

grate text and pictures in a way that would direct the viewer's attention to particular features of the image being discussed, Banner has denied the reader an opportunity to learn from her considerable skills in interpreting visual evidence.

These criticisms notwithstanding, *American Beauty* will undoubtedly be recognized as one of the most important recent contributions to feminist scholarship. It is a work which may be read with profit and enjoyment, and contemporary feminists will find food for thought in the warning it contains. Nineteenth century feminists, Banner contends, underestimated both the power of the commercial beauty culture and the extent to which fashion "underlay the entire constellation of discriminations against women." The gains which appeared to have been won by the early twentieth century were, in fact, deceptive. "Standards of beauty might change and work for unmarried women become respectable, but women continue to define themselves by their physical appearance and their ability to attract men."

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**Wives and Property: Reform of the Married Women's Property Law in Nineteenth-Century England.** Lee Holcombe. *Toronto and Buffalo: University of Toronto Press, 1983. Pp. 311.*

This book is much more than its title suggests. It is a comprehensive account of the legal disabilities of married women in nineteenth century England; a valuable insight into the complexities of the English legal system prior to the passage of the Judicature Act; and a fascinating glimpse into the lives and work of Victorian feminists.

The law relating to married women's property turned on its head the husband's marriage vow: "With all my worldly goods I thee endow." The struggle for a system in which a woman would

have the right to retain her property on marriage and to ownership of her earnings after marriage is covered in some depth.

It begins in the 1850's when Miss Leigh Smith, who was to play an important role in the early feminist movement in England, created a women's committee which began a country wide campaign to reform the law and presented a petition with over 26,000 women's signatures to Parliament in 1856. The activities of some of these early organizers and signatories, including Elizabeth Barrett Browning, Anna Jameson, Mary Howitt, Elizabeth Gaskell, Marian Evans (later known as George Eliot) are described. This initial effort found supporters and critics in the House of Commons and resulted, not in property reform, but with the Divorce Act of 1857. This was an important piece of legislation for women's emancipation but it did not embody the comprehensive reform of married women's property law which feminists had been demanding. Nevertheless, the first feminist committee disbanded and it took a second generation of feminists and committees, led by such women as Elizabeth Clarke Wolstenholme, Josephine Grey Butler and Emilia Jessie Boucherett, in the mid 1860's to regenerate interest and momentum and bring the issue back to Parliament in 1867. By this time, the political scene had changed dramatically with men like Disraeli, Gladstone and John Stuart Mill now sitting in the House. Success seemed at hand in 1869 when the bill sponsored by the Married Women's Property Committee was approved by the House of Commons on third reading by a vote of 208 to 46. Unfortunately it met with great resistance in the House of Lords who substantially rewrote the bill to the detriment of married women and in direct opposition to the popular will. This compromise was reluctantly accepted by the House of Commons and became the Married Women's Property Act of 1870. For the next twelve long and frustrating years the Married Women's Property Committee laboured on through changes in membership and changes in government. A number of the

bills it sponsored reached second reading in the Commons but it was not until 1882 that a new Married Women's Property Act, which embodied the principles that married women should have the same rights over property as unmarried women, and that husbands and wives should have separate interests in their property, was finally passed. Holcombe chronicles this 30 year struggle by describing, not only the events of the period but also, the backgrounds, connections and activities of a great many of the women who played important roles in it. This makes for very interesting reading and will no doubt give those who are concerned with the position of women today a strong sense of their roots in earlier times and causes. I found the series of potted biographies a little tedious after a while, unfortunately, a tedium exacerbated by the habit of discussing the husband before the wife where both parties were described, and the frequent references to people as being the children of their fathers only.

This last point of style seemed to me to grow into one of considerable substance. This is not a particularly political book in orientation, even though its contents may be of interest to feminists. It is mainly descriptive, and while it seems the author does support the activities and reform outline, Holcombe does not use this material to become an advocate for the further reform of matrimonial property law. This may be an appropriate approach for much of the the historical part of the book, however, in the final chapter, Holcombe addresses the current demands for further reform, speaking of the "critics" of the present law without seeming to enter the debate personally with any degree of force. I found it disappointing that the historical analysis was not put to more political use.

The treatment of John Stuart Mill provides a good illustration of the book's strengths as well as its weakness, if the above is indeed a weakness. His contribution to the debate and the eventual reform is fully and vividly described. His opinions seem so reasonable, so civilised, so *liberal* in

comparison to those of his critics, that it is perhaps understandable that little if any critical analysis is provided. Mill's spirited defence of the right of married women to own separate property was based on liberty of the individual and equality, thus occupying the high moral ground. While reform of the law did indeed have a basis in equality it was a concept of equality that went mainly to form. While this had a very practical beneficial impact on the lives of many women, it did so by utilizing a notion of equal treatment on the face of the legal rule, without reference to the reality of the lives of married men and women. This type of juridical equality has the potential to work against women as well as to their advantage. Such a separation of property regime can help women who inherit or work for money, but not women who engage in unpaid labour in the home.

Given the traditional role of women in marriage and their discrimination in employment, fairness is not likely to be achieved through a law which allocates ownership of property on the basis of who paid for it or who has technical legal title to it, a lesson that was driven home to Canadians by the notorious decision in *Murdoch v. Murdoch*, [1975] 1 S.C.R. 423.

An equality based on fairness in result, which takes into account the different realities of the lives of women and men, is needed as a basis for the division of property between spouses. The recent provincial legislation, coming roughly a century after the last great round of reform described in this book, and similarly a product of feminist energies, has been a step in the right direction. Most provinces, including Nova Scotia, now provide for the discretionary division of matrimonial property on breakdown of marriage. This involves a recognition of marriage as a partnership in which the partners may have different roles and abilities, but are nevertheless equal. Unfortunately, this concept of equal partners is not yet fully achieved in our legal rules and more reform is needed. Certain kinds

of property are presumptively excluded from the sharing process, the main one being "business assets," which are much more often acquired by husbands than wives. As well, twentieth century Canadian attempts at equality only take place on breakdown, while there are a great many more women who need a more equal status during marriage.

The contents if not the style of the book are useful as a source of inspiration in the on-going struggle for an equitable matrimonial property law, but the lessons of hindsight are barely mentioned in passing. Liberal ideas provided the means of attacking the orthodox view of women in nineteenth century England, but they may have themselves become orthodoxy in need of challenge in Canada today.

In many ways our own era mirrors that described by Holcombe—the inequity of the law, the enormous resistance to change, the personal sacrifice of large numbers of women and men and the complexities of the legal system. However, in significant ways the debate has shifted, partly because of the successes of the past, from the need for formal equality to the deficiencies of it.

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**Eve and the New Jerusalem: Socialism and Feminism in the Nineteenth Century.** Barbara Taylor. London: Virago, 1983. Pp. 402.

Barbara Taylor's long awaited study of Owenism has been worth waiting for. Situated firmly in socialist-feminist debates of both contemporary and nineteenth century British society, this study focuses on the largely forgotten and often distorted Owenite vision of a feminist and socialist "New Jerusalem." Taylor's book challenges contemporary socialist views of the past as well; no longer will it be possible to adhere to "the

assumption of a steady progress within socialist thought, from the primitive utopianism of its early years to mature, scientific socialism..." (p.286). The failure to realize the Owenite vision of a society without class or sex exploitation does not negate or obliterate that goal but rather serves to remind readers of the long history of a struggle which continues today, albeit under changed circumstances. That the multifaceted challenge of socialism has been left out of the socialist tradition is symptomatic of the concentration on class struggle in isolation from the "woman question."

*Eve's* contributions to the history of the socialist-feminist debate notwithstanding, the book exhibits some fundamental limitations in its approach and arguments. Taylor adopts an intellectual history approach which overshadows the book's attempt to present the social-historical problem of Owenite feminism. The reader is presented with more information on what Owenites thought and wrote than what they did. A related problem is the prominence of the dozen or so female speakers and writers, whose views, we must assume, reflect those of the "rank and file." In some of the chapters the arguments are unclear and hang on Taylor's attempt to fit the intellectual history of Owenite feminism with previous studies of the working class. Her explanation of the fragmentation of Owenite views on marriage, for example, is unsuccessfully linked to changes in sexual behaviour among skilled workers and to the general transformation of popular attitudes toward a more rigid distinction between regularized and irregular sexual relationships. In general the book then focuses on the internal developments of Owenism and only partially links those to the wider social-historical context.

*Eve* begins with a look back to the intellectual sources of sexual radicalism. While the roots of Owenite feminism stemmed from the democratic sexual radicalism of Mary Wollstonecraft and others, Taylor notes that the questioning of