

# Recasting American Liberty: Gender, Race, Law, And The Railroad Revolution, 1865-1920

Book Reviews

Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865–1920. By Barbara Young Welke. New York: Cambridge University Press, 2001. 426 pp. Photographs, diagrams. Cloth, \$65.00; paper, \$23.00. ISBN: cloth 0-521-64020-2; paper 0-521-64966-8.

Reviewed by William G. Thomas

Barbara Welke's outstanding book examines the ways that industrial technology—the railroad and the streetcar—reshaped American understandings of liberty. Her argument is sweeping and innovative, crafted from the evidentiary details of nearly a thousand court cases into a broad thesis concerning the emergence of the regulatory state. Where a number of studies have addressed the process of regulation and how Americans shifted the balance between individual right and corporate power, Welke takes a different approach, one that emphasizes the nature of the industrial technology and the lived, daily experiences of Americans. A remarkable photograph, on page 37, of girls at Brooklyn High School's gymnasium in action as they practice boarding and alighting from a specially constructed streetcar platform captures just how serious and comprehensive were the efforts to regularize Americans' movements in this new social space. Welke argues that these dangerous forms of public transportation worked to undermine more traditional ideas of autonomy and independence and to build up a case for new boundaries of responsibility between the state, the corporation, and the individual. Welke, moreover, considers Southern segregation a part of the larger pattern she finds in Americans' encounter with the technology and its restrictions on liberty. She focuses on why segregation emerged in American life and law around public transportation and how it was coupled with an array of rules governing passengers, such as bars on spitting in trains to prevent the spread of tuberculosis and restrictions on the use of profane language. She argues that Jim Crow railroad laws were widely considered to be modern, efficient, orderly, and above all safe, and she points out that even though segregation applied to whites as well as blacks, the laws were written, enforced, and understood broadly to restrict black movement in social space, not that of whites.

Welke divides her book into three parts: one focused on the physical or bodily; another on the mental or psychic; and a third on the spatial or status issues at law that the railroads brought into American courts. Railroads and streetcars, Welke finds, were so dangerous because Americans insisted that they could exercise human-scale standards of safety, such as timing for themselves when to alight from a train and

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