

Takeaway 1 - Zaya Wang

Unfamiliar concepts and words

- Feme sole / Feme covert

Feme sole means a woman legally acting on her own; feme covert means a married woman whose legal identity was covered by her husband.

- Legal fiction

A legal assumption that is treated as true even though it does not fully match reality.

Coverture is an example because the law treated husband and wife as one legal person.

- Equity

A system of law that provided more flexible remedies when common law was too strict, including ways to protect married women's property.

- Proper lady

The ideal of a respectable, usually middle-class woman who stayed at home rather than working or doing business.

Reflection

One takeaway I get from the readings is that women were restricted by laws and social expectations, but that doesn't make them passive victims, they made choices within their circumstances, though how much room they had depended on class and resources.

Montgomery shows how strongly the law could restrict women's independence, especially for married women. Under coverture, married women had limited control over property, earnings, contracts, and legal actions (Montgomery, 6–9). But legal inequality on paper is not the same as having no agency in practice. In the introduction, Montgomery writes that "all women did not have the same work experience: class and later ethnicity affected women's lives" (Montgomery, 2). A middle-class woman with more time, connections and money had more room within those limits than a working-class woman did (Montgomery, 2–3). The law set the boundary; class decided how close to it a woman actually lived.

Phillips draws a similar line between women's formal legal rights and what they were actually able to do. Even under coverture, married women found ways to participate in business (Phillips, 24–29). Her discussion of equity is especially striking. It gave married women a way to protect or use property, although it was "an expensive and time-consuming legal procedure of use only to the wealthier ranks" (Phillips, p. 23). Agency plays a role here, but it had a price tag that only some women could pay. From my understanding of these readings, agency is not freedom from constraint. It is what women did with the constraints they had, and that varied depending on who they were. Montgomery and Phillips together suggest that women's history isn't simply a story of oppression or liberation, but a story of various women surviving within the same restrictive system.