

**[Review of] Michele Lise Tarter and Richard Bell, eds., Buried lives: the incarcerated in early America**

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by the United States in the first 15 years of the nineteenth century. Gould examines how African Americans and Creek Indians in the Southern borderlands looked for British protection or alliance during the War of 1812 and its aftermath. For Gould, the key watershed in North American history was not simply the Battle of New Orleans, but above all Andrew Jackson's campaign against the Seminoles in 1818. During this conflict, Jackson executed two Britons within Spanish Florida for aiding the Seminoles. Eschewing an aggressive response, the British government bowed to United States power by disavowing the executed men for acting in an unauthorized manner outside its purview. Law, power, and empire thereby coalesced on both sides of the Atlantic.

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Michele Lise Tarter and Richard Bell, eds., *Buried Lives: Incarcerated in Early America*, Athens, GA: University of Georgia Press, 2012. Pp. 320. \$24.95 (ISBN 978-0-8203-4120-0).  
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The words that follow are insufficient to articulate fully the contribution of *Buried Lives: Incarcerated in Early America* to the scholarship on crime, punishment, and social control in America. With its beginnings at the "Incarceration Nation" conference at the McNeil Center for Early American Studies in 2009 (and an even earlier panel on "Incarceration Nation" at the Omohundro Institute conference in 2007), the scholarly project that culminated in this collection of essays by distinguished and emerging historians and literary scholars historicizes "the many nodes and uses of incarceration" over space and time. With a singular focus on the robust lives and strategies of incarcerated people, *Buried Lives* extracts from the historiographical rubble of discarded institutions the stories and experiences of those who left few, if any, of their own texts for the historical record.

In an introductory essay, Tarter and Bell situate this intellectual project within what one might call a "third wave" of incarceration studies. Beginning in the 1970s with the work of Michel Foucault (*Discipline and Punish*) and his contemporaries, Michael Ignatieff (*A Just Measure of Pain*) and David Rothman (*The Discovery of the Asylum*), incarceration studies have, until recently, explored the motivations and means of states in erecting carceral institutions and systems, and have focused far less on the day-to-day management of those institutions and the lived experiences of those unfortunate enough to be held within them. Remarkably, the editors and contributors of *Buried Lives* have focused on the latter without sacrificing precision or

scope. As noted in the foreword by Michael Meranze, “[t]he authors of the 1970s wrote to help bury a set of institutions; the authors of *Buried Lives* are struggling to prevent the memories of inmates from being buried by those institutions” (xi).

Tarter and Bell set forth some traditionally socio-historiographical goals: “explor[ing] the many aspects of the carceral experience from the perspectives of those confined at its center,” and “interrogat[ing] the dynamic relationships between confinement and identity, politics, and imagination in early America” (5). The contributors have achieved these goals by framing incarceration not as a single act representing the execution of “law,” but rather as a process—a series of acts and actions that vacillate between ideations of state power and inmate response and resistance to state authority. The experience of incarceration was (as it remains) forged not merely by the authority of the state to enforce law over individual persons, but also by the efforts of confined persons to shape their own destinies. Even though, as Meranze notes, penitentiaries have become so embedded in American history and society that “it now seems impossible to imagine America without them,” (xi) there remain fissures in this method of social discipline that are daily exploited and enhanced by incarcerated people themselves.

The first five essays in *Buried Lives*—under the heading “Brokering Power Behind Bars”—are populated with, and give voice to, early America’s incarcerated and dispossessed, including enslaved men and women, “fallen” women with venereal diseases, and poor men and women committed to almshouses, floating prison ships, local jails, and state penitentiaries. The contributions in Part Two of the collection—five essays under the heading of “Writing the Carceral Experience”—deftly demonstrate how, and to what end, literary and legal sources ought to be mined in order to narrate the lives of incarcerated people. In a sense, this text is as much an instructional manual on reading the “social” in literary, legal, and administrative sources as it is a historical study of carceral institutions in early America. Given that its editors are accomplished professors of English and history, respectively, it is no surprise that each of the included essays peers closely at extant sources, uncovering explicit and implied information about the realities of confinement for the confined.

Although five of the ten essays included in *Buried Lives* are Philadelphia-centric, a feature that is likely attributable to the genesis of this project at that city’s McNeil Center, this volume includes histories of incarceration from New York City to Antigua. In addition to its impressive geographical scope, *Buried Lives* also covers uncharted scholarly territory. For example, two of the essays, on slaves in jail in the antebellum South, are among the first to demonstrate the ways in which local jails served the interests of the slave power. In the early American and antebellum South, jails were not merely a waystation for those awaiting trial on criminal charges; jails were sites of slave discipline and terror that found *raison d’être* outside the dictates of criminal law.

Slaveholders delivered slaves to jails for the purpose of having them beaten and tortured by jail administrators; the local jail was, in the words of contributor Matthew J. Clavin, “a house of horrors for bondspeople, a public institution where at the behest of a small but powerful group of slaveowners, law enforcement officials daily employed violence to discipline intractable black men and women” (262). This scholarship is intriguing and important, as it raises significant questions about the political and social functions of jails and prisons in reifying racial and ethnic hierarchies in the United States and other jurisdictions. During the coming year, which marks the sesquicentennial of the Emancipation Proclamation, it seems especially appropriate to look closely at the role and legacy of chattel slavery in the emergence (and persistence) of carceral institutions in early America.

The essays in this collection have done an admirable job of bringing women, servants, slaves, and the poor to the center of the history of early America. *Buried Lives* will enrich and enliven undergraduate and graduate survey courses in law and history departments. It can be assigned in toto or as individual chapters to supplement monographs and primary sources in the undergraduate and graduate history curriculum. Although none of the contributors are in the legal academy, their use of diverse sources to recount the history of a legal procedure—incarceration—will be of interest to legal scholars and law students. This collection contributes to the scholarship on crime, criminal law, and punishment by demonstrating that neither definitions of crime nor punishments for crime are natural phenomena; crimes and punishments are constructed by the powerful to serve purposes that may occasionally fall entirely outside the legitimate goals of the rule of law. One hopes that *Buried Lives* catalyzes further research and critical analysis of the lives of those whom legal and historical sources on state confinement have all but forgotten.

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Tilman J. Röder, *From Industrial to Legal Standardization, 1871–1914: Transnational Insurance Law and the Great San Francisco Earthquake*, translated by Frederik Heinemann, Leiden: Martinus Nijhoff Publishers, 2012. Pp. 350. \$136.00 (ISBN 978-9-004-21237-4).  
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In April 1906, a massive earthquake hit San Francisco. Buildings fell, gas mains burst and ignited, fires ravaged the city for days, and many buildings still standing burned to the ground. When city property owners filed claims