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Linda L. Sturtz. *Within Her Power: Propertied Women in Colonial Virginia.* New York: Routledge, 2002. xv + 278 pp. $120.00 (library), ISBN 978-0-415-92855-7; $28.95 (paper), ISBN 978-0-415-92882-3.

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Autonomy and Interdependence in Colonial Households

During the 1740s, Mary Durley of Nansemond, Virginia, corresponded with Mary Walker of London regarding business enterprises that spanned the British colonial world. Deserted Virginia wives Frances Greenfield and Susanna Cooper concluded decades-long battles for legal control of their property when their cases were reviewed–and rejected–at the imperial center. More modestly, Mrs. Lewis, "the Oysterwoman," had an independent account in a Williamsburg tavern to which her husband charged his punch. These are just a few examples of women Linda Sturtz has identified as carving out "space for themselves" within the "oppressive social and legal system" that constrained women's life choices in colonial Virginia (p. 8).

Sturtz devotes the first half of her book to propertied women's relationships to the legal system and the second half to their economic undertakings. Sturtz concurs with other historians who have argued that Virginian legal practices, with regard to women, changed during the first part of the eighteenth century, but she cautions against interpreting these changes as either a loss or a gain.[1] Even within the propertied sub-group that is the focus of this study, changes that hurt some women were accompanied by compromises that helped others.

During the seventeenth century, high mortality rates and the scarcity of people with formal legal training allowed for flexible legal practice. Communal concern with preserving family property through multiple marriages gave widows an unusual amount of control in disposition of estates, even if they remarried. However, the willingness of seventeenth-century Virginians to blur the legal distinctions between married and single women also undermined the enforcement of traditional protections for married women.

By the 1730s, Virginians became more rigorous in their attempts to follow English procedures and prescriptions. The growth of the legal profession and stricter adherence to common-law rules reduced the opportunities for women to exercise direct responsibility over family property. Yet Sturtz stresses that many women continued to manage estates and involve themselves in legal affairs despite this trend. Families made increasingly sophisticated use of legal devices that might preserve women's separate property, including pre-nuptial agree-

ments, trusts, and powers of attorney. Pre-nuptial agreements, in particular, became common not just among widows negotiating remarriage, but also as steps taken by parents to protect daughters marrying for the first time.

While Virginian legal practice drew closer to that in England with regard to landholding, Virginians continued to innovate to accommodate the practice of slavery. Virginia's eighteenth-century legislatures held numerous debates over whether slaves ought to be treated as real estate (and subject to the same restrictions on sale and inheritance as land) or personal property, which could be bought and sold more freely. Sturtz uses these debates to illustrate the trade-offs which different legal strategies posed for propertied women.

Unmarried female slaveowners–like their male counterparts–were empowered by unfettered claim to their human property. Legal encumbrances, however, could offer protection and power to married women whose husbands would otherwise have complete control of property they brought to marriage or inherited. Eighteenth-century writers, in defense of both options (alienability and protection), explained that they sought to avoid placing undue "hardships upon" white women (p. 56). Nevertheless, in the wake of the American Revolution, they resolved the issue by denying women the benefits of either position; husbands gained unrestricted control over their wives' slaves, while widows lost the ability to sell or bequeath slaves they inherited.

The book's final three chapters examine women's economic activities as keepers of taverns (or "ordinaries"), as producers for and consumers in local stores, and as players in international commercial networks. Sturtz's analysis of store accounts is particularly intriguing. She finds that, although the majority of store accounts were (out of legal necessity) attributed to male heads of household, these records clearly demonstrate the collective nature of household production and consumption. Storekeepers noted the goods women brought in to trade, their physical presence in the stores, and their activities selecting and purchasing household goods. Sturtz also finds that in some instances–most notably the Williamsburg oysterwoman–married women were given independent credit based on their role in petty trade. In larger-scale trading ventures, women generally became publicly active out of necessity, assuming the responsibilities left behind when distance or death took away male household heads. Mary Durley and Mary Walker were both widows trying to settle their husbands' estates and preserve family businesses. Once in control, however, not all women stepped aside when the next generation of male relatives came of age. Even when men were present to conduct formal business, several firms built their success on the reputations of female family members as "arbiters of taste," capable of selecting goods that pleased Virginia's gentry (p. 164).

Sturtz's primary focus is on recovering evidence of female "agency," "autonomy," and "subjectivity," and in this she has succeeded. She situates herself against recent historical literature that she sees as emphasizing the rise of patriarchy in Virginia in ways that make women seem uniformly powerless. She documents the almost routine manipulation of the legal system and supplies numerous examples of people who circumvented the most extreme constraints on married women. Her evidence poses some difficulties for those who would claim colonial Virginia was distinctively patriarchal or–for that matter–distinctively protective of white women's interests. Virginians' pragmatic, fluctuating, and locally variable approach to family law make the colony resemble other regions (particularly New England) more closely than has been assumed. Sturtz confines her discussion to Virginia, but her evidence should be of interest to scholars interested in comparing the practical range of women's activities with findings from elsewhere in the Atlantic world.[2]

Sturtz has done valuable scholarly service by mining a variety of difficult sources, but I found her book's analytical framework frustrating in a number of respects. Sturtz herself seems ambivalent, repeatedly following her claims about women's relative autonomy with caveats acknowledging male and female dependence on kin and community. In her own words: "Searching for female independence from family connections seems anachronistic within a context of universal dependence on family ties" (p. 127). Her evidence made me wish for more attention to household interdependence and curious about what the book would have looked like if this had been her starting point.

Sturtz also explicitly avoids claims about "typicality." She explains her focus on propertied women as an effort to uncover opportunities obscured by generalizations about "statistically average women," and also as a way to confront the power that class and race gave some women over others (pp. 111, 10). Yet the book would have been stronger with a more systematic explanation of what it meant to be "propertied." Mrs. Lewis, the Oysterwoman, and managers of large estates like Mary Dur-

ley fall at opposite ends of a vast spectrum of wealth. It seems, in fact, that Mrs. Lewis might have enjoyed relatively greater freedom from formal legal restrictions precisely because of the limited and local nature of her property and trade networks. Were there monetary thresholds below which women's economic activities escaped legal attention, or received more flexible treatment in the courts? Moreover, could such tipping points help to account for Virginia authorities' willingness to grant *feme sole* status to Frances Greenfield and Susanna Cooper? Sturtz interprets these cases as evidence of Virginian authorities' relatively liberal ideas about female property ownership. It seems equally possible that instead they were efforts to validate the exercise of local, paternalistic discretion, only thwarted when their imperial context threatened to make them sweeping precedents.

Finally, slavery and race make surprisingly little appearance in the book, beyond the acknowledgment of slaves as a form of property on which white women's power rested. One wonders what repercussions the debates over slaves' status as real or personal property might have had for power dynamics within households–not simply in terms of who could claim ownership, but also in terms of relationships, allegiances, and community. The chapter on female proprietors of taverns makes interesting arguments about independent white women's vulnerability to challenges by slaves who resented their authority. Sturtz suggests that independent women defended themselves in the courts, where men would instead rely on personal authority and the capacity for defensive violence. She does not, however, offer the systematic comparison of male and female tavernkeepers that might substantiate these intriguing speculations. Despite her focus on exceptional cases, propertied free black women do not appear in the book at all. These omissions compromise Sturtz's efforts to engage and challenge the recent literature on Virginian patriarchy.

Notes

[1]. Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996); Lois Green Carr, "Inheritance in the Colonial Chesapeake," in *Women in the Age of the American Revolution*, eds. R. Hoffman and P. J. Albert (Charlottesville: University Press of Virginia, 1989), pp. 155-208; Carole Shammas, Marylynn Salmon, and Michel Dahlin, *Inheritance in America from Colonial Times to the Present* (New Brunswick, N.J.: Rutgers University Press, 1987); and Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986).

[2]. Those looking for something more suitable for the classroom should consider John Ruston Pagan, *Anne Orthwood's Bastard: Sex and Law in Early Virginia* (New York: Oxford University Press, 2003); or Terri L. Snyder, *Brabbling Women: Disorderly Speech and the Law in Early Virginia* (Ithaca: Cornell University Press, 2003).

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