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Belonging to the world: women's rights and American constitutional culture by S. VanBurkleo

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Book Review

Belonging to the World: Women's Rights and American Constitutional Culture, by Sandra F. VanBurkleo. New York: Oxford University Press, 2001. ISBN 0-19-506972-2.

Issues of identity and place are frequently discussed in the literature of academia. Issues concerning the identity and place of women and the social constructions that have faced and constrained the female gender have also been contemplated both within and outside of the academy. VanBurkleo's book, *Belonging to the World: Women's Rights and American Constitutional Culture*, does more than merely contemplate that place, it examines how women have been governed historically and considers place and identity within our constitutional culture. Legal, workplace, economic, and even marital equality are all a focus of VanBurkleo's work. Together, these seemingly disparate issues, studied in the context of our legal history, make for a comprehensive and utterly coherent study of the historical place that women have been assigned in our society.

Matters as divergent as the Equal Rights Amendment (ERA), labor contracts, pornography, and marriage are all examined within the context of the constitutional culture that has defined and "placed" women. Throughout the book, VanBurkleo uses historical examples of activist women who were instrumental in moving women's rights away from historical and systematic oppression toward what must have seemed to be unimaginable equality. Although genuine equality still does not exist, it is no longer unimaginable. Books such as this bring us the type of understanding that might allow us to cross over from merely imagining equality toward actually achieving equality.

This is a weighty book, carefully researched and heavily footnoted. It is hardly an easy read. Given the scope of the work, VanBurkleo was necessarily exhaustive in the use of her sources; anything less would have been merely another in a line of works about social identity and gender roles. VanBurkleo's book is much more than that, as she has effectively managed to contrast much of the rhetoric concerning equality with the reality as presented through court decisions and statistical data. Although, for example, the increase in the number of female legislators, judges, and even the

presence of Sandra Day O'Connor and Ruth Bader Ginsburg on the Supreme Court are heartening measures of the advancement toward equality, the fact that more than 50% of the electorate and numbers approaching 50% of our students in law schools and other professional schools are women would and should suggest to us that incremental progress, although real and positive, should be more rapid.

Many of the chapters within the book allow for a seamless discussion of legality, sociology, psychology, and even economics. Chapter 11, titled "The Civil Rights Settlement," effectively illustrates the ability that VanBurkleo has shown in weaving together disparate notions and issues into a coherent whole. In that chapter, VanBurkleo depends heavily on past court cases in such diverse areas as labor relations, abortion, and higher education to make the case that equal protection has not always meant rapid advancement toward equality. The chapter concludes with a discussion of the loss of the proposed ERA. Alongside some discussion of given state legislatures' responses to the proposed amendment, VanBurkleo weaves commentary from opponents, and even some street-level psychology of the need among many men to be needed. These many disparate and, at some levels, seemingly separate issues, all blend together nicely to present a cogent discussion worthy of analysis in its own right and, perhaps most important, a blend that should serve as effective fodder for further discussion.

In the preface to the book, VanBurkleo puts forth her hope: "This book will make it easier to converse in classrooms, in public meetings, and at dinner tables" (p. xvii). I think it has. Although making it "easier to converse," this book has made it more difficult to summarily dismiss these issues by making it more easy to understand the many socially constructed differences that traditionally have separated men from women socially, psychologically, economically, and constitutionally. In the afterword, two questions are asked that lie at the heart of this book: First, "can men and women find a way to surmount the swinging of the pendulum between sameness (a legal construct) and difference (a biological construct)?" (p. 313). Second, "Can Americans construct equality on foundations of difference without imputing female inferiority or powerlessness?" (p. 313). VanBurkleo's work might go some distance toward bridging the gaps in understanding that so often prevent us from appropriate constructions and, as such, might bring more sanity to all of our understandings surrounding sameness and difference.

—Reviewed by Robert P. Engvall
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