



# **Constitutional Context: Women and Rights Discourse in Nineteenth-Century America (The Johns Hopkins Series in Constitutional Thought)**

*Kathleen S. Sullivan*

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While the United States was founded on abstract principles of certain "unalienable rights," its legal traditions are based in British common law, a fact long decried by progressive reformers. Common law, the complaint goes, ignores abstract rights principles in favor of tradition, effectively denying equality to large segments of the population.

The nineteenth-century women's rights movement embraced this argument, claiming that common law rules of property and married women's status were at odds with the nation's commitment to equality. Conventional wisdom suggests that this tactic helped pave the way for voting rights and better jobs. In *Constitutional Context*, Kathleen S. Sullivan presents a fresh perspective.

In revisiting the era's congressional debates, state legislation, judicial opinions, news accounts, and work of political activists, Sullivan finds that the argument for universal, abstract rights was not the only, or best, path available for social change. Rather than erecting a new paradigm of absolute rights, she argues, women's rights activists unwittingly undermined common law's ability to redress grievances, contributing heavily to the social, cultural, and political stagnation that characterizes the place of women and the movement today.

A challenging and thoughtful study of what is commonly thought of as an era of progress, *Constitutional Context* provides the groundwork for a more comprehensive understanding and interpretation of constitutional law.

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