



150 Years of Women in Law

Arabella Mansfield Opened the Way in 1869

BY ROBBIN COSTELLO LEGO

This year, America celebrates the sesquicentennial of important events in its history, including the completion of the transcontinental railroad at Utah's Promontory Point, the grant to women of the right to vote by the Wyoming territorial legislature, and the admission of the first woman to the practice of law in the United States.

America's first woman lawyer was born Arabella Aurelia Babb on May 23, 1846 on a farm outside of Burlington, Iowa, a Mississippi River town in the southeastern corner of the state.¹ Her parents, Miles Babb and Mary Moyer, were both born and raised in Pennsylvania, and had separately traveled with their families to the Territory of Iowa in the late 1830s and early 1840s. They were part of the thousands of people who headed to the areas west of the Mississippi as those lands were gradually

opened to settlement in the 1830s. Miles's father, John Babb, had owned a coal mine in Pennsylvania, but decided to move to the Iowa territory in 1837, when Miles was 19 years old. John Babb took up farming and prospered. Miles and Mary married in 1843 and moved to their own farm just outside of Burlington shortly thereafter. Their son, Washington Irving (W.I.), was born in October of 1844, and their daughter, Arabella (Belle), a year and a half later.²

By early 1850, Miles apparently caught the "gold fever" that struck many after the discovery of gold in California in 1849. Leaving his family on the farm, he headed to Northern California, where he capitalized on the family background in mining and became superintendent of the Bay State Mining Company. On December 21, 1852, Miles Babb was killed by a mine tunnel cave-in in Georgetown, California. He was 34.³

Iowa Wesleyan and Mount Pleasant

Following Miles's death, Mary and the children remained on the farm, and W.I. and Belle attended schools in nearby Burlington. Mary purchased scholarships to hold places for both W.I. and Belle at Iowa Wesleyan University in Mount Pleasant, Iowa, 30 miles west of Burlington. Iowa Wesleyan, founded in 1842, operated under the authority of the Methodist Episcopal Church, which Mary and her children attended.⁴ In the 1850s, Iowa Wesleyan was one of the few institutions of higher learning in the country to admit women, and it began adding professional schools under its president, James Harlan, who later served as a U.S. Senator and was appointed Secretary of the Interior by President Lincoln.⁵

Mary, W.I., and Belle moved to Mount Pleasant when W.I. reached college age in 1860. Mount Pleasant was then a small city of just over 3,500 citizens. The growth of Iowa Wesleyan and the establishment in Mount Pleasant of the Iowa State Hospital for the Insane in 1855 drew academics, doctors, and psychologists to the town.

The city had two newspapers—one associated with the Democratic party and the other with the Republican party. The Republican newspaper was the *Mount Pleasant Journal*, edited by Frank Hatton, an early supporter of women's suffrage and a local voice for that cause through his paper. Other progressive citizens living in Mount Pleasant at the time included Samuel Howe, a suffragist who founded Mount Pleasant's leading secondary school, Howe's Academy, which had been co-educational from its inception in 1841. Howe also purchased an abolitionist paper in 1849 and published it out of Mount Pleasant for 10 years, and his home in Mount Pleasant was a station on the Underground Railroad. Another progressive resident was Joseph Dugdale, a longtime suffragist and abolitionist in the east, who moved to Mount Pleasant in 1861. He remained involved in the abolition and suffragist movements in Mount Pleasant, and his house, like Howe's, was a station on the Underground Railroad.⁶

Due to the influence of community leaders such as Harlan, Hatton, Howe, and Dugdale, Mount Pleasant circa 1860 was a stimulating small city where the major political issues of

the day were discussed and debated. Such an atmosphere no doubt had a major impact on Belle Babb as she moved to Mount Pleasant with her family in 1860 and continued her education and life there.

Belle entered Iowa Wesleyan in the fall of 1862, about a year and a half after the Civil War began. Her brother W.I. was a junior at the time, as was John Mansfield, Belle's future husband. Belle studied a four-year classical course, consisting of classes in Greek, Latin, history, math, English, political economy, and science, leading to a bachelor of arts. She may also have taken some law classes taught at the school by leading local attorney Henry Ambler.⁷

Belle graduated from Iowa Wesleyan in 1866, the same year as her brother, whose graduation was delayed due to his war service on behalf of the Union Army from 1863 to 1865. Following graduation, Belle joined the faculty of a Methodist college, the Des Moines Conference Seminary, now known as Simpson College, in Indianola, Iowa. She taught English, history, and political science. At the end of the 1866-67 school year, she resigned her teaching position and returned to Mount Pleasant.⁸

The Law and the License

The first thing Belle did upon returning to Mount Pleasant in the fall of 1867 at age 21 was to enter into a full-time study of the law,



Arabella Mansfield was sworn in at the historic Union Block building in Mount Pleasant, Iowa, becoming the first woman in the United States awarded a license to practice law.

reading at the leading downtown law office of H & R Ambler, run by Henry Ambler, the law professor at Iowa Wesleyan, and his brother Richard. In this endeavor, Belle joined W.I., who had begun reading law at the Ambler firm immediately after his graduation in 1866. In an 1890 letter, Belle wrote that she decided to study law because of her "love of it."⁹

While studying the law, Belle married W.I.'s former classmate John Mansfield on June 23, 1868, one month after her 22nd birthday. John, who had graduated from Iowa Wesleyan in 1864, returned there that fall to work as a professor of chemistry and natural history and

was in that position when they married. John not only appeared to approve of Belle's study of the law, but also joined her in reading law at the Ambler firm.

On June 15, 1869, after nearly two years of studying law, Belle Mansfield appeared before the bar examiners at the Mount Pleasant courthouse seeking admission to the Iowa bar. She was joined by her husband John, who also sought bar admission that day. The bar examiners were local attorneys George Corkhill and Edwin VanCise, and their focus was on Belle. They appeared aware that that they were breaking barriers by recommending the admission of a woman, stating:

Mrs. Mansfield has passed a most eminently satisfactory examination, giving the very best evidence of a long and careful study, excellent application, and a thorough acquaintance with the elementary principles of law. . . . Your Committee take unusual pleasure in recommending the admission of Mrs. Mansfield, not only *because she is the first lady that has thus applied for this authority, in the State*, but because, in her examination, *she has given the very best rebuke possible to the imputation that ladies cannot qualify themselves for the practice of law.*¹⁰

District Court Judge Francis Springer adopted the recommendation of the examiners

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and administered the oath of office in open court to John and Belle the same day, despite an Iowa statute restricting the practice of law there to “qualifying white males.” Judge Springer referenced a general construction statute providing that “words importing the masculine gender only may be extended to females.” Judge Springer held, in an unwritten opinion reflected in the District Court Record, that “the affirmative declaration that male persons may be admitted is not an applied denial to the rights of females,” and reportedly further stated that whenever any “restrictive words did a manifest injustice to individuals, the court was justified in construing statutes as extending to others not expressly included in them.”¹¹

The Lawyer and the Suffragist

Belle’s accomplishment helped open the profession to women in Iowa. When the Iowa

legislature met in early 1870, just months after Belle’s admission, it removed the words “white” and “male” from the state’s bar admission statute, and added the words “or she,” becoming the first state in the nation to admit women to the bar by express statute. Iowa women took advantage of this new opportunity, and within a few years, several more women had been admitted to the practice of law in the state.

As for Belle, although she intended to practice law following her admission, she never did. She focused her energies on suffrage activities, which were heating up considerably. In November 1869, at the American Woman Suffrage Association’s convention in Cleveland, the delegates elected Belle to be the association’s executive committee member from Iowa.


In June 1870, the first statewide suffrage convention in Iowa opened in Mount Pleasant. The

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state delegates elected Belle to be president and chair of the convention. Belle, then 24 years old and described by a journalist as “a lawyer of solid intellectual ability,”¹² appeared to handle her duties well. The delegates adopted a constitution for the new state organization, called the Iowa Woman’s Suffrage Association (IWSA), and elected officers for the coming year, including Belle as recording secretary.

After leaving the Mount Pleasant convention, the delegates began to form local auxiliaries in the state and Belle helped form the Henry County Woman Suffrage Association (HCWSA). At a meeting of the HCWSA in August 1870, Belle was appointed to serve on a committee to draft a constitution. At a later meeting, the delegates adopted the constitution and elected Belle as the HCWSA’s first president.

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In October 1871, Belle attended the second IWSA convention in Des Moines as a delegate from Mount Pleasant and was reelected as recording secretary. However, by that time, the suffragist movement had become fractured by the free love controversy. Victoria Woodhull, a leading suffragist and the first woman to declare herself a candidate for U.S. President (in 1870), advocated sexual freedom for women. Some leaders in the suffragist movement stood behind her despite this radical view, while others disavowed her. The IWSA passed a resolution stating that the sole objective of its organization was to obtain the vote for women and that it expressly disavowed any opinions on questions foreign to its objective. Although the IWSA hoped that its resolution would reassure the public, the free love controversy and the outrage and unease it caused resulted in the suffragist movement coming to a “screeching

halt” in the Mount Pleasant area in 1872. Thus, this period of Belle’s life where she actively and publicly fought for women’s suffrage came to an end.¹³

As Belle’s involvement in the women’s suffrage movement waned, her interest in the law revived. In fact, her interest in the law had always been there, evidenced by her delivery of a lecture in 1870 on “Principles of Government” and another in December 1871 on the “Origins of Law.” In 1872, due to her study of the law for bar admission, her work, and her lectures, she received an LL.B (Bachelor of Laws) from the Iowa Wesleyan law department.

In June 1872, Belle and John departed for a yearlong trip to Europe so that John, still a professor at Iowa Wesleyan, could visit the classrooms and laboratories of leading European universities. Belle devoted much of the trip to legal studies, attending course

lectures in London on laws of other countries, conveyancing, and the science of jurisprudence, and spending time at the law courts in Westminster and Chancery. In Paris, she studied at the Ecole de Droit (School of Law).

When she returned in September 1873, however, “circumstances” led her back to teaching and she joined the faculty of Iowa Wesleyan as a professor of English.¹⁴ Later, she taught at DePauw University in Greencastle, Indiana, and then served in the administration there, as dean of the School of Art beginning in 1893, and dean of the School of Music beginning in 1894. She held both positions until her death.

Throughout her life, Belle was proud of her status as a pioneering woman lawyer, using the signature “Belle A. Mansfield, A.M., LL.B” on her official DePauw stationery. At the Chicago World’s Fair in 1893, Belle stood



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before the Congress of Women Lawyers and was officially recognized as the one who had opened the way for them all on that June day in 1869 in Mount Pleasant, Iowa.¹⁵

Belle Mansfield died on August 1, 1911, nine years before American women gained the right to vote under the Nineteenth Amendment, and 42 years after the becoming the first woman lawyer in the United States.

The Legacy

In 2002, I.O.W.A., the Iowa Organization of Women Attorneys, established the Arabella Mansfield Award, given annually to an outstanding woman lawyer who has promoted and supported women in the legal profession.

Since 1996, the National Association of Women Lawyers has given out the Arabella Babb Mansfield Award annually in recognition of professional achievement, positive influence, and valuable contribution to women in the law and in society.

On April 3, 2009, Iowa became the third state in the nation, after Massachusetts and Connecticut, to legalize same sex marriage. In *Varnum v. Brien*,¹⁶ the Iowa Supreme Court unanimously held that a state statute limiting marriage to a union between a man and a woman violated the Iowa Constitution's equal protection clause.

In so ruling, the Supreme Court noted that Iowa "has, for the most part, been at the forefront in recognizing civil rights."¹⁷ The *Varnum* Court cited *In re Ralph*,¹⁸ the first case decided by the Supreme Court of the Territory of Iowa, in which the court had refused, 17 years before the U.S. Supreme Court's infamous *Dred Scott* decision, to treat a human being as property to enforce a contract for slavery, and held Iowa's laws must extend equal protections to persons of all races and conditions. The *Varnum* Court continued:

Iowa was also the first state in the nation to admit a woman to the practice of law, doing so in 1869. *Admission of Women to the Bar*, 1 *Chicago Law Times* 76, 76 (1887). Her admission occurred three years before the United States Supreme Court affirmed the State of Illinois's decision to deny women admission to the practice of law, see *Bradwell*


v. Illinois, 83 U.S. (16 Wall.) 130 (1873) . . . and twenty-five years before the United States Supreme Court affirmed the refusal of the Commonwealth of Virginia to admit women into the practice of law, see *Ex parte Lockwood*, 154 U.S. 116, 188 (1894) [parallel citations omitted]. In . . . these instances, our state approached a fork in the road toward fulfillment of our constitution's ideals and reaffirmed the "absolute equality of all" persons before the law as "the very foundation principle of our government." See *Coger [v. North West. Union Packet Co.]*, 37 Iowa 145 (1873) at 153.¹⁹

In 2016, Diversity Lab, a company that seeks innovative ideas and solutions that boost diversity and inclusion in law practice, held a Women in Law Hackathon in collaboration with Stanford Law School and Bloomberg Law. There, the "Mansfield Rule" came into being. Named in honor of Arabella Mansfield, the rule is modeled on the National Football League's "Rooney Rule," a policy established in 2003 that requires league teams to interview minority candidates for head coaching and senior football operation jobs. The Mansfield Rule, launched by Diversity Lab in 2017, requires that at least 30% of participating law firms' candidates for any leadership or governance role comprise women or minorities.²⁰

Nearly 50 law firms signed on to the Mansfield Rule, and 65 firms signed on to an upgraded version called Mansfield 2.0, which expanded

the rule to include LGBTQ+ attorneys. In August 2018, over 40 law firms became "Mansfield certified" after the inaugural year.

On April 4, 2019, Diversity Lab launched the Mansfield Rule: Legal Department Edition, which will require participating in-house legal teams to consider at least 50% women lawyers, minority lawyers, LGBTQ+ lawyers, and lawyers with disabilities as applicants for key leadership roles. Legal departments that sign on are also asked to consider at least 50% diverse lawyers for outside counsel hires for new work. The Mansfield Rule: Legal Department Edition certification process began July 1, 2019 and runs through June 30, 2020.

Today, Arabella Mansfield's name is on new rules aimed at closing gaps in the representation of women and minorities in legal leadership roles. Belle is still breaking barriers, 150 years on. 



Robbin Costello Lego is a Colorado lawyer and an Iowa native.

The SideBar is an informal space where members can share their thoughts, advice, and perspectives on issues impacting Colorado lawyers. Send your SideBar submissions to Susie Klein at sklein@cobar.org.

NOTES

1. Haselmayer, "Belle A. Mansfield," *Women Lawyers J.*, vol. 55, no. 2 at 46 (Spring 1969).
2. Federer, "Belle A. Mansfield: Opening the Way for Others," Stanford Law School at 5-6 (2002).
3. *Id.* at 6.
4. See Haselmayer, *supra* note 1.
5. See Federer, *supra* note 2 at 9.
6. *Id.* at 11-12.
7. *Id.* at 15.
8. *Id.* at 26, 31.
9. Robinson, "Women Lawyers in the United States," 2 *The Green Bag* 10, 21 (1890). Belle Mansfield wrote Robinson a letter about her experience in law. In that letter, she stated that she studied the law because of her love for it.
10. District Court Record, Henry County, Iowa, Book H at 54-55, June term, 2nd Day, Tuesday,

June 15, 1869 (emphasis added).

11. *Id.*; Robinson, *supra* note 9 at 20-21.

12. *The Independent* (June 23, 1870).

13. Federer, *supra* note 2 at 71.

14. Robinson, *supra* note 9 at 21.

15. Federer, *supra* note 2 at 1 (citing "Women Lawyers at the Isabella Clubhouse," *Chicago Legal News* at 451 (Aug. 6, 1893)).

16. *Varnum v. Brien*, 763 N.W.2d 862 (Iowa 2009).

17. *Id.* at n.4.

18. *In re Ralph*, 1 Morris 1 (Iowa 1839).

19. *Varnum*, 763 N.W. 2d at 877 (emphasis in original).

20. McGirt, "How Lawyers are Working to Change Their Industry's Diversity Problem," *Fortune* (Aug. 2017).