

schism, Lucy Stone formed The American Woman Suffrage Association (“American”), which included both men and women in its membership.⁹⁴ The American supported the guarantee of suffrage for black men and was open to leadership roles for men in the pursuit of women’s suffrage, among other issues, with which the members of the National did not agree.⁹⁵ Even though Joslyn Gage did not vocally oppose suffrage for black men prior to women’s suffrage, she remained associated with the National when it split from the Equal Rights Association, and thus, American.

Anthony philosophically agreed with her longtime friend Frederick Douglass—a former slave who became an abolitionist and proponent of women’s suffrage⁹⁶—that “citizens” should have the right to vote.⁹⁷ In fact, in early years, the movements for equality and full rights of citizenship for manumitted slaves and for white women were often parallel, and their causes were merged in the quest for voting rights prior to the Reconstruction Amendments.⁹⁸ Nevertheless, Anthony’s belief in universal suffrage seemed to extend only to ensuring her objectives for women’s rights, not to an unqualified belief in equality for all people.⁹⁹ Both Anthony and Cady Stanton were angry that the Fourteenth Amendment introduced “male” into the Constitution, putting into question the citizenship status of women.¹⁰⁰ Their feelings of betrayal led to their opposition to the Amendment and the entire idea of black suffrage.¹⁰¹ Anthony, “who had been steadfast in her opposition to slavery... said that women were more intelligent than the black men who, she now saw, were competing with her and her fellow women for the vote.”¹⁰²

One can only wonder what modern day equality would look like if all those seeking meaningful equality worked together to acquire it. The manufactured conflict amongst groups is in service to the perpetuation of hierarchy; in this instance, it did not accomplish social equality for either group. In addition, this dispute served as an additional level of political conflict. Because both black’s and women’s suffrage were supported by members of the Republican Party, the Democrats pitted women’s suffrage against black suffrage in hopes of splitting the Republicans. Their success was greater than splitting a party; it took a long-term toll on the realization

⁹⁴ *Id.* at 25.

⁹⁵ *Id.* at 24–26.

⁹⁶ Douglass spoke in favor of women’s suffrage at the Women’s Rights Convention at Seneca Falls (July 19, 1848). See BRAMMER, *supra* note 26, at 22.

⁹⁷ William S. MCFEELY, *FREDERICK DOUGLASS* 265 (1991).

⁹⁸ *Id.* at 266.

⁹⁹ *Id.* at 266–67 (“[A]lthough white men might reconcile themselves to the idea of black men coming to the polls, particularly if not too many black men were in the neighborhood, they were not yet up to facing the threat of having half the population—the women—elbowing their way in.”).

¹⁰⁰ *Id.* at 250 (“Anthony said, ‘We have at least saved the nation from disgracing the Constitution by inserting the word *male*.’ There was more than a hint here that if ‘without regard to sex’ did not accompany ‘without regard to race’ in the description of who might vote, Anthony would work to block passage of an amendment enfranchising black Americans.”).

¹⁰¹ Brammer identifies racist comments made by both Anthony and Cady Stanton. BRAMMER, *supra* note 26, at 23; MCFEELY, *supra* note 97, at 266.

¹⁰² MCFEELY, *supra* note 97, at 266.

of equal rights and the definition of equality for blacks, women, and beyond.¹⁰³ If this were different, would we be closer to Home?

Joslyn Gage was instrumental and active in the National, even serving as its president in 1876.¹⁰⁴ She was also important in organizing the International Council of Women in 1888 where she continued to speak out against religion, alienating many conservative women in attendance.¹⁰⁵ In the fight for women's suffrage, the National focused primarily on a federal amendment and tended to be more radical, both in its membership and issues it chose to address.¹⁰⁶ The American worked to attain suffrage in individual states rather than at the federal level.¹⁰⁷ Because of the differences in associations and choice of issues, it seemed unlikely that these two organizations could ever unite.¹⁰⁸

Nonetheless, in an effort to push one more time for suffrage, Anthony made some political moves to ensure the alliance of the liberal National and the more conservative American.¹⁰⁹ The merger was engineered by Anthony in Joslyn Gage's absence and to the ire of Cady Stanton.¹¹⁰ Anthony, who had been narrowing her focus to obtain the vote, made an alliance with Frances Willard of the Women's Christian Temperance Union, whom Joslyn Gage saw as a danger to liberty.¹¹¹ To quell dissent, Anthony made Cady Stanton the first president of the newly formed National American Woman Suffrage Association.¹¹² In Joslyn Gage's estimation, Anthony was single-minded in her pursuit of suffrage to the overall detriment of women's greater issues and equality.¹¹³ Joslyn Gage was not willing to make a deal with advocates of church doctrine in contradiction to her beliefs about the church's role in the subordination of women.¹¹⁴

Woman is told that her present position in society is entirely due to Christianity, and this assertion is then made the basis of opposition to her demands for exact equality with man in all the relations of life. . . . [W]e shall help to show man's unwarranted usurpation over woman's religions and civil rights . . . will prove that the most grievous wound ever inflicted upon woman has been in the teaching that she was not created equal with man, and the

¹⁰³ BRAMMER, *supra* note 23, at 23.

¹⁰⁴ *Id.* at 9.

¹⁰⁵ *Id.* at 15.

¹⁰⁶ *Id.* at 24–26.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at 30.

¹¹⁰ *Id.* at 16.

¹¹¹ *Id.*

¹¹² *Id.* at 104. Cady Stanton was quite wary of the merger between the National and the American. She too wished to seek more than the vote and was a critic of the church. In fact, Cady Stanton wrote *THE WOMAN'S BIBLE*, published in 1895 and 1898. See CADY STANTON, *THE WOMAN'S BIBLE* (1898) (reinterpreting portions of the Bible and focusing on women in the Bible).

¹¹³ See *id.* at 16.

¹¹⁴ I did not come across any references to Joslyn Gage's motivation for leaving the Equal Right's Association or whether she agreed with Cady Stanton and Anthony's racist denouncements of the Fifteenth Amendment. Based on what is not about her passionate position on the destructiveness of the Church to the goals for women's equality, my speculations as to her motive are in accord.

consequent denial of her rightful place and position in Church and State.¹¹⁵

Anthony, however, not only was willing to make this deal but also was willing to compromise broader principles of general equality.¹¹⁶ Thus, Joslyn Gage, who was steadfast in her beliefs and positions against patriarchy counter to the tactics of compromise espoused by members of her own organization, was purged from her organization and, for an extended period of time, from history.

IV. OBSCURING THE RESOLUTE

Joslyn Gage's activism, along with all other forms of activism, is a means of imagining a different reality with the object of making that fantasy into cognizable truth. Reading about the resistance to her activism, which Joslyn Gage encountered on multiple levels, prompts a discussion regarding the paradox of hierarchy in this complex dynamic.¹¹⁷ The first level of hierarchy explains individual plights;¹¹⁸ this situation allows its expansion to groups and inter-group infighting as well as intra-group place holding. Joslyn Gage experienced the ultimate obliteration from history for simultaneously challenging more than one level of hierarchy: she challenged patriarchy as well as the Christian Church, which she surmised existed only to maintain patriarchy. She also challenged the internal objectives of the National by insisting on broader objectives over the vote.

Joslyn Gage was not only edged out of her own organization but was also excluded from history. The irony of her exclusion is supreme, as one of her activities was in cataloguing women's history and accomplishments. The *History of Woman Suffrage* "was written in response to an inadequate coverage of women in traditional histories."¹¹⁹ Joslyn Gage, Cady Stanton, and Anthony were the primary editors of the first three volumes. Unfortunately, Joslyn Gage's exclusion from history started with the history she had a part in writing.¹²⁰ While both Cady Stanton and Anthony wrote their autobiographies for inclusion in the *History of Woman Suffrage*,

¹¹⁵ Matilda Joslyn Gage, *Women Church, and State*, in 1 HISTORY OF WOMAN SUFFRAGE 753, 753-54 (Elizabeth Cady Stanton et al. eds., 1881); Brammer, *supra* note 23 at 75.

¹¹⁶ Brammer, *supra* note 23 at 24.

¹¹⁷ See Fenton, *supra* note 33 and accompanying text.

¹¹⁸ See *id.*

¹¹⁹ BRAMMER, *supra* note 23, at 114-15. See also Margaret W. Rossiter, *The Matthew Matilda Effect in Science*, 23 SOC. STUD. SCIENCE 325, 337 (1993) (referring to "women's systematic under-recognition" as the "Matilda Effect." This tribute is especially appropriate as one of Joslyn Gage's missions was to credit women for their contributions in the arts and sciences. It is also ironic in that someone who perhaps best understood the process of the denial of woman's existence was almost erased from history for these efforts.); SPENDER, *supra* note 19, at 227 (discussing how author Mary Daly wrote about being "virtually stunned by the recognition that this woman, who made such an enormous contribution to women's knowledge, understandings, and heritage, should have almost completely disappeared, and in such a short space of time."); DALY, *supra* note 69, at 217 (quoting Jane Caputi as saying: "It is painfully ironic to confront the erasure of Gage . . . [who] devoted the overwhelming portion of her energies towards reclaiming our past.").

¹²⁰ BRAMMER, *supra* note 23, at 109. See *id.* at 108-11 (detailing the ways Joslyn Gage was excluded from Histories).

Joslyn Gage did not.¹²¹ Neither Anthony nor Cady Stanton corrected this omission and made little effort to include her; the effect was to write her out of movement history in the works to which they contributed.¹²² In addition, these authors consciously shaped the history of woman suffrage. “[B]ecause of the focus on suffrage and the disparagement of more controversial views of women’s oppression, the *History* was easily appropriated into conventional history, where the movement became a woman suffrage movement rather than part of a larger woman’s rights movement.”¹²³

Thus, “Joslyn Gage and her ideas did not fit as easily into conventional history and the dominant cultural understanding of the movement.”¹²⁴ The choices made about what and whom to exclude also demonstrates “Joslyn Gage’s argument that patriarchy is insidious because it succeeds by prompting women to participate in the process of their own suppression and cooption.”¹²⁵ “Joslyn Gage’s exclusion from the movement and its history illustrates the fragility of controversial ideas within a movement for social change seeking acceptance from the larger culture.”¹²⁶ Of course, this is how the paradox of hierarchy operates.

The National, in seeking formal equality by acquiring the vote, may have sacrificed ground in the overall battle for equality. The additional hierarchies embedded in religion overlapped and reinforced political patriarchy. At this historical moment, race served as a competitor and an affront in the quest for formal equality of women. Thus, the perceived false competition between race and gender for political equality served to assist in the continued subordination of both.

Joslyn Gage was pushed out for her continued criticism of the church and its role in the subjugation of women. In other words, Joslyn Gage was pushed out by the hierarchy she helped form for the sake of meeting the markers of success established by an external hierarchy—ironically the same hierarchy of immediate challenge—patriarchy. The opposite is true

¹²¹ *Id.* at 107 (discussing *History* and Joslyn Gage’s association with Anthony and Cady Stanton and explaining that “[T]he National American Woman Suffrage Association became so centered on suffrage and so closed against any other issues, particularly the controversial ones Joslyn Gage raised, that her exclusion has become total, extending to histories of the movement. Her beliefs were so outside the mainstream of the conservative National American hat [sic] she was completely excluded. . . . Joslyn Gage found herself completely condemned In fact, the extension of her exclusion from the movement to the history of the movement can be traced to the histories written by two of her closest colleagues.”).

¹²² *Id.* at 109 (“Of the three involved in the project, Anthony emerged as the most prominent. In the first three volumes, over one page in the index is devoted to her citations, while Cady Stanton’s take up about two-thirds of a page, and Joslyn Gage’s about one-fourth of the page. Certainly, this has much to do with Anthony’s speaking tours and activity, but, in light of the historical treatment of Joslyn Gage and Cady Stanton, the discrepancy is somewhat suspect because this works with set the standard for information about movement as a whole. Beyond these concerns, there are particularly telling instances in which Joslyn Gage’s contributions were minimized or omitted in the *History*.”). See also DALY, *supra* note 69, at 219 (“Gage was a revolutionary thinker who did not ‘equal’ but rather outdistanced these reformers [Cady Stanton and Anthony] in the originality and creativity of her thinking, that is, in the time/space journey of metapatriarchal knowing.”).

¹²³ BRAMMER, *supra* note 23, at 115.

¹²⁴ *Id.* at 115.

¹²⁵ *Id.*

¹²⁶ *Id.*

for the “great head” in *Oz* where the illusion is the power;¹²⁷ in Joslyn Gage’s case, the potential and threat of real power had to be made into illusion. Thus, she was “disappeared” from history.¹²⁸ This is not unlike the fate of learned women during the era of witch trials,¹²⁹ nor unlike the demise of the “wicked” witches in *Oz*.¹³⁰

Observation demonstrates that hierarchy seeks to reaffirm itself. There are multiple examples across history. Another prominent activist woman at a comparable time, Ida B. Wells-Barnett, was also obscured from history, albeit more briefly than Joslyn Gage. Even though Wells-Barnett had fought lynching tirelessly for decades, she was not acknowledged or mentioned by Walter White in *Rope & Faggot: A Biography of Judge Lynch*. According to Kenneth Robert Janken, in the introduction to a later edition of that work, this was due not just to the passage of time, but primarily to “White’s personal—and the NAACP’s collective—antagonism to Wells-Barnett, dating to the association’s founding and divergent opinions about the direction of the anti-lynching crusade.”¹³¹

Wells-Barnett is most famous for her campaign to end the practice of lynching, which affected primarily black men.¹³² Wells-Barnett made the links among systematic violence, oppression, and an ideology which made it acceptable. This was not unlike the link Joslyn Gage made concerning witch burning, patriarchy, and the church:

[Wells-Barnett] stood at the centre of the complex intersection of two forms of oppression—race and sex—and saw clearly that while sex was the basis of the ‘availability’ of women to men, it was race that was at the crux of which women were available to which men; black women were ‘available’ to white men, but so great was the power of white men that they could use the unavailability of their white women as a pretext for the murder of black men.¹³³

Just as Joslyn Gage was in conflict with Francis Willard¹³⁴—who had “received divine inspiration” to work for suffrage¹³⁵—over Joslyn Gage’s

¹²⁷ See *supra* notes 49–54 and text accompanying notes 51–53.

¹²⁸ SPENDER, *supra* note 19, at 227–28 (“[F]or not only is Matilda Joslyn Gage in her disappearance ‘representative’, as distinct from an isolated case, not only is much of her work concerned with proving that women have always made a contribution and men have consistently made them invisible, not only was she intent on subverting male-controlled history by leaving a record of women’s traditions—but she was also part of the very recent movement: her name is there on three volumes of *History of Woman Suffrage* and yet she has been almost totally obliterated.”).

¹²⁹ See *supra* note 20.

¹³⁰ See *supra* note 65 and accompanying text.

¹³¹ KENNETH ROBERT JANKEN, *New Introduction*, in WALTER WHITE, *ROPE & FAGGOT: A BIOGRAPHY OF JUDGE LYNCH* xvii (2002) (citing PAULA GIDDINGS, *WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA* 180–81 (1984)).

¹³² See Kendall Thomas, *Strange Fruit*, in *RACE-ING JUSTICE, EN-GENDERING POWER: ESSAYS ON ANITA HILL, CLARENCE THOMAS, AND THE CONSTRUCTION OF SOCIAL REALITY* 370 (Toni Morrison ed., 1992) (“In addition to suffering rape and other forms of sexual terror, a number of black females lost their lives at the hands of lynch parties.”). See generally *IDA B. WELLS-BARNETT, SOUTHERN HORRORS: LYNCH LAW IN ALL ITS PHASES* 13–4, 24 (1892), *reprinted in ON LYNCHINGS* (2002) (discussing that there are recorded instances of black women being lynched).

¹³³ SPENDER, *supra* note 19, at 261–62.

¹³⁴ See *id.* at 249 (explaining that Willard was also in a philosophical and personal conflict with both Cady Stanton and Joslyn Gage concerning the objectives of acquiring the vote).

portrayals of the Church; Wells-Barnett was in conflict with Willard over portrayals of the magnitude and causes of lynching. "To those who inquired about Willard's position on lynching, [Wells-Barnett] said that the temperance leader was not only silent on the issue, but had added fuel to the fire of mob violence."¹³⁶ Willard gave an interview in which she stated that "[t]he colored race multiplies like the locusts of Egypt. The grog-shop is its center of power. The safety of women, of childhood, of the home is menaced in a thousand localities . . ."¹³⁷ Willard managed to reference almost every racial stereotype in existence at the time.

The actions of Willard demonstrate a form of self-defeat as an unfortunate by-product of maintaining hierarchy. Willard, on some level, was consciously oblivious to the contributing factors in the subordination of women, thus permitting their continuation; she was also happy to contribute to subordination in one hierarchy to ensure the continuation of privilege, even to the extent it coordinated to maintain all other hierarchies.¹³⁸

Wells-Barnett, like Joslyn Gage, came into conflict with the organization she helped create because of the doggedness of her ideals. "[Wells-Barnett] was a black woman who was . . . often urged by both black men and white women to become more cautious and conciliatory. But she insisted on naming the issues, and on naming people, and for this she paid a high price."¹³⁹ According to Paula Giddings, the dispute between Wells-Barnett and other founding members of the NAACP, was over the weak anti-lynching platform. Because of her "strident independence and refusal to compromise her principles," she antagonized such people as W.E.B. Du Bois, and her name was, for a time, dropped from the list of founding members of the NAACP.¹⁴⁰ We might say that she was omitted for her "witchery."¹⁴¹

Later, when Wells-Barnett sought to become president of the National Association of Colored Women, formed at the merger of the National Federation of Afro-American Women and the National League of Colored Women, she lost to fellow anti-lynching activist, Mary Church Terrell.¹⁴² Terrell's activism against lynching was more of a conciliatory nature, attempting cooperation with white power structure.¹⁴³

Despite the famous speech of abolitionist Sojourner Truth in Akron in 1851, *Ain't I a Woman?*,¹⁴⁴ the obvious overlap between the goals of abolitionists and Reconstructionists and the goals of those seeking women's

¹³⁵ Wagner, *supra* note 11, at xxxi.

¹³⁶ PAULA GIDDINGS, WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA 91 (1984).

¹³⁷ SPENDER, *supra* note 19, at 262 (internal quotations omitted).

¹³⁸ See, e.g., *supra* text accompanying note 115. See generally Zanita E. Fenton, *Silence Compounded—The Conjunction of Race and Gender Violence*, 11 AM. U.J. GENDER SOC. POL'Y & L. 271 (2003).

¹³⁹ SPENDER, *supra* note 19, at 263.

¹⁴⁰ See GIDDINGS, *supra* note 136, at 180–81.

¹⁴¹ See *supra* note 20.

¹⁴² SPENDER, *supra* note 19, at 263.

¹⁴³ See generally *id.*

¹⁴⁴ Sojourner Truth, Speech at Women's Convention in Akron, Ohio: *Ain't I Woman?* (1851).

equality and woman's suffrage were ignored. Both Wells-Barnett and Joslyn Gage exposed and challenged the use of violence as a means of maintaining hierarchy: Wells-Barnett by cataloguing and advocating against the widespread practice of lynching; and Joslyn Gage by challenging the identification, torture, and execution of witches by Christian churches. These challenges put both women at great personal risk and led to their being ostracized during their lifetimes and their contributions to changes in history being obscured.

V. CONCLUSION

Even though the greatest good would be accomplished through cooperative behaviors for the purpose of achieving universal ideals, perceptions of achievement of these ideals as limited prompts competition, enabling the continuation of power hierarchies and delays in the realization of those ideals. Joslyn Gage's ideas for universal equality may have been ahead of her time at the turn of the century, but these ideas have yet to find their time. Indeed, even though history has reclaimed Joslyn Gage to some degree, the extent of her contributions is still not fully recognized.

Finding Truth, Rationality, Equality and Justice is an ongoing challenge in our quest to find Home. Joslyn Gage's ideals for women's political equality have yet to be realized; Douglass's ideals for African American political equality have yet to be realized; the ideals of Joslyn Gage and Wells-Barnett to have a world free of politicized violence have yet to be realized. I don't think the Wizard can fool us, the golden cap can save us, or the silver shoes can take us Home.