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Review Of "Of 'Good Laws' And 'Good Men': Law And Society In The Delaware Valley, 1680-1710" By W. M. Offutt, Jr.

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revealed through her drawings of Caribbean insects, letters, and a self-portrait. Using these materials, Davis has reconstructed Maria's unusual and adventurous life, which was shaped by her science, art, religion, and her unusually strong sense of self.

Davis's examination of the unique lives of these early modern European women who found their center although they lived on the margins has made a major contribution to intellectual, cultural, and women's history, comparative religious history, and history of the new world. As important as the content and the lessons to be drawn from the women's lives and adventures, however, is Davis's prodigious research (140 pages of footnotes) and her methodology. Her analysis of the textual legacies of these women, written and visual, autobiographical and epistolary, her identification of similarities and differences, and her analysis of what the texts mean and how they work, what was said and not said, has both revealed the lives of real women and once again demonstrated Davis's virtuoso ability to make people who lived at the margins of their communities, whatever they may have been, central to our understanding of early modern culture.

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CHARMARIE J. BLAISDELL

Of "Good Laws" and "Good Men": Law and Society in the Delaware Valley, 1680–1710. By WILLIAM M. OFFUTT, JR. Urbana, Ill.: University of Illinois Press, 1995. xi + 340 pp. \$39.95.

In 1825 Thomas Jefferson labeled William Penn "the greatest lawgiver the world has produced." More recently, historians looking at his conflicts with the Assembly, the varieties of Frames of Government after 1681, and disputes over laws, oaths, and courts have downplayed Penn's legal acumen. Now, in an impressively researched and definitive account of the first thirty years of legal history in four Quaker-dominated Delaware River Valley counties (two in West Jersey and two in Pennsylvania), Offutt concludes that the legal reforms instituted by Penn (the "good laws") and the Quakers (the "good men") created a judicial system whose fairness was instrumental to the success of government. Neither the controversies over charters, right of government, George Keith, oaths, or governmental instability weakened the abilities of the courts to deliver what the inhabitants of a pluralistic society perceived as justice. The Quaker-created justice system gave Friends a legitimacy that enabled them to preserve dominance in Pennsylvania and West Jersey long after they became a minority.

Offutt bases his conclusions on two bodies of research: an analysis of all cases filed, settled out of court, dismissed, summarily denied, or tried by jury; and a demographic profile of the legal universe—the thirty percent of the population involved in the court system as plaintiff, defendant, justice of the peace, and juryman. He assesses the impact of the judicial system from the

perspective of each group as well as of the crowds who gathered to hear trials. He then subjects to a similar analysis the alternative disciplinary system provided by the Quaker meetings.

Quaker attitudes to courts were contradictory. On the one hand, they desired the reform of civil cases: simplified laws in plain English, no legal fictions or Latin phrases, and little reliance on lawyers—all of which they hoped would result in procedural fairness and speedy, moderate justice. They also eased the penalties for criminal offenses and used peace bonds as a way of allowing potential criminals to demonstrate good behavior. Success came to all their reforms. Yet Friends combined their attempt to make courts accessible with a skepticism of the value of all litigation, advising Quakers to settle their disputes through arbitration and not to sue each other. Here they failed. Even so, Quakers established within the meeting disciplinary procedures to resolve civil and moral offenses.

Offutt discovered fairness in cases heard by a jury, about twelve percent of the total, with neither wealth, political office, religious affiliation, or occupation having a statistically significant impact upon outcome. However, those convicted after jury trials experienced heavier penalties than individuals who pled guilty or allowed justices to determine innocence. The reason seems to be that Pennsylvania courts wanted contrition for offenses, and defendants seeking to establish innocence in a jury trial allegedly showed an impenitent spirit. Wealthy merchants and religious leaders appeared in civil court disproportionately, both as plaintiffs and defendants, and did not escape prosecution (and conviction) for criminal cases, seemingly with little effect upon their standing in the community. Bias operated subtly in the system—in the selection of the jury pool or in an individual's deciding not to go to court, to drop a case, or to settle out of court.

Offutt argues that Quakers utilized the formal legal systems in Pennsylvania and West Jersey because they controlled them; so in one sense all dispute settlement remained among Friends. This explains why court records were filled with Quakers suing other Quakers, even members of the same monthly meeting, without rebuke. Cases brought in civil courts were not later judged by the meeting, unless the issue threatened the harmony of Friends. The meetings' arbitration procedures were utilized more by farmer-artisans than merchants. Prominent "weighty" Friends rarely went to court against each other, though they had no inhibitions against suing lower-ranking Quakers. Overall, plaintiffs preferred courts for adjudicating economic transactions, while the meetings dealt with matters less clearly defined in the law such as slander and marital offenses. The minutes of Quaker business arbitrations generally did not disclose a winner or loser because the goal was to bind the community together and maintain the Friends' reputation for probity. Unlike the courts, the meeting might reject the terms of a contract as unfair, and a servant could more easily obtain redress from the meeting than the courts. In practice, meeting disciplinary procedures came to resemble court prac-

tices, with witnesses, evidence, and parties posting bonds to guarantee compliance with arbitrators' awards. The influence of Quakers in the judicial system may have created a more legalistic attitude within the meeting, as witnessed in the Philadelphia Yearly Meeting's creation of the first written discipline in 1704.

Offutt's analysis of the judicial system and its functioning is superb. He shows how historians of Quakerism have confused prescriptions with descriptions. However, his contention that there is no evidence of an indirect Quaker penumbra of influence on people who do not show up in meeting records is simply wrong. His quantitative methods also led him to make a clear division between influential Quakers and the commonality and to see as equivalent ministers, elders, and overseers. Both of these conclusions are questionable. The West Jersey experiment in Quaker government might not be considered a success since it created conflict and did not endure. In Pennsylvania opponents of Penn sought to shut down the courts. The Assembly's more stringent revisions of the law code show that it did not share Offutt's conclusions about "good laws" and justice. With seventy-one percent of the population outside the legal universe and fifty percent of cases settled out of court, the law system may have been relatively peripheral to daily life. Still, *"Good Laws" and "Good Men"* greatly enriches our knowledge of early American attitudes to morality and criminality, Quaker life, and New Jersey and Pennsylvania history, and establishes a standard of excellence for studies of the impact of law upon society.

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The Social and Religious Designs of J. S. Bach's Brandenburg Concertos. By MICHAEL MARISSSEN. Princeton, N.J.: Princeton University Press, 1995. 150 pp. \$24.95.

Michael Marissen has added another study to the probing of J. S. Bach and argues an intriguing thesis: by assigning unconventional roles to the instruments he used in the Brandenburg Concertos, Bach "put down the mighty from their thrones and exalted those of low degree." This is demonstrated by careful analyses of the First, Sixth, and Fourth Brandenburg Concertos. In the First, the horns, symbol of the "wealth and status" of the nobleman (p. 22), "lose their social identity by becoming gradually assimilated into the . . . rest of the ensemble" (p. 25) and in fact "reach their greatest prominence contrapuntally when . . . they adopt a style unidiomatic to the instrument" (p. 25). Bach thereby is "able to achieve in music what was not possible in the real world . . . [he] neutralizes social distinctions that . . . would normally have been taken for granted" (p. 26). In a similar manner, Bach deflates the "elevated status" of the solo violin by writing for "Violono *piccolo* concertato