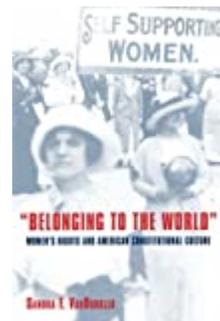




Sandra F. VanBurkleo. *"Belonging to the World": Women's Rights and American Constitutional Culture.* Bicentennial Essays on the Bill of Rights. New York: Oxford University Press, 2001. xvii + 409 pp. \$69.95 (cloth), ISBN 978-0-19-506972-3; \$69.95 (cloth), ISBN 978-0-19-506971-6.



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Women's Rights and the Law: An Expansive View

Women's Rights and the Law: An Expansive View

This synthesis of U.S. women's legal history is very broad-ranging, wherein lies both its major strength and weakness. In analyzing women's relationship to "constitutional culture," Sandra F. VanBurkleo, a professor of history at Wayne State University, divides American history into three major periods, each ending with a legal and political settlement. Part One, the first two chapters, begins with Europeans' arrival in North America and ends with the Revolutionary settlement. Part Two, containing five chapters, tracks early nineteenth-century changes in family law and the emergence of antebellum women's "speech communities," ending with the settlement of the Reconstruction era. Part Three, also five chapters long, treats the twentieth century and ends with the civil-rights settlement of the 1970s. Chapters are thematic rather than chronological, and several of those in the final section linger extensively in the late nineteenth century and the Progressive Era. Thus VanBurkleo covers the nineteenth century most thoroughly, while extending her story forward and backward to sketch the outlines of long-term change.

As part of the Oxford series "Bicentennial Essays on the Bill of Rights," the book is designed to introduce undergraduates and general readers to the history of liberty as it has been negotiated with respect to women's rights. That is no mean ambition, considering the massive literature accumulating in relevant fields. VanBurkleo places greatest emphasis on the household, courts, and the public activities of organized women, rather than on electoral politics and legislatures. Her focus in the early chapters will challenge readers to reconsider what counts as "law": she stresses how much authority English common law delegated to household heads, or "petit kings," and she shows how women's fight for liberation had to occur first within the family and domestic space. Readers expecting case-by-case accounts of legal rulings will find them here, but set in the context of much wider struggles over rights and obligations.

In the bulk of its pages, *"Belonging to the World"* traces the shift from "revolutionary republicanism" to the rise of mass democracy—for the author, hardly an uncomplicated narrative of progress. Throughout the book VanBurkleo gives substantial emphasis to declensions, re-

versals, and battles lost. She notes the glacial pace of progress toward suffrage, for example, and judges' subsequent failure to "find" ancillary political rights in the Nineteenth Amendment without express statutory authorization" (p. 202). The book may, in fact, overemphasize the negative. Here, early nineteenth-century women lose the productive labor that their grandmothers contributed in field and shop; their granddaughters, in turn, lose the effective speech communities of the antebellum era (pp. 167-71). In assessing the availability of divorce after the Civil War, the author takes restrictive North Carolina as the model rather than liberal Indiana (pp. 161-2). Measuring women's professional opportunities in 1920, she notes that two states still refused to allow women to practice law, rather than that 46 did (p. 162). Readers new to the field may find it difficult to reconcile such pessimistic assessments, which appear regularly throughout the text, with the steady expansion of rights imbedded in the narrative.

"Belonging to the World" offers, nonetheless, a sweeping overview of those processes of change. The author gives substantial attention to religion as a source of women's inspiration and public legitimation. She makes forays into such topics as the Lowell factory system, the dress reform movement, women's clandestine enlistment in Civil War regiments, the bicycle craze of the 1890s, and the invention of the bat mitzvah. At best this approach makes for lively reading and shows how diverse and creative the fight for women's rights has been. Liberty has meant casting off restrictive corsets as well as organizing marches and lobbying for the vote; a woman's establishment of her right to speak out in her church, or choose when to have sex with her husband, may never reach a courtroom and still constitute a critical victory.

On the minus side, this approach can be scattershot. The exact definition of "constitutional culture" remains unclear here, and certain chapters seem thematically disjointed. Chapter Eight, "Democratic Suffrage Communities," starts with "the beginnings of suffragism" around 1900 (though fifty years of suffrage activism have already been documented). It moves on to cover anti-suffrage rhetoric, civic housekeeping arguments, and the fight over ancillary rights once the Nineteenth Amendment had passed. Only three paragraphs directly treat the Amendment's passage and they do so almost as an

afterthought (pp. 200-1). Several of the chapter's subsections shift back and forth from the 1910s to the 1960s to the 1880s, potentially confusing student readers unfamiliar with the basic outlines of the suffrage story. More successful is a chapter like "Capitalism and the New American Empire" (Chapter Six, pp. 125-38), which outlines succinctly, and with more chronological clarity, the expansion of married women's property rights.

VanBurkleo incorporates much of the latest research in U.S. women's history, and her massive bibliographic essay points readers to certain cutting-edge debates in the history of women's rights, politics, and the law. Substantial areas of scholarship, however, remain unexplored. Slavery receives only cursory attention, despite its extraordinary impact on constitutional development. Except for a few paragraphs here and there, American Indian and Asian-American women are absent, though issues like U.S. treaty-making and Chinese Exclusion shaped both women's opportunities and constitutional law. Similarly, the impact of the incorporation of former French and Mexican territories in the South and Southwest, with their distinctive legal traditions, remains unaddressed. This narrative is, in the end, heavily Northeastern. The first few chapters are thoroughly grounded in English culture and legal precedent; unwary readers may depart, for example, with the impression that William Hogarth (p. 43) was an American painter.

"Belonging to the World" nonetheless makes an energetic and readable effort to pull together diverse histories of the household, the courts, legislatures, and organized womanhood. The mini-biographies that begin each chapter should appeal to a general audience, who can learn about law-making through the experiences of such figures as Anne Hutchinson, Mary Mercein Barry, Paulina Wright Davis, and Florence Kelley. By asserting that "the Nineteenth Amendment yielded half a loaf" (p. 178), VanBurkleo helps readers to question the triumphal-march-of-progress narrative embedded in such popular accounts as Ken Burns's documentary "Not for Ourselves Alone." For the nineteenth century, especially, readers will find a useful and wide-ranging introduction to the history of women's reproductive, political, and economic rights. As such, this book should serve its purpose, celebrating American women's liberties and contributing to classroom debates over their past and future.

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