Book Review J. Shoshanna Ehrilich, Regulating Desire: From the Virtuous Maiden to the Purity Princess

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manufacturers, players who lacked any sense of obligation to medical ethics, into drug manufacturing. When the new patented drugs, such as phenacetin (an anti-fever drug) and Salvarsan (a treatment for syphilis), offered great curative potential, physicians had difficulty maintaining their ethical objections to patented medicines. Instead, aided by the careful rhetoric and evolving practices of the ethical manufacturers, who very much wanted to enter this new competitive space of drug discovery, physicians ultimately embraced patents as ethical means of promoting innovation, and amended their ethical codes accordingly.

To legal historians interested in the regulatory state and corporate capitalism, Gabriel’s well-researched book offers new insight into monopoly as an analytic category and antimonopoly sentiment as a driver for law and policy. Gabriel also provides a unique perspective on the development of modern intellectual property, a story not previously told from the viewpoint of pharmacists and travelling drug salesmen. He reminds readers to look beyond lawyers and their clients as he traces the influence of physicians and their attempts to reap the harvest of scientific medicine on both the practices of the drug industry and on evolving legal doctrines.

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In this effective and engaging book, J. Shoshanna Ehrlich uncovers the hidden agendas underlying the long history of the law’s regulation of female adolescent sexuality. Ehrlich persuasively demonstrates that a multitude of laws purporting to protect public health in one form or another in fact “encode the value of female virtue into law based upon a set of assumptions about their sexuality” (3). The book spans a wide time period, moving chronologically through a series of legal reform movements targeting young women’s sexuality, from the 1838 effort to criminalize seduction to the modern-day movement promoting abstinence-only sex education. Although the book does not discuss some of the most heated issues surrounding young women’s sexuality today—such as rape and abortion—Ehrlich’s careful historical storytelling illuminates how gendered sexual purity norms drive much of the law regulating adolescent sexuality.
The first two chapters focus on nineteenth century campaigns aimed at protecting young women from sexual coercion. Ehrlich spotlights two legal reform campaigns in particular, both led by female reformers. First, she tells the story of the American Female Moral Reform Society (AFMRS) and its push for criminal seduction legislation. Although AFMRS’ approach “certainly reinforced prevailing notions of female purity and [sexual] passivity,” AFMRS also attacked the sexual double standard and male sexual privilege (25). Second, Ehrlich describes late nineteenth century social purity reformers’ efforts to raise the age of consent and the similar double-edged nature of their advocacy, which both reinforced “existing normative understandings about female sexuality” and challenged “the right of male access to the adolescent female body” (57–58). Ehrlich persuasively argues that these early law reform movements contained both progressive and regressive elements, critiquing male sexual privilege in the hopes of protecting young women from sexual coercion, yet also re-inscribing in the criminal law the value of female virginity.

Chapter three describes an interesting shift from a conceptualization of young women as passive victims needing protection from male sexual aggression to a narrative focusing on the transgressive female body. Rather than seeking to criminalize the licentious man, Progressive Era reformers framed the issue as a “girl problem” that required state regulation of the “female sexual delinquent” (62). Importantly, this chapter (more so than the other chapters) highlights how race and class intersected with gender, resulting in disproportionate surveillance and punishment of poor and minority girls’ sexual expression.

The final two chapters move into the post-World War II era and the rise of the New Right. Ehrlich provides a fascinating account of legislative reaction to a supposed teenage pregnancy “epidemic” in the 1970s, when teen pregnancy rates had actually fallen. As Ehrlich explains, the teen pregnancy epidemic was concocted at least in part as a reaction to the “eroding boundaries between female respectability and promiscuity” as young white women began rejecting traditional gender scripts (102). Finally, the last chapter addresses the New Right’s attack on young women’s sexual autonomy, focusing on the conservative push for abstinence-only sex education. The chapter chronicles the “re-emergence of a ‘pro-virginity’ discourse as a public strategy for managing unruly young bodies and protecting young women from harm,” and exposes the striking echoes of nineteenth century gendered norms animating modern day legislation (116).

Ehrlich’s narrative adds important historical context to the literature on the legal regulation of adolescent girls’ sexuality and reproduction. Other books on law and adolescent sexuality—many of which focus on girls because, as Ehrlich notes, the law punishes girls for sexual transgression more than boys—tend to dig deeper into one particular area of concern (such as teen pregnancy) or focus on a narrower slice of time. The advantage of this
book's approach, encompassing a wide sweep of history and analyzing a range of legal concerns from age of consent to sex education, is that it exposes how each successive generation of law reformers reproduced restrictive attitudes toward female sexuality and encoded those attitudes into the law.

Although Ehrlich's arguments in each chapter are cogent and persuasive, I would have appreciated more discussion, particularly in the concluding chapter, linking together the different eras' legal movements, and further investigating their common themes. For example, Ehrlich notes at the end of Chapter 3: "Having eclipsed the tragic victim of the seduction narrative, the sexual delinquent, whose nonconforming behavior was characterized as the 'most difficult of all problems,' would herself... be displaced several decades later by the pregnant teen, whose uncontrolled fertility would similarly be characterized as 'one of the most serious and complex problems facing the nation' (85). More analysis of the common motifs in each generation's law reform movements would have helped to tie the book together and show how this important legal history might illuminate the hidden agendas underlying contemporary regulation of young women's bodies.

Overall, the book effectively illustrates what feminist legal theorists have described as the double bind of legal reform. Even where activists aim for autonomy-enhancing law reform, in practice, statutory regimes regulating young women's sexuality often operate in ways that are "both potentially liberating and stifling" (31). The latter part of the book reveals how recent conservative forces have masked an agenda that seeks a return to nineteenth century sexual double standards and gendered sexual purity norms. As Ehrlich's book clearly shows, history repeats itself when it comes to the regulation of young women's sexuality.

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