

BOOK REVIEWS

Troubled Experiment: Crime and Justice in Pennsylvania, 1682–1800. By JACK D. MARIETTA and G. S. ROWE. (Philadelphia: University of Pennsylvania Press, 2006. x, 353 pp. Tables and figures, notes, index. \$59.95.)

Jack Marietta and G. S. Rowe's *Troubled Experiment* is a fascinating exploration of crime and justice in early Pennsylvania. Rooted in extensive quantitative research and analysis, *Troubled Experiment* aims to make larger moral and political claims about the contexts and causes of crime in early America and beyond. In their pursuit of these aims, Marietta and Rowe have searched the extant records of criminal prosecutions and convictions, sought out public commentary on the problem of crime, attempted to place the accused and the victims in their social and religious contexts, and traced the evolution of both law and courts across the late seventeenth and eighteenth centuries.

From one perspective, Marietta and Rowe tell a recognizable story. Dividing the history of the law in early Pennsylvania into three periods (from the founding to 1718, from 1718 to 1776, and 1776 to 1800), they recount the transformation of criminal justice from the high ideals of Penn and his fellow founders, through the reconfiguration of the criminal law codes in 1718, the increasing Anglicization of criminal law, forms, and practices (with the development of a more professional bar and bench and a dramatic hardening of the criminal code), to the revolutionary and early republican effort to uproot the more spectacular penal displays and the search for a newer more "Enlightened" justice (with a diminished reliance on the death penalty, the growing use of early penitentiaries, and the revolutionary conflicts over justice, democracy, and the political community).

But even within this familiar framework there is much new and challenging. For one thing, Marietta and Rowe dramatically complicate our notion of the early Quaker vision. They demonstrate that we have remained too entranced by Quaker opposition to the death penalty and have failed to recognize the ambiguities of their judicial practices. To take one example, not exactly unknown but now resituated, it was the crown that forced Pennsylvania authorities to rescind the special hardships (both procedural and punitive) that Pennsylvanians sought to impose on black suspects and offenders. In this, it was the Quakers who led in the expansion of repression. For another, they show that Pennsylvania authorities made little effort to minimize or meliorate the new system after 1718. If the codes of the high eighteenth century were so contrary to the colonists' beliefs, they displayed little difficulty in surmounting their qualms.

But the center of the book is the problem of crime. *Troubled Experiment* takes its name (and the heart of its arguments) from the authors' reflections on

the relationship between what they term “liberalism” and crime. The authors show that Pennsylvania experienced a strikingly high level of crime (both of violence and against property) throughout its first century and a quarter compared to its sister colonies and even England. They take pains to analyze a variety of possible social explanations (class, poverty, class fears, potential rebellions, transience, age, gender, ethnicity, and race) to better understand the roots of this ongoing criminality. In their telling, while different variables influenced different sorts of criminal activities, they cannot provide a consistent social explanation for them (with the possible explanation of African Americans whose particularly vulnerable position structured their experiences of crime and the law). But if none of these social explanations fully explain Pennsylvanians’ high criminality, what would? The authors answer is a liberal society. They contend that the Quaker commitment to relaxing external forms of authority (particularly the weakened authority of church and state), combined with the emphasis on markets and material well-being when confronting a society of ethnic and religious diversity and immigration, produced a colony with strikingly high rates of crime and violence.

Not all will be convinced by this argument. For one thing, it is not clear what exactly the authors mean by liberalism. They seem to equate it with a decline of traditional structures of authority and their replacement by “free-markets” and “democracy.” But liberalism was more interventionist than that. Eighteenth-century thinkers did not discover the economy: they invented it. The market was not simply a counterpoint to the state: the state helped create it. Rather than the unexpected result of an explosion of liberties that began in the eighteenth century and continue till today, crime and the law exist within the larger history of shifting economies of restraints and freedoms—for surely liberalism ushered in many new restraints as well as its laudable freedoms.

Still, *Troubled Experiment* is an important and provocative work. The authors are to be commended not only for their research and analysis but for their open recognition that the subject demands critical and ethical reflection on its meaning for liberal societies. Their desire to engage in that reflection is a welcome breeze in the often too dusty rooms of academic distance.

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Sex among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730–1830. By CLARE A. LYONS. (Chapel Hill: University of North Carolina Press, 2006. xii, 420 pp. Illustrations, appendix, notes, manuscript bibliography, index. Cloth, \$55; paper, \$22.50.)

Forget about hippies. The sexual revolution that took place in Philadelphia nearly two hundred years earlier makes the 1960s appear tame. The evidence of