
Although much of the discussion in *Women of the Republic* is outside the purview of legal historians, there are at least three chapters that are pertinent: one on colonial and post-Revolutionary laws regarding *femme sole* and *covert*; a chapter on divorce law; and a chapter on property confiscation. Linda Kerber's goal is to weave together the social reality for women with the Revolutionary ideology on citizenship rights and existing laws. The overall picture conveyed is of a society that held traditional views regarding women's rights, despite the rhetoric of revolution and human rights.

In her discussion of married and single women's property rights, Kerber notes the American reliance on Blackstone; she further suggests that the equity court was not an absolute advantage for women, as some historians have suggested. Kerber notes that prenuptial contracts, devised only by the wealthiest class, could be enforced in equity, not the common law courts. However, the judges usually interpreted the contracts very narrowly. In 1791, for example, a South Carolina equity court argued that marriage agreements were "... deviations from the fixed laws of the land," and further that they would be "... dangerous instruments of domestic unhappiness..." (p. 141) Thus the jurists interpreted equity law in the same traditional manner as did common law jurists.

Divorce was rarely granted in colonial America. Usually, a petitioner applied directly to the legislature for a petition of divorce. Women asked for divorce generally because of desertion while men sought divorce because of their wife's adultery. The numbers of both sexes, however, were low. Marriage was the proper state for all adults, and the law and its interpreters worked to preserve that view.

One of the interesting legal problems that arose during the Revolutionary War which affected women was the confiscation of Loyalist property. There were cases in which wives of Loyalists remained in their homes while their husbands fled with the British. The colonial governments confiscated their property after the war and the wives sued for one-third of the estate. Usually they were denied their share.

Kerber's discussion of women's roles, legal problems, and social realities was joined to a more theoretical analysis of political philosophers' views on citizenship and political power in a representative democracy. Women usually fared poorly in the writings of Enlightenment philosophers as well as in the law courts of America. A woman was only a citizen in that she was expected to raise good citizen sons who would participate in the political process. All in all, *Women of the Republic* is an interesting discussion of the multiple dimensions of the thoughts and actions regarding American women during the Revolutionary war period.

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