

CHARLES HOMER HASKINS  
PRIZE LECTURE FOR 2020

*A Life of Learning*

Linda K. Kerber

ACLS OCCASIONAL PAPER, No. 77



The 2020 Charles Homer Haskins Prize Lecture  
was delivered virtually from the College of Law  
at the University of Iowa on October 28, 2020.

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## ON CHARLES HOMER HASKINS

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Charles Homer Haskins (1870–1937), for whom the ACLS lecture series is named, organized the founding of the American Council of Learned Societies in 1919 and served as its first chairman from 1920 to 1926. He received a PhD in history from Johns Hopkins University at the age of 20. Appointed an instructor at the University of Wisconsin, Haskins became a full professor in two years. After 12 years there, he moved to Harvard University, where he served as dean of the Graduate School of Arts and Sciences from 1908 to 1924. At the time of his retirement in 1931, he was the Henry Charles Lea Professor of Medieval History. A close advisor to President Woodrow Wilson (whom he had met at Johns Hopkins), Haskins attended the Paris Peace Conference of 1919 as chief of the Division of Western Europe of the American Commission to Negotiate Peace. He served as president of the American Historical Association in 1922, and was a founder and the second president of the Medieval Academy of America in 1926–27.

A great American teacher, Haskins also did much to establish the reputation of American scholarship abroad. His distinction was recognized by honorary degrees from Strasbourg, Padua, Manchester, Paris, Louvain, Caen, Harvard, Wisconsin, and Allegheny College, where in 1883 he had begun his higher education at the age of 13.

## HASKINS PRIZE LECTURERS

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2020	Linda K. Kerber
2019	Lynn Hunt
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1996	Robert William Fogel
1995	Phyllis Pray Bober
1994	Robert K. Merton
1993	Annemarie Schimmel
1992	Donald W. Meinig
1991	Milton Babbitt
1990	Paul Oskar Kristeller
1989	Judith N. Shklar
1988	John Hope Franklin
1987	Carl E. Schorske
1986	Milton V. Anastos
1985	Lawrence Stone
1984	Mary Rosamond Haas
1983	Maynard Mack

## ON LINDA K. KERBER

Linda K. Kerber is May Brodbeck Professor in the Liberal Arts and Professor of History Emerita, Lecturer in Law at The University of Iowa.

She received the AB from Barnard College and the PhD in history from Columbia University in 1968. In 2006 she was Harmsworth Professor of American History at Oxford University.

Kerber is an elected member of the American Philosophical Society and a Fellow of the American Academy of Arts and Sciences. She served as president of the American Studies Association in 1998, the Organization of American Historians in 1996-97, and the American Historical Association in 2006-07.

In her writing and teaching Kerber has emphasized the history of citizenship, gender, and authority. Her teaching has been recognized by the University of Iowa Graduate College Special Recognition/Outstanding Mentor Award in the Humanities and Fine Arts. She is the author of *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (1998) for which she was awarded the Littleton-Griswold Prize for the best book in U.S. legal history and the Joan Kelley Prize for the best book in women's history (both awarded by the American Historical Association). Her other books include *Toward an Intellectual History of Women* (1997), *Women of the Republic: Intellect and Ideology in Revolutionary America* (1980), and *Federalists in Dissent: Imagery and Ideology in Jeffersonian America* (1970). She is co-editor of the widely used anthology, *Women's America: Refocusing the Past* (9th edition, 2020).

"The Stateless as the Citizen's Other: A View from the United States," appeared in the *American Historical Review*, February 2007 and is the foundation of her current research and writing. She serves on the Board of Trustees of the Institute on Statelessness and Inclusion, based in the Netherlands and is a member of the editorial board of the *Journal of Statelessness and Inclusion*, based in Melbourne, Australia. Following her interest

in strengthening academic exchange between the United States and Japan, she served for five years as a member of the Japan-U.S. Friendship Commission/CULCON, a federal agency. She recently completed a term on the Permanent Committee of the Oliver Wendell Holmes Devise History of the Supreme Court of the United States, to which she was appointed by President Barack Obama.

## INTRODUCTION

I am pleased to introduce the 2020 Charles Homer Haskins Prize Lecturer, Professor Linda Kerber. This is the 38th year of the Haskins Prize Lecture series, which is named in honor of the first chair of ACLS. The Executive Committee of our Delegates selects the lecturer each year; you will be inspired by the previous prize lectures you can read on the ACLS website.

This year we are holding the Haskins Prize Lecture not in person at our ACLS Annual Meeting in spring, as we typically do, but in autumn, as a separate event, via Zoom. I want to acknowledge the sobering circumstances and to take a moment to recognize the loss and suffering that the past nine months have brought to so many in this country and around the world. And though it might sound clichéd, I want to restate a core principle for us at ACLS and, I expect, for everyone in attendance here today: the urgent importance of history for democratic life. To address ourselves to the demands of bringing into being a more just and healthy nation—to figure out how to go on together as equals—requires deep understanding of where we have been.

For this reason, I am especially grateful that Linda Kerber is our speaker this year. I thank her for working with us at ACLS as we reimagined the Lecture as an online event, which has the one great advantage of being immediately accessible, live, to a large number of people. Her work helps us understand where we've been and from there, where we might go.

The Haskins lecture offers us an unusual opportunity to learn by example, by hearing scholars think about themselves as thinkers. Lecturers are asked, and I quote, “[T]o reflect on a lifetime of work as a scholar, on the motives, the chance determinations, the satisfactions (and the dissatisfactions) of a life of learning; and to explore through one’s own life the larger, institutional life of scholarship. We do not wish the speaker to present the products of one’s own scholarly research, but rather to share

with other scholars the personal process of a particular lifetime of learning.”

Today we are honored to hear Linda Kerber, May Brodbeck Professor in the Liberal Arts, Professor of History and Lecturer in Law Emerita at the University of Iowa College of Law. After graduating from Barnard College in 1960 and taking her PhD at Columbia, where she worked with Richard Hofstadter, she began her public career as an intellectual historian with her 1970 book, *Federalists in Dissent: Imagery and Ideology in Jeffersonian America*. In addition to two more groundbreaking books, she has written the leading textbook in women’s history and dozens of scholarly essays. She is a respected commentator on a range of legal, constitutional, and ethical issues central to the past and future of this country.

In 1976 Linda Kerber synthesized her deep reading of Enlightenment thinkers and her profound feel for the landscape of American history in her *American Quarterly* article, “The Republican Mother: Women and the Enlightenment: An American Perspective.” I share with you her words, because they best convey the vision that inspired her nomination and that brings us here today. She writes:

In the face of a denial that women might properly participate in the political community at all, there was invented a definition of women’s relationship to the state that sought to fill the inadequacies of inherited political theory. The republican ideology that Americans developed included, hesitantly, a political role for women. It made use of the classic formulation of the Spartan Mother who raised sons prepared to sacrifice themselves to the good of the polis. . . . The terms provided were ambivalent and in many ways intellectually unsatisfying; the intellectual history of women is not a whiggish progression, ever onward and ever upward, toward autonomy and liberation. The tangled and complex role of

the Republican Mother offered one among many structures and contexts in which women might define the civic culture and their responsibilities to the state; radical feminist political movements would develop in dialectical opposition to it.<sup>1</sup>

Linda's work in the 1970s framed how American historians would consider the roles, opportunities, and guiding mythology of women in American political and intellectual history. In the decades since, we have seen its impact carried forward in Linda's later work and countless courses and seminars and waves of research and writing around the world, including by Linda's many doctoral students.

Linda is also a scholar who has served in leadership capacities of four ACLS membership societies, including the presidencies of the American Historical Association, the Organization of American Historians, the American Studies Association, and the Board of the American Society for Legal History.

To give you one final taste of her approach, I want to draw once more on her own words, published in 2016, about our need as a country to open ourselves to history's realities. In her essay "The Past Unshackled: When Revolutions Go Backward," in the *Proceedings of the American Philosophical Society*, Linda writes:

Does everyone who has in their minds the image of Grant generously permitting Lee and his officers to keep their swords and horses after surrender also know that within months, the obstinate denial of the full citizenship of black people throughout the white South—by new statutes, by intimidation, violence, and rape—would lead Congress to expand the authority of the Freedmen's Bureau to try by military commissions those who denied the civil rights of freedmen (pressuring them into indentures not far removed from slavery, prohibiting them from testifying against white people in courts, making voting impossible), and then, less than two years

after Appomattox, to divide virtually all the former Confederacy into five military districts in which army commanders were empowered to protect property and the public peace? Do they know that there were substantial areas on the margins of the Old Confederacy where white people carefully avoided letting black people know that slavery had ended and continued their lives as before? Misreadings of how slavery and its aftermath were experienced play into current ways of addressing race. *Erasures of the past limit the options available in the future* (italics mine).<sup>2</sup>

We are here today to hear from an outstanding scholar who does the urgently necessary work of honest, accurate historical remembrance guided by a strong moral sensibility—the exact opposite of erasure. She has made visible so much that could otherwise have been left unsaid, unvoiced, invisible. We are thrilled to honor—and to learn about the life of a historian who helps us confront our past—Linda Kerber.

Please join me in welcoming her today, and thank you for listening.

Joy Connolly  
President  
American Council of Learned Societies

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1 Linda K. Kerber, “The Republican Mother: Women and the Enlightenment—An American Perspective.” *American Quarterly* vol. 28, no. 2 Special Issue: An American Enlightenment, 1976, pp. 187–205. JSTOR, [www.jstor.org/stable/2712349](http://www.jstor.org/stable/2712349).

2 Linda K. Kerber, “The Past Unshackled: When Revolutions Go Backward.” *Proceedings of the American Philosophical Society*, vol. 160, no. 3, 2016, pp. 233–36. JSTOR, [www.jstor.org/stable/26159178](http://www.jstor.org/stable/26159178).



LINDA KERBER

## *A Life of Learning*

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### INTRODUCTION

The late historian Mary Maples Dunn often repeated the findings of a survey of new PhDs: *Men ascribe success to their own brilliance. Women ascribe success to luck.* When I reflect on my life, as the Haskins Prize challenges us to do, I find myself reflecting on my luck. I have had the good fortune of a life partner who believed in me—who was always my first reader, whose birthday presents were desk chairs and elegant leather briefcases, and who described himself as “a historian by osmosis.” When I began my studies as a historian, I had no idea that my professional life would take place not only in the seclusion of archives and the invigoration of the classroom but also within the fluid structures of learned societies that help to shape the ways in which our disciplines become national communities, buffeted by the political movements that swirl around us as we breathe our way through our days.

Reflecting on my assignment, I realize that much of what I am most grateful to have learned was not in the syllabi that organized the courses in which I was enrolled but in the interstices of the institutions and communities where I found myself. Everyone taught more by example than by intention. I learned from Annette Baxter and, indeed, from the entire institution of Barnard College, that women of any age, including young mothers, could wield intellectual and institutional authority. In graduate

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Note: A video of Professor Kerber delivering the 2020 Charles Homer Haskins Prize Lecture is available in the media collection on the ACLS website, [www.acls.org](http://www.acls.org).

school at Columbia, I learned from Richard Hofstadter's example that one should not be afraid to embrace the largest consequential questions and also that it is unwise for a mentor to shepherd a student into a subject. Each generation must define what it needs to know. From him and from my study group of other graduate students I learned that historical understanding can link to political understanding. Living in Iowa I learned that New York City is not necessarily the intellectual center of the world.

Entering the Berkshire Conference of Women Historians and the American Historical Association's (AHA) Committee on Women Historians, I found myself part of a national feminist intellectual community. We startled the AHA by assertively criticizing—and seeking actively to improve—the social structures in which our discipline operates. Over the years I have had the luck to enter international communities of feminist scholars, men as well as women: in Japan, in Italy, and during my year as Harmsworth Professor of American History at Oxford University. I left my formal schooling with what I can now recognize as the provincial assumptions that Saul Steinberg skewered in his famous *New Yorker* cartoon; I no longer need a passport to cross the Hudson.

## BIRTH FAMILY

Like all our subjects of study, I myself am a historical artifact. Choices I imagined myself to be making freely turn out to have been sociologically scripted: Was my parents' encouragement of my aspirations for graduate school and a historian's career due to their own willingness to run against the tide of the 1950s? Or the predictable choice of first-generation Jewish Americans seeking upward mobility in a family that only had daughters? I toyed with a number of career paths, but I remember only three marked as off-limits: law, because my father had emerged from law school in the Great Depression and had never found a job as a lawyer; nursing, because you would have to take orders from other people (they had no hesitation about supporting me if I were to become a doctor); and archaeology (for which I developed an enthusiasm

after reading *Gods, Graves and Scholars*) when they discovered, quite by accident from an archeologist acquaintance, that even if one were a professor of archeology, one would still have to apply for funds to undertake excavations. They thought it was outrageous to have to beg for funds to do your professional work. US history, on the other hand, seemed a realistic choice.

I have never understood why they conveyed so little of our own family history; I did not learn until my sister's remarkable genealogical research in recent years how many relatives of our grandparents' generation vanished into the Holocaust.

I was lucky enough to live in New York, where the city provided rich resources of social and cultural capital. When I was 10, my father took me to see *As You Like It*; mesmerized, I thought Katharine Hepburn was improvising Rosalind's epilogue. As early as junior high school and into high school, public schools furnished vastly reduced-price tickets to Broadway; at 13, my friends and I saw the original production of Arthur Miller's *The Crucible*—a play that still occasionally haunts my dreams. I did not understand then that it was a veiled reference to McCarthyism. Later, when Dick Kerber and I were dating at the end of high school and during college at Barnard and Columbia, a standard date night might have been virtually free student tickets for score desks at the Metropolitan Opera. Attending regularly throughout our senior year in college and into our graduate school years embedded in me an enthusiasm for opera that has deepened over the years.

When my parents moved from an apartment in Brooklyn to a new house in the rapidly developing suburb of Kew Gardens Hills, thinking it was an improvement in status, I had no clue that Parkway Village, the charming garden apartment development within walking distance from our home, had been built to shield the multinational, multiracial staff of the United Nations from the New York City housing market, which would have excluded many of them had they sought to rent apartments.<sup>1</sup>

Nor had my parents anticipated that admission to Hebrew school would be contingent on paying the high membership fee of

the large suburban synagogue. They were too proud to plead for a price reduction. Unable to continue my Hebrew school classes, which I had loved, I would wistfully attend the bat mitzvahs of my friends and later the bar mitzvahs of my sons. Only after the death of my husband a few years ago, when I found comfort and wisdom in Jewish mourning practices, did I set myself to learning more.

New York then had a robust system of tuition-free public four-year colleges, a system that is virtually forgotten now, when even community colleges charge substantial fees. My extended family never doubted that all of us would go to college, including cousins whose parents had not gotten past high school.

## BARNARD

With the help of a New York State Regents Scholarship (then widely available to those who scored well on the state's Regents exams), my parents were able to send me to Barnard, the women's college of Columbia University, where the feminism of the 1930s still persisted. Barnard was the rare women's college presided over by an unbroken string of women presidents. In our curriculum the women's march on Versailles was part of what we learned about the French Revolution, and Edith Wharton was central to the American Literature survey course. In my freshman English class, the obligatory Shakespeare play was neither *Hamlet* nor *Julius Caesar* but *Antony and Cleopatra*. The complexities of a woman's choices were central to our introduction to the Western literary tradition.

In the 1950s there was an inchoate but pervasive sense that American Civilization—which I chose for my major—was an exciting place to be. Nowadays, as global studies, Black studies, women's and gender studies, and other interdisciplinary programs flourish, it is useful to remember that it was the American Civilization programs of the 1940s and 1950s that challenged departmental boundaries by juxtaposing literature and politics, art and social history, architecture and foreign relations. American

Studies programs at least suggested—as did virtually no other element in the standard college curriculum of the 1950s outside of historically Black colleges—that African Americans and women were central to understanding American culture.

The senior seminar set us to writing an extended research paper. I'm not sure how I came to the papers of a remarkable abolitionist editor, Sidney Howard Gay, housed in Columbia's Special Collections. Yet all I needed to do was cross the street, and suddenly I was touching papers that were more than a century old. That is clearly what hooked me on historical research.

I had no idea that the intellectual excitement of American Civilization in the 1950s was greatly facilitated by the substantial amounts of federal and foundation money going into it. I did not then understand that I was living in a Cold War world, where American civilization—with its strident validation of American exceptionalism—was one way among many of making a defensive claim for “Our Side” against theirs. The organizing analytical question of the 1950s was “What’s American about America?” The answer, brilliantly framed in an essay with that title by my first-year English professor John Kouwenhoven, stressed interchangeable and endlessly extendable structures of the sort found in an infinitely amendable Constitution, an expandable grid plan for town and prairie, the poetic forms of Walt Whitman, and the musical forms of jazz.<sup>2</sup> To approach American culture this way, however, was necessarily to drain it of political content and political responsibility. I have been greatly indebted to what I learned at Barnard, but I did not learn much about the exercise of power.

The Barnard faculty made clear that they were not wasting their time with us; we were to put our educations to serious (preferably professional) use, though it would be nice if, along the way, we married and had four lovely children as Millicent MacIntosh, our redoubtable college president, had. We were instructed, at the welcoming lunch for entering students that all her babies had been born in the summer. I found that a curious bit of information. Only many years later, when my friends and I found it not so easy to accomplish a pregnancy

while simultaneously maintaining a career, did we realize what the message had been. So long as a woman accepted her role as “the center of home and family life,” a principle used by the US Supreme Court in 1961 to justify women’s exclusion from juries,<sup>3</sup> there was much that she might attempt. Problems came when professional identity competed with the demands of the nuclear family. At that point, even powerful minds confessed themselves at a loss.

(The only minds that embraced this challenge, so far as I know, were in the Danforth Foundation, which invited its fellows to submit a budget of their needs. I needed a nanny to care for our young son Ross while I finished my dissertation; Danforth paid. I know of no fellowship supporter, then or since, that recognized our real lives in this way.)

My first encounter with a world where women’s personal and professional life were necessarily at odds was my interview for a Woodrow Wilson Graduate Fellowship, when my observation that I had limited my applications to schools in New York City because my fiancé was about to start medical school at New York University soured the conversation. Afterward, I told all the women in the waiting room to remove their engagement rings and not to breathe a word of their marriage plans.

I am glad I did not know that just over a decade earlier, May Brodbeck (for whom my chair would be named) had wanted to go to graduate school in chemistry after she had put herself through NYU at night and had worked on the Manhattan Project. But she was a woman, and she was Jewish, and nobody would give her the fellowship she needed for graduate work. A chance encounter with Gustav Bergmann, a refugee who chaired the Department of Philosophy at the University of Iowa, resulted in a fellowship to study the *philosophy* of science, a field not of her choice but in which she became a distinguished scholar. By the 1950s May was the rare—some think the only—tenured *academic* woman in the entire University of Minnesota. (The others were in nursing and home economics.) In 1974 President Willard Boyd would bring her back to Iowa to be our provost—at

the time, outside of exclusively women's colleges, the highest position attained by a woman in the US academic world.

I graduated from Barnard in 1960; at commencement, the college president assured our parents that more than half the class was married or engaged. I now suspect that the subtext was to assure parents that we were not lesbians, an accusation that haunted women's colleges throughout the Cold War. Since I was safely straight and was to be married the following week, her words seemed to me only the common sense of the matter. More than a half-century later there remain many classmates who have never forgiven her for intruding this note of what was perceived to be their inadequacy into a day of celebration of their accomplishments.

## COLUMBIA

After a year at NYU—where the department's energy seemed to emanate from the Europeanists—I returned to Columbia, then one of the very few elite universities reasonably hospitable to women students and (in a relatively recent development) authentically hospitable to Jewish men.

Throughout my graduate student years, I heard no lectures by women faculty members, because there were none in the department, nor by Black faculty members, for the same reason. Columbia University was almost as segregated as if it were in the Deep South. Barnard College informally practiced a racial quota; there were four Black women in my entering class of 300. At Columbia, my colleagues and I were assigned no books by women historians, no biographies of women activists, and with the exception of work by abolitionists, no primary materials testifying to women's experience. Preparing for my oral examinations, I clung to Henry Steele Commager's encyclopedic *Documents of American History* and Richard B. Morris's one volume *Encyclopedia of American History*. Neither included the now-notorious case of *Mackenzie v. Hare* (1915), in which the Supreme Court had ruled that a woman's marriage to a foreign man was equivalent to

“voluntary . . . expatriation” while a man’s marriage to a foreign woman offered her automatic citizenship. (During World War I, hundreds of American-born women had to register as alien enemies because of the status of the men they had married.) Women’s experiences entered lectures and readings only as trivia, exceptions, or warnings (e.g., the witches of Salem or Ethel Rosenberg). Of the 94 selections in the freshly revised *Man in Contemporary Society* sourcebooks that were required for Columbia undergraduates, only three were by women. None addressed women’s subordination.<sup>4</sup>

At Columbia I registered for Richard Hofstadter’s seminar; his was the only name I recognized. He had recently published *Anti-Intellectualism in American Life* (1963). In a rare conversation during his office hours, I remember him complaining about being lumped with the “consensus” historians; the appropriate characterization, he maintained, should be “skeptic.” I suspect that book and that observation lodged in my brain.

He taught the seminar as what we would now call a readings course: selecting one book a week from a wide variety of historians’ approaches, trusting that we would intuit how the research on which the book was based had been done. Hofstadter had confidence that he knew a viable dissertation subject when he saw one; he approved a two-page double-spaced prospectus in which I proposed to examine the anti-Jefferson Federalists from a cultural angle. At the time I thought I was simply finding a gap in the inherited narrative ripe for filling. I now think it was compounded in roughly equal measure of an urge on the part of a descendant of immigrants to say something original about the founding generation and of an authentic admiration, in the early stages of the Vietnam War, for a political faction that had resisted the War of 1812.

Dick was drafted into the army after his second year of medical residency. Anxious anticipation of my dissertation defense evaporated in the face of the authentic panic I felt during the year he was in Vietnam, a year that included the Tet Offensive. Later he would tell me, “Every letter I wrote home was

a lie,” intended to keep me from worry. He never did tell me the occasion for his Bronze Star. Only after his death did I learn it is awarded for valor in the midst of danger. I still cannot remember a single question I was asked at my dissertation defense in the early spring of 1968. Not long after, the Columbia campus erupted in resistance to university authority and a generalized opposition to the war; we joked that I was sending photographs to Vietnam from the New York home front.

Many people find their professional mentors in continuing relations with their dissertation advisers—their *Doktorvater*, as the Germans put it. I had a sense that Hofstadter was prepared to offer me the opportunity to be a colleague, but I had little chance to experience it; he died less than two years after signing off on my dissertation. Although I never sent her drafts of my work to read, Gerda Lerner would play that role for me. If you’ve been jailed by the Gestapo, academic quarrels can feel petty. Gerda’s wise perspective and pioneering work was a lodestar.

## ENTERING THE PROFESSION

I have lived my professional life in an academic world from which women ten and twenty years older than I have been virtually absent. The very few who seemed to fit this category—Gerda Lerner, Anne Firor Scott—generally had interrupted careers; they earned their PhDs and entered the job market only a few years before than I did. Had I been born ten years earlier the professions would have been even less merciful. Supreme Court justice Ruth Bader Ginsburg never forgot the petty humiliations to which she and her few women colleagues were subjected at Harvard Law School in the mid-1950s. Scores, hundreds, thousands of women—no one has counted—started graduate school in the 1940s and 1950s and were deflected.

As I was finishing my PhD I was hired to teach at Stern College, the women’s college of Yeshiva University. The modern history department numbered three: Doris Goldstein, whose PhD in French history was from Bryn Mawr, me; and Blanche Weisen

Cook, who would grow up to be the author of a courageous three-volume biography of Eleanor Roosevelt. We were a splendid feminist nest in a setting (Orthodox Judaism) that outsiders would have thought unlikely. Our students were cosmopolitan, serious about their work, and a real pleasure to teach.

Yet when Dick returned from Vietnam ready for advanced medical training, and set his heart on an offer from Stanford, we discovered that I—with a PhD from Columbia and substantial college teaching experience—was virtually unemployable. The best position I could get was teaching a few courses at San Jose State College. All you need is one job, however, and Carl Degler—whose first job had been at Vassar (then a women’s college) and who was already embarked on his own pathbreaking work in women’s history—persuaded his colleagues to hire me for a year when Stanford’s early-Americanist went on sabbatical. At the end of that year, I was again unemployable, until Dick was recruited by the medical school of the University of Iowa, where Bill Aydelotte had built a history department full of outsiders, and Sydney James and his colleagues welcomed me as a spousal hire. But there had been no options in each transition. Had Dick, who as a brilliant young cardiologist had many professional choices, not also seen opportunity in Iowa City and insisted that he would not budge unless there was a tenure track job for his wife, I would have been unemployed.

In 1970, an unemployed historian and new mother (our younger son, Justin, had been born eight months before), I watched in awe as Professor Willie Lee Rose, chairing the American Historical Association’s ad hoc Committee on the Status of Women Historians, presented to a packed business meeting a report the committee had prepared. They shocked the audience by naming women’s marginal role in the profession as the result of discrimination. The report concluded: “The discrepancy between women’s professional status and performance is thus not grounded in any lack of commitment to the life of learning. . . . Those who practice discrimination against women in academic employment also hold general views concerning female inferiority.”<sup>75</sup>

Which gets us to Iowa and the remarkable department that has been my home ever since. Bill Aydelotte's Quaker faith grounded a community of historians who shared a general skepticism of what the Establishment understood to be wisdom, and a deep commitment to equality and fair play.<sup>6</sup> Our students asked questions not asked in New York, and I came to understand that the Northeast is one among many provincial regions in the United States.

No sooner had we arrived in Iowa than I was invited to join the AHA's new standing Committee on Women Historians (CWH), chaired by Patricia Albjerg Graham and grounded by Mary Frances Berry, whose perspective had been honed by her work in the civil rights movement.<sup>7</sup> Joining that committee placed me at this early moment in my career in an authentically national community of feminist historians, and within a decade, in an international one. Almost as soon as our standing committee was announced, bitter letters flooded in: from women whose tenure had been decided by a handful of senior men standing on the landing of a staircase; others reporting what we would now call microinsults. We made demands of the AHA, including the appointment of Dorothy Ross, the first member of the staff charged with addressing equity issues.<sup>8</sup> Professional change, never easy and often resented, has been much easier to accomplish in the learned societies than in our own colleges and universities, where institutional inertia and the ongoing influence of male alumni erected nearly immoveable barriers.

It's now some 50 years since that first, invigorating meeting at the AHA headquarters. I must have attended hundreds of meetings in the years since— not only the AHA but also the Organization of American Historians, the American Studies Association, and, in recent decades, the American Society for Legal History and the American Philosophical Society. I think now that I was drawn to deep involvement in the learned societies in part because their conferences counterbalanced the relatively small university town where I live with the joys of sustaining friendships from graduate school days, of being in conversation

with remarkable colleagues who are based in institutions unlike my own, and of early introduction to new scholarship before it is published. And these experiences made it possible to grasp the practice of history in a national context; to understand our profession to be vulnerable to federal and state policy. In 2006, when I had the luck to spend a year as Harmsworth Professor of American History at Oxford, I was in an international community of scholars who brought different perspectives to the questions that fascinated me. And so, one thing led to another: small committees such as the CWH, program committees, boards and councils, and then the presidencies. Beginning with my old Columbia study group—now diminished by deaths but still connected by Zoom<sup>9</sup>—each was part of an interlocking series of communities where members shared anxieties about the bureaucratic structures of their workplaces, the challenges of research and writing, and admiration when good work was published. Even now, my days begin in a Zoom group of historians, only one of whom I had known before, in which we begin our days with two hours of writing. I could have been lonely. I never have been. As my vision as a historian has widened, I hope my work has been enriched.

## WOMEN'S HISTORY

I graduated with my PhD into the political revolution that was the revitalized feminism of the late 1960s. Feminism always had an intellectual arm, reclaiming a history, questioning generalizations that had been offered as the common sense of the matter, reproaching the silencing of women. We made Virginia Woolf's *A Room of One's Own* our text. We learned from Simone de Beauvoir that "woman" was made, not born.<sup>10</sup> Shortly we would learn from Carroll Smith-Rosenberg that sexuality itself is constructed across a wide continuum. We reached back over a generation to find pioneering work that had languished unpublished.<sup>11</sup> Like all of us, Betty Friedan was part of the increasing disconnect between a political economy that educated girls as well as boys; a postwar economy that put more middle-class women in the labor market

where, even if they were part time, they discovered inequality; and a Cold War economy that denied women's claims for equity lest we be thought to emulate the Soviets. Restiveness with our subaltern status had been building since World War II, shaped by economic transformation.

With the exception of the remarkable Alice Kessler-Harris, my generation of women historians had not written about women in our dissertations. We now found ourselves soaked in an international political movement that, as Quakers say, "spoke to our condition." The movement created public audiences hungry to deepen their historical understanding. Politically active students invaded the offices of college presidents, demanding that a coed student body should be taught by a coed faculty. Rebellious students gave us our jobs.

All we learned about women destabilized inherited generalizations about men. Wherever we looked, the experience of women lurked in the historical narrative. There was no subject that was free of women: colonialism, the industrial revolution, any war you could name, any political movement you could name. Simply *being* a woman has been criminalized through most of our history. Black and impoverished women were especially vulnerable to being jailed for vagrancy, to being imprisoned for prostitution (but not the men who used them). Until a generation ago, distribution of birth control devices or access to abortion was often illegal. (It now seems it could be illegal again.) Dressing "provocatively" enabled a rapist to claim innocence. Witnesses were required for accusations of sexual violence (which of course generally takes place without witnesses). There was no concept of rape within marriage until feminists put it there beginning in the 1970s, not in all states until the 1990s, and then in some states only if the parties are living separately. Women could be institutionalized for non-stereotypical behavior or cross-dressing (a vulnerability they shared with gay men).

And throughout our history until very recently and only very gradually, men claimed a legal monopoly of violence: in police forces, in the military. Arguing against women's exclusion from the draft in 1980, a feminist suggested to Congress that

stalkers may well be deterred if they had to assume there was a good chance that any woman they stalked had had basic training.

Riding on what we had learned from the civil rights movement of the 1950s and 1960s, as well as the antiwar movement that we breathed, we took up the work of feminist historians who had been silenced during the Cold War. Only belatedly have I come to understand that virtually all my writing life I've been focused on the nuances of the relations of citizens to the State, which is to say, the largest questions of democracy.

We recognized that if women were to have respect as colleagues, we would also have to be people who had a history. From Black historians we learned, in Robert Penn Warren's words, that

*All night long History drips in the dark,  
And if you step where no light is,  
The floor will be slick to your foot.*<sup>12</sup>

All we were learning set us to writing, challenging the canon of historical knowledge. Soon there was more than enough new scholarship to warrant a convenient collection of some of the best new writing and of freshly appreciated documents. With Jane De Hart, my dear friend and colleague on the CWH, I coedited *Women's America: Refocusing the Past*. We could not have predicted the vitality of the field; within a few years the volume was outdated. Now edited by our successors, Cornelia Hughes Dayton and Karissa Haugeberg, *Women's America* is now in its ninth edition. The challenge of updating *Women's America* has long provided my continuing education.

There were barely any women in *Federalists in Dissent* (the book that emerged from my dissertation): a footnote on Sally Hemings, a discussion of Alexander Hamilton's prediction in his *Report on Manufactures* that women and children, desperate for work, would be available to staff the new factories of the industrial revolution. At my defense in 1968, no one thought to point to these sentences and suggest that I might find it productive to follow up on these promising leads. Nor did anyone comment on

the virtual absence of enslaved people from my manuscript, a major failure that still haunts me.

*Women of the Republic: Intellect and Ideology in the Early Republic* (1980) began as two essays written in the mid-1970s. When I turned to the unused notes from my dissertation, it quickly became clear that some American women and men had already begun to wrestle with major philosophical issues: the place of women in the new political system and the extent to which women's independence and intelligence ought to be encouraged. It was not difficult to find ideas about women in the classic texts that the founding generation relied on for the philosophical bases of their understanding. American women shared in the turmoil of their times; their testimonies endure in letters and diaries, court records, petitions to legislatures, pamphlets and books.

Forced to craft a title for one of the essays, I invented the phrase "the Republican Mother," an oxymoronic expression that attempted to capture the juxtaposition of the political and the apolitical family member. The Republican Mother had no formal role in the new nation; she could neither vote nor hold office, but she was relied on to sustain her husband's patriotic virtue and to strengthen the next generation of virtuous citizens by the ways in which she educated her sons and her daughters. For this role she had to be literate, even well educated, and the ingredients of that education became a matter of serious evaluation and debate.

The rubric stuck, somewhat to my surprise. I now think that it made a splash because most work in US women's history had placed it in a subset of social history, while I was locating it squarely in intellectual history, in the history of ideas. *Women of the Republic* was shaped in the American Studies tradition: there were chapters exploring the meaning of female patriotism and loyalty in a world that could not reward them, as it rewarded men, by suffrage or office holding; a world in which the question "Why should girls be learned or wise" was seriously asked. Yet the two chapters I am most proud of were rarely mentioned in reviews: an examination of the Anglo-American system of domestic relations known then as *coverture*, in which husband

or father stood between the woman and civic responsibility. I suspect I was drawn to this subject by my experience teaching women's history in the 1970s, when so much of women's political energy was directed at changing the laws that we had inherited. The assumption that adult women cannot be trusted with moral and practical decisions has long been the rock against which feminists have hurled themselves.

*No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (1998) began in response to an invitation from the University of California, Berkeley, to offer three Jefferson Memorial Lectures in 1989. I began with the case of *Martin v. Massachusetts* (1805), which tested the boundaries of a married woman's obligation to be a patriot. I added two other cases that tested women's obligations to the state: Could they be dispassionate jurors of men accused of crime? Could they be required to bear arms? For the book I added two more: to be taxed without representation and not to be a vagrant. Behind all these issues lurks the legal tradition of coverture that distrusts adult women's ability to make independent moral decisions—a system that was not destabilized until the 1970s, when a grassroots movement and a revolutionary series of cases argued by Ruth Bader Ginsburg revealed its hypocrisy. Only as I was finishing the book did I realize that this meditation on obligations is grounded in the contradiction that Dick, whose sociological profile is virtually the same as mine, was obliged to place himself in danger in a war with which he deeply disagreed, and I was not.

Even before the Jefferson Memorial Lectures were completed, it was clear that I had entered the world of legal history. From 1988 on, my explorations have been sustained by a newly discovered community of academics who taught formal classes in law schools but, unlike my colleagues in history departments, are also activists, consulting with legislative committees on drafting new statutes, running clinics to assist defendants who could not afford lawyers of their own, drafting *amicus curiae* (friend-of-the-court) briefs. Collaborating with Martha Chamallas, Patricia A. Cain, and Ann Laquer Estin, colleagues in the College of Law and in the American Society of Legal History taught me that

what I have learned about the history of the early republic can be usefully deployed in the legal struggles for equal citizenship and reproductive rights that have been central to the social and political controversies of our own moment.

In recent years, my work on coverture has been deployed to make visible the persistence of coercive stereotypes of women's limited capacity to make moral choices, stereotypes that continue to infect our laws, especially on issues of reproductive rights. Beginning in 1988, when challengers to the right to abortion claimed "history showed" that Americans have always been opposed to abortion, I have signed and helped to write many historians' *amicus* briefs offering a more nuanced understanding. And four years ago, with Alice Kessler-Harris and Nancy Cott, I drafted an *amicus* brief that was part of a successful challenge to a Texas statute that would have closed dozens of clinics in the guise of "raising" standards.<sup>13</sup>

Starting in 2003, state and federal courts addressed many cases involving same-sex relationships. I signed an *amicus* brief for *Lawrence v. Texas* in 2003, when the US Supreme Court upheld the privacy of same-sex relationships. In the same year, Justice Margaret Marshall of the Massachusetts Supreme Judicial Court handed down an opinion basing the right to same-sex marriage squarely on the principle of equal protection of the laws. I was delighted to be invited to sign the historians' brief in that case, developed by Nancy Cott and Michael Grossberg, and for many other cases that followed in other jurisdictions, all the way to the US Supreme Court's decision in *Obergefell v. Hodges* in 2015.

I no longer remember how I first heard of the case of *Tuan Anh Nguyen v. Immigration and Naturalization Service* (2001). What was being litigated was the equal right of women and men to convey US citizenship to their nonmarital children born abroad. Thanks to the Fourteenth Amendment, all persons born or naturalized in the United States are citizens of the United States and the state in which they reside, whether or not their parents were citizens, whether or not their parents were married. It was also settled law that a nonmarital child born abroad to an

American woman was a citizen at birth, so long as the mother had lived in the United States for a year. Yet in order for the non-marital child of an American man born abroad to be a citizen, the father would have to legitimate the child before his or her adulthood. Since many fathers, who were often stationed abroad as part of American military, refused to legitimate nonmarital children or simply did not know they had that obligation, and since in many countries, citizenship was conveyed by fathers, this rule left many children with an American parent stateless. “There are many men out there being Johnny Appleseed,” wryly observed Ruth Bader Ginsburg during the oral argument.

Like many of us, I had long assumed that statelessness belongs to other national histories, not ours: Jews in Nazi Germany, Roma, Palestinians now. Yet the stateless have been embedded in the history of the United States from its beginning: enslaved people were stateless. American-born women who married foreign men generally lost their citizenship at marriage throughout much of the nineteenth and the early twentieth century; unless their husbands’ nations conveyed citizenship to them instantly, they were exposed to statelessness. Throughout the many decades when the US government had ceased to respect treaties with Native American tribes and before 1924, when citizenship was imposed on them, the citizenship of native people was problematic; it did not protect them from virtually genocidal relocations and policies. And for the inhabitants of the new territories brought into the American empire in 1898, a new status was invented: the not-quite-citizen, the noncitizen national.

“The Stateless as the Citizen’s Other: A View from the United States” opened up before me as I wrote from my study in Oxford. It was the easiest essay I’ve ever written. (It served as my Harmsworth Inaugural Lecture and my AHA presidential address.) It opened up a fresh subject both for my readers and for me. But writing *Legal Ghosts: Statelessness in a Nation of Citizens* is the most difficult project on which I have ever embarked, propelling me into unfamiliar archives of bureaucracies at a moment when research strategies were transforming into digital images (my dissertation research was conducted on four-by-six index

cards that fit into shoeboxes). The book is still unfinished. Yet this inquiry has propelled me into yet another community of scholars and activists: people from all over the world who work with the stateless in refugee camps, who advocate for the refugees and the stateless every day.

From my colleagues on the board of the new Institute on Statelessness and Inclusion (ISI) based in The Hague—especially Laura Van Waas, Amal de Chickera, and Stefanie Grant—I have learned that activists need historians and that we historians are empowered by the activists with whom we engage. It is a far cry from the Federalists with whom I started—who were long since dead, whom I could not question, and whose history was vulnerable to my interpretation.

Meanwhile the question of the asymmetrical claim on citizenship at birth by nonmarital children born abroad continued to percolate in US courts. The issue was litigated in several Supreme Court cases over the next 20 years. I observed oral argument in *Nguyen v. INS* and, with Kristen Collins of Boston University School of Law, wrote op-eds and helped to draft scholars' *amicus* briefs emphasizing the need for gender equality in *Flores-Villar v. United States* (2011) all the way to *Sessions v. Morales-Santana* (2017), when the Supreme Court held 6–3 that “the gender line Congress drew is incompatible with the requirement that the Government accord to all persons ‘the equal protection of the laws’” and found the practice “stunningly anachronistic.” In footnote 11 of the concurring opinion that Justice Ruth Bader Ginsburg wrote for the Court, *No Constitutional Right to be Ladies* is cited, as is the historians' *amicus* brief that I helped to draft. I am as proud of this citation as of any that appear on my CV.<sup>14</sup>

## CODA

The environment in which I made my career is denied to the generation drawn to the practice of history today. We are living in the context of the most serious threat to our democracy we have experienced since the middle and late nineteenth century;

a context in which the upper house of Congress, designed to be a deliberative body, smashes long held norms without compunction. Colleges and universities' wildly variable response to the pandemic provide no models for the rest of us. Graduates are facing a nearly nonexistent job market. With varying degrees of enthusiasm, academic institutions are taking advantage of the vulnerability of their own graduates; even elite universities are redefining their professional staff in ways that eliminate stable, tenure-eligible positions. Nearly three-quarters of all postsecondary teaching jobs today are contingent. It is true enough that many in the humanities are creatively exploring expanded settings for the practices of history, philosophy, and literature. Yet we live in an environment that has lost faith in liberal learning, where college-educated legislators and voters stood by as their colleagues in state after state slashed budgets for higher education.<sup>15</sup> Forty years ago May Brodbeck told a graduating class:

The university is not . . . a public utility—a Reddy Kilowatt of education, providing . . . a product . . . The educated person makes judgments . . . in the context of knowledge of the past, [including] the knowledge of our capacity for suffering, for cruelty as well as for heroism.

In 1975 the distinguished mathematician Chandler Davis devoted a poem to his wife, historian Natalie Zemon Davis, the Haskins lecturer in 1997. She wrote about people who lived “four hundred years away,” but it speaks directly to all historians:

*The songs you think are vanished once they're sung,  
The pleas you think are wasted if turned down,  
Jokes you dismiss if no one laughs or winces,  
She listens for. You speak sometimes too soft.*

*And since there is no God she hears your prayers.  
And since there is no God she marks your fall.*

When talk turns to the state of the historical profession these days, it can be full of complaints about the splintering of an allegedly once-unified profession, contrasting the troubles of our own

time with imagined halcyon days of the first two-thirds of the twentieth century, when there were a minimum of subspecialties, a handful of journals, and far fewer learned societies devoted to historical scholarship. And when, by the way, there were few women, few Jews, and virtually no people of color in professional ranks. Chan Davis himself served a term in a federal prison after being fired by the University of Michigan for his refusal to cooperate with the House Un-American Activities Committee. Yet the historians' unified field is the crucial work of gathering the evidence on which large moral choices can be made—and must be made. We are all historians of human rights.

## ENDNOTES

- 1 Daniel Horowitz. *Betty Friedan and the Making of the Feminine Mystique: The American Left, the Cold War, and Modern Feminism*. University of Massachusetts Press, 1998.
- 2 Published in *Harper's Magazine*, July 1956, pp. 25– 33, and reprinted in the collection of his essays *The Beer Can by the Highway: Essays on What's American about America*. Doubleday, 1961. He had recently published *The Columbia Historical Portrait of New York: An Essay in Graphic History in Honor of the Tricentennial of Columbia University* (Doubleday, 1953), a pioneering graphic history that used images—prints, maps, portraits—as visual evidence for substantive arguments. Years later, when I used visuals in a similar spirit in my own books, his influence was surely at work.
- 3 *Hoyt v. Florida* 368 US 67, 1961.
- 4 *Man in Contemporary Society: A Source Book Prepared by the Contemporary Civilization Staff of Columbia College*, two volumes. Columbia University Press, 1955.
- 5 Patricia Albjerg Graham, “Women Historians in Academia: The 1970 Rose Report,” *Perspectives on History* 58 (December 2020): 31–33.
- 6 Iowa had refused to require loyalty oaths when they were required in California and other states.
- 7 I was appointed to fill the place of Adrienne Koch, who had recently died.
- 8 Our work included writing a guide to interviews and beginning a successful campaign to erase the practice of including marital status and number of children on the CV (ingredients thought to assure hiring committees that the candidate was not gay and would not approach their nubile young women—neither assessment was reliable).
- 9 I name them here: Jim Banner, Norman Fiering, Alan Graebner, Herbert Johnson, Gerald McFarland, and the late Daniel J. Leab and Otis Graham.
- 10 We could have made good use of this essay some 25 years before its publication: Thomas C Holt. “Race, Race-making and the Writing of History.” *American Historical Review*, vol. 100, no. 1, 1995, pp. 1–20
- 11 Notable among these is Janet Wilson James’s 1954 Radcliffe PhD dissertation, “Changing Ideas about Women in the United States, 1775–1825,” not published until 1981.

- 12 Robert Penn Warren. *Brother to Dragons*. Random House, 1953.
- 13 *Whole Women's Health v. Hellerstedt* 136 S.Ct. 2292, 2016.
- 14 *Flores-Villar v. US* 131 S. Ct 2312, 2011; *Sessions v. Morales-Santana* 137 S. Ct 1678, June 12, 2017; Ruth Bader Ginsburg concurring: note footnote 11.
- 15 Shawn Hubler. "Cuts Hit Bone As Pandemic Saps Colleges." *New York Times*, Oct. 27, 2020.

