

M. Michelle Jarrett Morris, *Under Household Government: Sex and Family in Puritan Massachusetts*, Cambridge, MA: Harvard University Press, 2013. Pp. 310. \$49.95 (ISBN 978-0-674-06633-5).

Mark E. Kann, *Taming Passion for the Public Good: Sex in the Early Republic*, New York: New York University, 2013. Pp. 235. \$49.00 (ISBN 978-0-8147-7019-1).

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If this book review had been written in the style of a theater critic, it would begin by saying that M. Michelle Jarrett Morris has turned in a boffo performance and should be considered a major new talent. Morris returns to a scene that many before her have visited, the Puritan settlement of the Massachusetts Bay Colony in the seventeenth century. She examined 500 cases of “sex crimes” in Suffolk and Middlesex counties between 1600 and 1700. Previous works have largely exploited published court records, whereas Morris looked at the original files, sometimes uncovering new cases, more often offering her own distinct slant on a case that another historian had written about. The largest single “sex crime” in the Massachusetts Bay colony was fornication; she also examines cases involving adultery, rape, and infanticide. The book is organized by family stories rather than topics, to which are appended many diagrams of family genealogy or the familial and personal connections between families testifying in a court case. Morris has fleshed out several compelling narratives, often in the style of a murder mystery; her use of colloquial phrases seems more fresh than disconcerting. She seeks to expand and amplify the view of Edmund S. Morgan, who, in *The Puritan Family*, argued that this highly religious society exhibited a tendency toward tribalism, with elders more concerned with the religious conversion of the children of church members than with outreach to nonmembers. In Morgan’s view, such an approach led to a decline in the success of the holy experiment. Morris agrees with Morgan, and expands the domain of tribalism to the courts. She claims that family members came to the defense of their own. They slandered the reputations of the other side. They engaged in jury tampering by holding back a summons for all freemen to gather and elect jurors, to limit the possible pool, and then selecting one of the few eligibles, a man who had ties with the family of the defendant. The Puritans appear to resemble the Hatfields and the McCoys, feuding clans that would stop at nothing to protect their own and defend the family name. But they were not as committed to the defense of the servants residing in the family’s home. For purposes of discipline, servants were considered surrogate children, but in the event of wrongdoing or sexual transgression, they were dismissed or allowed to linger in jail (where more than one unwed mother gave birth and/or went to her death). Meanwhile, masters protected their slaves by paying

court fees or fines and overlooking sinful behavior in order to protect their initial economic investment in their human property. Morris suggests that race and gender affected the Puritan judicial system rather less than did the desire to protect the family or reserve the family's economic investment in its slaves. The Puritans thought sex outside of marriage was a sin, but one that could be covered up by arranging a shotgun marriage or claiming that the infant of a couple only recently married was born prematurely.

Morris deflates the view that the Puritans were watchful busybodies, intervening constantly in the affairs of neighbors in order to coerce religious conformity. She argues that neighbors generally did not intervene, because they wanted to maintain cordial contact with people living nearby, or believed in respecting family privacy. Blood was thicker than water and thicker also than solidarity among women. Female relatives covered up for their male relatives, even going so far as to suffocate a newborn in order to conceal a nephew's sexual indiscretion with the family's African servant.

What a living hell Puritan Massachusetts was for a victim of rape, and even for those who took her side. When former representative Todd Akin explained his views about rape, they turned out to be decidedly Puritan. These religious saints, like Akin, believed that a victim of rape could not become pregnant because sexual consent is required for conception. The Puritans also held that a woman's revealing clothing could provoke men to rape. Among them rape was a capital crime, but it required two eyewitnesses to convict. Most jurors would not send a man to his death unless a woman had been bruised, injured, and bloodied, and eyewitnesses testified to hearing a woman cry out for help. Not only was the victim accused of being a liar but the women who testified on her behalf were likewise tarred with the same brush. In the book's most detailed case, a young woman victim, after multiple trials, is convicted along with her perpetrator and sentenced to a whipping. Some rape victims did marry their assailants, not always because they were forced to do so, but because they, too, considered it their best option.

Whereas *Under Household Government* is an example of inductive history, arriving at generalizations based on detective work involving knowing the family ties of defendants and plaintiffs, *Taming Passion for the Public Good* is the opposite, based on deductive reasoning, built on a general framework about the role of patriarchy in early national life, in which the author has sought supporting evidence about reformer's actions and ideas. In such a work, the actors of history are not individuals in scandal-ridden families, but rather largely unidentified members of such groups as "public officials" and "elite reformers" who engage in "caring paternalism" as a means of reconciling the gigantic abstracts of patriarchal authority and individual liberty. The style of writing is different as well. Morris narrates stories of spite and scandal with a huge (even sometimes confusing) cast of characters; Kann's book reads

like a very clear, well organized lecture with five main points. Kann is a political theorist and the author of three previous books about political theory, gender, policing, and punishment in the early Republic. He synthesizes research about these matters, strewing the text with names and brief quotations from historians and political theorists. His intent is to refute historians who have too easily claimed a decline of patriarchal authority during and immediately after the American Revolution. The decline of patriarchy thesis had pointed to denunciation of parental tyranny, a sexual revolution at the time of the American Revolution, and a new emphasis on the ideal of companionate marriage. Kann insists that the sexual revolution of the revolutionary generation engendered a backlash, fear that the revolt against tyranny had led to mob rule and excessive democracy. Within the middle classes, it was believed, the self-made man would be capable of taming his own passions as well as effectively monitoring the behavior of the members of his household. Outside his own home, however, were the disorderly sort whose passions needed to be tamed by the police as well as by public crusades by male and female reformers. Elite men also controlled the criminal justice system, which targeted prostitution as the main form of sexual crime to be policed. Nonetheless, Kann argues that although prostitution was condemned as morally wrong, the laws punishing it were rarely enforced, largely because the public was suspicious of the police. Because of the author's previous work about prisons, his chapter on this topic is replete with references to specific reformers and institutions, and important distinctions between different states and regions. He is on shakier ground in writing about state intervention against abusive husbands, and makes a number of dubious assertions, such as a claim that a husband in "early national America had a recognized legal right to use force to control and discipline" his wife. It is true that an appellate court in Mississippi in 1824 upheld a husband's right of chastisement of his wife; however, the decision was an aberration, even for its time, and in most appellate court cases, no such right was recognized. Moreover, arrests for wife abuse were not infrequent in the early nineteenth century. Except in the chapter on prostitution, the subject of policing sex is discussed in a general way, with the specifics of the kind of sexual activity being policed mostly mentioned in passing in relation to topics about the rationale for policing or the extent of popular consent to it. Kann mentions that the public regarded many nonmarital sexual practices as un-Christian, and that they believed that God had granted them the right to police sexuality. Nonetheless, the political theory described here has a remarkably secular cast, with only scant attention being given to the strength of religious faith and institutions in policing sex. Kann mentions women engaged in moral reform and temperance but they appear less important and powerful here than in most treatments by women's historians.

Any reader of these two books will be struck by the difference in their style and approaches to the history of sexual policing. But the authors also share an interest in the way that law is used to regulate and punish illicit sexuality and in the significance of patriarchy as a form of government in the household and a model for government outside of it. They also share the belief that the commitment of law to certain priorities or principles is constrained, either by the loyalties of competing families, or by the limited commitment of the general public to its professed ideals.

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Christopher Frank, *Master and Servant Law: Chartists, Trade Unions, Radical Lawyers and the Magistracy in England, 1840–1865*, Farnham, Surrey, and Burlington, Vermont: Ashgate Publishing Limited, 2010. Pp. x + 283. \$124.95 (ISBN 978-0-7546-6830-5).  
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As its title indicates, Christopher Frank's book examines the application of the statutes characterized as "master and servant law," and trade unions', Chartists', and radical lawyers' opposition to these laws. The book emphasizes two types of legal injustice inflicted on England's workers: the laws regulating employment, and the summary jurisdiction wielded by England's magistrates when they administered these laws.

*Master and Servant Law* focuses on the application of laws regulating employment in England's industrial areas from 1842 to 1851. The book shows, clearly and persuasively, that England's manufacturers and mine owners used these laws to: compel workers to work on terms arbitrarily dictated by their employers; prevent workers from seeking other work; and force workers to work in obviously unsafe conditions. As Frank demonstrates, some of the workers so abused were so valuable, and the master and servant laws so useful for abusing them, that their employers pursued these workers to Scotland in order to have them arrested and sent back to be tried under master and servant law. Solicitors defending workers prosecuted under these laws, and the Chartist press celebrating that defense, emphasized two inequities intrinsic to these laws. First, the laws bound employers and workers in an unequal contract. If workers broke the contract, they could be imprisoned. If employers broke the contract, they were merely fined, and even that penalty was rarely inflicted, because magistrates rarely acknowledged that an employer's alteration of the terms on which a worker had been hired amounted to a breach of contract. The second, particularly