

Safety Appliance Act. Yet not all carriers enthusiastically embraced "better mousetraps." Some railroad managers preferred organizational remedies rather than technological ones to solve operating problems. Indeed, improvements regularly occurred due to standardization and the routinization of established practices.

Usselman has accomplished much. A great deal of what he examines is new, even though there are studies on related topics, including efforts to improve railway safety during the late nineteenth and early twentieth centuries. What is particularly valuable about *Regulating Railroad Innovation* is Usselman's ability to place specific topics into the larger historical context, allowing readers to grasp the overall significance. Moreover, the research is impressive. Not only has he consulted a plethora of secondary works, but he has also effectively mined contemporary trade and professional journals. As for major manuscript collections, Usselman has relied heavily on the corporate papers of two premier carriers, the Pennsylvania and the Chicago, Burlington & Quincy. Fortunately, records from the "Pennsy," the self-proclaimed "Standard Railroad of the World," are available to scholars. For *any* analysis of matters of railroad technology, the corporate policies of this road are vital.

Usselman does, unfortunately, tend to be repetitious. And occasionally he misunderstands the role of workers on railways. For example, on page 273, he confuses dispatchers with station agents. The former worked in a central or division office; the latter operated the train-control signals at trackside depots. Although the study is extensively documented, the absence of a bibliography is annoying, but perhaps that is not Usselman's fault. Still, the work features some fine illustrations that nicely complement the narrative.

Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865–1920, by Barbara Young Welke. New York: Cambridge University Press, 2001. xx, 405 pp. Illustrations, notes, index. \$65.00 cloth, \$24.00 paper.

Reviewer John Williams-Searle is a Ph.D. candidate at the University of Iowa. His article, "Courting Risk: Disability, Masculinity, and Liability on Iowa's Railroads, 1868–1900," won the Throne-Aldrich Award as the best article published in the *Annals of Iowa* in 1999.

Barbara Young Welke's book is an audacious, exhaustively researched work that will change how historians think about liberty in the United States during the rise of industrial capitalism. Welke examines changes in railroad corporations' technology, organization, and cultural power

to reveal their influence on laws related to accidental injury, nervous shock, and racial segregation during the late nineteenth and early twentieth centuries. She argues that changes in those laws both reflected and furthered a more modern idea of personal liberty that recognized individuals' inability to protect themselves against the dangers that industrial capitalism posed to life and limb. As the dangers of railroad travel increased after the Civil War, the state increasingly intervened to protect travelers' lives. As Welke persuasively demonstrates, changing conceptions of gender roles were the basis of the state's newly expressed authority.

Injured passengers or the heirs of the deceased often launched damage suits against railroad companies, leaving legal sources that Welke uses extensively. She finds that gender assumptions shaped legal doctrines concerning fault, contributory negligence, and suffering. Railroad employees, for example, expected male passengers to jump from moving trains to exit. By performing this ritual of autonomous decision making, men often acted on their cultural understanding of manly independence in defiance of their common sense. Gender assumptions, as Welke points out, could become a burden, especially for disabled, poor, laboring, immigrant, or black men. In fact, Welke explains, "Men suffered from the assumption of ableness as much as women suffered from social and physical constraints on independence" (43). As long as men traveled alone or accompanied women passengers, railroad companies could defend themselves from injury suits by claiming that they could not infringe on a male's individual autonomy and patriarchal authority.

When women traveled alone or with children, as they often did, patriarchal authority shifted to the carrier. Injuries to women while embarking or disembarking were not merely unfortunate consequences of liberty based on individual autonomy; they signaled, instead, an erosion of the right to bodily integrity. The corporation, by not adequately protecting female passengers, engaged in an assault on their liberties. Welke persuasively argues that a surge of injury suits in which women were plaintiffs "transformed the private experience of pain and suffering into public narrative" (128). These suits convinced observers of the reality of human vulnerability in an industrial capitalist society and helped create a new definition of liberty based on the necessity of protecting the individual from the dangers of industrialization.

Welke's discussion of nervous shock provides some of the best evidence for the transformative power of gender assumptions. Women sometimes could recover damages for pain and suffering occasioned by their involvement in railroad accidents even if they had not sus-

tained physical injury. Their cases paved the way for a recognition of the limits of individual control, providing the impetus for the state to limit individual and corporate autonomy as ideals incompatible with the vulnerability and dependence that typified life in industrializing America. Protection from pain and suffering rather than individual autonomy, argues Welke, became a hallmark of modern identity. Gendered assumptions of female delicacy, then, lay at the heart of the dramatic expansion of "liability for unintentional harms" (234).

Most women did not act as a conscious class of litigants, determined to alter the public's conception of liberty and develop a new legal doctrine based on state protection. One group of women, however, did sue to change the meaning of liberty. Until the last decades of the nineteenth century, African American women who could afford railroad travel had to ride in the smoking car with single white men and African American males. After the passage of Jim Crow laws, African American women successfully sued railroad companies for not supplying separate but equal coaches as mandated by law, thus carving out a space for themselves as ladies under law. Southern states' insistence on racial separation undermined individual autonomy by limiting the prerogatives of white male southerners to sit in the colored coach if they so chose. Likewise, the threat of lawsuits effectively limited the railroad companies' ability to control their own property.

Welke's book opens a number of avenues for further research. For example, scholars must consider the significance of railroad employees and their struggle to create safer conditions in their workplace. Welke suggests, by her focus on injured passengers, that the state readily imposed limits on corporate and individual liberty. Suits brought by injured workers, however, were more numerous but less successful in achieving change through litigation. Instead, employees exerted considerable pressure on the state and national legislatures to transform labor's relation to the state. If one examined negligence suits brought by workers, one might be able to dispute with Welke, finding instead that courts actively worked to increase corporate power by passing the costs of disabling accidents to employees. In Welke's legal world devoid of workers, the state appears more neutral in its relationship with developing corporations than it actually was. Such attention would have made this work more central to Iowa history, given Iowa's importance to the national safety movement. Welke's book is, however, a rich and important work for legal scholars, historians of disability, and those interested in questions of gender and public policy.

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