

*Man and Wife in America: A History.* By HENDRIK HARTOG. Cambridge, MA: Harvard University Press, 1999. Pp. 416. \$29.95 (cloth).

This book is great fun to read although somewhat difficult to describe. My efforts to compose a brief summary and to draw conclusions only remind me how messy is the subject it covers. Reading it is like following a fine teacher on a romp across the bumpy legal terrain of eighteenth- and nineteenth-century marriage and divorce, and I greatly enjoyed the trip—but if you prefer simple conclusions about good guys and bad, or even good law and bad, read something else.

The map of the law of marriage used to be so tidy. Men and women married and became husbands and wives; husbands ruled and owned, wives submitted and sacrificed; and once married, people stayed married, absent the most egregious abuse, and fulfilled their conventional obligations. To be sure, conflicting judgments were passed on this simple narrative, not least of which was that it didn't always "work." Some considered marriage and coverture divine, its hierarchies proper and permanent; others, notably nineteenth-century feminists, considered it oppressive and unfair and sought to ameliorate its effects through married women's property rights, divorce reform, and women's suffrage. In any case, this was all common law, and common sense.

Well, forget it. *Man and Wife in America* wreaks havoc on our simple notions of marital unity, not to say harmony, in earlier times. True, the law and its practitioners largely agreed on what made one a wife or a husband and what were the obligations and rights of each. However, what actual women and men could do to enforce or transform those identities was messy, involving complicated interactions with a legal culture that, it seems, would just as soon have ignored the topic entirely.

Hendrik Hartog frames his fascinating discussion of marriage around separations. Having explored countless legal treatises and textbooks, as well as cases of marital discord, divorce, separation, adultery, and murder, he offers (as he cheerfully admits) an unsystematic account of how people used the law to structure their marital identities and departures. Hartog is quick to point out that legal history alone cannot tell the story of marriage—and that in any case, American towns were littered with people who had simply left old marital lives and started new ones. (Who in a western town, after all, would check the legal status of a newly arrived widow with small children?) Husbands and wives who did place (or find) themselves in legal proceedings provide Hartog with the "struggles at the margins of marital life and marital identities" (p. 1) that help him explicate people's relationships to concepts once considered self-evident: wife and husband, transformation and unity.

*Man and Wife in America* is thus not a history of the institution of marriage so much as it is a narrative of how people turned to the law to help them enact their understanding of what a wife or a husband was, and how those gendered identities changed or endured when the parties ended a marriage. The stories themselves are fascinating, and regardless of whether they made “good” law or none at all, Hartog brings to each a penetrating eye. He introduces us to Lydia McGuire, who thought the law should force her husband Charles to support her in accordance with his means; Charles, in contrast, believed it his right as husband and property owner to decide whether to spend money on indoor plumbing, electricity, or visits to family members. (The year was 1951.) In examining Abigail Bailey’s divorce from a truly horrific husband, Hartog illuminates how one eighteenth-century wife turned to law to resolve the tensions between her religious obligations and her marital ones. From cases of husbands murdering their wives’ lovers (a crime for which men could not be convicted), we learn about men’s growing doubts about their rights as husbands, including the right to kill. We become acquainted with the geography of marriage and remarriage, with creative strategies for exiting old (and establishing new) marriages, and with claims for custody of children, for wives’ property, and for husbands’ support.

Although Hartog locates many intriguing people in dry legal texts and tells their tales with great insight and complexity, the larger story necessarily defies coherence. First, the law of marriage (and divorce) was up to each state, thus inviting jurisdictional battles. Consider the story of Lilly Shaver Hendrix and O. B. Williams. Married (to other people), they ran off together in 1940, got divorces in Las Vegas, and married one another. Back home in North Carolina, they were arrested for bigamy. North Carolina, the judge insisted, could prosecute them for bigamy even though Nevada had a law of divorce. Here, as elsewhere, Hartog reminds us that legal divorce is not only, or even primarily, about ending one marriage, but about beginning another. That states designed their divorce laws consciously to attract the “unhappily married [and] the inadequately divorced” (p. 14) only made things more complex. Although conservative states would soon “cease to police their marital boundaries, letting remarriages occur without comment” (p. 281), Hartog notes that states’ control over marriage law may again arise as a jurisdictional problem with the issue of same-sex marriage.

Still, although I harbored no romantic notion that this history of marital misadventures would end neatly, I was disappointed that Hartog seems to conclude simply that while much has changed, marriage remains. Clearly, marriage historically has served various (but not unchanging) public functions, which most of us (I would guess) reject or resent: it channeled

sexuality and reproduction, controlled the transmission of property, and regulated women's paid and unpaid labor. While feminist analyses of traditional understandings of marriage are present throughout the book, they are merely background noise, impossible to ignore but offering nothing to suggest why women and men, and even lawyers, came to imagine marriage differently. And in any case, what public purposes does it still serve? After all, marriage is a hot topic once again. Every person reading this can remember when politicians did not imagine asking voters to decide whether marriage requires a man and a woman. But now that we've questioned the dual-sex model of marriage, as well as the insistence that marriage regulates gender, I wanted to know more about what these conceptual changes mean in law. According to Hartog, "[T]he bright line between marriage and non-marriage" has dimmed, the language of duty and submission has faded from the legal script, and the "law [is] formally out of the gender business" (p. 310). If this is all true, why does the state continue to sanction marriage at all and to associate certain benefits with the condition of being married? Why is the law still in the marriage-making and the marriage-ending business? *Man and Wife in America* cannot possibly be expected to provide all the answers. But, having followed this most astute of legal historians through centuries of stories of marital discord and legal theatrics, I would have liked some hints.

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*Queer Sites: Gay Urban Histories since 1600*. Edited by DAVID HIGGS. New York: Routledge, 1999. Pp. 240. \$75.00 (cloth). \$22.99 (paper).

*Queer Sites: Gay Urban Histories since 1600*, a recent collection of historical gay urban studies, contains a useful set of chronicles of homosexual male social experience the world over. While the collection is more impressive for breadth than depth, each essay provides an excellent jumping-off point for more scholarly and analytic work on any of the featured cities. Indeed, though few grand themes or overarching concepts are tendered, the studies as a group offer ample evidence for the centrality of public and commercial space in the cultivation of Western gay urbania.

The essays cover seven cities: Paris, London, Moscow, Amsterdam, Lisbon, San Francisco, and Rio de Janeiro. Most of the essays begin somewhere in the seventeenth or eighteenth century and then march, some more lightly than others, century by century (and sometimes decade by decade) up to the contemporary period. As editor David Higgs argues in his introduction, although "furtive urban subcultures" existed and expanded in all