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Book Review: Witches, Wife Beaters, and Whores: Common Law and Common Folk in Early America

John R. Pagan

University of Richmond, jpagan@richmond.edu

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history and managed to achieve affluence at the same time.

DESMOND MORTON,
Emeritus
McGill University

MATTHEW JENNINGS. *New Worlds of Violence: Cultures and Conquests in the Early American Southeast*. Knoxville: University of Tennessee Press. 2011. Pp. xxxiv, 270. \$50.00.

Studies of the early colonial Southeast necessarily have become increasingly interdisciplinary, relying as much on archaeological evidence and anthropological theory as on the often vanishingly thin documentary record. In many ways this is a welcome development, and Matthew Jennings's first book provides a noble and concise effort at synthesizing the many developments in scholarship while keeping his narrative firmly connected to the broader story of English colonization.

Jennings's primary concern is violence, although in virtually every case he is really talking about violence associated with war—the primary exception being a brief excursus on slavery and slave resistance. His driving principle is that each of the many peoples who alternately competed and cooperated in the Southeast (defined to exclude Virginia) between roughly 900 C.E. and 1750 C.E. possessed its own “culture of violence,” which defined its approach to competition, resource scarcity, prestige management, profit, and more. (Jennings is rightly expansive in his list of motives for war, but he unfortunately omits the Mississippian practice of capture for labor, not just adoption, as recently discussed by Christina Snyder in *Slavery in Indian Country: The Changing Face of Captivity in Early America* [2010].) The clash(es) of these cultures of violence produced change—reactively, if not adaptively.

Jennings begins with the pre-contact Mississippian world, for which the Cahokia provided a long-lasting model of large-scale warfare that nevertheless avoided the utter destruction of its enemies. Warfare was embedded in Mississippian values but, Jennings claims, its “object was rarely to erase other towns entirely but was more often to reduce a town to tributary status” (p. 23). Jennings repeatedly returns to a variant of this claim as his later chapters deal with the Mississippians' cultural heirs in conflict with European cultures of violence. He proceeds through the horrifyingly violent first-contact experience of the Hernando de Soto expedition, nicely handling the evidentiary problems therein, and then spends two more chapters on post-*entrada* conflicts (including those between the French and Spanish in Florida). There are precious few textual records of the long period between the 1540s and the eventual arrival of the English in the 1670s, and archaeology must fill the gap. Jennings does a fine job surveying the recent and rapidly evolving interdisciplinary scholarly literature on this period. He begins his study of the English, as of the Spanish, by exploring their pre- and early colonial history of violence. For the English that means a brief and

useful tour through Ireland, Roanoke, Virginia, and Barbados. Then, in the final three chapters, Jennings more or less replicates the stories told by Alan Galloway and in other recent studies of the Yamasee War, but he maintains a tighter focus on how cultures of violence were shifting and adapting to circumstance, demography (never fully explicated here), changing economic interests, and a changing cast of nations.

Jennings's book is a solid synthesis of a great deal of anthropology, ethnohistory, and history; it is ideally suited by content, if not by price, for advanced undergraduate courses. It is not an archival study; it covers far too much ground. Each chapter has its own historiography and Jennings ably conveys them all without overburdening his narrative. There are times, however, when his effort to convey change and causation exceeds the available evidence. Jennings makes a crucial claim that Mississippian warfare was “not endemic” (p. 27). Unfortunately, he never says how one might know that about pre- or proto-historical events, nor does he define what would qualify as “endemic.” Here he would be well served to consult recent anthropological literature from outside the Southeast, notably that of Lawrence Keeley. It is true that the only current evidence for a large-scale massacre from eastern North American prehistory comes from Crow Creek (p. 20), but it is also true that the many mass killings textually attested in the de Soto narratives did not produce archaeological remains. The archaeological record is an awkward medium for measuring the frequency of war. Jennings handles this problem carefully in his early chapters, but the pressure of his argument leads him to more drastic conclusions in the later ones, suggesting, for example, that the Creek destruction of towns in the 1720s resulted from their experience of the “all-consuming English style of warfare” (p. 167). He further posits that the torture of Thomas Nairne at the outset of the Yamasee War previously would have *ended* a war rather than marking the beginning of one, and that the change occurred because of the Indian experience with English violence. An attractive thesis, I admit, but this must remain unknowable. Such an evolution in Indian warfare is possible, but I would argue that destruction was always within the repertoire of Native American warfare—what may have changed was the frequency of its success, not the culture of violence itself.

WAYNE E. LEE
University of North Carolina

ELAINE FORMAN CRANE. *Witches, Wife Beaters, and Whores: Common Law and Common Folk in Early America*. Ithaca, N.Y.: Cornell University Press. 2011. Pp. ix, 278. \$35.00.

This set of six legal micro-histories resembles a collection of short stories. In each chapter, we witness early Americans using formal and informal processes to enforce values, regulate behavior, promote social stability, and protect property. The stories have a common theme: “the ways in which legal culture and the routine

of daily life were knotted together in early America" (p. 4). Although Elaine Foreman Crane focuses on specific incidents and trials, she sees her work as part of a much larger project. She believes that legal history offers "a general interpretation of the American experience" and that a variety of micro-histories illustrating the "dynamic intersection between people and the law" may provide the best way to demonstrate "this elusive sweeping narrative" (p. 215). Crane's earlier micro-history, *Killed Strangely: The Death of Rebecca Cornell* (2002), proved her mastery of the genre, and this new book moves us a step closer to understanding law's place in the construction of American society and institutions.

Crane's first—and best—chapter examines several defamation suits brought in the courts of New Amsterdam during the 1650s and 1660s. In a fascinating exegesis of Dutch court records, she reveals the hidden meanings behind sexual slurs and analyzes their deployment as economic weapons against women who dared to compete with men in the marketplace. Her chapter on Bermuda's witchcraft trials in the 1650s shows that the island's inhabitants afforded accused witches the same rights that other malefactors enjoyed. This procedural parity may have rendered witches less threatening and mysterious, thereby contributing to the decline of witchcraft as an object of special community concern. When Crane turns to the topic of family violence in eighteenth-century Rhode Island, she shifts her emphasis to what happened outside the courtroom. Her study of eight domestic-violence cases concludes that neighborly intervention protected victims far more effectively than did the tardy actions of judges and other public officials.

Legal historians will especially appreciate Crane's sensitivity to the broader implications of procedural and doctrinal issues. In her account of a 1743 prosecution and tort suit against an enslaved Rhode Island ferry pilot accused of attempted rape, Crane skillfully exposes the contorted logic that allowed slaves to be sued as persons and then sold as property to satisfy the judgment. Another Rhode Island case, involving a 1745 incident that began as an eviction and escalated into homicide, allows her to explore problems of proof and to examine the high cost of mounting an effective defense to a murder charge. The book ends on a playful note as Crane gives a close reading to a pamphlet about a late eighteenth-century Maryland case in which the court supposedly admitted the hearsay testimony of a ghost. The tale serves as an interesting methodological exercise, showing us how a leading micro-historian parses evidence, weighs probabilities, and imagines alternative interpretations.

A successful legal micro-history has four characteristics: The work must tell a compelling story; place the events in a larger historical context; analyze legal issues without losing the narrative thread; and explain how the case illuminates the role of law in society. Crane succeeds in every respect. Her stories grab our attention, enlarge our understanding through the power of exam-

ple, and leave us better equipped to identify significant trends. Moreover, Crane offers us a master class in the scrupulous interpretation of court records. Her rigorous interrogation of her sources, exposing all their ambiguities and lacunae, furnishes a model for all who would practice the historian's craft.

JOHN RUSTON PAGAN
University of Richmond

JAMES M. WOODS. *A History of the Catholic Church in the American South, 1513–1900*. Gainesville: University Press of Florida. 2011. Pp. xv, 498. \$69.95.

"If scholars are hoping for something jarring or provocative in these pages," James M. Woods warns at the outset of his history of Catholicism in the American South, "they might be disappointed" (p. xiii). Elaborating on this curious qualification, the author explains that his book relies almost entirely on secondary sources. So he is not saying anything new per se, but as confessions go, this one belies Woods's ambitious project of narrating nearly four hundred years southern Catholic history. While specialists of any one topic covered by Woods might not learn anything new, the same scholars will appreciate how the author assembles this sweeping history. Moreover, any shortcomings—or "sins of omission"—in the book are less a reflection of Woods's editorial decisions and research and more an indictment of the historiography.

In part one, "The Colonial Context, 1513–1763," Woods surveys the Spanish, French, and English experiences in the colonial South. He tells of the Spanish Franciscans who accompanied explorers and established missions with hopes of converting Native Americans. Woods carefully notes the complicated nature of mission work, as European and Indian moral, political, and social norms frequently conflicted, sometimes leading to violence. He also contrasts the decline of Catholic presence in Florida and Texas with the healthy and enduring Catholic culture of Louisiana and Maryland. Here and throughout the book, Woods brings Maryland forthrightly into the story. While not part of what would become the Confederacy, Woods argues that Maryland was instrumental in shaping southern Catholicism.

This argument is most effectively outlined in part two, "American Republicanism and European Decline, 1763–1845." Woods begins by describing the contributions of the powerful and wealthy Carroll family. Here America's first bishop, John Carroll, receives ample attention. A prominent religious figure in early America, Carroll forged a Catholic identity that balanced commitment to Rome with national pride. Moreover, the bishop had the administrative foresight to divide up his diocese, launch a Catholic college (Georgetown University), and establish a seminary (Saint Mary's in Baltimore). These structural decisions gave Catholics a foundation from which to expand and establish themselves. This would prove important in the South, where the faithful struggled to balance their religious and regional identities.