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*Brothels, Depravity, and Abandoned Women: Illegal Sex in
Antebellum New Orleans* (review)

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Journal of the Early Republic, Volume 30, Number 1, Spring 2010, pp.
156-159 (Review)

Published by University of Pennsylvania Press

DOI: <https://doi.org/10.1353/jer.0.0137>

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a successful interdisciplinary work and provides us with crucial insights into the life and writings of one of the most important female authors of the new nation.

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Brothels, Depravity, and Abandoned Women: Illegal Sex in Antebellum New Orleans. By Judith Kelleher Schafer. (Baton Rouge: Louisiana State University Press, 2009. Pp. 221. Cloth, \$32.50.)

Reviewed by Jennifer M. Spear

From *Manon Lescaut*, Abbé Prévost's 1731 novel about a French prostitute exiled to Louisiana, through turn-of-the-twentieth-century Storyville, to today's Bourbon Street, New Orleans has had a long association with prostitution and other forms of sexualized commerce. Using the First District Court's pre-Civil War years of operation (1846–1862) as her timeframe, Judith Schafer's *Brothels, Depravity, and Abandoned Women* focuses on an understudied era in this history, revealing the dynamics of the sex trade, as well as the lives of some of its more notorious practitioners and clients, during the middle of the nineteenth century.

Once again, Schafer has proven herself an indefatigable researcher in the city's court records. As with her earlier book, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846–1862* (Baton Rouge, LA, 2003), Schafer immerses herself in the trial transcripts from the First District Court, which opened its doors for the first time in 1846 and closed in 1862 during the Union Army occupation of the city. Because it was a trial rather than appellate court, there are no case reports for the First District, nor have these transcripts been indexed. Even with a subject index, Schafer's task would have been demanding, as prostitution itself was not illegal during this era (brothel-keeping, however, was). In order to uncover evidence of "illegal sex," Schafer read through more than two thousand trial transcripts, looking for women who were arrested for a variety of crimes, including being "lewd and abandoned," vagrancy, assault, larceny, and cross-dressing.

She also examined the entire run of the New Orleans *Daily Picayune* and several other newspapers for the same thirteen years. In addition to fleshing out the mostly dry trial transcripts with “gossipy details” (9), the newspapers also summarized the daily reports of the court’s recorders, whose own books have been lost. Because court recorders were required to send only more serious offenses to the First District Court, many prostitutes’ involvement with the law appear in these reports alone. While Schafer necessarily had to cast her net wide, she is careful to refer to her subjects as women (misbehaving) in public, rather than public women *per se*.

Regardless of what crime provoked their arrest, most women were quickly released, perhaps after being assessed a minor fine or serving a short period of confinement in the workhouse, sentences that could be imposed by court recorders. Even when prosecutors became involved, many cases never saw the inside of a courtroom. Prosecutors had a variety of reasons for dropping charges. Accusers might withdraw their charges, witnesses might fail to appear (especially if doing so required them to acknowledge that they had been in a house of ill repute), defendants might bribe or threaten their victims, or prosecutors might have insufficient evidence to secure a conviction. Schafer also argues that the women had the support of wealthy and powerful landlords, among them prominent philanthropist John McDonogh, who sought to keep their tenants out of jail and working to pay the rent. Cases that did make it into the courtroom frequently resulted in not-guilty verdicts. In one 1854 case, the defendant was found not guilty of brothel-keeping despite the testimony of several police officers, including the chief of police, against her. Even those who were found guilty often received “trivial sentences” (144). Instead of reading these numbers as prosecutors’ overwhelming failure to convict offenders, Schafer instead argues that the system was used to tax, rather than seriously punish—let alone eradicate—prostitution. In 1857, city lawmakers came closest to acknowledging this aim when they sought to pass an ordinance that would tax and license prostitution rather than criminalize it; their ordinance, however, was quickly opposed by prostitutes and their landlords and was overturned by the state Supreme Court two years later.

Schafer frequently states that few cases resulted in convictions and many charges were dismissed; an overview of the numbers, even in rough estimates, would have been helpful. Only for brothel-keeping does Schafer enumerate some of the characteristics of those charged and the outcomes of their cases. Between 1846 and 1862, seventy-five prosecu-

tions of brothel keepers were initiated: Nineteen involved men, five included men and women charged together, and the remainder charged only women. Almost none made it to trial, although the breakdown of dropped charges and not-guilty verdicts is unclear as Schafer describes the outcomes of each case on a year-by-year basis. For these and the other cases she examines, I would have liked to know what percentage of cases made it to trial, what the outcomes were, and whether there were differences in these depending on the particular crime charged or the defendant's gender or race (or connections to prominent landlords). Schafer's analysis sticks very close to her sources, and at times I wished she had been willing to speculate a little more. Why were some cases dropped but not others? Why did juries tend to find defendants not guilty even when prosecutors had overcome all odds and had sufficient evidence to drag defendants into the courtroom? Why did some convicted defendants get slaps on the wrists while a few others received more substantial punishments?

In addition to chapters that focus on the exploitation of girls, women's motives for engaging in prostitution, and the violence that imbued that work, Schafer devotes one chapter to exploring the interracial aspects of prostitution. What the criminal court records reveal is not only the prevalence of sex between white women and men of color but also the role that some women of color, including enslaved women, played in managing brothels that included white women among their employees. These examples complicate the narrative of racially exogamous sex in antebellum New Orleans, and interracial interactions more generally, that has overwhelmingly focused on sex between white men and women of color. But, while Schafer suggests that it was the toleration of the latter relationships that prevented them from appearing in the criminal courts, it is also true that prosecution of such gender-race couplings was far more likely to appear in the civil courts, especially in cases involving inheritance and other property disputes, a point made forcefully by Peggy Pascoe in her work on anti-miscegenation law.¹

Schafer's immersion in the First District Court records is both a limitation and her greatest strength. The focus on a single court, and within a relatively short time frame, makes it difficult to trace some larger trends,

1. Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York, 2009).

such as the different ways in which various gender-race pairings were treated. On the whole, however, Schafer has done her fellow historians an admirable service once again with her bibliography of over two hundred cases from the First District Court archive and has brought to life with rich description an understudied era in the long history of New Orleans prostitution.

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Gender, Taste, and Material Culture in Britain and America, 1700–1830. Edited by John Styles and Amanda Vickery. (New Haven, CT: Yale University Press, 2006. Pp. viii, 358. Cloth, \$65.00.)

Another City: Urban Life and Urban Spaces in the New American Republic. By Dell Upton. (New Haven, CT: Yale University Press, 2008). Pp. x, 395. Cloth, \$45.00.)

Feast or Famine: Food and Drink in American Westward Expansion. By Reginald Horsman. (Columbia, MO: University of Missouri Press, 2008. Pp. viii, 356. Cloth, \$39.95.)

Reviewed by Michelle Craig McDonald

The objects people selected, purchased, and used have become an important part of how historians interpret American history, whether in scholarship on metropolitan societies and their emulating colonies, or the relationship between moral economy and political action. This attention to specific goods and the individuals who acquired them, however, is relatively recent. As late as the middle of the twentieth century, consumer studies were largely subsumed within analyses of trade patterns or specific commodity industries. When individuals were considered, they were usually from society's upper classes with the means to acquire quantities and qualities of goods that those below them could envy and only occasionally imitate.

As the three books compared in this essay demonstrate, historians have begun to turn the tide. Each volume examines consumption from a different perspective, but together they span two centuries and cross the