

Georgia State University

ScholarWorks @ Georgia State University

University Library Faculty Publications

Georgia State University Library

4-1-2011

Book Review - Supreme Court Decisions and Women's Rights: Milestones to Equality (2nd ed., C. Cushman (Ed.), Washington, DC: CQ Press, 2011)

Mandy J. Swygart-Hobaugh M.L.S., Ph.D.
Georgia State University, aswygarthobaugh@gsu.edu

Follow this and additional works at: https://scholarworks.gsu.edu/univ_lib_facpub



Part of the [Feminist, Gender, and Sexuality Studies Commons](#), [Gender and Sexuality Commons](#), and the [Women's History Commons](#)

Recommended Citation

Swygart-Hobaugh, A. J. (2011). Review of the book *Supreme Court decisions and women's rights: Milestones to equality* (2nd ed.), (C. Cushman (Ed.), Washington, DC: CQ Press, 2011). *Feminist Collections: A Quarterly of Women's Studies Resources*, 32(2), 31-32.

This Book Review is brought to you for free and open access by the Georgia State University Library at ScholarWorks @ Georgia State University. It has been accepted for inclusion in University Library Faculty Publications by an authorized administrator of ScholarWorks @ Georgia State University. For more information, please contact scholarworks@gsu.edu.

tious and we're the first to get fired and what we look like is more important than what we do... And for lots of other reasons we are part of the women's liberation movement. (vol. I, p. ix)

In three volumes totaling some 862 pages, Michele Paludi has drawn together an encyclopedic body of research, analysis, and finely drawn conclusions to paint a remarkably detailed picture of the place and circumstance of women in the world today. Although the title includes the term "feminism," which can imply women having a degree of freedom and power, this work shows not just the opportunities but also the limitations and challenges women face globally, and it does so with remarkable clarity and, at times, aching honesty.

Each volume begins in the same way: a series introduction, acknowledgments, and an introduction to the volume. Each then focuses on a different central theme; is made up of signed chapters, each with a solid bibliography; and concludes with biographies of its own contributors and an index. Each of the first two volumes also has an appendix: "Women's Studies Programs in the United States" in Volume I and "Feminist and Women's Rights Organizations Worldwide" in Volume II.

Although many chapters focus on feminism in the United States, the "worldwide" promise of the title is fulfilled in detailed surveys from many countries. Reference is also made to the work done and standards established by many international organizations — information that can otherwise be difficult to locate. Of particular note is Chapter 8 of Volume II, "Prejudice and Discrimination against Sexual Minorities: A Brazilian Perspective."

Perhaps the set's greatest strength is that it organizes and gathers into a coherent whole the extensive global literature on feminism produced over roughly the last decade. And yet it goes beyond being a bibliography (as which it could also serve) to create a context for and a summary of the findings in that literature. Future editions could be strengthened by overall subject and contributor indexes, but this is not a serious flaw.

Michele Paludi has created a trio of well-documented texts in clear and direct language, suitable for any broad treatment of feminism, and, by extension, for women's studies at the college and university level. This resource would also be suitable for advanced high-school classes. Each volume has been structured to stand alone so that it can be acquired as an individual work, which could be helpful in some settings, but the modest price for the set and the carefully parallel structure of the volumes are an argument for acquiring the complete set if at all possible. This is an accessible but outstanding reference work, in a field where issues are so important and harm so egregious that such a calm but thorough treatment is both rare and welcome.

[Susan Bennett White is the sociology librarian at Princeton University Library, where she provides materials and research support for the program in lesbian, gay, bisexual and transgender studies. She has been a senior research librarian at Princeton for more than twenty-five years.]

Clare Cushman, ed., *SUPREME COURT DECISIONS AND WOMEN'S RIGHTS: MILESTONES TO EQUALITY, SECOND EDITION*, fwd. by Assoc. Justice Ruth Bader Ginsburg; spons. by Sup. Ct. Hist. Soc. Washington, DC: CQ Press/Sage, 2010. 351p. bibl. index. \$65.00, ISBN 978-1608714063; pap., \$55.00, ISBN 978-1608714070.

Reviewed by Amanda Swygart-Hobaugh

At the 1848 Woman's Rights Convention, Elizabeth Cady Stanton said, "The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her." She then delineated the various laws of the day that propagated this tyranny.¹ This reference work enumerates the key U.S. Supreme Court decisions from the 1800s to the present that have eroded the legal instruments of tyranny over women.

This revised edition retains the organization and largely the same content as the original 2001 publication, to which various authors contributed; new content in this edition is provided solely by the editor, Clare Cushman. The work opens with a discussion of how the notion of "romantic paternalism," wherein women were viewed as inherently vulnerable and thus in need of protection, prescribed the unequal treatment of women in the legal arena. Throughout the remaining chapters on sex discrimination (in jury duty, the family, education, the armed forces, the workplace), sexual harassment, and reproductive rights, the presented Supreme Court decisions illustrate the slow chipping away of this paternalistic conception and consequent achievements of equality for women under the law. While the work's title implies that "women's rights" is of primary concern,

several cases elucidate how the legal codification of traditional gender role assumptions infringed on men's rights as well.

The topical groupings of cases fittingly illustrate the precedential process by which the Court, when making new case decisions, draws on past decisions from cases with similar circumstances. Likewise, the interspersed discussions of key legislation aptly reveal the reflexive relationship between judiciary actions and law: Chapter 7's presentation of the Court's applications of Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963, and the Court's role in the development of the Lilly Ledbetter Fair Pay Act of 2009, is particularly strong. The boxed inserts with illustrations detailing key individuals engagingly bring the abstract issues down to a personal level — for instance, the backstory of McCorvey, of *Roe v. Wade* fame, told on pages 210–213, is a must-read. The book's timelines of major cases and events further ground the work in a historical procession.

My primary criticisms involve the added content for the updated edition. Aside from Cushman's discussion of the two cases and legislation involving the controversial "partial-birth abortion" procedure, the case additions come off as afterthoughts in their limited treatments. Similarly, alongside the biographical sketches of Justices Sandra Day O'Connor and Ruth Bader Ginsburg (duly lauded for her longtime involvement in women's rights advocacy), those of Sotomayor and Kagan are scant. However, these shortcomings may reflect less on Cushman's efforts than on the scarcity of landmark cases

in the past decade and on the newest Supreme Court appointees having yet to establish a legacy. Finally, while Justice Ginsburg's foreword and the introduction by Leon Silverman (Chairman of the Supreme Court Historical Society) adequately contextualize the work's scope and aim, the volume would benefit from a concluding chapter synthesizing the many accomplishments (and noted setbacks) in the realm of the law and women's/gender rights, as well as offering some speculation about the future, particularly in relation to the ever-evolving Supreme Court membership.

I would highly recommend this accessible and comprehensive work as a text for an undergraduate course on women/gender and law. It would also be a welcome addition to a library's circulating or reference collection. *Supreme Court Decisions and Women's Rights* deftly illuminates just how far removed we are from Elizabeth Cady Stanton's "tyranny" of 1848.

Note

1. Elizabeth Cady Stanton, "Call to the Woman's Rights Convention and a Declaration of Sentiments," in *The First Convention Ever Called to Discuss the Civil and Political Rights of Women, Seneca Falls, N.Y., July 19, 20, 1848*, ed. Elizabeth Cady Stanton, Lucretia Mott, Martha C. Wright, Mary Ann McClintock, & Jane C. Hunt (Seneca Falls, NY: 1848), pp.1–4.

[Amanda Swygart-Hobaugh is the librarian for sociology, anthropology, and gerontology at Georgia State University.]

WOMEN'S ROLES

Jennine Hurl-Eamon, *WOMEN'S ROLES IN EIGHTEENTH-CENTURY EUROPE*. Denver, CO: ABC-CLIO/Greenwood, 2010. (Women's roles through history.) 171p. bibl. index. \$55.00, ISBN 978-0313376962.

Reviewed by Melissa A. Young

Through an array of keenly chosen excerpts, illustrations, and narratives, Jennine Hurl-Eamon illustrates the state of flux that existed in Europe in the 1700s regarding ideals about femininity, gender roles, and women's rights, as defined by the public and domestic spheres of family, work, politics, law, art, science, religion, and war. Women across Europe, from the Russian Empire to Portugal and from Finland to Italy, are included in this discussion of royalty, domestics, Salonnières, urban craftswomen, revolutionaries, midwives, military wives, and more.

Hurl-Eamon acknowledges the inherent difficulty in looking at women of the period as a whole, as if they all fit neatly into a homogenous group, when in reality their lives were uniquely affected by societal norms, demographic change, expansionist wars, and revolutions. On the other hand, she has (and we have) the gift of hindsight, which allows us to recognize the truth that eighteenth-century ideals tended to differ sharply from women's actual experience. Even as the Enlightenment broadened the European view of femininity, the eighteenth century remained a time of mixed opportunity and of contradiction, during which many women were subject to the same burdens that had plagued their forbears. The average woman was

Copyright of Feminist Collections: A Quarterly of Women's Studies Resources is the property of Board of Regents of the University of Wisconsin-System and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.