

viding safer childbirth and that the socio-economic changes to cut infant mortality were not undertaken.

Early in the twentieth century the distinction in childbirth between the “normal” and the “abnormal” developed. This distinction continues to exist in contemporary obstetrics but the boundaries have shifted. As Oakley points out, in 1918 a breech delivery would have been normal and fetal rotation practiced, that skill has now been lost and breech delivery is now abnormal and requires a caesarean section in most hospitals. More and more aspects of pregnancy and childbirth are now considered abnormal or potentially abnormal and require greater intervention.

Through her chronology Oakley demonstrates the continuity of these two themes — educating mothers and redefining abnormality — in prenatal care in the twentieth century. While her analysis is specifically relevant to Britain, there are many valuable insights that Canadians can get from this book. It provides a comparison for trends in our obstetrical care and is a reminder that medical and scientific “truths” are often poorly researched, undocumented as to long term consequences and based on ideology as much as science. Oakley was aware of the mystification of language in science and has written her book without medical jargon. Her analysis of maternity care should be widely read. I hope it will appear in a paperback edition to make it more widely available. We need public awareness and discussion of the issues she raised if we are to halt the overwhelming medicalization of childbirth and indeed of life itself.

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**Governing the Hearth: Law and the Family in Nineteenth-Century America** Michael Grossberg. *Chapel Hill: University of North Carolina Press, 1985*

*Governing the Hearth* is a truly ambitious undertaking, a remarkable study of the interplay between nineteenth-century American family law and social history. Few other historians have displayed the courage to tackle the whole of the nineteenth century, and to examine the sweep of law across the continental United States. Grossberg does both. Traditionally, family historians have limited their inquiry to legal issues such as married women's property, divorce, abortion and child custody. Grossberg widens this investigation significantly. His book unearths a wealth of promising new material: (1) actions for breach of promise to marry; (2) the legal regulation of wedding celebrations; (3) legal restrictions on who could marry; (4) legal regulation of both abortion and contraception; (5) laws of bastardy; (6) child custody, adoption and apprenticeship.

Grossberg's pioneering work on lawsuits for breach of promise to marry makes fascinating reading. He concludes that these actions became an entirely female remedy in post-revolutionary America. Women were increasingly confined to the domestic sphere, and broken engagements were often calamitous to women's future life-prospects. At common law, matrimonial pledges were legally binding. A jilted lover was entitled to seek damages from her fiancé for his failure to live up to the bargain. Grossberg makes the interesting observation that these lawsuits had far more to do with finance than with romance. The action served largely to protect a rejected father-in-law's property rights, since a broken engagement often frustrated complex family negotiations relating to dynastic property interests. Although nineteenth-century judges were largely sympathetic to plaintiffs in such cases, women did face significant risks in litigation. Most defendants would attempt to prove

that their rejected lovers were unfit for matrimony. Accusations of improper sexual conduct abounded. The spectre of female complainants on trial for their reputations in these nineteenth-century breach of promise suits is surprisingly reminiscent of twentieth-century rape prosecutions.

Some of the most exciting material relates to the increasing regulation of marriage *per se*. Grossberg outlines the growing list of restrictions that prevented couples from marrying. Age restrictions, sexual incapacity, kinship ties, insanity at the time of marriage, and marital fraud (such as concealing pregnancy by another man) head the list. He outlines the legal attack on bigamy, including a detailed description of the fight against Mormon polygamy. The law was the primary tool used to assail the religious sect's unusual marital practices. Over 1,300 criminal prosecutions and large-scale property seizures were required before the Mormons conceded the battle and renounced their practice. Even more interesting is his account of the growing impact of racism, with its attendant bans on inter-racial unions and slave marriages. Grossberg also includes an excellent account of the late nineteenth-century eugenics crusade to have the state ban marital unions of the physically, morally and economically unfit. Social darwinism and scientific fatalism prompted many reformers, including notable feminists, to argue that such "hygenic" measures would eliminate hereditarily deficient offspring and improve the race. These campaigns resulted in late nineteenth-century bans on marriages of the "feeble-minded", epileptic, and venereally-diseased. Ultimately they culminated in enforced sterilization in some cases.

Under English common law, a bastard was defined as "filius nullius", the child and heir of no one. Nineteenth-century American law tended to relax the harshness of these rules, to avoid stigmatizing illegitimate children. Grossberg attributes this to the child-centred ideology

of the republican family. His research into paternity suits has been marvellously fruitful. Paternity hearings were designed to ferret out the father of an illegitimate child and fix him with the obligation to support his offspring. Solicitousness for putative fathers resulted in various legal safeguards. However the state's interest in pinning support obligations on the father and thus relieving local taxpayers transformed the nature of paternity hearings. Grossberg has revealed that the desire to affix responsibility upon some man — any man — overwhelmed traditional suspicions about unchaste women. Female sexual misbehavior, so damaging to women in all other fields of law, did little to protect men in paternity suits. Where the public purse was at stake, fears of female extortion and wantonness went unheeded.

Amassing a wealth of data from many distinct areas of law, Grossberg has elicited a number of important patterns. First he describes how significant legislative inroads were made upon the family. The regulatory presence of the state was markedly increased as the century progressed. The republican ideal of family life as a bastion of privacy stood in opposition to this trend of growing public intrusion. Judges became the primary standard-bearers for this more traditional concept. Their allegiance to notions of family autonomy and private decision-making did much to temper the impact of the legislative initiatives.

Second, Grossberg focuses upon the structure of the nineteenth-century American family and concludes that patriarchy significantly diminished in force. Although he notes that male supremacy did continue to dominate throughout the century, he documents a narrowing of its scope. Grossberg's chapter on child custody decisions illuminates this thesis most forcefully. The English common law had granted fathers the exclusive right to custody of their children. Children were viewed as assets and since fathers were entitled to control all marital property, they

were also assigned the right to their children's services and earnings. Two factors intervened during the nineteenth century to undermine this patriarchal arrangement. A growing appreciation of the need for child nurture and a widespread belief that women were best suited to this task combined to improve maternal rights over child custody.

Legislation haltingly began to recognize mothers' rights, but the bulk of the change came from the decisions of the judges. Grossberg argues that leaving the custody awards to the discretion of the judges was less threatening to nineteenth-century politicians than full-scale legislative recognition of maternal custody rights would have been. Indeed he makes the intriguing argument that as the patriarchal status of husbands and fathers diminished, nineteenth-century judges became "new kinds of patriarchs" in their stead. Grossberg concludes that the undermining of the patriarchal family gave women and children an expanded presence in the legal order, but only in very restrictive ways. They were never granted political or economic authority, and their dependent status was re-enforced and continually supervised by a new patriarchy of judges.

*Governing the Hearth* is a work of remarkable magnitude. The scope of Grossberg's research and his insightful and sensitive analysis combine to make this book an impressive addition to our growing knowledge of nineteenth-century legal history. For Canadian researchers who are struggling to understand the place of women and children in nineteenth-century society, this information provides a strong foundation upon which to examine comparative Canadian data. The unique Canadian heritage of English tradition and American influence will no doubt result in findings of some legal parallels and some legal differences. Canadian historians have much to ponder in Grossberg's first-rate *Governing the Hearth*.

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**The Seam Allowance: Industrial Home Sewing in Canada.** Laura C. Johnson with Robert E. Johnson. Toronto: *The Women's Press*, 1983. pp. 135

**Union Sisters: Women in the Labour Movement.** Edited by Linda Briskin and Lynda Yanz. Toronto: *The Women's Press*, 1983. pp. 421

In 1895, the federal government conducted an investigation of labour practices in the textile and clothing industries. The resulting document, *Report on the Sweating System in Canada*, revealed the shocking exploitation of thousands of women doing piecework at home for poverty-level wages.

As Laura C. Johnson reports in *The Seam Allowance: Industrial Home Sewing in Canada*, nearly ninety years of labour legislation, union organizing and improvements in the status of women have failed to do away with the practice of home piecework. In her readable and well-researched book, she traces the history of the home piecework system and paints a tragic portrait of today's homeworkers, who seem little better off than their nineteenth-century sisters.

A sociologist for the Social Planning Council of Metro Toronto, Johnson combined traditional research techniques with interviews with some 50 homeworkers in Ontario and Quebec. Because of that, the book is part-sociology, part-journalism and part-oral history, and the approach works to the advantage of Johnson's main thesis: that the home piecework system is unlikely to go away without major changes in legislation, the economy and the provision of such support services as day care. She quickly dashes the myth of the homemaker as an independent businesswoman whose "cottage industry" gives her the advantage of staying home with her children while earning additional income. Instead, the homemaker is usually an immigrant, exploited by her employer, and