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Letter From Chief Editor

I am thrilled to present the second issue of the fifth volume of the *Undergraduate Historical Journal at UC Merced*. This issue is mostly comprised of articles that have been refined over the course of several months, alongside a few articles that have been dramatically refined over the 2018-2019 academic year. Both the authors and editorial board have combined their expertise to truly bring out the best version of each article.

This issue of the journal holds significantly more content than previous editions with a total of nine articles. These articles cover a wide range of historical topics from various regions of the world. The journal opens with articles by Sarah Lee and Omar González that utilized newspapers of the nineteenth century to examine topics in the US west. These are followed by articles examining California's irrigation history by Giovanny Menchaca and Anna Durbin. Summer Escobar and Sarah Shank remind readers of the horrors of slavery and its modern day impacts with their articles on chattel slavery in the US. T.R. Salsman takes readers to eastern Asia and demonstrates how assimilation operated under Mongol rule. Meghan Topolski examines early modern English law as she compares society's views on murder and infanticide. Ariana Soto-Zuniga closes this edition with a Renaissance art article detailing the true patron of the *Adoration of the Magi*.

The authors played an important and central role in seeing their articles to completion. However, my editorial board was essential in assisting authors polish their papers to their full potential. I am thankful for my editorial board which is comprised of the most talented scholars at UC Merced: Pooja Dimba, Giovanny Menchaca, Sarah Shank, Brandon Sor, Summer Escobar, Adrian Enwright, and Sarah Lee. Thank you for your contributions and for the majority of you graduating, I wish you good luck in your future endeavors. I would also like to thank Rocco Bowman, a graduate student in the Interdisciplinary Humanities program and founder of the journal, for his guidance in continuing the journal's successful run. Moreover, I want to thank Associate Professor Kevin Dawson for advising the journal. It has been an amazing opportunity leading the journal this academic year and am proud to present this edition of the journal for all audiences to enjoy.

Cheers,
Omar González
Chief Editor

Faculty Forward

I am once again honored to write the faculty forward for the Spring 2019 edition of *The Undergraduate Historical Journal at UC Merced*. This edition marks the close of the *Journal's* sixth year of the operation. Published once or twice per year, the *Journal* was established and is run by UC Merced undergraduate students. They solicit articles and book reviews, worked with authors to refine submissions for publication, and edit individual articles and the journal. Editors provide contributing authors with constructive feedback, providing a nurturing experience that fosters the production of quality scholarship. Having served on the editorial board of the history journal while an undergraduate at California State University, Fullerton, I am intimately familiar with the time and consideration that our editorial board provides while publishing *The Undergraduate Historical Journal*.

Even as graduate students regularly publish journals as venues for showcasing their scholarship, few undergraduates are ambitious enough to organize and pursue such an ambitious endeavor. In guiding pieces through the publication process, the *Journal* affords a valuable forum for UCM students to apply the historiographical skills acquired during coursework to share their scholarship with audiences beyond the classroom. Given the strength and determination of UCM undergraduate history students, it is perhaps not surprising that they would provide this intellectual space for their fellow students at our young university. None-the-less, they must be commended for dedication that exceeds that of most undergraduates throughout the country.

Omar Gonzalez, the Chief Editor of *The Undergraduate Historical Journal at UC Merced*, diligently collaborated with the editorial team, comprised of Brandon Sor, Giovanny Menchaca, Sarah Shank, Sarah Lee, Summer Escobar, Pooja Dimba, and Adrian Enwright. The production of this intellectually rich and thought-provoking edition of the *Journal* was especially onerous for the editorial team as it contains nine entries, which is roughly three times greater than the usual number of articles in a single edition. The Spring 2019 edition of the *Journal* includes the following articles: Sarah Lee, "They Called it a Boom: Nation Building in Coronado, California in 1888;" Giovanny Menchaca, "Manipulations and Transformations: Orange County's Evolution Through Water Practices;" Meghan Topoloski, "Reflections of the Public: Gender and Attitude Differences toward Infanticide and Murder;" Ariana Soto-Zuniga, "Using Non-Western Culture, Humanism, and Comparison to Explore the Possible Patron of the *Adoration of the Magi*;" Anna Durbin, "Cycles of Profit and Progress: An Examination of the Central Valley Project with Emphasis on the Delta-Mendota Canal;" T.R. Salsman, "Khānbaliq, The City of Assimilation Hard and Soft Space in the Yüan Cooptation of China;" Omar Gonzalez, "Madera's Menacing Prisons and The Preciados;" Summer Escobar, "Sexual Violence and Power: An Examination of the Relationship Between Sexual Violence, Race, Class, and Gender During Slavery;" Sarah Shank; "Lazy, Violent, and Inhumane: A Look into Some of the Ways in Which Slavery Influenced White Southerners." The editors and contributing authors should be recognized for articulating one of the guiding principles of the humanities here at UC Merced: "the world at home and at home in the world."

Kevin Dawson
Associate Professor of History

They Called it a Boom: Nation Building in Coronado, California in 1888

By
Sarah Lee[1]

On January 9, 1888, the *Coronado Evening Mercury* ran on its front page an announcement of the Coronado Beach Company's (CBC) successful land auction that sold 609 lots in less than eight hours.[2] With profits totaling $181,550 and new lot listings promised, "in a very few days" all appeared as if Coronado would be the boomtown that would never bust.[3] These auctions were the brainchild of Elisha Babcock, a Midwestern businessman intent on capitalizing on the Southern California land boom of the 1880s. Legend surrounding his successful endeavor claimed he had envisioned the resort island of Coronado while hunting rabbits with his business partner H.L. Story.[4] The success of Babcock's endeavor rested on publicity reaching the East through the mass circulated press on the very rail lines that made the boom possible — perpetuating an image of Coronado as a sophisticated, growing metropolis that was both a safe return on investment and a genteel environment for elite tourists.[5] Land speculators, known as boosters, and their urban publicity campaigns understood the West's integration into the nation as dependent on the development and success of Western cities.[6] Coronado was to become an essential component in the nineteenth-century project of nation building, with Eastern civilization permeating and eventually eliminating the frontier.

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[1] The author, being also an editor, recused himself from the editing process regarding this article. It received no special treatment and was required to conform to all standard requirements.

[2] *Coronado Evening Mercury*, January 9, 1888, 1.

[3] *Coronado Evening Mercury*, January 9, 1888, 1.

[4] Larry Booth, Roger Olmsted, and Richard F. Pourade, "Portrait of a Boom Town: San Diego in the 1880's," *California Historical Quarterly,* 50, no. 4 (December 1971): 373.

[5] Gloria Rick Lothrop, "The Boom of the '80's Revisited," *Southern California Quarterly* 75, no. 3/4 (Fall/Winter 1993): 292.

[6] William Cronon, *Nature's Metropolis: Chicago and the Great West,* (New York: W. W. Norton & Company, 1991) 34-35.

Facilitating this publicity campaign were the local publishers of the *Coronado Evening Mercury*. Its articles and advertisements echoed the desires of Anglo men across the nation determined to establish themselves through the economic opportunities of the West in what historian Susan Lee Johnson calls "becoming white."[7] For these Anglo men, participating in cultural, social, and economic practices that followed the structures of dominant heteronormative, Anglo-American constructions of race, class, and gender would lead to their social elevation to whiteness. [8] These each had a dominant component that constructed whiteness. The racial hierarchy placed Anglo men above all others, with ethnic Others relegated to undesirable jobs and exclusion from white society. The class hierarchy privileged those in control of capital, known as the bourgeoisie. The middle-class internalized bourgeois values and practices to the point that they became a natural way of life, expressing itself in bourgeois hegemony. The gender hierarchy placed heteronormative masculinity at the top, meaning the expectation was masculine men and feminine women, with white society deeming this arrangement as normal. Through discourse that supported these ideas, the CBC and the *Coronado Evening Mercury* were active participants in the growing project of nation building in America, furthering the ideology of Anglo, middle-class male dominance in the West as an extension of the growing race, class, and gender hierarchies of the East. Their use of middle-class hegemony, heteronormative masculinity, and exclusion of those deemed ethnic undesirables provided the social scaffolding for the continuation of the great American project.

For Babcock and the paper, the first priority was to assure readers of the existence of economic opportunity leading to the middle-class and a safe investment for Eastern capitalists.

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[7] Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush*, (New York: W.W. Norton & Company, 2000) 275-276.

[8] Ibid., 275-276.

For this, the paper used a common tactic among the mass circulated press surrounding the boom: strategically disguising advertisements for the real estate in the town as news articles.[9] These covert advertisements in Coronado utilize several angles, including direct reports of the success of auctions, indirect reports of town growth through the building of infrastructure, and local sightings of prominent visitors from back East.[10] These "reports" spoke to two audiences Babcock needed for his campaign: the Eastern elite who could invest heavily and stimulate the local economy through tourism, and the Midwestern everyman who sought the middle-class. Announcements for daily shows at Leach's Opera house abound, as well as a report of Mrs. H. L. Story's masquerade ball for the local cotillion, which assured the former audience to a continuity of Eastern society.[11] On January 14, 1888, several covert advertisements assuaged the elite's anxieties concerning profit, claiming that "all hotels are full" and "every store-keeper...has more business then [sic] he can attend to."[12] The image of Coronado as a haven of middle-class recreation would not be lost on the latter audience, but rather act as incentive. Those willing to abide by the maxims extolling the Protestant Ethic placed in the paper's "Pungent Paragraphs" were free to participate in the improving society of visiting tourists. Announcements for local unions and fraternity meetings throughout the paper could assuage anxieties about powerlessness in the face of capital.[13] Speaking to both audiences about the economic growth and possibilities in the town reinforced the existing ideology that the West could be incorporated into the nation through bourgeois hegemony, binding classes of Americans together in their whiteness.

[9] Lothrop, "The Boom of the '80's Revisited," 292.
[10] *Coronado Evening Mercury*, January 9-14, 16, &17, 1888, 1-4.
[11] Ibid., 1-4.
[12] *Coronado Evening Mercury*, January 14, 1888, 3.
[13] *Coronado Evening Mercury*, January 17, 1888, 1.

"Becoming white" cannot be accomplished through economic practices alone, however, and the cultural practices surrounding heteronormative masculinity are an essential component. Historian Peter Boag argues that the end of the nineteenth-century produced the "'modern' sexual and gender system" predicated on the two-sex/two-gender binary of masculine males and feminine females performing their gendered identity.[14] This expectation of how biological sex would manifest in expressed gender became collectively understood in America as normal. Within the Gilded Age, historian Dana Elder argues that normative masculinity required the visible distinction between oneself and undesirables through proper deportment, appearance, and manners, which became the responsibility of any man who gained social and economic mobility.[15] For those who intended to achieve their middle-class whiteness, performing gentile masculinity would be a major concern, which was reflected in the *Coronado Evening Mercury* through instructive pieces meant to guide middle-class newcomers.

One of these instructive pieces, published on January 13, 1888, described a courtship game during an Apple Bee, a typical harvest festival that was also a community party. The article explained that a young man's struggle for kisses from young women during the courtship ritual had far greater significance than a simple kissing game. While a young woman may "writhe from within his arms," this struggle would decide "his reputation for manliness and gallantry," bestowing on him either "victory or eternal disgrace," dependent solely on his ability to steal a kiss.[16] Instructions on masculinity continued with the January 16th issue in 1888, which ran a cautionary tale of J.S. Williams. Williams, a recent emigre from the Midwest who had come to make his fortune, spent everything he had to get drunk nightly until his reforming mother-in-law

[14] Peter Boag, *Re-Dressing America's Frontier Past,* (Berkeley, University of California Press: 2011), 4-5.

[15] Dana C. Elder, "A Rhetoric of Etiquette for the "True Man" of the Gilded Age," *Rhetoric Review* 21, no. 2 (2002): 150-169.

[16] Franc Wilkie, "Country Olia-Podrida," *Coronado Evening Mercury*, January 13, 1888, 1.

arrived.[17] In the article, "Courage and Suicide," which ran on January 11, 1888 following several town suicides, the example of a man facing severe financial ruin by facing his "grim fate" and continuing to live until "Dame Fortune" came to rescue him as recompense for not taking the cowardly way out, was used to demonstrate definitive masculine heroism.[18] Taken together, the image of a dominant, restrained, stalwart masculinity emerged as supreme when compared to feminized males who were cowardly, subordinated, and intemperate. The *Coronado Evening Mercury* demonstrated this to the two audiences of nation building: those who pay for the nation and those who manage the builders. Those who manage understand their responsibility to perform middle-class values in exchange for their economic mobility, while the capitalists were reassured of Coronado's reliable masculinity free from the undesirable element, at least among white folks. Thus, this mutual understanding transforms heteronormative masculinity into a tool of white hegemony.

With economic opportunity and middle-class masculinity secure, Coronado and its paper turned to the last obstacle to their local manifestation of the great American project. Historian Stacey Smith argues that the fervor in California instigated by white free soiler anxieties about their own subjugation by capital led to the Chinese Exclusion Act of 1882. By clearly associating the bound labor of Chinese coolies with Southern chattel slavery, free soilers were able to extend this association to all Chinese immigrants.[19] Diplomatic historian Yucheng Qin takes this argument further, claiming that Chinese native place associations (called huiguan but named the Six Companies in the American press) were entangled into the net of white anxiety by incorrect associations between the companies, coolie contracts, and fighting tongs and highbinders who

[17] "He Got Drunk," *Coronado Evening Mercury*, January 16, 1888, 2.

[18] "Courage and Suicide," *Coronado Evening Mercury*, January 11, 1888, 2.

[19] Stacey L. Smith, *Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction,* (Chapel Hill: University of North Carolina Press, 2013).

were seen as protectors of bound labor.[20] A similar preoccupation develops in the *Coronado Evening Mercury,* with several anonymous opinion pieces calling for the removal of all Chinese labor. In these articles, the authors expressed concerns over the influence of the Chinese Six Companies, who seemingly controlled with impunity large amounts of immigrant Chinese workers who only bring disease, opium, and highbinders.[21] However, Chinese labor could not simply be eliminated because of their essential participation in nation building through their construction of infrastructure, the capital infused into the state from taxation, and the capital brought into the economy by Chinese merchants.[22] Therefore, an important distinction between the noble immigrant and the corrupting influence is made in articles about the Chinese, both racializing through vilification and feminization. On January 9, 1888 a report of the public beating of On Hay, "a respectable citizen for a coolie," by highbinder Jim Lee demonstrates this in its description of both Lee and Hay. [23] Lee was described as a "fiendish," "Chinese tough" who felt justified in his beating of a fellow countryman for blackmail, filling the role of villain. Hay, despite his respectability, needed protection from onlookers and white police to stop the attack and had to be persuaded to swear out a complaint against his attacker, thus displaying feminized weakness.[24] The former encompasses the worst manifestations of humanity, while the latter needs the paternal protection and guidance of white men. The discourse of the paper socially sanctions the existing racial hierarchy privileging whiteness, while at the same time subverting the economic and cultural contributions Chinese immigrants could make to Coronado

[20] Youcheng Qin, *The Diplomacy of Nationalism: The Six Companies and China's Policy toward Exclusion*, (Honolulu: University of Hawai'i Press, 2009).

[21] *Coronado Evening Mercury*, January 10, 1888, 2.

[22] Qin, *The Diplomacy of Nationalism*, 37.

[23] "Murderous Highbinder," *Coronado Evening Mercury*, January 9, 1888 3.

[24] "Murderous Highbinder," *Coronado Evening Mercury*, January 9, 1888 3.

as a town and America as a nation.[25] For the publishers, and ultimately Babcock, using narratives vilifying highbinders, gamblers, and other vice ridden immigrants while feminizing the industrious immigrant who requires the care of Anglo protection is a local interpretation of Chinese exclusion that preserves the nation building project.

The promises of the West as a transformative place for Anglo males were essential components of nation building, and thus were internalized into the collective American memory. The myths and memories of the West were used to construct meaning during the period of nation building, just as they are used to construct national meaning in the present, making the revision of this memory necessary if a realistic present-day understanding of the elusive American Dream is to be had. Rereading Coronado's image cultivated by Babcock and the paper with the context of its purpose in mind is key. Ultimately, this was an entrepreneurial endeavor tinged with nationalism, meant to make a profit. To do so effectively—to make possible his profits—Babcock and his associates actively fostered power dynamics at the local level in ways harmonious with national dynamics regarding race, class, and gender. Viewing Coronado this way could lead to a reordering of the collective memory of the American West, and ultimately a reorientation away from the American Dream as the genii that will never come.

On January 14, 1888, the *Coronado Evening Mercury* ran an opinion piece discussing the merits of calling Coronado a boom town. The piece claimed that a boom was neither an irresistible force or the work of fate, but rather a community-based project resting on the individual, where a "neighbor imitates the good example, thus setting a pattern to another," until, "great and mighty cities will rise and expand as if some good genii had breathed upon the

[25] For more on Booster discourse, see Paul J. P. Sandul, *California Dreaming: Boosterism, Memory, and Rural Suburbs in the Golden State*, (Morgantown: West Virginia University Press, 2014).

land."[26] Those back East may have called it a boom, but Babcock and the paper understood that organizing their society according to established Eastern gendered, middle- and upper-class whiteness would make Coronado one of those good neighbors, doing its part toward building "great and mighty cities."[27] There were critiques in the paper about the inefficiency of the post office, substandard sidewalk grading, and an overcrowded jail, but the narrative never diverged from Coronado as a transformative place, both for those willing to abide by the social, cultural, and economic practices of whiteness, and for the frontier in need of a nation.

[26] *Coronado Evening Mercury*, January 14, 1888, 2.
[27] Ibid., 2.

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Madera's Menacing Prisons and The Preciados: An Analysis of Racialization in Madera at the Turn of the Century Through Newspapers

By
Omar González[1]

Introduction

The United States has always been a settler colonial society. Settler colonists arrive in new lands with the intention to stay and prosper in those lands, while refusing to coexist with the indigenous population. Rather, they utilize a variety of means to replace the original inhabitants.[2] Kelly Hernández's *City of Inmates* claims this process was inherently genocidal.[3] Hernández supports this claim by arguing that the modern incarceration system was designed to eliminate marginalized peoples through non-lethal means.[4] The newspaper, *Madera Mercury* situates Madera, California within this narrative of the United States' incarceration system. According to Peter Boag, newspapers like the *Madera Mercury* serve "as the most abundant and richest source[s] for understanding a community's collective views."[5] Newspapers mirror community values, which situate local news publications as trustworthy sources of information. As a result, newspapers are in a position to not only reflect community values but to also inform them. The *Madera Mercury* used much of its ink to cover local crimes; and through its influence, the newspaper disproportionately criminalized non-white people with the use of dehumanizing language and varying degrees of detail. The *Madera Mercury* used its influence to

[1] The author, being also an editor, recused himself from the editing process regarding this article. It received no special treatment and was required to conform to all standard requirements.

[2] Roxanne Dunbar-Ortiz. "This Land." in *An Indigenous Peoples' History of the United States*, (Beacon Press, 2014), 6-8.

[3] Kelly L. Hernandez, "Conquest and Incarceration." in *City of Inmates Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965*, (Chapel Hill: The University of North Carolina Press, 2017), 9.

[4] Ibid.

[5] Peter Boag. *Re-Dressing America's Frontier Past*, (University of California Press, 2011), 17.

directly inform public perception about non-white peoples,thus maintaining settler colonialism and white supremacy in Madera County.

While the newspaper worked to criminalize non-white peoples, it is also apparent that targeted racial minorities were capable of becoming white, if specific circumstances were met. The success of one Mexican family, the Preciados, reveals that Anglo settlers occasionally valued non-white peoples, but strictly on the basis of wealth and noble marriage. Wealth allowed for the Preciados to become influential traders in Madera County, while noble marriages were necessary for establishing networks of affluence. The Preciado family is evidence that, on occasion, non-white peoples living and working on the Western frontier could achieve the benefits of whiteness through affluence and networking, situating otherwise racialized peoples in positions more effectively able to navigate the carceral nature of settler colonialism.

Criminalization Through Newspapers

The criminalization of non-white peoples by the *Madera Mercury* is notable through the coverage of a local murder. On June 29, 1901, the *Madera Mercury* published an article with the headline reading, "A MURDEROUS INDIAN. The Shooter of the Indian Antone in Jail."[6] This headline perfectly summarizes the article, which provides almost no information on the shooter or victim. However, the headline emphasizes the race of all involved and does not even name the murderer. This emphasis on race continued in the article with Joe's (the murderer) name mentioned once in the article and was referred to as a "redskin" or "Indian" afterward.[7] The absence of Joe's name connects Joe's actions to his race as opposed to him as an individual. In other words, rather than informing the reader that Joe was a murderer, the reader is informed that an "Indian" was a murderer. Joe is completely erased from the narrative because his side of the

[6] E.E. Vincent. *Madera Mercury*, June 28, 1901, 3.
[7] Ibid.

story was not present in the article. Without being able to justify his actions, Joe was erased from memory and this murder was used to criminalize indigenous peoples. Furthermore, the victim's race became inextricably linked to his identity. The article only mentioned Antone's name once and subsequently only mentioned him as an "Indian."[8] Thus, race was an essential inclusion in the *Madera Mercury* when discussing crimes involving non-whites, regardless of whether the non-white was a criminal or victim.

The coverage of John Garner's murder and suicide by the *Madera Mercury* shows how white criminals had their actions minimized. On July 13, 1901, the *Madera Mercury*'s main headline read, "MURDER AND SUICIDE John Garner Shot his Wife Fatally this Morning…"[9] Unlike Joe's headline, this headline gives Garner's full name without mentioning his race, which disconnects Garner's actions from his race. The article took up more than half of the first page, which allowed it to include all the details of the story. Among these details, the reader learns that Garner only murdered his wife because she was divorcing him and taking the kids.[10] This does not justify Garner's actions but it minimizes the cruelty of his crime because it ties the crime to an understandable motive. This humanization allows for Garner to be seen as a murderer for specific reasons and not because of his race. This reveals how the *Madera Mercury* attempted to humanize Anglo criminals to prevent their actions from being tied to their race. Furthermore, by doing the opposite for non-white criminals, the *Madera Mercury* was able to criminalize non-whites. This justified and contributed to their elimination from Madera through incarceration.

The Preciados

[8] E.E. Vincent. *Madera Mercury*, June 28, 1901, 3.
[9] Ibid., 1.
[10] Ibid.

The Preciado family was unique among racial minorities for their ability to avoid the negative effects of settler colonialism in the western United States. Settler colonialism traditionally "harbors no intentions of merging with...the Indigenous societies already established within the targeted land base."[11] In short, settler colonialism does not permit settlers mixing with original inhabitants. However, the Preciado family was prized in Madera, which demonstrates that settler colonialism in the United States did allow for some merging with marginalized peoples. The Preciados were undoubtedly accepted into Maderan society because they were the only non-whites to be featured in stories that did not relate to crime. For example, the only non-white to serve on a jury was Ygnacio Jr. Preciado.[12] Additionally, tv wo Preciados won first and second place for their floats in Madera's Fourth of July parade.[13] In other words, the Preciados were able to enjoy the benefits of whiteness in Madera, but were only able to do so because of their wealth and marriages.

The Preciado family in one generation went from being a lower income immigrant family to a considerably wealthy business family. The family patriarch, Ygnacio Preciado, immigrated to the United States from Sonora in 1848.[14] He roamed Northern California in search of gold until he settled in Madera in 1880.[15] Ygnacio used his savings to buy ranches in Madera and became a successful rancher in Madera county.[16] He had twelve children who contributed to the family's wealth through their successful businesses. Among them was Ygnacio Jr. who started a line of barber shops in San Francisco and Madera.[17] Also, Charles and Rudolph opened

[11] Kelly L. Hernandez. *City of Inmates*, (University of North Carolina Press, 2017), 7.
[12] E.E. Vincent. *Madera Mercury*, July 20, 1901, 2.
[13] E.E. Vincent. *Madera Mercury*, July 06, 1901, 3 & 7.
[14] William Coate, "Madera the Village, 1876-1900." in *Images of America: Madera*, (Charleston: Arcadia Publishing, 2005), 27.
[15] Ibid.
[16] *A Madera Pioneer Family: The Preciados*, (The Madera County Historian, Volume 8, Number 1, 1968), 3.
[17] Ibid., 4.

a successful stationary store in Madera and formed an amateur baseball team to represent the city.[18] Overall, the family businesses produced considerable wealth for the Preciados. The Preciados utilized this wealth to gain acceptance among Maderans.

Wealth was crucial for marginalized peoples to be accepted into white society, but marriages were just as important. For frontier settlements like Madera, Anne Hyde claims that "a woman's decision to marry this man or that...made differences in how lives turned out."[19] In short, marriages could change the fortunes of entire families. This phenomenon manifested itself with the Preciados who benefited from their marriages to influential figures. Prior to their settlement in Madera, Ygnacio Preciado married Adelaida Norriega in 1867.[20] The Norriegas were descendants of the Moraga family, which were part of the Spanish elite in California.[21] Adelaida's sister, Charlotte, was married to a California superior judge.[22] Once Ygnacio married Adelaida, he gained connections to the Moragas and California's judicial system, which allowed the Preciados to be well connected in California.

Although the marriages above gave the Preciados important connections in California, the Preciados still needed to secure their position in Madera specifically. This was achieved shortly after the family arrived in Madera, with the first Preciado daughter, Lucy, marrying Thomas Cosgrave. Cosgrave was well known for being a veteran, local poet,[23] and for his weekly column in the *Madera Mercury*, which highlighted the previous week's events.[24] Lucy's marriage to Cosgrave consolidated the Preciado's position in Madera. Overall, the bonds forged

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[18] Ibid.

[19] Anne F. Hyde. "Unintended Consequences," in *Empires, Nations & Families: A History of the North American West, 1800-1860*, (University of Nebraska Press, 2011), 354.

[20] *A Madera Pioneer Family: The Preciados*, (The Madera County Historian, Volume 8, Number 1, 1968), 1.

[21] Ibid.

[22] Ibid., 1-2.

[23] Ibid., 4.

[24] E.E. Vincent. *Madera Mercury*, July 20, 1901, 1.

between families through marriages were coupled with wealth, in order to allow the Preciados to mask their race. This allowed for the Preciados to live in Madera without discrimination.

Conclusion

Madera at the turn of the century exemplifies the United States as a settler colonial society. The *Madera Mercury* promoted settler colonialism by criminalizing racial minorities, through the use of language and detail. This criminalization attached a negative meaning to racial minorities that were nearly impossible to eliminate. However, racial minorities with wealth and important connections were free from this maltreatment. The Preciados met these requisites through the ownership of businesses and high-status marriages, allowing them to overcome the obstacles from Mexican heritage. In doing so, the Preciados were able to enjoy the benefits of whiteness in Madera. This paper builds on the idea of race being a socio-historical construction by highlighting the manner in which meaning was attached to race. However, the meaning attached to race is not permanent because the Preciados show the fluid nature of race through their ability to become white.

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Manipulations and Transformations: Orange County's Evolution Through Water Practices

By
Giovanny Menchaca[1]

Introduction

Water is possibly the most valuable resource on Earth. It is crucial for human existence and the formation of societies throughout history. Very little life can thrive in areas without water; thus, the presence of vast societies in historically dry and arid locations, such as Southern California, is rather surprising. Today, Southern California is home to millions of people yet, given the yearly rainfall and the lack of natural water sources, this metropolis theoretically should not exist. Despite this, the area is one of the most populated regions on Earth. Southern California is able to maintain its existence through the exploitation of its natural waterways and the major efforts made to import water from other larger sources. However, not all of Southern California lacked a natural water source.

For centuries, the Santa Ana River had been supporting life including an indigenous population, in the region which would eventually become Orange County. Over time, this area underwent several drastic changes, all linked to one key factor—water. In this historical essay, I argue that changes in the philosophies surrounding water and how its management played a crucial role in the multiple transformations within Orange County. In order to achieve this, I provide an analysis of three major developments in the ideology surrounding water, as well as the consequential social and economic impact each development had on the continuously growing society. This includes an exploration of the ties between irrigation communities and the

[1] The author, being also an editor, recused himself from the editing process regarding this article. It received no special treatment and was required to conform to all standard requirements.

ranchero system, the privatization of water's relationship with an agrarian economy, and the limiting effect of flood control on a growing suburban population.

Origins and Early Orange County

Prior to the Spanish settlement of California, the land was completely controlled by the numerous indigenous tribes residing in the area. These tribes were very cautious in how they manipulated the environment. This often required them to live a nomadic lifestyle which forbade agricultural practices and the development of irrigation.[2] A key necessity for the survival of these nomadic communities was access to water, which was demonstrated by their tendency to travel along water sources. The harmony forged between indigenous societies and nature was disrupted once the Spanish began to take power in 1769. Gaspar de Portola, a Spanish colonist, led an expedition, which began in present-day San Diego and continued up the coast. In this expedition, he and his men established various settlements, including missions, throughout the state.[3] Similar to the indigenous tribes, every Spanish settlement was established along water sources, especially in Southern California's desert-like conditions. Changes in the power dynamics of the region brought about significant shifts in the ideology surrounding water and its use.

The Spanish adopted a philosophy around water which differed from their indigenous societies predecessors These settlers imported their beliefs of water rights directly from Spanish society and implemented them on their new surroundings. They formed irrigation communities, with water rights falling solely on the monarch, who granted everyone fair and just amounts of water.[4] This marked a major shift in the history of Southern California, as this new system of water rights allowed for the growth in settlements and the sustainment of a growing sedentary

[2] Norris Hundley, *The Great Thirst: Californians and Water, 1770s-1990s* (Berkeley: University of California Press, 1992), 3.

[3] Hundley, *The Great Thirst*, 30.

[4] Hundley, *The Great Thirst*, 28.

population. For the first time, water was manipulated in a way that disrupted its natural course to directly benefit the survival of man-made societies. The mission system was a direct product of this shift because water was channeled to these sites and used for various practices, including the introduction of agriculture.[5] Over time, the population continued to grow, and larger settlements, such as the City of Los Angeles, were established. However, water sources in this region remained limited and finite, which placed a limit on the amount of development and agriculture that was achieved.

Settlements continued to be fixed to these water sources for years. In the 1800s, construction of the adobe mansions small labor hamlets, and even the San Juan Capistrano Mission remained tied to the creeks of the region and the Santa Ana River banks.[6] The Santa Ana River was the only major water source in the region, which became Orange County. This river originates from the snowmelt in the San Bernardino mountain range, flows through Riverside County, into Orange County, and ultimately ends at the Pacific Ocean.[7] Landowners throughout the area had control over vast stretches of terrain and practiced small scale forms of irrigation. The economy of early Orange County was locally based and self-sufficient due to the rise in the ranchero system. This system consisted of individuals or families owning enough land to satisfy their own agricultural needs, as well as forming small communities with skilled tradesmen.[8] Because the Spanish had introduced a new ideology of the use of water, landowners were able to physically manipulate the course of these natural waterways through minor forms of irrigation.

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[5] Colegio Apostólico de Propoganda Fide de San Fernando, *Account of the Discoveries Made From 1769 to 1776*, Manuscript, from UCLA, Clark Memorial Library, 15.

[6] Gilbert G. Gonzalez, *Labor and Community: Mexican Citrus Worker Villages in a Southern California County, 1900-1950* (Chicago: University of Illinois Press, 1994), 43.

[7] Division of Engineering and Irrigation of California, *Santa Ana Investigation. Flood Control and Conservation, Map 12*, Map, Santa Ana Valley: California State Printing Office, 1928. From Honnold Mudd Library, Special Collections.

[8] Gonzalez, *Labor and Community*, 44.

The ranchero system thrived under the Mexican government, which took power after the Mexican War of Independence, and continued after California was surrendered to the United States in 1848. During this time, the economy flourished due to the rise of one defining factor—cattle.

The ranchero system lent itself to the development of a cattle industry to support the local economy. Cows were introduced to the region by the Spanish, and the rancheros used their land to raise them alongside their farms. An 1889 report found there to be a total of 39,800 cattle in Los Angeles County, which at the time included Orange County and stretched all the way across the San Fernando Valley.[9] The cattle industry was crucial to the economy of Southern California and warranted thousands of articles printed in newspapers throughout the late nineteenth century. Once Orange County was officially established in 1889, its economy was almost completely cattle dependent because of the ranchero system. By 1910, there were over 18,220 cattle solely on ranches in Orange County.[10] This made the region one of the most profitable in Southern California relative to its size. However, the domination of the cattle industry came to an end soon after, and the number of cattle ranches throughout the county began to diminish. The ranchero system started to slowly erode away at the turn of the century, as the spread of irrigation completely changed the landscape and economy of Orange County.

The Spread of Irrigation and Rise of Agriculture

By the time Orange County was officially separated from Los Angeles County, the philosophy of water rights had already begun to change from Spanish irrigation communities. Once the United States took control of California, water laws and rights became more privatized

[9] "Statistics of the County," *Los Angeles Star* (Los Angeles, CA), Mar. 17, 1860.

[10] United States Department of Agriculture, 1910 Census: Reports by States, generated by E. Dana Durand, from Census of Agriculture Historical Archive.

and capitalistic due to the implementation of riparian and prior appropriation rights. These rights gave individuals possession over water sources based on land ownership and were intertwined with the belief that land needed to be worked to be beneficial and reach its maximum potential. Conflicts continuously occurred between right holders and were only further intensified as the state of California actively honored both forms of water rights. As a solution to this issue, irrigation districts were formed to assist in water management and handle the selling of water.[11] These districts took charge of the water from the Santa Ana River, along with other local water sources, and worked alongside landowners for the promotion of agriculture throughout the county. Even though these irrigation districts relieved the tension between landowners, there were then disputes that developed between rival districts that were situated upstream from each other. For example, there were two water companies, the Serrano and John T. Carpenter Water Companies, which both laid claim to Santiago Creek in Orange, CA.[12] Nonetheless, this version of water management became the norm in Orange County and led to drastic changes.

The late nineteenth and early twentieth centuries also brought in the decline of the ranchero system and changes in land ownership. As the population of Orange County continued to increase, the land was slowly consolidated under the control of fewer individuals. Ranches became larger as owners continued to acquire more land and eventually the entire county was divided among ten major ranches.[13] As time went on, wealthy individuals from Los Angeles County moved in and bought large stretches of family-owned ranches, particularly land with an abundant water supply.[14] They came in with new ideas on how the land should be managed and

[11] "(Orange County) Irrigation Company Directors' Meeting," *Los Angeles Herold* (Los Angeles, CA), Jul. 3, 1901.

[12] "Orange County," *Los Angeles Herold* (Los Angeles, CA), Sept. 15, 1893.

[13] S. H. Finley, *Map of Orange County, California*, Map, (San Francisco: H.S. Crocker & Co., 1889), from Library of Congress.

[14] "Bought 500 Acres in Orange County," *Los Angeles Herold* (Los Angeles, CA), Jan. 9, 1910.

were strong advocates for irrigation and agriculture. Influenced by the newcomers, owners slowly transformed their cattle ranches into large scale agricultural fields. A massive irrigation system was constructed across the entire county in order to provide the required infrastructure to produce an agrarian society.[15] However, early efforts in agriculture were not substantially profitable, as the rather warm and dry climate did not lend itself well to their crops. A series of boom and bust seasons marked the beginning of this agricultural era until a new crop came in and redefined the region.

During the late 1800s, a new crop was implemented on farms in the hope to replace the failing vineyards and nut trees. Orange trees were first planted in the 1880s and produced only two carloads worth of fruit a year, yet by the 1920s, they were the backbone of the county's booming economy.[16] Many crops did not do well in this region and after landowners reassessed the potential which oranges had, they shifted to citrus orchards. By 1910, there were 478,272 orange trees throughout Orange County, however that paled in comparison to the over 2,837,581 fruit bearing orange trees in 1925.[17] In a matter of fifteen years, Orange County farmers had increased the number of orange trees by over 593% and made it the most profitable crop in its history.

Orange County lived up to its namesake and became the largest producer of oranges in the entire United States, with orange groves continuing to expand throughout the county well into the 1940s. This citrus boom was due to the heightened importance placed on irrigation and allowed for this land to be suitable for growing oranges. At its peak in 1950, there were 5,354,880 trees which produced a total of 17,349, 927 field boxes of oranges, which gave the

[15] Division of Engineering and Irrigation of California, *Santa Ana Investigation, Map 12*.

[16] Gonzalez, *Labor and Community*, 20.

[17] United States Department of Agriculture, 1925 Census, generated by E. Dana Durand, from Census of Agriculture Historical Archive.

impression that oranges would remain a central part of the local economy for years to come.[18] However, that was not the case and citrus production underwent a decline just as quickly as it rose. Orange County's agrarian economy became threatened by major changes in water management and was replaced relatively quickly.

Prado Dam and the Beginnings of Suburbanization

Similar to the previous transformation that occurred in the Orange County region, water management and manipulation played a vital role in the decline of agriculture and the ultimate development of suburbs throughout the county. With long-term communities dependent on water, it is not surprising that most settlements were constructed near the few natural water sources. The major risk of waterside constructions is flooding. During years of heavy rainfall, flash flooding and overflowing rivers posed a major threat in Southern California, thus making flood plans necessary to minimize potential damage. Los Angeles County experienced several floods by the 1930s, including the devastating Crescentia Valley Flood in 1934, which caused major damage and killed over 39 people.[19] These events prompted Orange County to create a flood plan and construct the proper infrastructure to protect citizens from a major flood occurrence.

After major assessments, Orange County formulated a flood control plan which included the construction of a dam across the Santa Ana River. Prado Dam was proposed in 1935; it consisted of a 2,100-foot dam across the river with the main objective to regulate water flow, replenish its basin, and eliminate the danger of potential flooding[20] This plan proved ambitious, with the construction of the dam not universally accepted and facing much criticism.

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[18] United States Department of Agriculture, 1950 Census, from Census of Agriculture Historical Archive.

[19] "Federal Funds for Flood Aid," *Madera Tribune* (Madera, CA), Jan. 6, 1934.

[20] "2,100-Foot Prado Dam Planned by Orange County in Search of Water," *San Bernardino Sun* (San Bernardino, CA), Jun. 13, 1935.

Alongside the criticism, the plan also required that officials worked closely with Riverside County, as the proposed location of the dam did not fall within the borders of Orange County. The Prado basin was located in an area just before the Santa Ana River entered Orange County, and Riverside County was very hesitant to move forward with the dam's construction. Prado was also the location of a town, which made the possibility of submerging the basin and the displacement of people one of the largest criticisms of the project.[21] Apart from location, the proposal was also criticized for its cost and lack of necessity, which led to questions regarding Orange County's motives to construct the dam.

Riverside County remained unsure of the project for quite some time, out of fear that the water collected at the dam would be used to reap a major profit. In order to prevent Orange County from profiting from the dam, Riverside and San Bernardino Counties proposed taxes on the reservoir created; however, Justice Emerson J. Marks struck down this proposition in a lawsuit between Laguna Beach and Orange County. In this decision, the judge claimed that water districts and counties cannot be taxed for water which was used to perform a state function, specifically for flood control.[22] Because the proposal for the Prado Dam outlined that a major function of the dam was for flood protection, Riverside and San Bernardino counties would no longer be able to place taxes on the water supply in the reservoir. Riverside eventually refused to comply with the dam unless Orange County could ensure that no major economic gain would be pursued. Ultimately, Orange County agreed to revise its plan and ensured the dam would solely be used for water control and flood prevention, and not any economic gain.[23] This resolved criticism over the motives behind the project.

[21] "Prado Dam Lake Will Submerge Townsite," *Desert Sun* (Palm Springs, CA), Sept. 30, 1938.
[22] Laguna Beach Water District v. County of Orange, 30 Cal.App.2d, 740, 1939.
[23] "For Flood Control," *Desert Sun* (Palm Springs, CA), Jul. 28, 1939.

The necessity of the project became clear in 1938 when a massive flood of the Santa Ana River caused major damage across Orange County. The flood occurred at the beginning of March and photographs from the event demonstrate that acres of farmland and residential areas were completely submerged.[24] The flood created mass destruction county-wide, and drastically impacted these communities. An estimated 200 casualties were reported, 10,000 people were left homeless, and the flood made $25,000,000 worth of property damages.[25] After the Santa Ana River flood, overall support for the dam increased with the consequences of a major flood clear. Construction began soon after and the Prado Dam was completed in 1941. The dam limited the water entering Orange County and placed restraints on the total water available for use. Also, due to the agreement that was made with Riverside County, the amount of water from the Santa Ana River that was allotted for agriculture was also limited. Orange County shifted to place greater reliance on water imported through different means, such as through forged agreements with the Metropolitan Water District from Los Angeles, to maintain its agricultural economy.

As agriculture continued to decline, Orange County underwent a steady growth in population. There was a 63.7% increase in the population living in the county by 1950, which only continued to grow in the subsequent decades.[26] This constant increase in residence along with a highly regulated and declining water supply placed tremendous pressure on the orange industry. Between 1950 and 1960, the population more than tripled while the orange industry saw a removal of more than 3 million orange trees, essentially cutting it in half.[27] During this time, oranges were effectively dethroned as the chief economic export, and landowners believed

[24] Paul Prejza, *Aerial View of Flood Damage to a Housing Area in Stanton or Buena Park*, 1938, California Historical Society Collection, University of Southern California, Los Angeles.

[25] "Death Toll Near 200, Waters Receding to Rivers After Inflicting Heavy Loss," *Madera Tribune* (Madera, CA.), Mar. 4, 1938.

[26] U.S. Census Bureau, "Population of California by County," 1950.

[27] United States Department of Agriculture, 1960 Census, from Census of Agriculture Historical Archive.

it was more profitable to sell their lands to development companies to make room for Orange County's current phase—suburbanization.

The development of suburbs away from major cities gained popularity in the 1950s and greatly influenced Orange County. During the 1950s, suburbs were marketed as the perfect escape from primarily industrial and urban cities, with planned suburbs becoming the model for urban living.[28] Orange County found itself perfectly situated for the implementation of suburbs, as it is just south the growing megacity that is Los Angeles. It did not take long for the huge plot of land with paved cul-de-sac aligned with identical houses to take over what was once vast orange groves. [29]

Conclusion

The methods in which water was owned, controlled, and used had a tremendous impact on the economic and social composition of Orange County. Orange County's history can be categorized into three major stages: 1) the ranchero phase, defined by communal irrigated communities, 2) the agricultural phase, distinguished by privatized irrigation systems, and 3) its current suburban phase, characterized by a highly regulated water system and a reliance on imported water sources. Water continues to be a highly valued resource in the modern world and its importance only increases as its scarcity grows. This is especially true in Southern California. Water continues to be imported into this region at large rates as it lacks the resources to sustain itself. This analysis of the relationship between water's use and the overall effects it has on communities is critical in understanding the current water issues that California faces. Comprehending the major role that water continues to play could lead to possible solutions or

[28] Mark Clapson and Ray Hutchinson, *Suburbanization in Global Society* (West Yorkshire: Emerald Group Publishing Limited, 2010), 3.

[29] *Lakewood Development, View 2*, 1953, Los Angeles Public Library Photo Collection, Los Angeles Public Library, Lakewood.

changes that need to be made to the current form of water management for a more sustainable and water-efficient future. It is also important to understand how changes in water policy lead to major changes for a society as demonstrated here, especially as water crises continue to occur throughout the modern world.

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Cycles of Profit and Progress: An Examination of the Central Valley Project with Emphasis on the Delta-Mendota Canal

By
Anna Durbin

Drought has cycled through California for centuries, making water an even more important resource than gold. Where there is water, there is profit – so it follows that controlling water and using it more efficiently only leads to greater profits. If California as a state had only one legacy, it might be the search for domination over rivers, lakes, and streams. When efforts to secure and move water come up in conversation, thoughts turn first to the California Aqueduct and the Municipal Water District's tireless consumption. Yet these conversations neglect to consider the state as a whole; ignoring the San Joaquin Valley and the agricultural use of water specifically. The San Joaquin Valley has changed the courses of ancient rivers and lowered the height of the land as part of a search for water, and the Central Valley Project was a momentous step on the road to control of nature itself. This search for control, along with the influence of elite growers, was the force that drove water legislation and project creation.

Constructing the Central Valley Project

The Central Valley Project was a momentous piece of legislature for the state of California. Once it was completed, the Project controlled both the largest and third-largest rivers in California through dams, reservoirs, and canals.[1] In 1933, the state passed the Central Valley Project Act – due to heavy lobbying from growers who had deep pockets, thousands of acres of farmland, and a need for cheap water.

[1] Marc Reisner, *Cadillac Desert: The American West and Its Disappearing Water* (New York, N.Y., U.S.A.: Penguin Books, 1993.)

Though the Act passed through state legislature, there was no way to sell the necessary bonds to pay for it in 1933; the Great Depression put a halt on the public's ability to pay for large scale infrastructure projects. In order to finance the Central Valley Project, the state of California turned to the federal government. The state had initially wanted to avoid federal control of the project, as it would then be required to follow an acreage ownership mandate found in the Reclamation Act of 1902. Under the Reclamation Act, farmers who would have received water through the Central Valley Project needed to own less than 160 acres in order to acquire government-subsidized water. Many owned far more than 160 acres and would in theory need to sell excess land within 10 years in order to utilize water from the Project. In practice, it was a very different story. Growers created companies and trusts in order to maintain hundreds of thousands of acres and gain access to water for far less than market value.

The Bureau of Reclamation was more interested in digging canals, building dams, and completing water projects than it was in enforcing the law. The acreage limit, put in place to break up corporate farms and promote family land ownership, was rarely enforced. One of the projects the Bureau was eager to complete was the Central Valley Project, and one of the canals within that project was the Delta-Mendota Canal.

Construction of the Delta-Mendota Canal

On July 26th, 1945, the Bureau of Reclamation announced a formal request to the War Production Board. Their request was not out of the ordinary for the time in California, where the Central Valley Project labored on even as World War Two came to a close. The Bureau planned to begin construction on the Delta cross channel and river pumping plant, a piece of the Central Valley Project necessary to deliver water from the Sacramento River to the start of the Delta-

Mendota Canal.[2] The Canal would wind through five counties (San Joaquin County, Modesto County, Merced County, Madera County, and Fresno County) before it reached its end. Once completed in August of 1951, the Delta-Mendota Canal stretched from the pumping plant to its conclusion 117 miles away from its starting point. The Canal replaced water taken from the San Joaquin River; water which had been held upstream by the newly-constructed Friant Dam.[3] The Delta-Mendota Canal provided irrigation water to the west side of the San Joaquin Valley and terminate at Mendota Pool, the small reservoir 40 miles downstream of Friant Dam. Construction on the Canal was a federal project, as the Bureau of Reclamation had taken over the Central Valley Project in 1933 due to California's inability to finance it.[4]

Paying for the Central Valley Project

In 1948, construction on the Canal and several other large waterworks under the umbrella of the Central Valley Project had not yet begun. Despite the Project's beginning 11 years prior, a resolution adopted by the State Water Project Authority claimed that "several necessary and major features [were] not completed or [had] not been commenced[5]." Among these major features was the Delta-Mendota Canal. On February 25th, 1941, State Water Project Authority requested Congressional appropriations of $55,607,000 for Central Valley Project construction during the following fiscal year – a move at least partially supported by the Truman administration, as the proposed budget asked for $41,500,000 for the same purpose.[6] Named among Central Valley Project requests for Friant Dam ($579,000) and the Friant Kern Canal

[2] "Delta Channel Appeal Made," *Madera Daily Tribune,* July 26, 1945.

[3] "Big Turnout Expected Tonight at Friant CVP Water Celebration," *Madera Daily News-Tribune,* August 7, 1951.

[4] Reisner, *Cadillac Desert: The American West and Its Disappearing Water*

[5] "Huge Fund for CVP is Sought," *Madera Daily Tribune,* February 25, 1948.

[6] "Huge Fund for CVP is Sought," *Madera Daily Tribune,* February 25, 1948.

($18,000,000) was the Delta-Mendota Canal, requesting $20,000,000 for the 1949 fiscal year.[7] These requests were factored into the ultimate amount desired by the State Water Project Authority in a proposal that met with a success that is a testament to the power of California water lobbyists in Washington at the time – by November 4th, 1949, the Central Valley Project was awarded a further $64,500,627 to be spent during that same fiscal year.[8]

The 1949 additions to the budget of the Central Valley Project were spent through the Bureau of Reclamation, which continued to gain a poor reputation due to autocratic designs and a refusal to listen to any engineering advice but their own.[9] Despite the words of its detractors, the Bureau put the money to use in the autumn of 1949, continuing multiple works including 45 miles of the Delta-Mendota Canal that were under construction already at that point, along with a start on the last 51 miles of the canal.[10]

Total cost of the Central Valley Project was estimated at $512,569,000 in 1949, as the State Water Project Authority recommended that Congress spend $69,000,000 on it during the 1951 fiscal year. $440,069,000 for construction costs and $72,500,000 for irrigation systems were the numbers cited by State Engineer Ed Hyatt. With this backdrop, the State Water Project Authority asked for their $69,000,000, with $22,000,000 earmarked for the Delta-Mendota Canal[11]. The construction of the canal was a necessary solution to a problem caused by Friant Dam, which was an earlier part of the Central Valley Project. Friant Dam had halted the journey of too much water in the San Joaquin River; farmers who had once depended on the river for water found their water blocked up and shipped to different areas. The Delta-Mendota Canal

[7] "Huge Fund for CVP is Sought," *Madera Daily Tribune,* February 25, 1948.
[8] "$64,500,627 Set Aside for CVP," *Madera Daily News-Tribune,* November 4, 1949.
[9] "Engineering Errors in CVP Are Charged," *Madera Daily News,* August 31, 1948.
[10] "$64,500,627 Set Aside for CVP," *Madera Daily News-Tribune,* November 4, 1949.
[11] "69 Millions Eyed For CVP," *Madera Daily News-Tribune,* December 13, 1949.

spends a large part of its 117 miles running parallel to the California Aqueduct, with a very different purpose and destination. While the people of Los Angeles drank from the Aqueduct, the Canal would be used to irrigate farms and grow crops. In other words, it would generate profit.

On August 6th, 1951, townspeople and farmers in the Los Banos, Gustine, and Firebaugh areas saw the results of years of construction and lobbying – as they celebrated and listened to speeches by politicians and growers, water flowed down the 117-mile track to the Mendota Pool.[12] It was a testament to government's ability to control nature, and growers ability to influence government.

Conflict with the Bureau of Reclamation

The accomplishments of the Central Valley Project should not be minimized or dismissed; completion of the project changed the economic and geographic landscape of the San Joaquin Valley and the larger California. This fact does not mean that there were no problems over the course of the Project's completion. The Bureau of Reclamation in the 1940s was eager to construct great waterworks and was absolutely against any oversight from California state officials or agencies. On August 31st, 1948, State Representative Alfred Elliot of Tulare argued that the Bureau's methods of constructing the Friant-Kern and Delta-Mendota canals would cost $32,000,000 more than predicted, as pumping would be required to deliver water to irrigators.[13] The California District Securities Commission lacked the money to make its own investigations into the claim and turned to the State Water Project Authority for answers. Yet State Engineer Edward Hyatt, the authority's executive officer, said that because 100 miles of the Friant-Kern canal had already been completed investigation into the construction would be a waste of time.[14]

[12]"Big Turnout Expected Tonight at Friant CVP Water Celebration," *Madera Daily News-Tribune,* August 7, 1951.

[13] "Engineering Errors in CVP Are Charged," *Madera Daily News,* August 31, 1948.

[14] "Engineering Errors in CVP Are Charged," *Madera Daily News,* August 31, 1948.

The Authority agreed to sit in with the Bureau on future projects, but the lack of response to the charges raised by Rep. Elliot reveals more than just a lack of response in this one instance. It gives insight to the attitudes of both the State Water Project Authority and the Bureau of Reclamation, though the agencies would loathe being put in the same category. What this response shows is the absolute confidence these agencies had in the completion of the Central Valley Project. The agencies expected the elaborate system of canals and dams would come to fruition despite any issues faced in the course of its construction. For example, going over-budget was not important enough to be a great cause for concern, nor was the reality that Straus and Boke, the engineers in charge of the Central Valley project, were not actually trained engineers.[15] These things were stumbling blocks and minor hiccups in California's search for more control, use, and manipulation of water both within and outside of the state.

The Bureau's views on its own history, of course, differ greatly from the views of their numerous critics. In 1963, the Bureau of Reclamation celebrated its 20th anniversary; of course, this came with a listing of achievements. By 1950, Shasta Dam and Powerplant, Keswick Dam, and Contra Costa and Madera Canals were finished. The next year added the Tracy Pumping Plant, Delta Cross Channel, Delta-Mendota Canal, and Friant-Kern Canal.[16] The Bureau's interest in constructing dams, canals, and other large waterworks was always the driving force of the agency. Making sure these projects were well designed and considering the long-term implications of them was not the Bureau's best quality.

Consequences of Groundwater Pumping

[15] Ray Coppock, "Straus Promises Early Water Pact With Chowchilla," *Madera Daily News-Tribune,* November 18, 1949.

[16] "Reclamation Bureau Reviews Its History," *Madera Daily Tribune,* September 20, 1963.

Water in California is power, both in the sense that hydroelectric dams generate electricity and in the sense that it is a driving economic and political force. This fact is not limited to water above ground-level. Groundwater is an integral part of the California water system, sometimes referred to as "California's great underwater lake,"[17] though the metaphor is not entirely accurate, and groundwater levels have been a growing concern for decades.

Groundwater pumping was included in the Central Valley Project, which is logical considering that 60% of all water pumped in California goes to the western side of the San Joaquin Valley for agricultural use. The Delta-Mendota Canal, an endeavor that exemplifies the Central Valley Project's manipulation of water and river systems, begins at a groundwater pumping plant. And by 1946, five years before the completion of the Delta-Mendota Canal, groundwater levels were declining as the postwar boom in agricultural irrigation increased pumping.[18] In 1950, groundwater levels in critical areas of the San Joaquin Valley were low and continuing to drop as farmers pumped more and more groundwater in an effort to stay one step ahead of drought. Even deliveries of Central Valley Project water were not expected to alleviate the situation or reduce the rate of pumping.[19] At the 1950 rate, the groundwater that had once seemed limitless would last for only a few decades more, and the rate of pumping did not remained the same. It has increased and led to a problem faced by much of the San Joaquin Valley, particularly in the Mendota area, for years: ground subsidence.

As groundwater is pumped, the loose silt and clay it is pumped out of becomes compact and hard, causing the height of the ground to lower. Thinking of it as a sponge is a very useful

[17] J J French, H D Wilson, *The Story of Ground Water in the San Joaquin Valley, California,* (United States Department of the Interior, 1964.)
[18] French, Wilson, *The Story of Ground Water in the San Joaquin Valley, California.*
[19] "Valley Water Supply Is Dark," *Madera Daily News-Tribune,* April 28, 1950.

analogy – as it dries, the sponge hardens and shrinks. Now, a sponge can be run under water again after it has dried and can expand to absorb more water. The problem with much of the San Joaquin Valley is that the clay layer in the soil cannot reabsorb water. Even with unprecedented rains and a complete halt in groundwater pumping, the land would not rise again to its previous height. Instead, water sits on top of the ground, causing floods because it is unable to percolate back into the water table. Southwest of the city of Mendota, the ground suffered 29 feet of subsidence from 1925 to 1977.[20] By 1964, the Department of the Interior released a study on California groundwater that called attention to subsidence and overdrafting. The report called for a reduction of pumping and an investigation into ways to get water back into the water table.[21] Instead of that outcome, California has continued to pull water from the ground. In drought years, groundwater is pumped even more. This use of resources emerged from the view of water held in California: water is a resource to be employed to its maximum potential, no matter the cost.

Political Response and Public Opinion of the Central Valley Project

The falling groundwater levels and frequent droughts of the 1940s and 1950s made the Central Valley Plan even more important to the Californian dream of natural control; a vision in which no water went unused and growers' profits continued to increase. On November 18th, 1949 – still two years before the completion of the Delta-Mendota Canal and over twenty years before the conclusion of the Central Valley Project – the city of Chowchilla made irrigation history by creating its own independent operating district. These districts controlled water use and allocations in areas of various sizes; they operated at city and county levels. The creation of

[20] Claudia C. Faunt, Michelle Sneed, Jon Traum, Justin T. Brandt, "Water availability and land subsidence in the Central Valley, California, USA." *Hydrology Journal*, November 2015.
[21] French, Wilson, *The Story of Ground Water in the San Joaquin Valley, California.*

this city district was significant not in its structure, but in the brief amount of time it took. The Chowchilla district was created, start to finish, in two years.[22] The speed of this organization showed how little doubt there was that the Project would succeed, and how much pressure there was for its continuation. Congressman Cecil White attended a celebration of the district's completion along with 3,000 residents of Chowchilla and promised them a water contract "in accordance with law and basic Bureau of Reclamation philosophy" in record time.[23] At this same celebration, Congressman White charged others with obstructing the Central Valley Project's progress; everyone from senators to private power companies were accused of looking out for their own interests instead of trying to get water to the people. Even the Kings River Water Association was mentioned, as the group disapproved of Bureau plans for the Kings River[24] – but Congressman White's assertion of absolute confidence in the Central Valley Project was reflected across California. There was an arrogance to the Central Valley Project, and the view held that it would not fail and California's legacy would be one of dominance over nature itself. The Congressman did not criticize growers, in fact he brushed aside calls for enforcement of the acreage limit that threatened their hold on California land and water.

Viewing water as a vehicle for profit was an ideological cornerstone for the Central Valley Project because the increase in irrigation farms led to a boom in agricultural possibility in the San Joaquin Valley. This drive for profit made growers into millionaires with tens of thousands of acres of land and the political power to shape the Valley. If the 160-acre limit on subsidized water had been enforced, the Central Valley Project could have been the first functional land redistribution device in the United States, breaking down vast mega-farms into

[22] Coppock, "Straus Promises Early Water Pact With Chowchilla."
[23] Coppock, "Straus Promises Early Water Pact With Chowchilla."
[24] Coppock, "Straus Promises Early Water Pact With Chowchilla."

family farms on a subsistence model. Instead, enforcement of the Reclamation Act was inconsistent at best, and the process was arduous and prone to corruption. The legal department of the Department of the Interior got caught up in court for years in a number of cases, where lawyers for growers dragged proceedings out for as long as possible while their clients continued to obtain subsidized water. Growers had enough money to make large donations to candidates across the political spectrum in order to further their goal of cheap water – the Interior's legal department would work on cases for months at a time before a special exemption would be provided by the Department and the case would be dropped.[25] Growers had power and weren't afraid to spread their money around, whether it was to get the best lawyers possible or to donate to both sides of an election. Progress and profit went hand in hand for growers, who knew the enforcement of the acre limit was nothing to be feared. The real worry was that something would change water rights, which were already a complicated legal mess, that would take rights away from large-scale growers. The fear of losing water wasn't confined to millionaires alone, either. On the morning of November 1st, 1950, assurance of Madera Irrigation District water rights was front page news – a fact that wouldn't seem out of the ordinary, except for the fact that the headline of the day was that President Truman had survived an assassination attempt. Right below the picture of the president, on the center of the front page, was the speculation on Madera's water rights under a contract made in 1939.[26] This shows the attention water rights could draw, and how highly they were valued in the San Joaquin Valley.

Conclusion

[25] Reisner, *Cadillac Desert: The American West and Its Disappearing Water*

[26] "For a Few Months At Least: MID Given Assurance Of Its Water Rights," *Madera Daily News-Tribune*, November 1, 1950.

The Central Valley Project changed water in the San Joaquin Valley forever. Gone were the days of letting nature dictate growing seasons and suitable crops – water was something to be used and controlled by man. This control sometimes led to issues, like the lack of water in the San Joaquin River after the construction of Friant Dam, but these problems were solved by more manipulation. To replace water for downstream farmers, the Delta-Mendota Canal wound 117 miles through the San Joaquin Valley to place water pumped from the groundwater of Tracy into the Mendota Pool before it flowed onward. The overuse of groundwater pumping is a problem that still plagues California today, as ground subsidence becomes more prevalent, but times of drought only motivate more pumping to keep the profits coming. Powerful corporations that first emerged to duck the 160-acre limit continue to control vast swathes of California land and have an unquenchable desire for more water. It remains a source of economic and political power, still present on the agendas of politicians and millionaires – and still necessary for life as we know it in the Valley to continue.

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Sexual Violence and Power: An Examination of the Relationship Between Sexual Violence, Race, Class, and Gender During Slavery

By
Summer Escobar[1]

Introduction

In order to completely comprehend the history of American slavery, it is important to highlight, discuss, and understand the entire story of the life of slaves. Many narratives regarding slavery tend to focus on the physical abuse of slaves, such as whippings, but do not focus on the sexual abuse that both female and male slaves suffered from. The sexual abuse that enslaved males and females faced was used as a weapon to control slaves physically and psychologically. Not discussing the sexual violence that Whites perpetrated against enslaved peoples erases the horrific acts that were committed to them.

The legacy of this often-unspoken part of slavery has led to African-American men and women to become hypersexualized in the United States. Black men are perceived as being sexual predators because they cannot control their sexual urges and Black women are portrayed as being sexually promiscuous and therefore, constantly looking for sexual partners. These racial and sexist stereotypes have not been recently constructed—there is a history behind them and one cannot understand the history without discussing the sexual violence of slavery. Thus, in this paper, I argue that the racial aspects in sexual assault were effective in reinforcing the gender and class hierarchies that existed between Black and White individuals during the mid-seventeenth and mid-nineteenth centuries in America, while also reinforcing slavery.

Sexual Violence and Race

[1] The author, being also an editor, recused himself from the editing process regarding this article. It received no special treatment and was required to conform to all standard requirements.

Race and rape became connected with one another through the legal system in the early years of America. When describing the physical attributes and the lives of Africans and Blacks, Whites often compared them to animals, such as orangutans.[2] By comparing Africans and Blacks to orangutans and claiming that they had sexual relations with them, White men believed that they did not need consent when engaging in sexual acts with their slaves. Since animals did not give consent to one another when breeding, African slaves and their descendants were to be treated in the same manner since they were considered to be "animals" themselves. Due to the animalistic comparisons between Africans and apes, Black women were considered to be sexually promiscuous and therefore they could not be raped because it would be interpreted in court as them actively looking to have sexual relations with a man. Black men were also considered to be sexually promiscuous, which led to Whites defining sexual assault as a violent incident if the perpetrator was Black. In contrast, sexual assault that was committed by a White person was deemed as a sexual act.[3]

The contrasting beliefs of regarding sexual assault as a violent act for Blacks and a sexual act for Whites, lead to elite White men creating and upholding racialized sexual assault laws in order to maintain the superiority of Whites within the class hierarchy. Black men who were accused of sexually abusing a White woman were given a harsher punishment in court, such as execution, compared to their White counterparts who would more than likely suffer no punishment at all. The reason for the harsh sentence was not because the White female victims were assumed to have been raped, but because making sexual advances towards a White woman was considered to be a crime against her husband and/or father because she was socially

[2] Thomas Jefferson, *Notes on the State of Virginia* (Boston, MA: Printed by H. Sprague, 1965).

[3] Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill, NC: University of North Carolina Press, 2012).

considered to be their property since men were considered to be the dominant gender. The raping of a White woman by a Black man was also regarded as a crime against society because it demonstrated that Blacks were the dominant race by exercising their power over a White woman's body.[4] White men feared sexual relations between Black men and White women because of their anxieties about losing their place within the class hierarchy. In order to address these fears, the British colonies in America enacted laws that prevented Black men and White women from entering into relationships with one another by enslaving women who dared to become romantically involved with a slave.[5]

Sexual Violence and Gender

Sexual assault was effective in reinforcing the gender hierarchies in America by not allowing slaves to have control over their bodies. Slavery had a devastating and dehumanizing impact on female and male slaves; one reason being that they were exposed to many instances of sexual violence, which affected them physically and psychologically. Harriet Ann Jacobs, a former slave from North Carolina, said, "Slavery is terrible for men; but it is far more terrible for women."[6] Since male slaves were generally valued for their labor and physical strength, it was the best economic decision to not assault male slaves as much as female slaves.[7] Slaveholders did not want to injure and therefore prevent their male slaves from performing their tasks to the best of their ability. On the other hand, female slaves were valued for their reproductive capability. This led to masters raping them in order to have them reproduce children. Slave

[4] Kathleen Brown, *Good Wives, Nasty Wenches, Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill, NC: University of North Carolina Press, 1996).

[5] William H. Browne, ed., *Maryland Addresses the Status of Slaves in 1664*, PDF, Baltimore: Maryland Historical Society, 1883).

[6] Harriet Ann Jacobs, "*Incidents in the Life of a Slave Girl*.," Documenting the American South, 2003, accessed May 09, 2018, http://docsouth.unc.edu/fpn/jacobs/jacobs.html.

[7] Kevin Dawson, "Enslaved Swimmers and Divers in the Atlantic World," *The Journal of American History* 92, no. 4 (March, 2006): 1327-1355; Kevin Dawson, *Undercurrents of Power: Aquatic Culture in the African Diaspora* (Philadelphia, PA: University of Pennsylvania Press, 2018).

women were often used as breeders, forced to give birth to children in order to add to their master's wealth. However, once the child was born, the slave woman was denied the right to be their mother. As Jacobs points out in her biography, the children that were created from sexual abuse were often sold to another owner in order to protect the honor and dignity of the master's wife, or she would be forced to face the fact that her husband was engaging in sexual relations with his slaves.[8] Slave women had to endure the physical, mental, and emotional abuse from not only their masters but from their mistresses as well.

Just as slavery affected the womanhood of female slaves, it similarly affected the manhood of male slaves. Lewis Clarke, a former slave, declared that a slave "can't be a man" because he could not protect his wife and daughters from being sexually assaulted by slaveholders and other White men.[9] In Josiah Henson's narrative, he recounts the moment of his mother's rape by an overseer, where her screams for help were so loud that his father heard and ran to save her. His act of defense of his wife earned him "one hundred lashes on the bare back, and to have the right ear nailed to the whipping-post, and then severed from the body."[10] Henson's father was completely changed as a result of the harsh punishment. It was physically damaging to him, but it was also psychologically damaging. The punishment was given in order to show slaves their fate if they ever challenged a White man's authority to a female slave's body, demonstrating the White man's complete control over them and their loved ones. This incident emasculated Henson's father because it meant that he could not protect his wife from harm, possibly leaving him with a feeling of guilt and powerlessness.

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[8] Harriet Ann Jacobs, "*Incidents in the Life of a Slave Girl*."

[9] Thomas A. Foster, "The Sexual Abuse of Black Men under American Slavery," *Journal of the History of Sexuality* 20, no. 3 (September 2011): accessed May 09, 2018, doi:10.2307/j.ctt22nmc8r.12.

[10] Josiah Henson, "*Truth Stranger Than Fiction. Father Henson's Story of His Own Life*," Documenting the American South, 2000, 4, accessed May 09, 2018, http://docsouth.unc.edu/neh/henson58/henson58.html.

Not only did sexual violence perpetrated against female slaves emasculate male slaves, but sexual violence committed against male slaves themselves was emasculating because it meant that they had no control over their own body. Traditionally, men were supposed to be the dominant gender. Men not only had control over their own bodies, but they also had control over the bodies of others, depending on their race. Masculinity meant strength, courage, independence, and assertiveness. For enslaved males who were raped, it stripped away their masculinity because it meant that they no longer had control over their bodies and did not have the strength to assert their power over their rapist. It was especially emasculating for enslaved men if a woman abused them because it signified that they were so weak that they could not even prevent a woman, a person who they would traditionally have power over, from taking advantage of them. The sexual abuse of male slaves took away any agency that they had.

Aside from her own experience, Harriet Jacobs also mentions that White women, specifically the White daughters of the masters, raped their father's slaves. "They know that the women slaves are subject to their father's authority in all things;" writes Jacobs, "and in some cases, they exercise the same authority over the men slaves."[11] The master's daughters would overhear conversations between their parents that discussed their father's sexual relations with his female slaves. These conversations could have sparked the curiosity and sexual fantasies of the daughters, and since their father was having sexual relations with his slaves, they believed that they could do the same. As a way of rebelling against their fathers and patriarchal society, the White daughters engaged in sexual acts with slaves in order to prove their dominance over others.

[11] Harriet Ann Jacobs, "*Incidents in the Life of a Slave Girl*.," 8.

In addition to rebelling against the patriarchal society, White woman sexually abused slaves as a way to maintain their status in the class hierarchy. As upper-class women, the mistresses and daughters of slaveholders needed to obtain a reputation of purity, which meant that they could not engage in sexual acts outside of marriage. By raping and sexually abusing male slaves, White women were able to express their sexual desires, while maintaining their reputation. If they were to have sex with a White man outside of marriage, they would risk becoming pregnant, destroying their image of purity and ruining their chances of upward mobility. However, if they engaged in sexual intercourse with a male slave and became pregnant, the woman could have the baby sold off as a slave to prevent the public from finding out.[12]

Conclusion

Rape and sexual abuse became an important tool for Whites to gain power and control over their slaves. In the early years of America, rape was considered a sexual act for Whites, but for Black men, it was deemed as a violent crime. In order to allow for these acts of sexual violence of slaves to be legal, laws were created by upper-class Whites to ensure that their place within the class hierarchy was not disturbed. The racial aspect of sexual assault was used to ensure that gender hierarchies and the institution of slavery were maintained. Rape became a strategy for White slave owners to reproduce a sustainable workforce and for White women to demonstrate that they had power. Unfortunately, these racist and sexist stereotypes created during the time of slavery has survived well into the twenty-first century where Black men are considered sexual predators and Black women are regarded as sexual objects. However, these stereotypes can be dismantled, but it would take the examination of the past, discussions, and

[12] Martha Hodes, *White Women, Black Men: Illicit Sex in the 19th-Century Sout*h (New Haven: 1997).

willingness of others to address these issues by at first acknowledging the *entire* narrative of slavery. Until then, the legacy of slavery will continue to live on.

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Lazy, Violent, and Inhumane:

A Look Into Some of the Ways in Which Slavery Influenced White Southerners

By
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Introduction

The institution of slavery in America has had a deep and lasting effect on the South. In many ways, slavery was the foundation of Southern life. Without slavery, the South could not have experienced such economic prosperity, and without the racialization of slavery, white Southerners could not have enjoyed the benefits of such economic prosperity. England, along with the other European countries, used race and slavery in conjunction with one another to rationalize and legitimize the degree of exploitation needed to develop colonies in the West. Although some of the earliest documentation of US history demonstrates that, for a time, both white and black people could be considered indentured servants, this system of servitude could not support the expectations of the Mother Countries. Following the example of Portugal,[2] England began enslaving Africans and racializing the age-old institution of slavery. The emergence of chattel slavery in America was perfected to maximize capitalist interests. As opposed to its predecessor, chattel slavery was much more exploitive and inhumane because people became the property of their owners. Europeans drew vivid racial distinctions in various ways in order to place social value upon slaves, and thus black people. By regarding some people as inferior to others, chattel slavery was normalized, and as a result, white Southerners became the inheritors of slavery's profits. White Southerners felt an urgent necessity to use any available

[1] The author, being also an editor, recused himself from the editing process regarding this article. It received no special treatment and was required to conform to all standard requirements.

[2] Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill: University of North Carolina Press, 2000), 13.

method of protecting their profit by controlling slaves from resisting. Ultimately, through centuries of oppression and exploitation, slavery made white Southerners lazy, violent, and inhumane.

Lazy

Without a doubt, the institution of slavery bred laziness amongst white Southerners. From the very beginning of the first effective settlement of in the American colonies, African and African-American slave labor built the foundation of the US colonies. Due to the colonies' total lack of infrastructure, required as signifiers of imperial authority and Western civilization, the land needed to be built from the ground up. For this reason, in colonial America, slaves built the homes and buildings, boats and ships, tools, and everyday necessities of life[3]. In America, unlike other places in the New World, there lacked easily exploitable resources. When it became apparent that were was no gold to be found in the colonies, England and English settlers redirected their focus to producing long-term agricultural crops.[4] As a result, slavery became the method of choice for capitalists gains. For the owners of production, free labor was the ultimate way to achieve maximum profitability.

Not only were slaves responsible for the production of the cash crops that would be the backbone of the Southern economy, they were also forced to build nearly every aspect of the country. Slave traders sought out Africans with specialized skills to complete specialized work. For example, slave traders were aware that slaves from certain geographical regions possessed different exploitable skills and trades. Skilled slave laborers worked, "as artisans, doing carpentry, bricklaying, and other skilled work necessary for building and maintaining plantations

[3] Horton and Horton, *Slavery and the Making of America (*New York: Oxford University Press, 2005), 43.
[4] Ibid., 28.

and towns."[5] Additionally, slaves were also forced to do domestic work, thus deeming *women's work* now *slave work.*

Due to the fact that Southern states had more slaves than the Northern states, slave labor is responsible for much more Southern infrastructure than they are in the North.[6] While it is true that the North had a fairly dense black population in certain areas, such as the coasts and some more major cities, throughout the South, slavery much more commonplace, and therefore, embedded into every inch of society.[7] Due to lower slave populations in the North, white owners often had no choice but to work alongside slaves, though likely not as strenuously. The abundance of free labor led slavery to become the driving economic force within the South. For poor white Southerners, free labor was too difficult to compete with; for wealthy white Southerners, paying for labor was futile if one could get it for free. This sort of mentality consumed the South and as a result, field work and hard physical labor became beneath the white man. In the South, the white man did not have to work, he did not have to pay for labor, and yet he reaped all the benefits of slave labor—naturally, this bred laziness.

Violent

Perhaps the most common consequence of slavery was the normalization of violence in the South. Slavery made Southerners violent in countless ways. When a slave would not comply with orders, a slave was whipped or beaten in some form. If a slave did not work hard enough, fast enough, or long enough, a slave could be beaten. If a slave did not perform sexual favors or if he/she resisted rape and/or coerced sex, a slave could be beaten. [8] If a slave refused to beat

[5] Horton and Horton, 43.
[6] Ibid., 43
[7] Ibid., 42
[8] Harriet Ann Jacobs, *Incidents in the Life of a Slave Girl.* Written by Herself (Boston: Published for the Author, 1861), Chapter V-VI, 44-58.

another slave, they were subject to a beating. Slaves were valued property and slave owners had a vested interest in able black bodies, however, violence was condoned and normalized in order to strike a balance between an able-bodied slave and an obedient slave community. In fact, because the value of slaves was solely fiscal, murder, the most extreme form of violence, was permitted so long as the property was replaced.

It is worth noting that even after slavery was abolished, slavery continued to make Southerners violent. For example, because slave masters had vested interest in keeping their slaves able-bodied for profit, the abolition of slavery eradicated that incentive, leaving no deterrent against violence. For the wealthy white Southerner, the fact that black people were no longer their property led to increased violence. As a result of abolition, poor white folk felt justified in their participation in racialized violence, due to their perceived competition with freed blacks for resources and opportunities to climb the socioeconomic ladder. Therefore, the institution of slavery not only created and maintained a climate of violence in the South, but it is also responsible for escalated and legitimized violence against black communities long after its abolition.

Inhumane

In addition to lazy and violent, the white Southern population was plagued with inhumanity as a consequence of their dependence on slavery, manifesting in a plethora of ways. In Frederick Douglass' *Narrative of a Slave*, Douglass tells of a woman who exemplified the cruel nature of southerners: Mrs. Auld, the mistress of one of Douglass' masters. Having been a working class women herself without a working knowledge of the slave-master relationship, Mrs. Auld was a very kind hearted woman when the two first met. Douglass recalled that she had been unlike any other white person he had encountered; she had an energy about her that made

Douglass feel at ease and comfortable. However, her continued exposure to slavery was accompanied by a growing exposure to brutality and inhumanity. A woman who had once taught her slave the alphabet became the antithesis of kind hearted. "That cheerful eye, under the influence of slavery, soon became red with rage;" Douglass recalled of Mrs. Auld, with a "voice, made all of sweet accord, changed to one of harsh and horrid discord; her angelic face gave way to that of a demon."[9] And while Mrs. Auld's reaction to slavery is a perfect example of how the brutality of slavery turned people cold, heartless, and inhumane, her transition is unique. Most Southerners, growing up with an intimate knowledge of the atrocities of slavery, were not nearly as ignorant as Mrs. Auld. For the white Southerners who benefited off of the institution of slavery, there were everyday mechanisms of control used in order to enforce and maintain their superiority over black people.

Perhaps one of the most inhumane and brutal of these practices was the separation of slave families and communities. Separation and the fear of separation were mechanisms employed by slave owners in order to validate and maintain the commodification of black people. From the time that people were kidnapped and stolen from their homelands in Africa, to the moment African-American babies were born enslaved, the white man had torn apart their families. As was the case with Venture Smith. Despite marrying his wife Meg and fathering a child, about a month and half after the child's birth, Venture was sold to a new slave owner.[10] Frederick Douglass also experienced separation from his family, which Douglass described as commonplace. He wrote, "frequently, before the child has reached its twelfth month, it's mother is taken from it, and hired out on some farm a considerable distance off, and the child is placed

[9] Frederick Douglass, *Narrative of the Life of Frederick Douglass, an American Slave (*Boston: Published at the Anti-Slavery Office, 1845), 28.

[10] Venture Smith, *A Narrative of the Life and Adventures of Venture, a Native of Africa: But Resident Above Sixty Years in the United States of America* (New London: 1798), 18.

under the care of an old woman, too old for field labor."[11] Douglass cannot imagine any purpose for this other than to destroy the family bond between mother and child. Even being separated from one's slave community was akin to being separated from one's family. In many ways, collective familial connection within the slave community was central to the African-American identity. As Michael Gomez describes in *Exchanging Our Country Marks*, "deep bonds of affection transcended ethnic ties, forming one foundation for the eventual movement to race, a path chosen by rather than for Africans."[12] For the slave communities of early America, separation was one of the utmost severe forms of control utilized by slave masters. The use of separation and the threat of separation as a tool of oppression exemplified the degree to which Southerners devalued and dehumanized black people. These practices equated slaves with farm animals, who could just as easily be sold off.

While separation from one's family and community were imminent threats, this was only one kind of separation employed by Southerners. Another form of separation was through the separation of African people from their culture. In another inhumane effort to control slaves, slave masters separated slaves from cultural practices such as their language, names, dietary habits, ritual and religious ceremonies, just to name a few. Separation from such practices were viewed as an "important symbol of a masters power to deprive captives of their former identities, an indication of the totality of the master's authority."[13] White Southerners used and abused slaves so severely that it becomes clear that the animalistic and inhumane people of this era were not the enslaved, but the white people who enforced, maintained, protected, and benefited off of the dehumanizing and savage institution of chattel slavery.

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[11] Venture Smith, *Native of Africa* (New London: 1798), 2.

[12] Michael Gomez, *Exchanging Our Country Marks: The Transformation of the African Identities in the Colonial and Antebellum South* (Chapel Hill: University of North Carolina Press, 1998), 14.

[13] Horton and Horton, 20.

Conclusion

Slavery influenced white southerners in a slew of atrocious ways. The white man used slavery and practices of slavery in order to control a whole population of people needed to maximize capitalist gains. Without slavery, the white elitists and the thriving economy of the US would not and could not have been as successful as it grew to be today. Slavery and the unrelentless effort needed to maintain the institution of slavery drove Southerners to become lazy, violent, and inhumane. For centuries, the white man benefited off of enslavement, and as a result, the severity to which laziness, violence, and inhumanity have influenced white people has been deeply embedded in American history, long after abolition. With minimal searching, one can find countless examples of everyday life here in 2019 that clearly indicate that the influences of slavery are still very much felt today.

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Khānbaliq, The City of Assimilation

Hard and Soft Space

in the Yüan Cooptation of China

By
T.R. Salsman

At the beginning of the thirteenth century, Chinngis[1] Khān transformed the Mongols from a minor nomadic people into a world-conquering empire; but in the second half of the century, another transformation was due. In 1260, the Mongol Empire was rocked by a civil war between the Chinese Yüan khān, Qubilai, and the steppe traditionalist, Ariq Böke,[2] as well as an unprecedented military defeat at ʿAyn Jalut.[3] The era of unified Mongol expansion was ending, with the Yüan defeats in Japan in 1274 and 1281 marking the last nails in the coffin.[4] It was time for the Mongols to settle down and consolidate power. For Qubilai Khān and his Yüan dynasty, that meant establishing a new form of legitimacy suited both to the pastoralist norms of Mongols and their assimilated steppe allies, as well as to the agrarian and urban sensibilities of their new Chinese subjects. While Mongol rule in China required substantial borrowing from Chinese tradition, the Mongols both preserved their own customs and used Chinese borrowings as a method to assimilate the Chinese to Mongol culture. Nowhere is this more clear than in the field of spatial culture, where pastoralist and sedentary cultures came into direct conflict.

Mongol Adaptation and the Chinese City

Long before the Mongols invaded China, the Chinese had been building and, more importantly, planning cities. The Chinese had been codifying the ideal proportions, organization,

[1] I will be transliterating all Mongol names as accurately as possible. Genghis will be written as Chinggis, Kubla as Qubilai.

[2] George Lane, *A Short History of the Mongols*, (New York, NY: I.B. Tauris, 2018) 160.

[3] David Morgan, *The Mongols: Second Edition*, (Malden, MA: Blackwell Publishing, 2007) 138.

[4] George Lane, *Daily Life in the Mongol Empire*, (Westport, CT: Greenwood Press, 2006) 10.

and functions of cities well before first century BCE,[5] steadily distilling several strands of Chinese philosophy into a coherent ideal.[6] The ideal was first successfully embodied in the Tang capital of Chang'an. As Liu Xujie writes in *Chinese Architecture*:

> Chang'an was surrounded by a rectangular wall… 9.7 kilometers east to west and 8.6 kilometers north to south… Inside in the north center of Chang'an were two more walled enclosures north and south of each other… In all, nine major streets cut across the city north to south and twelve transversed it east to west. These twenty-one streets defined the walled boundaries of the 110 wards.[7]

The ideal of the Chinese city was a roughly square plan, surrounded by a large earthen wall, divided into a regular grid by straight, orthogonal streets, and focused on the northern central area as the locus of power. This design, with its long history and deep ties to Chinese culture, was a cornerstone of Chinese legitimacy. It was absolutely crucial for the Mongols to co opt the Chang'an model if the Yüan dynasty was to be accepted as a legitimate Chinese dynasty.

The Mongols, being pragmatic adopters of foreign customs even in the time of Chinggis Khān, were quick to do just that. Returning to the site of the former Jin northern capital of Zhongdu, conquered in 1215 by Chinggis Khān, Qubilai Khān established his own northern capital of Khānbaliq, also known by the Chinese name Daidu.[8] For the most part, Khānbaliq was a typical Chinese capital. Its walls were rectilinear, with three gates in each wall except the North wall, which had two. The streets were straight and connected the gates to each other across the city, dividing it into wards. Inside the main wall, a further walled complex housed the Yüan court and the palace.[9] All of these characteristics were quintessentially Chinese, and would have resonated with the Chinese audience as a symbol of authority and legitimate Chinese rule.

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[5] Paul Wheatley, "The ancient Chinese city as a cosmological symbol," *Ekistics* 29 (1975): 147.

[6] Arthur F. Wright, "The cosmology of the Chinese city," in *The city in late Imperial China*, ed. G. William Skinner, (Taipei: SMC Publishing Inc., 1977) 32-73.

[7] Nancy S. Steinhardt, ed. *Chinese Architecture*, (New Haven, CT: Yale University Press, 2002) 92.

[8] Lane, *Daily Life in the Mongol Empire*, 62.

[9] Steinhardt, *Chinese Architecture*, 204-5.

In some ways, Qubilai Khān even outdid his Chinese predecessors. George Lane remarks in *A Short History of the Mongols* that the "imperial city was criss-crossed by canals, bridges, lakes, and gardens, all features found in traditional grand Chinese residences".[10] However, Lane understates the significance of Khānbaliq's waterworks. Marco Polo, recounting his famous travels to Yüan China, describes one of the "gardens" of Khānbaliq thus:

> This mound is covered with a dense growth of trees, all evergreens that never shed their leaves. And I assure you that whenever the Great Khan hears tell of a particularly fine tree he has it pulled up… and transported to this mound by elephants. No matter how big the tree may be, he is not deterred from transplanting it. In this way he has assembled here the finest trees in the world. In addition, he has had the mound covered with lapis lazuli, which is intensely green, so that trees and rock alike are as green as green can be and there is no other colour to be seen.[11]

Undoubtedly, Marco Polo's account exaggerates the extent, maintenance, and splendor of Khānbaliq's gardens. After all, his account is a highly sensationalized work meant for entertainment, self-aggrandizement, and popular appeal. However, Andrew of Perugia, a Catholic Missionary, seems to concur. He writes that any description of Khānbaliq would "seem unbelievable to my hearers".[12] Clearly, the gardens and waterworks were a sight to be seen. In fact, even the Chinese would have perceived them as novel, due to the advanced infrastructural technology required, such as sluice gates.[13] More importantly, they show an extreme degree of settlement. The Mongols would have immediately understood the value of investing in defensive infrastructure like walls and gates, which had vexed them during their conquests, but large-scale infrastructural investment in spaces that were wholly aesthetic demonstrates a much deeper appreciation for sedentary ways of thinking about and inhabiting space.

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[10] Lane, *A Short History of the Mongols*, 151.
[11] Ronald Latham, trans. *The Travels of Marco Polo*, (New York, Ny: Penguin Books, 1958) 127.
[12] Christopher Dawson, ed., *Mission to Asia*, (Toronto: University of Toronto Press, 1980) 235.
[13] Steinhardt, *Chinese Architecture*, 205.

In the second half of the 13th century, the Yüan had begun acting as rulers, rather than conquerors, and as such they needed to be accepted by their Chinese subjects as a legitimate Chinese dynasty. Given China's long tradition of spatial power and urban planning, it was vital for the Mongols to co opt that tradition in order to legitimate their rule. The Yüan succeeded, becoming much more sedentary, constructing walls and roads according to Chinese custom and the ideals embodied by the Tang capital of Chang'an, and even developing a sedentary sense of spatial aesthetics that required them to invest in advanced infrastructure.

The Ordu *Ger* City and Mongol Heritage

The Yüan had become thoroughly sedentary and Sinified to appease their Chinese subjects, but it was a dangerous game to play. In 1260, Qubilai's reign had almost been ended before it began when Mongol traditionalists claimed that the Yüan had lost sight of their heritage and were no longer fit to lead the Mongol Empire.[14] Even when Sinification did not incite civil war, the Mongols were still accustomed to a certain way of life, and complete Sinification was likely neither possible nor desired. As a result, Khānbaliq bore a distinctly Mongolian character in spite of its obvious Chinese influences.

In some instances, the Khānbaliq's permanent structures directly rejected Chinese norms in favor of Mongolian practices. The most obvious case of this is the placement of the palace complex. Recall that, "[i]nside in the north center of Chang'an were two more walled enclosures north and south of each other."[15] In contrast, however, Khānbaliq was designed with the palace near the centre of the city, which may have been influenced by "the placement of tents in a typical Mongol military camp, with the leader at the center."[16] This analysis is further supported

[14] Lane, *A Short History of the Mongols,* 160.
[15] Steinhardt, *Chinese Architecture,* 92.
[16] Lillian M Li, Alison J. Dray-Novey, and Halil Kong, *Beijing: From Imperial Capital to Olympic City,* (New York: Palgrave-Macmillan, 2005) 16.

by the accounts of explorers Marco Polo and Guillaume de Rubrouck. In Marco Polo's account of his travels, he recounts that when sitting at a banquet Qubilai Khān, "sits at a much higher table than the rest at the northern end of the hall, so that he faces south. His principal wife sits next to him on the left."[17] This is strikingly similar to de Rubrouck's observation of Mongol camps. He writes that, "[w]hen they have pitched their houses with the door facing south, they arrange the master's couch at the northern end. The women's place is always on the east side, that is, on the left of the master of the house when he is sitting on his couch."[18] The entire structure of the city was organized in a way that would have been intuitive to the Mongols. The centre of the camp was the centre of the city. The palace complex was the Khān's ger, oriented southward with the women to the left or East.[19] In fact, the analogy may have been overtly flaunted by the Yüan Khāns. Marco Polo remarks that the palace walls were whitewashed,[20] which may have been a visual pun on the white felt with which Mongols covered their gers.[21] The whole city was a coded representation of the Mongol *ordu,* and the palace was similarly representative of the Khān's ger.

However, beyond the organization of the city plan, the Mongol element would have been visible in more tangible ways. Marco Polo describes that, "[t]he grass grows here in abundance... no rain-water collects in puddles, but the moisture trickles over the lawns, enriching the soil and promoting a lush growth of herbage. In these parks there is a great variety of game."[22] Essentially, Qubilai Khān imported and built a steppe in the middle of a Chinese city,

[17] Latham, *The Travels of Marco Polo,* 135.
[18] Dawson, *Mission to Asia*, 95.
[19] It exceeds the scope of this paper, but the same pattern holds true for the Il-Khānid capital at Takht-e Solaymān.
[20] Latham, *The Travels of Marco Polo,* 124.
[21] Dawson, *Mission to Asia*, 94.
[22] Latham, *The Travels of Marco Polo,* 126.

transforming the land itself into a familiar form. And that is not all that would have struck a Mongol as viscerally familiar. Lane explains that the Mongols would even pitch their gers within the city walls and Qubilai Khān's, "sons lived close by their father in their own gers adjacent to the palace, and when one of his wives became pregnant he ensured that the last stages of childbirth were experienced in the traditional felt-covered dwelling."[23] Between the steppe-like fields of grass and the traditional gers, Khānbaliq would have been surprisingly legible to Mongol visitors and inhabitants, and might even have been refreshingly familiar after travelling through China to get there.

The Yüan had to strike a delicate balance between adapting to Chinese rulership and abandoning their own culture. If they acted too Mongolian, the Chinese would never accept their legitimacy. If they became too Chinese, they would invite civil war and insurrection. The result was a mixture of spatial cultures, where Chinese hard architecture and Mongolian soft architecture stood side-by-side, and the rigid norms of Chinese urban planning could become a coded version of the Mongol *ordu*. Moreover, from this seeming compromise, it becomes clear that the Mongols were not merely assimilating to Chinese space, but were instead transforming it, while borrowing whatsoever they found convenient in the Chinese tradition.

Impermanence and the Nomadic City

The layered meanings that went into Khānbaliq's planning showed that Mongolian and Chinese spatial practices could coexist; however, the relationship between the two cultures is best seen in terms of how the city was used. The Mongols may have built Khānbaliq, but they were not content to remain there. As David Morgan notes in *The Mongols*, Khānbaliq shared its status as capital with the city of Shang-tu, better known in the West as Xanadu.[24] The Mongols

[23] Lane, *A Short History of the Mongols,* 151.
[24] Morgan, *The Mongols: Second Edition*, 108.

had traditionally travelled north in the summer and south in the winter, providing fresh pasture land for their flocks and avoiding the worst of the northern weather. When they settled down, that tradition remained. The Yüan court was not stationary, but instead moved back and forth seasonally between the summer capital in Shang-tu and the winter capital in Khānbaliq. Interestingly, this custom would not have seemed foreign to the Chinese. Khānbaliq was not the only capital ever to be built on that site. Before the Mongols invaded, the Jin had their capital of Zhongdu in the same location, and just like Khānbaliq, Zhongdu was not the exclusive capital. In fact, the Jin had five capital cities, several of them built on the sites of capitals in simultaneous use during the Liao dynasty.[25] Here Mongolian and Chinese tradition needed no intermediary. The movement of the emperor and the movement of the khān were parallel traditions, and the principle difference lay in how each culture assigned historical meaning to the movement.

On the other hand, the Yüan emperors did not limit themselves to seminomadic urbanism. Marco Polo describes in an account of Qubilai Khān's travels, "[w]hen he has travelled so far that he arrives at a place called Cachar Modun, then he finds his pavilions ready pitched there...the tent in which he holds his court is big enough to accommodate fully a thousand knights."[26] Qubilai Khān had established locations where he could travel to a pre-assembled court of lavish soft architecture. It was a long way off from the simple felt gers of his ancestors, with Polo saying of them, "[s]o precious indeed and so costly are these three tents that no petty king could afford them,"[27] yet the nomadic core of the tradition remained. The Mongols maintained a culture of soft architecture and spatial impermanence by refusing to rely on cities as their only centres of power. In time, the Yüan dynasty itself proved impermanent, and when the

[25] Steinhardt, *Chinese Architecture*, 145.
[26] Latham, *The Travels of Marco Polo*, 145.
[27] Ibid.

Ming dynasty took over Khānbaliq in 1398, they quickly disassembled the old Yüan buildings to make way for their new capital of Beiping.[28] In the end, the great walled city that had stood as the height of Mongol hard architecture was disassembled as if it had been nothing more than a lavish pavillion in the Chinese countryside. Khānbaliq's hard architecture did not eliminate soft space, and its destruction calls into question whether a hard versus soft distinction is appropriate at all.

Assimilation to the Culture of Cooptation

Crucially, Khānbaliq cannot be understood merely as a compromise between Chinese and Mongol customs. The Mongols built an empire that spanned most of Eurasia, and even indirectly impacted Africa through trade, war, and diplomacy with the Mamlūk Sultanate. They adopted heavily from every culture they encountered, but they also introduced separate cultures to each other. Looking with a more nuanced eye, we can see that cultural borrowing is not Mongol culture succumbing to foreign influence, but rather a form of cooptation, which was a core value of Mongol culture that resoundingly demonstrates its power.

Cuisine is, perhaps, the clearest example of this. We can see evidence of a merging of tastes that questions the idea that the Mongols were assimilated. For instance, a Yüan cookbook called the Yin-Shan Cheng-Yao includes recipes with distinctly Middle-eastern ingredients. Historian Thomas Allsen lists elements including wheat products, chickpeas, and eggplant, among others.[29] The introduction of these foreign ingredients shows that the Mongols were not merely bowing to Chinese culture, they were taking elements from a variety of cultures and applying them to each other. That is to say, the Mongols did not assimilate to Chinese or Persian

[28] Steinhardt, *Chinese Architecture*, 207.

[29] Thomas T. Allsen, "Cuisine," in *Culture and Conquest in Mongol Eurasia*, (Cambridge: Cambridge University Press, 2001) 131.

culture, but rather coopted Chinese and Persian practices in order to assimilate subject peoples to Mongol culture.

Even more telling, the Mongols had their own culinary traditions that survived in spite of newfound food and foodways. One earlier account by Guillaume de Rubrouck recalls that the Mongols, "eat all dead animals indiscriminately"[30] and that they made such efficient use of an animal that "they feed fifty or a hundred men with the flesh of a single sheep."[31] These are practical measures for people living in the harsh environment of the Eurasian steppe. To the early Mongols, wasting edible meat would have potentially meant death. However, even when the Mongols left the steppe and found themselves with abundant food, their tendency to eat all of the parts of animals persisted. For example, the Chinese encyclopedia *Chü-Chia Pi-Yung Shih Lei* (*CCPYSL*) includes a recipe for *qavurma*, a stew made with, among other things, a sheep's head.[32] When food is plentiful, it seems as though people would prefer to avoid eating sheep's head, but eating "all dead animals indiscriminately" had transcended mere necessity and become a cultural tradition strong enough to survive exposure to other cultures. In fact, historian Paul Buell points out that the *CCPYSL* was "for popular Chinese rather than elite consumption."[33] Not only did steppe food survive, it actually found its way into Chinese cuisine. Chinese culture fundamentally transformed, becoming assimilated to Mongol culture.

By looking at cultural borrowings not as assimilation to Chinese culture, but as an expression of the Mongolian tradition of borrowing, it becomes clear that the Mongols actually maintained their own tradition and converted much of their world to Mongol culture. We can

[30] Dawson, *Mission to Asia*, 97.
[31] Dawson, *Mission to Asia*, 97.
[32] Paul D. Buell, "Mongol Empire and Turkicization: The Evidence of Food and Foodways," in *The Mongol Empire and its Legacy*, (Leiden: Brill. 1998), 214.
[33] Ibid.

then apply that paradigm to space. Where we, or even Ariq Böke, might look at hard architectural spaces as un-Mongolian, or see them as proof of assimilation, the fact that Chinese space functions as part of Yüan culture, rather than in opposition to it demonstrates the successful conversion of the Chinese to Yüan culture, which is to say Mongol culture.

Conclusion

Like the Yüan Khāns who produced it, Khānbaliq was caught between the conflicting forces of two distinctive and violently opposed cultures. Straying too far in either direction would have spelled turmoil, if not outright collapse. In order to project Chinese spatial and historical legitimacy, the Yüan carefully adhered to Chinese urban planning norms, building multiple layers of walls, straight, uniform roads, and even gardens and waterworks. On the other hand, Chinese values and aesthetics were mediated by Mongolian pastoralist codes and practices. First, the city was oriented around the true centre, like a Mongol *ordu*, rather than the centre-north like a Chinese city. Second, the palace was painted white and oriented southward with women being seated to the Khān's left in the main hall, all in homage to a traditional ger. Finally, the Yüan even imported real gers and steppe-like grasses to recreate their traditional homes in a foreign land. On the other hand, the habitation of the city was distinctly transient, a tradition familiar to both the Mongols and the Chinese. In the midst of conflict, there were surprising opportunities for harmony. Finally, the establishment of permanent campsites and the ultimate impermanence of Khānbaliq interrogates the significance of the distinction between soft architectural Mongolian space and hard architectural Chinese space. However, such borrowing and compromise were actually core Mongolian values. They were indicative of the fact that the Mongols were never assimilated, but rather coopted Chinese elements and then assimilated the Chinese to Mongol culture. In order to understand Khānbaliq, we must view it through the lens

of culture and space, the power struggles that gave them meaning in Yüan China, and the politics of cooptation that was needed to balance conflicting interests and legitimize the Yüan dynasty.

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Reflections of the Public: Gender and Attitude Differences toward Infanticide and Murder

By
Meghan Topolski

Introduction

Infanticide is the intentional killing of an infant, typically unwanted children, also known as bastard children. Murder is the intentional killing of another adult and has been illegal for as long as anyone can remember. Both are heinous crimes, but people still continued to carry out these actions and pay the price for them. Evidently, not everyone accused of either of these crimes was found guilty, but early modern English society, specifically between 1730 and 1780, made it known that these crimes were frowned upon and these opinions increased in magnitude as time went on. This is evident when examining how the laws for both crimes changed over time, as well as the firsthand accounts of those who witnessed these trials as they happened, and their results via newspaper articles and *Ordinary's Accounts*, which were descriptions of criminals and their crimes.

There are a few questions that I answer in this paper. First, what is the legal history for these crimes? Not much research needs to be done to find this out, but without establishing it, it is difficult to answer and develop further questions about infanticide, murder, and the relationship they have in the world of English crime and society. I accomplished this by reading through numerous editions of *The Statutes at Large.* Next, I answer what were the differences between the trials and punishments of these crimes based on the defendant's gender between 1730 and 1780 and why did they exist? To answer this briefly, infanticide was considered a woman's crime, while men were convicted for murder more often than women between 1730 and 1780. Statistics from *The Old Bailey Online* does not provide an answer as to why this happens, but *Ordinary's Accounts* and some researchers' work on these subjects do provide

some insight for the question of why the differences happen. The final questions I answer are: how did the public feel about these crimes and what was the public's influence over potential punishments between 1730 and 1780? Newspapers and *Ordinary's Accounts* reveal attitudes towards those who committed the crime. In a general analysis, the public looked down upon those who committed acts of murder and infanticide. The public felt strong amounts of negativity towards these crimes and had a lot of influence over potential punishments given to those found guilty. According to *Ordinary's Accounts* and newspaper articles published between 1730 and 1780, it is clear that the public was highly invested in the investigations to bring people to trial for their crimes. As such, the public influenced the punishment of the accused. Simply stated, gender differences and public attitudes influenced verdicts and sentence outcomes in England between 1730 and 1780. Looking at how these crimes were dealt with, both by the legal system in place in Early Modern England and the population's influence over verdicts and sentencing, is crucial to understanding how and why the laws were applied for each crime in this period.

Sources and Methodology

As mentioned above, the primary sources used inform my thesis on public attitudes towards infanticide and murder. *The Old Bailey Online* is filled with numerous *Ordinary's Accounts*, which list people meant to be executed with a summary of their crime for which they were charged. These were socially didactic, meant to provide lessons to the public on why they should not commit a set of certain crimes. There are usually multiple people on one *Ordinary's Account* and all of them committed different crimes, however, it was common for the same crime to appear multiple times on one account or multiple people to be punished for the same crime. My other type of primary source is newspaper articles. Newspapers reveal a more direct viewpoint on how the public felt about these crimes. The articles were also didactic, but usually

either omitted the defendant's or victim's name to avoid libel issues. This was also done to protect the defendant and victim while also informing the public of what had happened; however, people usually knew what was going on regardless of the omission of the defendant or the victim's name. Finally, I utilized multiple volumes of the *Statutes at Large* to construct the legal history of each crime. These volumes are strictly used for the purpose stated above, due to their inability to thoroughly reflect gender differences for convictions and punishments, or to reflect public sentiments about these crimes. The *Statutes at Large* only demonstrate what the government thought should be illegal – it does not include the public, nor does it consistently voice what the public desires.

Secondary sources add to the historical background of each crime, but not necessarily from a legal standpoint. They provide context for gender differences between the two crimes and analysis on the public attitudes towards these crimes. Surprisingly, I was able to find more on women charged with murder and infanticide, than I was able to find on men who murdered. I believe that this has to do with the fact that women are not discussed as much as men throughout history, as well as the fact that if the crime involved a man, the sources do not explicitly state his gender in the article or monograph. In general, the sources simply state that their crime is related to murder. Due to this minor struggle with finding secondary sources not specifically focused on women and murder, I decided to look at the gender differences in trials and punishments because it significantly supplements understandings of public attitudes and gender differences for these crimes.

The Legal History of Infanticide

There are only two major laws to discuss when examining infanticide in Early Modern England. The first major law was the 1624 statute, which determined a mother's guilt of the

crime of infanticide by two factors; her unmarried status and whether the infant's death was hidden.[1] This 1624 statute remained the primary law and only law to prevent the murdering of infants for centuries. In Marisha Caswell's analysis of the statute, she notes this statute only applied to unmarried women; married women could not be convicted.[2] The intent was to prevent sex out of wedlock, in addition to preventing the birth of bastard children and their potential murders if their parents truly did not want them. Despite this law being directed at unmarried women, some were able to escape charge or punishments if they were able to prove they were expecting the baby, pleading the belly (claiming pregnancy at the time of execution) or pretending to be married. This statute was repealed in 1803 which made proof of the murder of the child a requirement for conviction.[3]

However in 1662, a statute was passed that made abandoning children equivalent to infanticide, but punishments were less harsh than death, due to the baby's survival.[4] While this did not affect the 1624 statute's power and purpose, (since it was a separate law), it added to the prevention of ridding oneself of an unwanted child. Additionally, Anne Marie Kilday discusses the laws passed to prevent infanticide as being a reflection of the social environment and societal standards of that time.[5] Considering the targeted group of the infanticide laws, especially the 1624 statute, the laws were a reflection of society's standards. However, these standards persisted for almost 180 years, meaning that little changed in what was expected of women,

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[1] Danby Pickering, "Statutes at Large," Vol. 7, 298, Hathitrust Digital Library, accessed October 27, 2018, https://catalog.hathitrust.org/Record/002029730/Home.

[2] Marisha Caswell, "Mothers, Wives, and Killers: Marital Status and Homicide in London, 1674-1790," In *Female Transgression in Early Modern Britain: Literary and Historical Explorations* (Surrey: Ashgate Publishing Limited, 2014), 112.

[3] Historical Background," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed October 27, 2018. https://www.oldbaileyonline.org/.

[4] Danby Pickering, "Statutes at Large," Vol. 8, 101, Hathitrust Digital Library, accessed October 27, 2018, https://catalog.hathitrust.org/Record/002029730/Home.

[5] Anne-Marie Kilday, *A History of Infanticide in Britain, C. 1600 to the Present* (London: Palgrave Macmillan Limited, 2013), 21-22.

especially young, unmarried women. Kilday also establishes that infanticide has an "archetype". The contents of Kilday's "archetype" include the "unmarried mothers" clause that she seems to depict as a coincidence and the rarity of men being brought to trial.[6]

Upon further inspection of the 1624 statute, it specifically stated that the only people who could be charged were unmarried mothers. The inclusion of these factors into the "archetype" as a coincidence is not entirely true as unmarried mothers are clearly defined in the statute, but still a valid component to highlight. The further details on unmarried mothers of Kilday's "archetype" are what is truly interesting as they are true coincidences, not defined in any of the laws in the legal history of infanticide. These details include the fact that the majority of unmarried women charged were employed in domestic services and that evidence was typically weak and uncorroborated.[7] The latter part explains why there were few guilty convictions between 1730 and 1780 and the fact that women convicted of infanticide tended to be in domestic service work is an interesting reflection of society's opinions of these women. Clearly, unmarried women in domestic service work were a target of the public when infanticide cases occurred. This was because their masters were already married and the blame for the bastard child's existence was put on women who met this definition as unmarried women who also caused an affair.

The Legal History of Murder

The history of murder has more laws to cover than infanticide to get the full picture. In 1604, a statute was passed that made it impossible for people to claim the benefit of clergy for murder or manslaughter.[8] Claiming of the benefit of clergy meant the accused had to prove they

[6] Kilday, *A History of Infanticide in Britain, C. 1600 to the Present,* 24.
[7] Kilday, *A History of Infanticide in Britain, C. 1600 to the Present,* 24-25.
[8] Pickering, "Statutes at Large," Vol. 6, 84-85.

worked for the clergy of the church at the time. Clergy members could not be charged for a crime and people proved they were part of the clergy by reading the Bible to someone. In 1627, the crime of murder was put under the jurisdiction of martial law, which meant that the royal army had the ability to charge and punish criminals.[9] Many years later in 1705, a statute was passed that allowed those accused of murder a trial by jury, but without the ability to appeal decisions or sentences the jury decided on.[10] In 1707, a law was passed that enabled Scottish people to be charged with murder in Great Britain.[11] After this statute's passage for murder, the laws remained unchanged until 1752 with the passage of the Murder Act established much harsher punishments for murder than simply hanging a convicted murderer, such as dissection by surgeons or hanging in chains.[12]

There are many more laws against murder than against infanticide, which reflects how common murder was and how seriously it was taken as a crime. The brutality of the crime punishments worsened with some laws, and the expansion of jurisdiction added to this brutality as it increased the potential for murder trials to occur. There were some tendencies in the characteristics that classified who would typically commit murder. The typical murderer was a mistreated domestic worker, a prostitute or someone of relatively low status or low-status work.[13] Since women tended to fill these roles, murder could have been a way to escape abusive husbands or masters. Murder was also a way that men, in particular, attempted to assert

[9] Pickering, Vol. 7, 319.

[10] Pickering, Vol. 11, 157.

[11] Pickering, Vol. 11, 380.

[12] "Historical Background," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed October 27, 2018, https://www.oldbaileyonline.org/.

[13] Kate Clark, *Bad Companions: Six London Murderesses Who Shocked the World,* (Stroud: The History Press, 2013), 6, ProQuest Ebook Central.

dominance and increase others' opinions of their masculinity.[14] All of these theories regarding who the typical murderer was, and the reasons behind the commission of the crime, reflect society's standards as well.

Gender Differences between Trials and Punishments

There appear to be differences between the trials and punishments based on the defendant's gender. To explore this, The Old Bailey Online has statistics that provide some basic insight into what the differences are. All of the statistics look at either the total trials or total guilty trials by gender and what the punishments were for each crime. The first table looks at the total number of trials that occurred between 1730 and 1780 for both murder and infanticide. The second table looks at the total number of guilty convictions there were between 1730 and 1780. The final table in this section looks solely at the punishments sentenced for murder given that infanticide convictions had the same punishment.

Table 1.1: Total Trials that Occurred Between 1730 and 1780[15]

	Infanticide	Murder
Men	4	515
Women	71	69
Total	75	584

Table 1.2: Total Trials with Guilty Convictions between 1730 and 1780[16]

	Infanticide	Murder
Men	0	283

[14] Susan Dwyer Amussen, "The Part of a Christian Man': The Early Cultural Politics of Manhood in Early Modern England," in *Political Culture and Cultural Politics in Early Modern England*, by David Underdown, ed. Susan D. Amussen and Mark A. Kishlansky, (Manchester: Manchester University Press, 1995), 217.

[15] "Statistics," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed October 27, 2018, https://www.oldbaileyonline.org/.

[16] "Statistics," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed November 17, 2018, https://www.oldbaileyonline.org/.

Women	15	28
Total	15	311

When looking at the statistics provided by the Old Bailey Online, we can see numerical differences for men and women for trials, convictions, and punishments. Based solely off the trials and convictions, it is evident that infanticide was considered a "woman's crime" and murder a "man's crime." Infanticide also appears to be significantly less common than murder, which means that attempts to prevent it, via legal means or punishments that were sentenced, were quite effective in comparison to murder. No one wanted to be known as a child murderer, more importantly, no one wanted to be executed for that particular crime. Murder also has a similar anomaly, with only 53 percent of the murder trials having guilty verdicts. A little over 50 percent is quite low considering how common murder accusations were compared to infanticide accusations. Aside from pleading the belly for women and claiming the benefit of clergy for all, there are not many explanations that explain the acquittal rates.

Since there are a variety of punishments, the statistics will be looked at separately. For all of those found guilty of infanticide, they were sentenced to death, with hanging as the typical method. Looking briefly through the trial accounts of all 15 cases, it is not specified how they died.[17] More brutal forms of punishment, such as burning or drawing and quartering, were reserved for crimes seen as less frequent and considered more heinous, such as petty treason in which a subordinate person, (by society's standards), murdered someone of a superior position. An example of this crime would be a wife who had murdered her husband. The punishments for murder are quite complicated to discern since there are numerous cases.

[17] "Statistics," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed November 17, 2018, https://www.oldbaileyonline.org/.

1.3 Murder Punishments between 1730 and 1780[18]

Multiple Punishments	29 men
Corporal Whipping	1 man
imprisonment	1 man
transportation	1 man
No punishment/respites	6 (5 men, 1 woman)
Death (Hanging)	144 (130 men, 14 women)
Hanging in Chains	5 men
Death and dissection	51 (46 men, 5 women)
Unknown sentence	133 men and women

In comparison to the variation of punishment for murder, infanticide seemed to have the most consistent punishment, even if the exact details of death are unknown. It also shows that juries took murder trials under more consideration than infanticide trials, especially with the sentencing of punishments. This is likely due to the fact that murder was more common than infanticide, and that murder investigations were more thorough, compared to that of infanticide. The commonality, in comparison to infanticide, might have also contributed to a sense of urgency to prevent more murders and murder trials in the future. The main similarities between the two crimes include the likelihood of being punished by death, public hanging being the most common form of execution. Death was the ultimate punishment because it was considered the most effective method of deterring future cases. Hanging was typically a public occasion. This was done to force the public to see what would happen to them if they attempted to partake in the crimes; they would face the same public humiliation. Given all of this, the low number of infanticide trials implies that the punishments and lessons taught were effective. It may also be implied that murder was prevented as a result of these punishments, not to the same degree, but

[18] Statistics," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed November 17, 2018, https://www.oldbaileyonline.org/.

considering that it is a common crime that has been around for a prolonged amount of time, the numbers are quite low for guilty conviction trials.

Due to the complexity of discussing gender differences and the reason behind their existence, the gender difference for each crime will be discussed separately. According to Marisha Caswell, women who were married were acquitted 100 percent of the time simply because of this status. This is due to the language of the primary law for infanticide, the 1624 statute stating that women can only be convicted if they were single. Since the statute targeted unmarried women who had bastard children, many tried to prove they were married to avoid being convicted.[19] This explains a part of the statistics that is astonishing. There were 75 cases and only 15 guilty verdicts. Since married women could not be convicted and were subsequently acquitted, the number of guilty verdicts is comparatively low to the number of trials. This questions the effectiveness of the attempts by the government and media in preventing infanticide.

Compared to murder, the laws and media were still effective in preventing infanticide due to the much lower frequency and the number of cases that occurred as mentioned in the statistics earlier. Caswell also argues that the prosecution was the key over convictions for infanticide because they were trying to "[shame and]... discipline the sexually illicit woman to expose her sin" as well as allowing juries "... to rely on the trials to reveal the sexual transgressions these women had attempted to hide."[20] The weight of the trial over the conviction analysis that Caswell provides further explains why there were few cases of infanticide over the course of 50

[19] Marisha Caswell, "Mothers, Wives, and Killers: Marital Status and Homicide in London, 1674-1790," In *Female Transgression in Early Modern Britain: Literary and Historical Explorations* (Surrey: Ashgate Publishing Limited, 2014), 112.

[20] Marisha Caswell, "Mothers, Wives, and Killers: Marital Status and Homicide in London, 1674-1790," In *Female Transgression in Early Modern Britain: Literary and Historical Explorations* (Surrey: Ashgate Publishing Limited, 2014), 116.

years. The trial brought more instances of shame and humiliation than guilty verdicts and death sentences. Therefore, the trials on infanticide were more about punishing by humiliation than fulfilling the conviction. As such, this was a far more preventative measure for this crime than the basic punishment of death.

Now for women and murder, Kirsten Saxton argued that women who committed murder tended to be more notable simply because of society's expectation that women were more gentle than men, causing murderesses to stand out more than their male counterpart.[21] Saxton also argues that murderesses defy the typical concepts of femininity of the time period, and those women considered the act of murder as a key to their sexual and subjective identity.[22] Murder was a way for women to challenge domesticity, especially in abusive situations, and build on early feminism.[23]

Nonetheless, what Saxton says about defying typical expectations of domesticity is important and often explained why women murdered. To interpret Saxton's statements about this idea she presents, women murdered for some semblance of freedom and power, even if it meant giving up their life if caught and punished for the crime. This gain of power then defies the traditional concept people had of women as it showed that some could not be made submissive to their male superiors, whether that was their husbands, family or other people of power. However, since women were overtly subjugated between 1730 and 1780, there were few murder cases with women as defendants and few convictions. This is what causes the shock factor that Saxton mentions as the women convicted and accused are no longer seen as gentle and nonviolent. The small number of cases makes murderesses stand out in comparison to the male cases of murder.

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[21] Kirsten T. Saxton, *Narratives of Women and Murder in England, 1680-1760: Deadly Plots* (London: Routledge, 2017), 7.

[22] Saxton, *Narratives of Women and Murder,* 10.

[23] Saxton, *Narratives of Women and Murder,* 55.

There is not much to say about men and murder, simply because research targeting men specifically, as opposed to murder as a whole, is surprisingly difficult to find. However, there does seem to be the commonality that murderous men are trying to gain something as well, as noted when viewing The Old Bailey Online *Ordinary's Accounts* and newspapers. The gains could be money, asserting power and dominance, or displaying masculinity, as Susan Amussen discusses.[24] Compared to the reasons why women committed murder, men seem to be highly oriented at gaining something as opposed to escaping unfavorable conditions. However, both genders were looking to gain power or a sense of it from the commission of the crime. Otherwise, there are few similarities between male and female defendants of murder. Taking all of this into consideration, these gender differences exist partially because of how the laws were written at the time, but also because of the intentions behind the crime. The differences in punishments, however, are such because the public viewed women as gentler beings. The crime would have to be immensely heinous in order for a woman to earn a punishment as harsh as death and dissection.

Public Attitudes Towards Murder and Infanticide

The public attitudes people had towards murder and infanticide have been preserved in the *Ordinary's Accounts* and newspapers. In a report in the *Ordinary's Account* from March 3, 1737, a woman named Mary Shrewsbury is being executed for killing and nearly decapitating her bastard child. Most of the account is summarizing her life and the crime, but at the end of it, Shrewsbury is essentially shamed for her crime, as are future infanticide convicts when the Ordinary says, "I represented to her the Atrociousness of such horrid cruelty, which she did not

[24] Amussen, "The Part of a Christian Man," 217.

disown, but acknowledg'd that she was punish'd most deservedly and justly."[25] This is only one example of how these public executions and accounts were meant to prevent the commission of these crimes. For another infanticide case, the *Ordinary's Account* from May 18, 1743, discusses Sarah Wilmhurst, who killed her female bastard child by suffocation. What is interesting about Wilmhurst's case is that she was married at the time, but the child was considered a bastard child because of the assumption that it arose from the affair she had while living with her father for an extended period of time.[26] Unlike the account from 1737, there is no mention of language to prevent this crime and to show that Wilmhurst felt guilty. Instead, they emphasized the fact that she had an affair and described the details of the murder. This indicates another way of how English society used *Ordinary's Accounts* to prevent the crime – by shaming sex out of wedlock.

The final *Ordinary's Account* that will be examined is from October 5, 1761, which discusses Hester Rowden, a woman who also killed her female bastard child by suffocation. This is the only account to not detail the life of the defendant and the only one to name witnesses to the crime. Harsh language of the commission of the crime was used, such as the term "unnatural murder" as well as negative descriptions of her reactions to her trial and arrest such as "...seemed much terrified and disturbed" and "... so overcome with sorrow and dejection of spirit..." to imply that others will feel the same way.[27] The common tactics to prevent infanticide are the usage of harsh language about committing the crime, showing that the defendant felt remorse for their actions and describing the crime in detail or sometimes briefly. Based on the *Ordinary's Accounts* alone, their methods proved to be effective in preventing the crime because they both

[25] *Ordinary of Newgate's Account,* March 1737 (OA17370303), *Old Bailey Proceedings Online,* accessed November 18, 2018, www.oldbaileyonline.org, version 8.0.

[26] *Ordinary of Newgate's Account,* May 1743 (OA17430518), *Old Bailey Proceedings Online,* accessed November 18, 2018, www.oldbaileyonline.org, version 8.0.

[27] *Ordinary of Newgate's Account,* October 1761 (OA17611005), *Old Bailey Proceedings Online,* accessed November 18, 2018, www.oldbaileyonline.org, version 8.0.

described the action and discussed the defendants in undesirable ways. This also caused the public to view these criminals as undesirable people, so they did not want to be seen as undesirable themselves, especially posthumously. People want a positive legacy, especially after their death, and the *Ordinary's Accounts* displaying individuals for their crimes in public, thereby ruining their legacy, was an effective deterrent.

Looking at *Ordinary's Accounts* for murder, there are some similarities in the language used in that they were harsh. However, I argue that the language to prevent murder is much harsher than the language used to prevent infanticide. When looking at the case of John Young on the *Ordinary's Account* from June 1, 1730, the ordinary says that "... actual commission of the sin of Murder, and a continual Practice of lying, drinking, whoring, and with many other infamous Vices."[28] Murder has always been a sin for religious and legal reasons, but it seems that they also used murder to prevent other sins from occurring aside from murder itself. According to this account, murder is equivalent to lying, which seemed like two drastically different things, but they are both sins that society felt a need to prevent. When looking at the *Ordinary's Account* from June 4th, 1770, three men were sentenced to be hanged after confessing for committing murder: Charles Stevens, Henry Hughes, and Henry Holyoak. Initially, they all denied committing murder and confessed to committing several robberies instead. They insisted that the murder was not premeditated, as they had only been trying to rob the man of his money. They claimed their victim died because they were acting in self-defense because they were trying to leave the man alone instead of continuing their attempt to rob him. Their victim had started to swing a long knife at them which caused Stevens to shoot the victim, leading to his death. The account then goes on to describe the life of each criminal with only Holyoak maintaining his

[28] *Ordinary of Newgate's Account,* June 1730 (OA17300601), *Old Bailey Proceedings Online,* accessed November 18, 2018, www.oldbaileyonline.org, version 8.0.

innocence of murder and showing remorse.[29] Compared to the other *Ordinary's Account* from 1730, this account does not use harsh language to instill shame and guilt as a method to prevent the crime. They simply describe the remorse each felt and the details of the crime, investigation, and trial. Forty years between the two accounts mentioned shows that the attempts to prevent the crime changed over time, from attacking the character of the criminal to describing the guilt the criminals felt instead.

The newspapers at the time were also quite revealing of the opinions towards these crimes. While the newspapers aim to discuss the basic details of the crime, they also have the tendency to exaggerate and construct narratives of the crime beyond these basic details. One newspaper article from November 18th, 1730 depicts a narrative of a murder that was premeditated. The article is titled as an "Extract of a private Letter from Exon, Nov. 14," not only to show the date and how recent the letter was delivered, but to also provide a source of the information. While it was not known if the person was murdered, the contents of the letter's excerpt include threats of arson, robbery, murder, and ransom signed by an anonymous person. If the man the letter was sent to did not bring the required ransom to the required location, then the threats of arson, robbery, and murder would be carried out against him.[30] While the murder of the man that the letter was addressed to is unknown or if it even occurred, the threat was still real and likely. This is an example of how premeditated murders would likely occur. While it provided the details, it was a paraphrase of the original letter, not even a quoted excerpt. The fact that the article was already an excerpt means that much information was omitted, but the

[29] *Ordinary of Newgate's Account*, June 1770 (OA17700604), *Old Bailey Proceedings Online*, accessed December 9, 2018, www.oldbaileyonline.org, version 8.0.

[30] "Extract of a Private Letter from Exon, Nov. 14," *London Evening Post*, 19 Nov. 1730. *17th and 18th Century Nichols Newspapers Collection*, http://tinyurl.galegroup.com/tinyurl/8Ayta3, accessed October 29, 2018.

paraphrase omits even more information. This is quite common in newspapers from the 1730s which were fill with paraphrased, short articles.

Other articles simply list that someone was convicted of committing murder along with a list of others convicted for other crimes, mainly robbery and theft. An article from January 1770 in the *Gazetteer and New Daily Advertiser* does this listing of crimes, with the names of the criminals and their committed crimes. The only thing omitted from all crimes are the victims' names.[31] This seems to dehumanize the criminals as they are simply relegated to a list of names and what crime they committed. There is no discussion of the details of the crime, or even who their victims were. This dehumanization is another way to prevent a murder from being committed, but also shows how negatively the public saw murderers; essentially as non-human. People want to be known as more than just a name and even less so a name that is associated with criminal acts, so this reflects that murder was frowned upon.

Conclusion

Going into this essay, I set out to answer three questions meant to establish the legal histories of infanticide and murder, the gender differences that existed with the trials and punishments of each crime, and to discern how the public felt about these crimes in an effort to prevent their occurrence. The major gender differences between the crimes is that infanticide trials tended to be against women and murder trials tended to be against men. In addition, the

[31] *Gazetteer and New Daily Advertiser* (London, England), Monday, January 1, 1770; Issue 12, 741. *17th-18th Century Burney Collection Newspapers*. http://find.galegroup.com/bncn/retrieve.do?sgHitCountType=&scale=0.33&orientation=&sort=DateAscend&docLevel=FASCIMILE&prodId=BBCN&tabID=T012&subjectParam=&searchId=R4&resultListType=RESULT_LIST&searchType=AdvancedSearchForm&currentPosition=1&pageIndex=0&qrySerId=Locale%28en%2C%2C%29%3AFQE%3D%28tx%2CNone%2C6%29murder%3AAnd%3AFQE%3D%28rn%2CNone%2C13%29%22Z2000365866%22%24&retrieveFormat=MULTIPAGE_DOCUMENT&subjectAction=&inPS=true&userGroupName=ucmerced&pageNumber=&sgCurrentPosition=&docId=Z2000365866&currentPosition=1&workId=&relevancePageBatch=Z2000365866&contentSet=LTO&callistoContentSet=UBER2&resultListType=RESULT_LIST&reformatPage=N&docPage=article&retrieveFormat=MULTIPAGE_DOCUMENT&newScale=1.00&docPage=article&enlarge=&recNum=&newOrientation=0.

intentions behind the crimes differed between men and women. Women tended to commit murder to escape a powerless condition, while men sought to prove and gain something from it. However, both genders also used murder to gain or show power in some way. The only difference between the punishments sentenced for each crime was that infanticide had the same sentence for each guilty verdict, while murder had a variety of sentences.

The public treated these crimes as sins because of their significant levels of brutality in comparison to other actions that English society had considered sinful, but also because they wanted those who committed the crimes to be profusely ashamed. Seeing this shame on criminals prevented others from partaking in these crimes. People did not want the same embarrassment as those that have been found guilty of crimes. As seen by the statistics provided by the Old Bailey, these public attitudes were more than likely highly effective between 1730 and 1780, due to the low rates of guilty verdicts at this time. Even though murder had hundreds of cases in this time period, the number is still far under 1,000 which does not compare to the population size of the entire country of England. This shows how influential the public's negative attitudes towards these crimes were in preventing them. All of this information, from the *Ordinary's Accounts* and newspaper opinions to the gender differences, impacted how the legal history for each crime was shaped and practiced, which is essential to the history of Early Modern England as a whole.

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Using Non-Western Culture, Humanism, and Comparison to Explore the Possible Patron of the *Adoration of the Magi*

By
Ariana Soto-Zuniga

Introduction

Andrea Mantegna, an Italian Renaissance artist, was one of the first people to include the black Magus in his adoration paintings—*Adoration of the Magi* (see fig. 1).[1] The black Magus is one of the three Magi, also known as the wise men, who visited baby Jesus. The patron of the *Adoration of the Magi*, currently located in the Getty Museum, is unknown. There is speculation on who the patron could be, but there is not enough evidence for historians to confirm their identity. This essay focuses on the black Magus and additional paintings of Mantegna to argue that the patron of the *Adoration of the Magi* was Marquis Francesco II, who was the ruler of Mantua from 1484 to 1519. Scholars have argued that Marquis Francesco's wife, Isabella d'Este, was the patron of the *Adoration of the Magi.*[2] However, an analysis of other works that historians argue that she has funded, as well as her attitude towards Africans, makes it probable that Marquis Francesco was the patron. Marquis Francesco and Isabella d'Este both viewed Africans as prized possessions, but they both funded work that portrayed Africans differently; Isabella portrayed them in a subordinate position, while Marquis Francesco portrayed them in a more respectable manner. To compare the portrayal of black Africans, *Judith and her maidservant with the Head of Holofernes* and *The Triumphs of Caesar* will be analyzed further in order to prove that the patron of the *Adoration of the Magi* was Marquis Francesco II.

[1] Andrea Mantegna, *Adoration of the Magi,* 1495-1505, distemper on linen, 48.6 x 65.6 cm, The J. Paul Getty Museum accessed April 3, 2018, http://www.getty.edu/art/collection/objects/781/andrea-mantegna-adoration-of-the-magi-italian-about-1495-1505.

[2] Paul Kaplan, "Isabella d' Este and black African women," in *Black Africans in Renaissance Europe,* ed. T.F. Earle and K.J.P. Lowe (New York: Cambridge University Press,2005), 125-154.

Fig. 1. *Adoration of the Magi.* Created by Andrea Mantegna. c. 1497-1500 (distemper on linen, 48.5 x 65.6 cm, Los Angeles, The J. Paul Getty Museum. http://www.getty.edu/art/collection/objects/781/andrea-mantegna-adoration-of-the-magi-italian-about-1495-1505

How Andrea Mantegna Came to the Court

To understand who may have been the patron of the *Adoration of the Magi,* Andrea Mantegna's history must be examined. Mantegna studied as Francesco Squarcione's apprentice, who taught his pupils with the intention that they would surpass him.[3] He kept "casts or model books" of his works, as well as that of other painters.[4] This allowed for Mantegna to be exposed to other artists' work. Eventually, Mantegna legally dissolved his partnership with Squarcione and sought various commissions enabling his travels to Venice, Italy.[5]

While in Venice, Lodovico Gonzaga Primo, a member of the Gonzaga family—rulers of Mantua, Italy—invited Mantegna to work for the family as a court artist. Before Mantegna accepted Gonzaga's offer, he was given the privilege to choose whether he wanted to display a version of the Gonzaga coat of arms.[6] Coats of arms were symbols that represented families of high social status, and therefore held great value to rulers attempting to legitimate their rule. Mantegna, being born a commoner, should not have been allowed to wear the Gonzaga coat of

[3] Evelyn Lincoln, "Mantegna's Culture of Line," *Art History* 16, no. 1 (1993): 33-55.
[4] Lincoln, "Mantegna's Culture of Line," 37.
[5] Lincoln, 39.
[6] Lincoln, 40.

arms. Mantegna's ability to wear a version of their coat of arms shows that the Gonzaga family valued him deeply as an artist and wanted to extend their ruling paternalism over his work.

The Original Stories

The story of Judith is usually the subject of many Italian Renaissance paintings. The story inspiring the paintings concerns a widow named Judith, who intoxicates Holofernes, an Assyrian general, under the pretense of seduction. Her act of inebriated seduction was meant to prevent Holofernes from destroying the city of Bethulia. Judith then proceeds to cut off Holofernes' head and it is put usually in a basket or cloth and taken away. No Africans are mentioned because this story is from a section of the Old Testament, the Book of Judith. The Book of Judith does mention an attendant, but the "faithful attendant [is never] described as African."[7]

There are many artworks created by Mantegna about this story which include African figures. It has not been proven that Isabella d'Este is the patron. However, there has been extensive scholarly work that argue that Isabella is the patron. Therefore, *Judith and her maidservant with the head of Holofernes* will be discussed as if Isabella is the patron.

The Triumphs of Caesar are a series of nine paintings created by Andrea Mantegna. The paintings depict the military parade that celebrated Julius Caesar's victory over the Gallic tribes, recently defeated enemies of the Romans. The Gallic Wars, fought in what is now modern-day France, lasted eight years from 58 to 50 BC.[8] Like *Judith with the Head of Holofernes*, no Africans are mentioned in the original story.

Judith and her maidservant with the Head of Holofernes is like the *Adoration of the Magi* in that they both include Africans that are in a submissive role to the baby Jesus and Judith. *Judith,* like *The Triumphs of Caesar,* has an African musician, African soldier, and African

[7] Kaplan, "Isabella d'Este and black African women," 127.
[8] France: The Roman Conquest. Encyclopedia Britannica Online.

woman that are not original or essential elements of the original stories. Therefore, in both artworks of Judith and *The Triumphs of Caesar,* the patrons asked to include unessential elements in the story, making an analysis of their portrayal important as a form of comparison. The African Magus in the *Adoration of the Magi* and the African musician and soldier in *The Triumphs of Caesar* are similarly based in their grand portrayal, contrasting Judith's servant who has a more subordinate role based on her simplicity compared to the grand Judith.

Black Figures

The idea of including black Africans in Renaissance paintings was derived from the Czechs and the Germans who depicted them from 1350 to 1450.[9] Around the same time, Mantegna was working on *Judith and her maidservant with the Head Holofernes* (see fig. 2)[10], commissioned by Isabella d'Este. This painting is comparable to the *Adoration of the Magi* because both contain depictions of Africans. In *Judith and her maidservant with the Head of Holofernes*, Mantegna's positioning of the African woman is difficult to avoid. The main figure of the painting is Judith, who is in beautiful Roman draperies. Towards the side of the artwork is an African servant. Her face appears aged due to her rough features, but her African identity is not portrayed through skin color. Mantegna illustrates her ethnicity through "the maid's earring, along with the treatment of her nose, lips, and hair, [which] conveys her African identity."[11]

[9] Kaplan, "Isabella d'Este and black African women,"131.

[10] Andrea Mantegna, *Judith with the Head of Holofernes*, 1491, pen, bister, chalk on paper, 360 x 240 mm, ARTstor Slide Gallery, University of California, San Diego, accessed March 23, 2018, https://library.artstor.org/#/asset/ARTSTOR_103_41822001026325;prevRouteTS=1555927873.

[11] Kaplan, 137.

Fig. 2. *Judith and her maidservant with the Head of Holofernes.* Created by Andrea Mantegna. [c1491]. From ARTstor Slide Gallery. https://library.artstor.org/#/asset/ARTSTOR_103_41822001026325;prevRouteTS=1555927873

Historians argue that Isabella is most likely the patron, claiming that because she was the one that requested more black figures from Mantegna, not only as Magi but also as common people such as retainers, her touch was on the *Adoration of the Magi* as well .[12] Retainers refers to servants of wealthy noble families, especially if they have worked there for a long time. While she did commission more work that had black Africans, the portrayal of the figures should be considered. In *Judith and her maidservant with the Head of Holofernes*, the African woman is portrayed in a rather derogatory manner. The African woman holds the position as a servant, and Judith arches over her as if she is looking down at the servant. Yes, the African woman is in a subordinate position because she mimics Judith's maidservant, Abra.[13] However, she is African and she is not in the original story. The purpose of the African woman being included is to show that Italians had possession of them, and they were prized by society. Also by having Abra be an

[12] Kaplan, "Isabella d'Este and black African women," 148.
[13] Kaplan, "Isabella d'Este and black African women," 134.

African woman, it is possible that Isabella's infatuation with them was not fulfilled, "but through the medium of art Mantegna was able to increase their numbers."[14]This means that because Isabella had African servants and could not afford more, Mantegna increased Isabella's possessions of Africans by including them in paintings. This is not a respectable portrayal of an African individual, and the point of having a black servant in a painting is to showcase the potential of imperial power.[15] Not only does this portrayal exemplify Africans' supposed inferiority, but Isabella's attitudes also indicate that she saw them more as accessories.

The black Magus in the *Adoration of the Magi* is not similarly objectified. He looks adoringly towards the Madonna, taking up equal space with the rest of the Magi. The space they take up seems tight as there is not enough room for the three Magi to be there comfortably, creating the illusion that they are trying to get close to the Holy family. There is the argument that the black Magus is accepted because he bows down in submission and love towards the Christian faith, symbolized by the baby Jesus.[16] According to an Italian Renaissance scholar, one theory that explains the subservience of black figures is by illustrating the integration of "inhabitants from the non-European world into the Western Christian universe, where a noble and 'wise black ruler comes of his own volition to the white man's land and lays down his wealth and power at the feet of the Christ Child. "[17] However, this fails to acknowledge the other two Magi. Even if king Balthazar, the black Magus, subordinates to the Christian faith symbolized through the baby Jesus, the other two Magi also do so. King Melchior has taken off his crown and slightly bowing in veneration to the baby Jesus. The most valid reason as to why

[14] Kaplan, "Isabella d'Este and black African women," 135.

[15] Kaplan, 127.

[16] Peter Erickson, "Representations of Blacks and Blackness in the Renaissance," *Criticism* 35, no. 4 (1993): 499-527.

[17] Alberrt Boime, *The Art of Exclusion: Representing Blacks in the Nineteenth Century* (Washington: Smithsonian Institution Press, 1990), 9.

King Balthazar is portrayed as Black is to include Africans in the Christian faith and if anything, provide a more accurate representation of him as the "king of Arabia or sometimes Ethiopia."[18]All cultures are meant to be portrayed as accepting and subordinating to the Christian Faith.

Compared to the portrayal of the black woman in *Judith*, it is safe to assume that the black Magi in the *Adoration of the Magi* is portrayed as a person worthy of respect. Despite the above interpretations that claim a level of African inferiority, the black Magus in the *Adoration of the Magi* is not as inferior when compared to the artworks that Isabella d'Este commissioned, where the black characters played explicitly subordinate roles. This suggests that Isabella d'Este may have not commissioned the work. For the audience, there is no impression that the black Magus is received with malice. Instead, the audience is left with a sense of normalcy.

Isabella's Attitudes

It must be made clear that Isabella saw Africans as ornaments, meant to display wealth and status that could easily be conveyed on her. Therefore, the argument that she may be the patron of the *Adoration of the Magi* because she commissioned more works that included back figures lacks weight. Isabella d'Este lived from 1474 to 1539.[19] During this time period, she encountered paintings that incorporated black figures. This is where the difference is noted—Isabella, a marquesa, had the authority to protect women and children in Mantua from violence and crimes.[20] However, she did not have a problem with "purchasing black children captured in

[18] The Editors of Encyclopaedia Britannica, "Magi Biblical Figures," Encyclopaedia Britannica, Dec 6 2017, https://www.britannica.com/topic/Magi.

[19] Deanna Shemek & Daniela Ferrari, "Profile of Isabella d'Este." Creative Commons Attribution. July 2015. Accessed, April 20th 2018. http://isabelladeste.web.unc.edu/profile-of-isabella-deste/.

[20] Isabella d'Este and Deanna Shemek, *Isabella d'Este: selected letters* (Toronto, Ontario: Iter Press, 2017), 22.

Africa as ornaments for her court."[21] This is further illustrated in a letter to Giorgio Brognolo, who was probably a servant, in which he was ordered to purchase a black child and other goods:

> Also get: a black border ribbon; a cap; a new black cap; a dark cap; and another black cap…. As for the Moorish girl, spare no diligence in finding her…we want you to have the whole city searched… If you cannot find [a child] who is just two years old, we won't mind if she is two and a-half years or so, provided that she is pretty, very black, and meets without approval. Even if you should have to bring her forth from the womb…[22]

Through this quote, there is a sense of urgency and value placed on Africans, in this case, a black child. The value placed on the child is based on how dark she is and whether she is attractive. The sense of urgency is shown because if the servant cannot find a black child, he should start looking at pregnant mothers who can produce a child that fits Isabella's desires. This demonstrates Isabella's attitudes towards Africans, demonstrating why she requests black figures in her paintings—to exemplify the status and wealth of the Gonzaga family in owning Africans.

Marquis Francesco and Black Figures

Marquis, like Isabella, was also interested in black figures. He requested that Mantegna add a black soldier to *The Triumphs of Caesar* (see fig.3).[23] The portrayal of the black African in *The Triumphs of Caesar* is different from *Judith and her maidservant with the Head of Holofernes*. In *The Triumphs of Caesar*, the audience notices how heroic the black soldier looks. The black soldier (see fig. 3) is the focus despite him not being centered.[24] He is dressed in beautiful golden patterned armor, with a golden colored cloak. He is the only figure whose facial

[21] d'Este, *Isabella d'Este: selected letters*, 22.
[22] d'Este, 41.
[23] Kaplan, 148.
[24] Andrea Mantegna later Andrea Andreani, *The Triumphs of Caesar (I): Trumpeters, Bearers of Standards and Banners*, 1486- 1492, tempera on canvas, 274 x 274 cm., ARTstor Slide Gallery, University of California, San Diego, accessed March 25, 2018.

features are clearly noticeable to the audience. He has a serious face and is looking back towards the opposite direction of the way he is marching. It has been argued that he wears a golden cloak because it is symbolic of the riches Africa holds, yet simultaneously shows "their [African] inferiority in European context."[25] This may be true, since explorers who first encountered Africans saw them wearing gold earrings, bracelets, and other gold accessories.[26] However, in *The Triumphs of Caesar,* the golden color is meant to bring attention to the black figure and to adorn him; it does not perform the role of showing him as inferior. Mantegna wanted to exalt the beauty of a Roman soldier; however, he altered this tradition a bit.[27]

Figure 3. (Right) *The Triumphs of Caesar (I): Trumpeters, Bearers of Standards and Banners.* Created by Andrea Mantegna later Andrea Andreani. [c1486-1492]. From ARTstor Art Gallery. https://library.artstor.org/#/asset/ARTSTOR_103_41822000591279;prevRouteTS=1555450143953.

[25] Kate Lowe, "The stereotyping of black Africans in Renaissance Europe," in *Black Africans in Renaissance Europe,* ed. by T.F. Earle and K.J.P. Lowe (New York: Cambridge University Press, 2005), 24.

[26] Lowe, "The stereotyping of black Africans in Renaissance Europe," 24.

[27] Ronald William Lightbown, *Mantegna: with a complete catalogue of the paintings, drawings and prints* (Berkeley: University of California Press, 1986), 152.

The black soldier in *The Triumphs of Caesar* is meant to mimic Francesco's aide.[28] In the preparatory drawings for *The Triumphs of Caesar,* the black soldier was not included.[29] This means that Francesco requested that his aide be included in the painting. The way this African man is portrayed is like the way the black Magus is portrayed in the *Adoration of the Magi*. The figures serve the purpose as retainers, however, there is more respectability. Unlike *Judith with the Head of Holofernes*, the painting commissioned by Isabella, the African woman serves the purpose of a retainer, but is portrayed in a derogatory way. The difference lies in the level of objectification. For Isabella, black figures were instruments used to illustrate her own wealth and status, while Francesco may have considered his retainers similarly, he requested that they be portrayed with dignity.

The Gonzaga Court: Marquis Francesco and Isabella d'Este

As established previously, Mantegna was a court artist who worked for Lodovico Primo, who died in 1478, then for Federico, who died in 1484, and then finally worked for Marquis Francesco.[30] Since the *Adoration of the Magi* was created in his lifetime, Marquis Francesco should be considered a possible patron. Isabella d'Este was Marquis Francesco's wife and they could request the court artist to create something to their liking. In the case of the *Adoration of the Magi*, based on how Marquis and Isabella portrayed Africans, it seems more probable that Marquis was the patron.

It is imperative to understand that Mantegna, with permission of the Gonzaga, could accept other offers of work. Therefore, the possibility that he accepted work from other people that were not the Gonzaga does exist. This means that there is a chance that another patron

[28] Kaplan, 148.
[29] Kaplan, 148.
[30] David Peet, "Mantegna: Court Painter of Mantua," *The Contemporary Review* 260, no. 1515 (1992): 206-207.

commissioned Mantegna to create the *Adoration of the Magi.* However, the chances of this are minimal because while Mantegna continued to accept invitations for work from other people, he never completed them.[31] The *Adoration of the Magi* was most likely for the Gonzaga court due to Isabella's belief that Mantegna had many unfinished works because of his lengthy process that delayed completion.[32] Therefore, Isabella d'Este did not want Mantegna to accept offers for outside work, forcing him instead to prioritize the family's commissions. Therefore, the *Adoration of the Magi* is meant for a member of the Gonzaga court.

Conclusion

This essay provided arguments as to why Marquis Francesco II from the Gonzaga court of Mantua should be considered as a possible patron for Andrea Mantegna's *Adoration of the Magi.* In Kaplan's article, "Isabella d'Este and black African women" he comments that most historians tend to believe Isabella d'Este usually is the patron of paintings that includes black figures draw by Mantegna. To counter this notion, he provides the example of *The Triumphs of Caesar* where two black figures are shown, and it has been proven with evidence that Marquis Francesco II is the patron. This is the extent to Kaplan's argument. This essay sought to deduce who the patron is by providing an analysis of both *Judith and her maidservant with the Head of Holofernes* and *The Triumphs of Caesar* and compare them to the *Adoration of the Magi.* Marquis should be considered a possible patron because of the time period, and the way he portrayed African retainers in paintings he commissioned.

The first step in deducing who the patron is for the painting is acknowledging the simple fact that Mantegna was a court artist. While court artists tended to only work for their court, a possibility exists that the patron of the *Adoration of the Magi* was outside the Gonzaga court.

[31] Peet, "Mantegna: Court Painter of Mantua," 208.
[32] Peet, 208.

However, the possibility is minimal since Isabella d'Este complained that Mantegna's work was "in much arrears," meaning Mantegna probably focused on working for the Gonzaga court and could not take work from other patrons.[33] However, just because Isabella d'Este complained does not alter her chances of being the patron of the *Adoration of the Magi*, this just means that the probability of Mantegna working for others at the time the painting was completed is minimal.

From the Gonzaga court, two possible patrons exist—Isabella d'Este and her husband Marquis Francesco II Gonzaga. *Judith and her maidservant with the Head of Holofernes* and *The Triumphs of Caesar* were chosen to deduce the patron of the *Adoration of the Magi* because they run along two themes: the roles and the portrayal of black figures. The appeal of the African retainers in *The Triumphs of Caesar* is like the black Magus in the *Adoration of the Magi*, which is why I believe that Marquis Francesco is the patron of the *Adoration of the Magi*.

[33] Peet, 208.

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