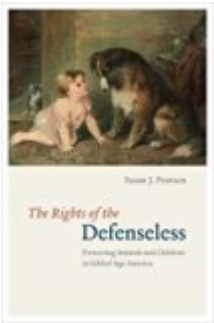
H-Net Reviews
in the Humanities & Social Sciences




**Susan J. Pearson.** *The Rights of the Defenseless: Protecting Animals and Children in Gilded Age America.* Chicago: University of Chicago Press, 2011. 280 pp. $45.00, cloth, ISBN 978-0-226-65201-6.

**Reviewed by** Janet M. Davis

**Published on** H-SHGAPE (January, 2013)

**Commissioned by** Julia Irwin (University of South Florida)

In the winter of 1873, Mrs. Etta Wheeler of New York City made a shocking discovery. As a church mission volunteer, she regularly witnessed scenes of hardship when she ministered the impoverished and homebound tenement residents of Hell's Kitchen. At the urging of an elderly woman, Wheeler visited the apartment of a couple suspected of physically abusing a young girl. The scene was horrifying: dressed in rags, the girl was covered in welts and scars. A whip lay nearby. Wheeler immediately sought help from the police and local charities, but was told that nothing could be done unless the adult caretakers were caught in the act of physically abusing the child. Finally, Wheeler approached Henry Bergh, the president of the American Society for the Prevention of Cruelty to Animals (ASPCA). Bergh and the ASPCA's attorney, Elbridge Gerry, quickly took action and obtained Wheeler's written testimony of abuse. In April 1874, Gerry legally removed the girl, Mary Ellen Wilson, from the tenement and arrested the girl's caretaker, Mrs. Mary Connolly, who was tried and convicted of felonious assault and battery of a child. (Connolly and her husband had indentured Mary Ellen from Blackwell's Island asylum when the girl was only two years old.) Little Mary Ellen was subsequently adopted into a loving family; Bergh and Gerry established a new organization, the New York Society for the Prevention of Cruelty to Children (NY-SPCC), and plural humane societies to protect animals and children spread across the nation.

Scholars have often treated the Mary Ellen Wilson story as a teleological creation narrative heralding the birth of the modern movement against child abuse. Simultaneously, scholars have mythologized Mary Ellen's ordeal into an indictment of a laissez-faire society in which the rights of children were so tenuous that even animals were afforded better protection under the law.[1] By contrast, Susan J. Pearson's remarkable intellectual history of animal and child protection in the Gilded Age uses the Mary Ellen story to illuminate a wider historical sea change in the ways that Americans conceived of the state. In so doing, Pearson links animal and child protection to an

astonishing array of social and cultural transformations without recasting the rise of the humane movement in the same teleological language that the protectionists themselves used.[2]

Pearson contends that nineteenth-century Americans may have clung to exceptionalist ideals of weak, limited government, but in practice, the Civil War marked a consolidation of federal authority that intensified during the Gilded Age. The activities of state and local governments reveal an even more dynamic landscape of "state interference" during this era, especially with respect to the shared movement to prevent cruelty to animals and children. Although animal and child protection organizations were private institutions, they helped transform the reach of the state through an ideological project that Pearson calls "sentimental liberalism." Vested with the powers of arrest in their state charters of incorporation, private SPCAs, SPCCs, and humane societies (which performed plural child and animal protection activities) fused the classical liberal language of rights with a sentimental conviction that "beasts and babes" had a right to protection because they could feel and suffer. According to Pearson, "Speaking the language of rights while amplifying the powers of the state, humane societies stood at the crossroads of what historians typically think of as two versions of liberalism--the one classical and minimalist, the other modern and interventionist" (p. 16).

Pearson explains that the right to protection from cruelty, however, did not confer an explicit right to liberty, or equality. Indeed, animal and child advocates saw little contradiction in making such positive rights claims within a broader status matrix of dependency and inequality. Thus, one might conclude that the humane movement simply reified the existing social order. Yet Pearson suggests that new anticruelty laws signaled a major departure from older conceptions of rights in common law tradition, where animals were defined as personal property and children were similarly defined as household dependents under coverture. In common law, cruelty to animals or children was a crime exclusively against the property owner. By contrast, New York State's new law against cruelty to animals (1866) focused on the protection of the animal itself, instead of protecting the property interests of the owner.

Pearson shows that the ideological primacy of a movement language of kindness, feeling, rights, and individual moral redemption demonstrates a significant degree of continuity--rather than historical rupture--between the antebellum and postbellum eras of social reform. Moreover, the Civil War played a critical role in bridging these two eras. The abolition movement, Emancipation, and the Reconstruction Amendments directly grappled with questions of suffering and rights, challenging the state to protect the "rights of the defenseless" in key ways that shaped the rhetoric of animal and child protection.

Pearson's imaginative use of diverse primary source materials substantiates the power of her argument. A superb work of intellectual history, ***The Rights of the Defenseless*** charts a clear genealogy for generations of social thought regarding children, animals, property, the family, and state formation, including Michel de Montaigne, John Locke, the Third Earl of Shaftesbury, Adam Smith, and theologians of the Second Great Awakening. Pearson also uses other interdisciplinary sources, such as fiction, cartoons, illustrations, humane society periodicals, convention records, newspapers, scripture, legal documents, and perhaps most imaginatively of all, childrearing and animal training manuals to show the ubiquity of protectionist ideologies in unexpected places.

Weaving facets of the Mary Ellen Wilson story throughout, Pearson's text is organized thematically and chronologically. Chapter 1 reveals the diverse historical locations of social thought fusing children and animals. Chapter 2 unpacks the dialectical relationship between teleological discourses of civilization, cruelty, barbarism, and the

changing philosophical and legal landscape of modern liberal thought. Chapter 3 grapples with the conundrum of liberalism directly--in reconciling classical liberal thought with a new positive conception of the right to protection from cruelty. Chapter 4 explores the question of sentimentalism and the "long arms of the law" in theory and in practice. Finally, chapter 5 analyzes the growing rift in these dual movements after 1900 with the growth of the Progressive movement, which focused on solving the systemic, structural causes of cruelty to animals and children, rather than individualizing cruelty as the product of an immoral owner, or drunken parent. A new child welfare movement aimed to provide relief and education to help children remain with their families--rather than remove them; similarly, new animal protection organizations like the Horse Aid Society of New York attempted to improve the welfare of working equines and their human drivers through better veterinary care, education, family assistance, and comfortable accommodations. This is a fascinating historical turn that deserves further attention; such tensions between individualized and structural solutions to cruelty remain a conundrum of modern liberalism to this day.

Notes

[1]. Lela B. Costin, "Unraveling the Mary Ellen Legend: Origins of the 'Cruelty' Movement," ***Social Service Review*** 65 (June 1991): 203-223.

[2]. Diane L. Beers, ***For the Prevention of Cruelty: The History and Legacy of Animal Rights Activism in the United States*** (Athens, OH: Swallow Press, 2006).

her narrative

**Citation:** Janet M. Davis. Review of Pearson, Susan J. *The Rights of the Defenseless: Protecting Animals and Children in Gilded Age America.* H-SHGAPE, H-Net Reviews. January, 2013.

**URL:** https://www.h-net.org/reviews/showrev.php?id=33662