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Undergraduate

# The Undergraduate Historical Journal
# At University of California, Merced

THE HISTORICAL SOCIETY
*At the University of California, Merced*

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# Letter from the Advisor
## Professor Ruth Mostern

This is my final semester as Faculty Advisor to the *Undergraduate Historical Journal at UC Merced*. The four years that I have spent in this role have been one of my great satisfactions as a UC Merced faculty member, and it is with regret that I am now moving on.

Paradoxically, what has made me proudest of all is that I have had almost nothing to do with success of the journal. In the Fall of 2013, it was a group of students who approached me with their own well-developed plan for an undergraduate history research journal. Neither I nor anyone else on the faculty put them up to it. It was the students who got approval to publish with the California Digital Library eScholarship program, and it was they who assembled an editorial board and drafted bylaws, procedures, and editorial guidelines. The journal has been fully in the hands of its student editorial boards and its student authors ever since. I have been sitting on the sidelines and cheered them on. Occasionally I ask the editors whether they want any feedback or advice from me, and usually they politely and respectfully turn me down.

I would not want it any other way! The excellence of the scholarship and the quality of the editing is consistently outstanding. The *Undergraduate Historical Journal* has not missed an issue since it began, in spite of the fact that its editors have a pesky habit of graduating just as they start to get the hang of things. To date, not including the present issue, the journal has published twenty-five articles and eleven book reviews, and I am confident that it will be a fixture of the intellectual life of UC Merced for many years to come.

The current issue features a typically strong and diverse collection of scholarship that includes seven articles and a number of senior thesis abstracts. The articles concern Mexico, England, and the United States; they include papers on global geopolitics and our own town of Merced, and they span three hundred years of time. Collectively they reveal the curiosity, creativity, and accomplishments of the History students of UC Merced. I know how hard the authors and the editorial board have worked to bring this issue to fruition and to maintain the whole journal venture.

My warmest congratulations to all of you. *Fiat Lux!*

<div align="right">

Ruth Mostern
Associate Professor of History
Faculty Advisor to the Journal
May 15, 2017

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**Neither Peace nor Honor: The Nixon Administration's Vietnam War Policies, 1972-1973**
John Tresidder


**O**n January 23, 1973, President Nixon in a televised speech to the nation announced his administration had concluded a peace agreement, which would "end the war and bring peace with honor in Vietnam."[1] This peace agreement was a culmination of a secret shift in the Nixon administration's Vietnam War policies, which originated in 1971 and pursued throughout 1972 and January of 1973. Publicly, President Nixon and his National Security Advisor Henry Kissinger continued to state the administration's policy that any peace agreement must maintain the South Vietnamese government of President Nguyen Van Thieu and South Vietnam as an independent nation. However, they secretly decided they would be satisfied if the peace agreement would ensure that the Thieu government and South Vietnam only last for a sufficient time, i.e. a decent interval before being forcibly taken over by North Vietnam. If there was such a decent interval before this forcible takeover, the United States would not militarily intervene again.

President Nixon and Kissinger knew that the South Vietnamese government was too weak to survive for the long term and that South Vietnam would be forcibly taken over by North Vietnam. Despite knowing this and moving to end the war earlier by accepting the replacement of the Thieu government with a coalition government, which would have been dominated by North Vietnam, President Nixon and Kissinger instead pursued their decent interval strategy. They did this because they believed that if South Vietnam could survive for this decent interval, this outcome would assure President Nixon's reelection in 1972, allow them to conduct an effective foreign policy and avoid being seen as responsible for the North Vietnamese's forcible takeover of South Vietnam by the American public, other nations, and ultimately history. Their brutal and misguided strategy had staggering costs. By prolonging the war by the pursuit of this strategy, thousands more Americans were killed as well as hundreds of thousands of Vietnamese.[2] Further, the peace agreement did not bring peace to Vietnam. Instead, North Vietnam and the South Vietnamese government violated the peace agreement and continued fighting. Many more thousands of Vietnamese were killed.[3] The fighting continued until South Vietnam was forcibly taken over by the North Vietnamese as President Nixon and Kissinger knew would happen. Since the ultimate forcible takeover of South Vietnam could not have been prevented, this enormous loss of life could have been avoided if President Nixon and Kissinger had not pursued their decent interval strategy and ended the war sooner.

The Nixon administration's war policies of 1972-1973 with its decent interval strategy needs to be studied carefully as it has been proposed by some as a model for the United States to use to end conflicts in the world in which there is an active American combat presence. For example in 2011, Gideon Rose, the editor of the influential journal *Foreign Affairs* recommended

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[1]President Richard Nixon, "Address to the Nation Announcing an Agreement on Ending the War in Vietnam" (University of Virginia: Miller Center American Presidential Speech Archive), 2014.
http://millercenter.org/president/nixon/speeches/speech-3884

[2] George C. Herring, *America's Longest War: The United States in Vietnam, 1950-1975,* 5th ed. (Boston: McGraw-Hill Education, 2014) 330-331.

[3] Marilyn B. Young, *The Vietnam Wars, 1945-1990* (New York: HarperPerennial, 1991) 290.

to President Obama that he model his policy of ending active American combat presence and withdrawing from Afghanistan on the decent interval strategy employed by President Nixon and Kissinger.[4] Careful study of their decent interval strategy would hopefully cause the government of the United States not to employ this brutal and misguided strategy as a model to end future conflicts in the world in which there is an active American combat presence. In studying the 1972-1973 Nixon administration's war policies with its shift to a decent interval strategy, it is best to begin with an examination of the circumstances that brought about their creation.

**The War Policies of the Nixon Administration From 1969-1971 and the Origin of the Decent Interval Strategy**

As Richard Nixon assumed the office of the presidency in January of 1969, he wrote that the war in Vietnam was "the most pressing foreign problem I would have to deal with…"[5] Both President Nixon and his National Security Advisor Henry Kissinger recognized that the war had to come to an end.[6] In particular, President Nixon thought that ending the Vietnam War or at least America's active military combat role, would have a significant effect on his political future, saying "I'm not going to end up like LBJ, holed up in the White House afraid to show my face on the street. I'm going to stop that war fast."[7] He was willing to pursue a negotiated settlement to end the war, but asserted the settlement would have to include that the government of South Vietnam headed by President Nguyen Van Thieu and that South Vietnam would be preserved as an independent nation, and that all American prisoners of war would be returned along with an accounting of American military missing in action.[8] Both President Nixon and Kissinger believed that they could end the war within six months.[9] Significantly, they both felt they alone should formulate the administration's war policies and moved to consolidate the making of foreign policy into their hands, cutting out the State and Defense Departments.[10] As Roger Morris, a National Security Council aide during this period, wrote there was a "shrinkage of American foreign policy decision making from the bargaining of the few departments to the will of two men."[11]

During the period from 1969 to 1971, the Nixon Administration employed a strategy which, had both military and diplomatic aspects. The military strategy had the objectives to limit North Vietnam's capacity to launch an offensive against South Vietnam and at the same time demonstrate that the administration was capable of escalating militarily and thus encourage North Vietnam to negotiate terms more favorable to the United States and government of South

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[4] Gideon Rose, "What Would Nixon Do?," *The New York Times*, June 25, 2011, SR3.

[5] Richard Nixon, *RN, The Memoirs of Richard Nixon* (New York: Grosset & Dunlap, 1978) 347.

[6] Herring, *America's Longest War*, 279.

[7] H.R. Haldeman, *The Ends of Power* (New York: Times Books, 1978) 81.

[8] Nixon, *RN, The Memoirs*, 348-349.

[9] Lien-Hang T. Nguyen, *Hanoi's War: An International History of the War for Peace in Vietnam* (Chapel Hill: University of North Carolina Press, 2012) 135.

[10] Nguyen, *Hanoi's War*, 133.

[11] Roger Morris, *Uncertain Greatness: Henry Kissinger and American Foreign Policy* (New York: Harper & Row, 1977) 91.

Vietnam.[12] These military actions included bombing raids on the North Vietnamese military sanctuaries in Cambodia and Laos, air strikes against bridges, base camps, and trails in the demilitarized zone between North Vietnam and South Vietnam, and bombing raids on the Hanoi-Haiphong area in North Vietnam.[13] The administration also embarked on a program of Vietnamization, in which the United States would build up the South Vietnamese military through increased military aid and training so they could more effectively defend themselves against North Vietnamese and National Liberation Front troops.[14] At the same time, the administration also began a program of withdrawing American combat troops from South Vietnam, striving for "a sensitive balance between too much, too soon and too little, too late."[15] This withdrawal policy was done in part to diffuse and weaken the growing antiwar protests as it would satisfy the American public and Congressional critics that the administration was moving to end the war and thus allow more time for the Vietnamization program to work.[16] The administration also launched an invasion of Cambodia using American and South Vietnamese troops to attack North Vietnamese military sanctuaries in order to assist the Cambodian government from what President Nixon believed was an attempt by the North Vietnamese to overthrow that government and disrupt any potential North Vietnamese attacks on South Vietnam from Cambodia, which would threaten the Vietnamization program and the schedule of withdrawals of American troops from South Vietnam and the security of the remaining American forces left in South Vietnam.[17] President Nixon also believed this action would convince North Vietnam that it had better negotiate more favorable terms as he, unlike President Johnson, would not be bound by restraints and would widen the war.[18] In a similar vein, the administration launched an invasion of Laos using South Vietnamese troops supported by American airpower to attack North Vietnamese military sanctuaries and cut their military supply lines. The administration again reasoned that this would allow the Vietnamization program more time to succeed, allow the withdrawal of American troops to continue and protect the residual American troops left after these withdrawals in 1972, as North Vietnam's ability to launch military offensives in South Vietnam would be significantly curtailed with its supply line cut.[19]

At the same time, the administration pursued a diplomatic strategy. President Nixon and Kissinger sought to engage the Soviet Union and later the People's Republic of China to make efforts to get North Vietnam to reach a peace settlement on terms more favorable to the United

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[12] Herring, *America's Longest War*, 283.

[13] Ibid, 282-283, 305.

[14] Ibid, 288, 291-293.

[15] *Foreign Relations of the United States* (hereafter FRUS) 1969-1976, Vol. VI, Vietnam January 1969-July 1970, "Memorandum from the President's Assistant for National Security Affairs (Kissinger) to President Nixon," 87.

[16] Nixon, *RN, The Memoirs*, 448, 469, David Greenberg, "Nixon as Statesman: The Failed Campaign," in *Nixon in the World*: *American Foreign Relations, 1969-1973,* eds. Fredrick Logevall and Andrew Preston (New York: Oxford University Press, 2008) 52, Herring, *America's Longest War*, 288.

[17] Nixon, *RN, The Memoirs,* 449-452.

[18] Herring, *America's Longest War*, 298-299.

[19] Henry Kissinger, *White House Years* (Boston: Little Brown and Company, 1979) 991, 1010.

States. Starting in 1969, they made several overtures to the Soviet Union, who was a massive supplier of military assistance to North Vietnam to use that position to influence or pressure North Vietnam to agree to a peace settlement.[20] To get this Soviet assistance, President Nixon and Kissinger pursued a policy of linkage. They related Soviet behavior on Vietnam to other issues facing the United States and the Soviet Union. The Soviets were repeatedly told that unless Soviet help in Vietnam was forthcoming, it would be difficult to have any progress toward agreement in the issues of strategic arms limitation or trade which the Soviet Union was desirous of.[21] However, the Soviet Union bluntly stated it would never cut off such supplies to North Vietnam.[22] The administration did not limit such efforts to the Soviet Union. After military clashes between the People's Republic of China and the Soviet Union along the northeast border separating their two countries, the administration adopted a policy of seeking rapprochement with the People's Republic of China.[23] This policy eventually led to a secret visit by Kissinger to Peking in July of 1971 to discuss the possibility of further improvement in the relationship between the United States and the People's Republic of China, China's international role, the issues concerning Taiwan, and Chinese relations and perceptions of the Soviet Union, and a summit meeting with President Nixon in Peking.[24] Kissinger said that during this visit he would "seek some moderating influence on Indochina, keeping in mind that the mere fact of the meeting and the subsequent summit was bound to massively demoralize Hanoi."[25] In Peking, Kissinger again tried linkage, linking the issue of Taiwan and ending the Vietnam War by suggesting the United States would withdraw two-thirds of American forces committed to the defense of Taiwan after the Vietnam War ended.[26] Premier Chou En-lai rebuffed this suggestion of linkage and stated they would continue to support North Vietnam including supplying them with military aid.[27] Chou repeated this statement of continued Chinese support for North Vietnam so long as North Vietnam continued fighting to President Nixon at a meeting with President Nixon and Kissinger in Peking in February of 1972.[28]

As part of its diplomatic strategy the administration offered North Vietnam a new peace proposal at the secret Paris peace talks in May of 1971. The proposal dropped the demand for withdrawal of North Vietnamese troops in South Vietnam with North Vietnam agreeing to no further infiltration, offered the total withdrawal of American troops, a ceasefire throughout all of Indochina (not only Vietnam) the release by both sides of all prisoners of war and innocent civilians when the withdrawal of American troops began, guarantees of independence, neutrality

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[20] Kissinger, *White House Years*, 124, 129, 187, Nixon, *RN, The Memoirs*, 391, 399, 405-406.

[21] Ibid.

[22] Nixon, *RN, The Memoirs*, 391.

[23] Kissinger, *White House Years*, 172-194.

[24] Ibid, 689, 703.

[25] Ibid, 735.

[26] National Security Archive, "Conversations with Chou En-lai, July 9, Afternoon, Dinner, and Evening Sessions," 9.
http://nsarchive.gwu.edu/NSAEBB/NSAEBB66/ch-34.pdf

[27] National Security Archive, "Conversations with Chou En-lai, July 10, Afternoon Sessions," 27.
http://nsarchive.gwu.edu/NSAEBB/NSAEBB66/ch-35.pdf

[28] Nixon, *RN, The Memoirs*, 568.

and territorial integrity of Laos and Cambodia and left the political future to be decided by the South Vietnamese.[29] On June 26, 1971, North Vietnam responded with its peace proposal calling for complete withdrawal of American troops, a ceasefire, the release of all prisoners of war by both sides, a demand for reparations from the United States for the damage caused on the war zone of Vietnam and most importantly for the United States government to replace the Thieu government in South Vietnam with a coalition government which the communists would dominate.[30] This demand caused the peace talks to deadlock.[31]

In September of 1971, President Nixon despaired that his administration's strategy had failed to end the war. His chief of staff H.R. Haldeman recorded in his diary the President's thoughts that "he was sorry that we hadn't been able to actually end the war directly but made the point that there was no way to end it-it was doomed always just to trickle out the way it is and that's now become clear."[32]

During this period there was a growing realization by the administration that the policy of Vietnamization had weaknesses. The stated goal of this policy was to increase the effectiveness of the South Vietnamese military through additional military aid and training provided by the United States. As American troops were being withdrawn, the South Vietnamese military would undertake the majority role in the actual fighting that had been previously done by American troops. However, doubts arose within the administration and the American military as to whether the South Vietnamese military would ever be able to assume this role and be able to defeat the troops of North Vietnam and the cadres of the National Liberation Front as the American troops were withdrawn.[33]

These concerns increased when the administration evaluated the LAM SON 719 operation. In this operation, the administration in February 1971 expanded the war by launching an invasion of Laos. Its purpose was to cut the main North Vietnamese supply trail and then destroy the North Vietnamese logistical structure thereby reducing their ability to launch military offenses, which in turn would allow more time for Vietnamization, increase the administration's ability to withdraw American troops more rapidly and protect the residual American troops left in South Vietnam.[34] In this operation, unlike the earlier Cambodian invasion, there would be no American troops involved in the fighting on the ground. The South Vietnamese Army undertook that role. The United States would only provide air strikes in support of this ground operation. Initially, the South Vietnamese forces fought well. However, when the fighting intensified and the North Vietnamese committed more troops to the fighting and gained the upper hand, the South Vietnamese troops suffered heavy casualties and were no longer willing to continue the operation.[35] The South Vietnamese troops then hurriedly retreated back into South Vietnam.[36] Their casualty rate was very high and would have been even higher without the bombing provided by American air

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[29] Henry Kissinger, *Ending the Vietnam War* (New York: Simon & Schuster, 2003) 210.

[30] Ibid, 214-216, 306.

[31] Nguyen, *Hanoi's War*, 162, Kissinger, *Ending*, 224-225, Nixon, *RN, The Memoirs*, 583.

[32] H.R. Haldeman, *The Haldeman Diaries* (New York: G.P. Putnam's Sons, 1994) 256.

[33] Herring, *America's Longest War*, 291-295.

[34] Kissinger, *White House Years*, 999, 1008, 1010, Herring, *America's Longest War*, 305.

[35] Kissinger, *White House Years*, 1008-1009, Herring, *America's Longest War*, 305.

[36] Kissinger, *White House Years*, 1009.

support.[37] The North Vietnamese claimed victory and stated "Washington had wanted to make this operation a test for the policy of 'Vietnamization' of the war. But the new strategy had proved a flop."[38] President Nixon claimed that the operation was a success.[39] In spite of his claim, the operation raised more questions as to whether Vietnamization would succeed as the South Vietnamese military was shown to have deficiencies in planning and tactics, an inability to sustain offensive operations unless the casualty rate was low, and had commanders of individual units who were reluctant to incur losses in large offensive operations because their political influence depended on the strength and morale of the units they commanded.[40] The performance of the South Vietnamese military could not help but increase concerns in the administration as to whether South Vietnam with such an ineffective military could survive as an independent nation in the long term and successfully resist a forcible takeover by North Vietnam. Kissinger himself admitted he had these concerns when he stated that he was tormented by a question asked of him by Le Duc Tho, the North Vietnamese negotiator at the Paris peace talks. Le Duc Tho, in discussing the strategy of the United States to withdraw enough forces to placate American public opinion while simultaneously strengthening the South Vietnamese forces to stand on their own, asked this question: "Before there was over a million U.S. and puppet troops and you failed. How can you succeed when you let the puppet troops do the fighting? Now with only U.S. support how can you win."[41]

This concern about the effectiveness of the South Vietnamese military, and ultimately the prospect that South Vietnam could not survive for the long term as an independent nation under the Thieu government, led to a significant alteration in the administration's war policy. On the surface, the administration's stated conditions for an acceptable peace agreement remained the same. However, a record of private conversations of President Nixon and Kissinger reveal a shift in the administration's policy. The administration was willing to have a peace agreement that did not guarantee the long-term survivability of the Thieu government and South Vietnam as an independent nation. Instead, it was acceptable to the administration that the peace agreement permit a ceasefire, which would allow the Thieu government to exist for a sufficient period of time i.e. a decent interval. After the elapse of that period, if the Communists overthrew this government, such an event would not trigger a new intervention by the United States.

In Kissinger's secret meetings with Communist China's Premier Chou En-lai in Peking on July 9 and July 10, 1971, Kissinger first articulated this shift. On July 9, he first stated:

> President Nixon operates on a different philosophy.
> We do not deal with communism in the abstract, but with specific
> communist states on the basis of their specific actions toward us, and
> not as an abstract crusade.

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[37] Herring, *America's Longest War*, 305-306.

[38] Jeffery Kimball, *Nixon's Vietnam War* (Lawrence: University Press of Kansas, 1998) 248.

[39] Nixon, *RN, The Memoirs*, 498.

[40] Kissinger, *White House Years*, 1010, Herring, *America's Longest War*, 306, Jussi Hanhimaki, *The Flawed Architect: Henry Kissinger and American Foreign Policy* (New York: Oxford University Press, 2004) 113.

[41] Kissinger, *White House Years*, 444.

> We believe that if people want to defend themselves, they must do it
> on the basis of their own efforts and not on the basis of the efforts of
> a country 10,000 miles away.
>
> So when we offer to withdraw from Vietnam, it is not in order to devise
> some trick to re-enter in some other manner but rather that we want to
> base our foreign policy on the realities of the present and not on the
> dreams of the past.[42]

Kissinger added that a deadline for withdrawal will be set and that there would be a ceasefire during the withdrawals "and some attempt at negotiations. If the agreement breaks down, then it is quite possible that the people in Vietnam will fight it out."[43] He then went further and stated:

> What we cannot do is to participate in the overthrow of people with
> whom we have been allied, whatever the origin of the alliance.
> If the government is as unpopular as you seem to think, then the quicker
> our forces are withdrawn the quicker it will be overthrown. And if it is
> overthrown after we withdraw, we will not intervene.[44]

Shortly thereafter, Kissinger added the ceasefire the United States was proposing could have "a timeline, say 18 months…"[45] The next day, Kissinger offered further elaboration on this point stating "What we require is a transition. Between the military withdrawal and the political evolution…If after complete American withdrawal, the Indochinese people change their government, the U.S. will not interfere."[46] Although China had rebuffed Kissinger's attempt through linkage to get it to influence North Vietnam to negotiate terms more acceptable to the United States, there can be little doubt that Kissinger knew that the Chinese would inform the North Vietnamese of his visit and relay these remarks to the North Vietnamese, their Communist ally. When the Chinese did inform North Vietnam of Kissinger's visit, as will be further discussed below, the disclosure of this visit to the North Vietnamese had ramifications, which effected the North Vietnamese decision to invade South Vietnam on March 30, 1972 and on the subsequent peace negotiations leading to the ultimate peace accords signed in January 1973.

**The March 30, 1972 Invasion of South Vietnam by North Vietnam**

This shift in President Nixon and Kissinger's thinking on this issue was further reinforced by the North Vietnamese invasion of South Vietnam on March 30, 1972. The decision of North Vietnam to launch a conventional large-scale invasion of South Vietnam was significantly influenced by President Nixon and Kissinger's policy of seeking rapprochement with Communist China and detente with the Soviet Union. After Kissinger's secret visit to Peking, Premier Chou En-lai went to Hanoi and told the North Vietnamese leaders of his secret visit and that the Chinese government had agreed to invite President Nixon to China for further political discussions which

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[42] National Security Archive, "Conversations with Chou En-lai, July 9," 22.
[43] Ibid, 33.
[44] Ibid, 33-34.
[45] Ibid, 34.
[46] National Security Archive, "Conversations with Chou En-lai, July 10," 22.

shocked them.[47] Although Chou En-lai assured the North Vietnamese leaders that China would continue to aid North Vietnam, the North Vietnamese were worried that eventually China would agree with President Nixon's policy of linkage by linking the issue of Taiwan with a settlement of the Vietnam War.[48] This concern was increased by a second visit by Chou En-lai on March 3, 1972 after Nixon had visited China. While Chou En-lai stated the Chinese government had specifically rejected any linkage of the issue of Taiwan and the settlement of the Vietnam War, he pressured the North Vietnamese leaders to seek a negotiated settlement rather than seek military victory.[49] This further increased the North Vietnamese leaders' fear that the Chinese government had changed its policy toward the war and now pressuring the North Vietnam to reach a peace agreement more favorable to the United States.[50]

On August 10, 1971, the Soviet government, in response to the July 15, 1971 announcement of President Nixon that he would visit Communist China, extended its own invitation to President Nixon to visit Moscow for political discussion in May or June of 1972.[51] This further worried the North Vietnamese leaders as they thought the Soviet Union, like Communist China would greatly reduce economic and military aid to North Vietnam in order to further its own relationship with the United States.[52]

These fears, along with a view that the Nixon administration troop withdrawal had created a situation where communist forces were clearly superior to South Vietnamese troops and the desire to achieve a military victory to influence the 1972 American presidential election, convinced North Vietnam to launch a large-scale invasion of South Vietnam.[53] North Vietnam First Secretary Le Duan stated "the time has come…" to "sweep away the Saigon forces and regime" with the view to "formalizing in Paris…the victory [about to be] achieved on the battlefield."[54]

On March 30, 1972, North Vietnam launched its invasion of South Vietnam. Using tanks, 120,000 North Vietnamese troops invaded South Vietnam on three fronts.[55] Initially, the communist troops achieved success, capturing the Quang Tri, the district capitals of Dak To and Loc Ninh, and were threatening the city of Hue and the area north of Saigon.[56]

The Nixon administration responded to the offensive both militarily and diplomatically. Militarily the administration launched massive B-52 air strikes on the invading North Vietnamese troops in the South and North Vietnam itself to cripple the logistical ability of the North Vietnamese by attacking fuel depots, rail yards, and transportation routes from China.[57] After the

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[47] Pierre Asselin, "Revisionism Triumphant: Hanoi's Diplomatic Strategy in the Nixon Era," *Journal of Cold War Studies* Vol. 13, No. 4 (Fall 2011): 110.

[48] Ibid.

[49] Nguyen, *Hanoi's War*, 242.

[50] Asselin, "Revisionism Triumphant," 116, Nguyen, *Hanoi's War*, 241-242.

[51] Kissinger, *White House Years*, 837.

[52] Nguyen, *Hanoi's War*, 242.

[53] Asselin, "Revisionism Triumphant," 117-119, Nguyen, *Hanoi's War*, 243.

[54] Asselin, "Revisionism Triumphant," 118.

[55] Herring, *America's Longest War*, 312.

[56] The Military History of Vietnam, *Victory in Vietnam: The Official History of the People's Army of Vietnam, 1954-1975* (Lawrence: University Press of Kansas, 2002) 297-298, Nguyen, *Hanoi's War*, 245-246, Herring, *America's Longest War*, 312-313.

[57] Herring, *America's Longest War*, 315.

North Vietnamese rejected the further negotiations at the Paris Peace talks, President Nixon escalated the American military response by engaging in additional B-52 bombing of Hanoi and Haiphong and mining the port of Haiphong.[58]

Diplomatically, the administration pursued a more moderate course. In April, Kissinger went to Moscow and met four times with Soviet General-Secretary Leonid Brezhnev, Foreign Minister Andrei Gromyko, and Soviet Ambassador to the United States Anatoli Dobrynin. During those meetings, Kissinger offered a major concession that the United States would accept a cease fire if North Vietnam only withdrew the troops that had entered South Vietnam during the March 30 invasion, allowing North Vietnam to keep in South Vietnam the estimated 100,000 North Vietnamese troops that had entered into South Vietnam prior to the March 30, 1972 invasion.[59] Kissinger also presented a decent interval offer, stating:

> We have two principal objectives. One is to bring about an honorable withdrawal of all our forces; secondly, to put a time interval between our withdrawal and the political process which would then start. We are prepared to let the real balance of forces in Vietnam determine the future of Vietnam. We are not committed to a permanent political involvement there, and we…are prepared to withdrawal all of our forces without any residual forces and to close all bases within a period of months…[60]

Again Kissinger knew the Soviets would inform their North Vietnamese allies of his visit and relay his remarks to them as he later asked Brezhnev to transmit his proposals to the North Vietnamese.[61]

President Nixon went to Moscow for his summit meeting with the Soviet leadership on May 22, 1972. At the summit meetings, President Nixon and Kissinger again pursued their decent interval proposal. At a meeting with Brezhnev and other Soviet leaders, when Brezhnev stated to President Nixon and Kissinger that "Dr. Kissinger told me that if there was a peaceful settlement in Vietnam, you would be agreeable to the Vietnamese doing whatever they want, having whatever they want after a period of time, say 18 months. If that is indeed true and if the Vietnamese knew this, and it was true, they would be sympathetic on that basis."[62] Neither President Nixon nor Kissinger objected or expressed disagreement in any way with Brezhnev's statement. Kissinger again floated this decent interval proposal in his meetings with Foreign Minister Gromyko on May 27 and 28, 1972. Soviet records of these meetings portray Kissinger saying the United States would not stand in the way of a communist government in South Vietnam if such a government come

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[58] Nixon, *RN, The Memoirs*, 602-603, Herring, *America's Longest War*, 316.

[59] FRUS, 1969-1976, Volume XIV, Soviet Union, October 1971-May 1972, "Memorandum of Conversation," 139, Tad Szulc, *The Illusion of Peace: Foreign Policy in the Nixon Years* (New York: The Viking Press, 1978) 544.

[60] FRUS, 1969-1976, Volume XIV, Soviet Union, October 1971-May 1972, "Memorandum of Conversation," 134.

[61] FRUS 1969-1976 Volume XIV, Soviet Union, October 1971-May 1972, "Memorandum of Conversation," 159.

[62] FRUS 1969-1976 Volume XIV, Soviet Union, October 1971-May 1972, "Memorandum of Conversation," 271.

into power eventually after the peace agreement was signed.[63] Records of the United States Department of State also reflect Kissinger's statements in support of a decent interval proposal. In the May 27 meeting with Foreign Minister Gromyko, Kissinger states:

> If North Vietnam were wise it would make an agreement now and
> not haggle over every detail because one year after the agreement
> there would be a new condition, a new reality…if the DRV were
> creative, it would have great possibilities…all we ask is a degree
> of time so as to leave Vietnam for Americans in a better perspective…
> We are prepared to leave so that a communist victory is not excluded,
> though not guaranteed.[64]

In June 1972, Kissinger went to Communist China and met with Chou En-lai. On June 20, Kissinger again offered the idea of a decent interval.[65] After giving the example of a four-month interval as unacceptable, Kissinger states that "If the North Vietnamese, on the other hand, engage in a serious negotiation with the South Vietnamese, and if after a long period it starts again after we were all disengaged, my personal judgment is that it is much less likely that we will go back again much less likely" (emphasis by underlining in original transcript).[66] Chou En-lai then states to Kissinger that Kissinger said this last year, saying Kissinger "said last year after you have withdrawn and the prisoners of war have been returned then as to what happens then, that is their affair."[67] It is noteworthy that Kissinger did not dispute in any way this statement. Kissinger later states "while we cannot bring a communist government to power, if as a result of historical evolution it should happen over a period of time, if we can live with communist government in China, we ought to be able to accept it in Indochina."[68]

On June 21, Kissinger again met with Chou En-lai. Kissinger told him:

> it should be self-evident that in a second term we would not be
> looking for excuses to re-enter Indo-China. But it is still important
> that there is a reasonable interval between the agreement on the
> ceasefire and a reasonable opportunity for a political negotiation…
> The outcome of my logic is that we are putting a time interval
> between the military outcome and the political outcome. No one
> can imagine that history will cease on the Indo-China peninsula
> with a ceasefire.[69]

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[63] Ilya V. Gaiduk, *The Soviet Union and the Vietnam War* (Chicago: Ivan R. Dee, 1996) 240, Kimball, *Nixon's Vietnam War*, 318.

[64] National Security Archive, "Henry Kissinger's Discussion with Andrei Gromyko] 1972," 3, 7. http://search.proquest.com/docview/1679103288?accountid=14515

[65] National Security Archive, "Memorandum of Conversation, June 20, 1972, 2:05-6:05 p.m.," 31. http://nsarchive.gwu.edu/NSAEBB/NSAEBB/193/HAK%206-20-72.pdf

[66] Ibid.

[67] Ibid.

[68] Ibid, 37.

[69] Digital National Security Archive, "Memorandum of Conversation, June 21 3:25-6:45 p.m.," 27-28.

Without question, the Chinese government passed Kissinger's remarks on a decent interval to the North Vietnamese leadership.[70]

After the initial military success of the North Vietnamese military in the initial weeks of the invasion, by the month of June 1972, the battlefield situation for the North Vietnamese had worsened. The massive American bombing of the North Vietnamese transportation system and the mining of Haiphong harbor made it very difficult for North Vietnam to supply its invading military and caused extensive damage to North Vietnamese industry and infrastructure.[71] Further, American airpower proved to be a decisive factor when used as tactical air support for the South Vietnamese military in its fighting with North Vietnamese troops.[72] With this American tactical air support, the South Vietnamese Army was able to stabilize the battlefield situation by repelling North Vietnamese attacks on Hue and other cities and launched a counteroffensive, which resulted in the recapture of Quang Tri city.[73] By the end of the summer of 1972, the North Vietnamese offensive had been stopped.[74] Both sides had suffered heavy losses with the North Vietnamese suffering 100,000 killed and South Vietnam suffering 25,000 killed.[75]

A stalemate existed. However, the March 30 invasion had a significant impact on the effort to end the war by negotiation. Nixon administration Chief of Staff H.R. Haldeman wrote in his diary on May 1, 1972 of President Nixon's reaction to the invasion and the resulting escalation of fighting in the war:

> [Nixon is] obviously facing the very real possibility now that we have had it in Vietnam, and that he's going to have to deal that situation instead of one of acceleration. Both he and Henry agree that regardless of what happens now, we'll be finished with the war by August. Either we will have broken them or they will have broken us, and the fighting will be over. There still seems to be some possibility of negotiation or a ceasefire because it's quite possible, maybe even probable, that the North Vietnamese are hurting even worse than the South Vietnamese, and that both maybe ready to fold.[76]

The March 30 invasion had also increased the administration's already existing concerns over the ineffectiveness of the South Vietnamese military to successfully resist North Vietnamese military operations to forcibly take over South Vietnam. Seeing the South Vietnamese army suffer defeats in the first weeks after the invasion, President Nixon wrote in his diary that despite giving the South Vietnamese the most modern weapons, "the enemy, emphasizes the Spartan life...emphasizes sacrifice and...with the enormous Soviet technical help on missiles, guns etc.,

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PQsearch.proquest.com/dnsa-kt/docview/1679124797/fulltextPDF/CB316671118244CC6PQ/27account=14515

[70] Jussi Hanhimaki, "Selling the 'Decent Interval': Kissinger, Triangular Diplomacy and the End of the Vietnam War, 1971-73," *Diplomacy & Statecraft*, Vol. 14, No. 1 (March 2003), 178.

[71] Nguyen, *Hanoi's War*, 258-259, Herring, *America's Longest War*, 318.

[72] Kimball, *Nixon's Vietnam War*, 325.

[73] Nguyen, *Hanoi's War*, 245.

[74] Kimball, *Nixon's Vietnam War*, 327.

[75] Herring, *America's Longest War*, 318.

[76] Haldeman, *The Haldeman Diaries*, 450.

they have a pretty good advantage."[77] Kissinger also noted that in the initial weeks of the invasion many South Vietnamese troops panicked and a later South Vietnamese counteroffensive developed with "excruciating slowness."[78] Although the South Vietnam military eventually improved, as it was able to stabilize the battle lines and produce a stalemate, it continued to have a severe leadership problem.[79] More importantly, it was clear that the South Vietnamese military would have suffered a decisive defeat or lost more men and territory without the massive American air attacks and the presence of American advisors on the battlefield solidifying South Vietnamese troops and being conduits to American air and naval power.[80] It appeared doubtful that the South Vietnamese military could be an effective fighting force and defeat the North Vietnamese military if American air power and battlefield advisors were withdrawn.[81]

The administration's desire to obtain a peace agreement which would end America's active military role in the war through the mechanism of having the present independent South Vietnamese government last for a decent interval could not come into fruition so long as North Vietnam insisted that the United States replace the Thieu government with a coalition government as a condition for a peace agreement. However, the aforementioned comments of President Nixon that the March 30 invasion could eventually led to negotiations to end the war proved prophetic.

By July of 1972, the North Vietnamese leadership was ready to return to the negotiating table in Paris. The stalemate on the battlefield, with the heavy casualties of the North Vietnamese military, the destruction the bombing inflicted upon the North Vietnamese economy and infrastructure, the calls by its Soviet and Chinese allies to return the Paris peace talks and negotiate eventually caused the North Vietnamese to return to the Paris peace talks and negotiate seriously to end the war.[82] When Chinese Premier Chou (Zhou) En-lai met with the Paris peace talks negotiators Xuan Thuy and Le Duc Tho in Beijing on July 12, 1972, not only did he urge the North Vietnamese to negotiate but on the question of the North Vietnamese demand for the replacement of Thieu and his government with a tripartite coalition government he said:

> To get an agreement now was important to ensure the final exit
> of American troops; if giving Thieu a role in a coalition government
> in the South was the prize for that, so be it. Should the talks between
> the three forces in the proposed coalition government (Thieu, PRG, and
> neutralists) fail, then 'we will fight again.'…Zhou summed up the
> Chinese view with a prophetic remark: 'the question is to play for
> time with a view of letting North Vietnam recover, thus getting stronger
> while the enemy is getting weaker.' There would have to be a decent

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[77] Nixon, *RN, The Memoirs*, 586-587, 588-589.

[78] Kissinger, *Ending*, 261, 285.

[79] Herring, *America's Longest War*, 318.

[80] Kimball, *Nixon's Vietnam War*, 325, Stephen P. Randolph, *Powerful and Brutal Weapons: Nixon, Kissinger, and the Easter Offensive* (Cambridge: Harvard University, 2007) 337.

[81] Herring, *America's Longest War*, 318, Randolph, *Powerful and Brutal Weapons*, 337, Dale Andrade, *Trial by Fire: The 1972 Eastern Offensive: America's Last Vietnam Battle* (New York: Hippocrene Books, 1995) 533.

[82] Asselin, "Revisionism Triumphant," 124-127.

interval.[83]

Despite the decision of North Vietnam to return to the negotiating table in Paris and seek a peace agreement, that decision did not mean that North Vietnam was abandoning its use of military force to overthrow the Thieu government and forcibly take over South Vietnam. Le Duan, the general secretary of the Central Committee of North Vietnam's Communist Party, in announcing that decision to return to serious negotiations to seek a peace agreement, stated "we must concentrate our efforts on doing whatever it takes to resolve our first objective, which is to fight to force the Americans to withdraw…The achievement of our first objective will create the conditions necessary for us to subsequently attain our second objective, to fight to make the puppets collapse."[84]

**The Peace Negotiations from August 1972 to January 1973**

On August 1, 1972, Le Duc Tho presented a new set of North Vietnamese proposals at the Paris peace talks. On the military issues, he was agreeable that the schedule of the withdrawal of American troops would not start until after the peace agreement was signed.[85] More importantly, while Le Duc Tho still insisted on a coalition government, he dropped the demand for a provisional coalition government in which the communists appointed a third of the members and had a veto over the other two-thirds.[86] He now proposed a definitive tripartite coalition government as the definitive government in which the Thieu government and the communists would be able to appoint a third of the coalition government and also one-half of the members of the neutral third and would not have to engage in additional negotiations with the National Liberation Front.[87] Hanoi had officially dropped its demand that the Thieu government immediately be replaced.

President Nixon and Kissinger thought the dropping of the demand for the immediate removal of President Thieu and his government brought their idea of a "decent interval" settlement within their reach.[88] On August 3, 1972, after Kissinger told President Nixon there was a 50-50 chance of reaching a settlement with North Vietnam. President Nixon and Kissinger discussed their decent interval strategy:

> President Nixon:…I look at the tide of history out there-South
> Vietnam probably can never even survive anyway…we also have
> to realize Henry, that winning an election is terribly important.
> It's terribly important this year...but can we have a viable foreign
> policy if a year from now or two years from now, North Vietnam
> gobbles up South Vietnam? That's the real question.
>
> Kissinger: If a year or two years from now North Vietnam gobbles up
> South Vietnam, we can have a viable foreign policy if it looks as if it's

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[83] Hanhimaki, "Selling the Decent Interval," 178-179.

[84] Le Duan quoted in FRUS 1969-1976 Volume VIII, Vietnam, January-October 1972, "Editorial Note," 284.

[85] Kissinger, *Ending*, 306.

[86] Ibid, 306-307.

[87] Kissinger, *Ending,* 306-307.

[88] Ken Hughes, *Fatal Politics:* t*he Nixon Tapes, the Vietnam War and the Casualties of Reelection* (Charlottesville: University of Virginia Press, 2015) 83.

the result of South Vietnamese incompetence. If we now sell out in such a way that, say, within a three-to-four-month period, we have pushed President Thieu over the brink-we ourselves-I think, there is going to be-even the Chinese won't like that...it will worry everybody. And domestically in the long run it won't help us all that much because our opponents will say we should've done it three years ago.

President Nixon: I know.

Kissinger: So we've got to find some formula that holds the thing together a year or two, after which-after a year, Mr. President, Vietnam will be a backwater. If we settle it, say, this October, by January '74 no one will give a damn.[89]

This conversation is significant because it reveals President Nixon and Kissinger's private conversation accepting the strategy of obtaining a peace agreement that provided Thieu government and South Vietnam with only a "decent interval" before being forcibly taken over by North Vietnam. This conversation corroborates the statements of Kissinger to the Soviet and Communist China officials.

It is also noteworthy in this conversation that President Nixon and Kissinger discuss their reasons why they need to provide this decent interval strategy. As to their comments that North Vietnam would overrun South Vietnam in a few months would be something that even communist China would not want and undermine their ability to have an effective foreign policy in the world appear to be false or at least very exaggerated if not hysterical. Chou En-lai in his first meeting with Kissinger on July 9, 1971, repeatedly stated that the United States should withdraw from South Vietnam at a much faster rate than Kissinger was suggesting and extricate itself from Vietnam which would further the relationship between the People's Republic of China and the United States and bring peace in Asia.[90] The People's Republic of China had its own interests such as the fate of Taiwan that it wished to pursue in more friendly relations with the United States. The Soviet Union was also pursuing its own interests, which required a friendlier relationship with the United States. The chances of furthering those interests would dramatically lower if the United States suffered a quick humiliating defeat at the hands of North Vietnam. One only needs to look at a series of United States State Department records of Kissinger meetings with the Soviet Ambassador to the United States and a letter from Soviet General Secretary Brezhnev to President Nixon to see that the Soviets were not seeking a clash with the United States over the Vietnam War, did not advocate a quick humiliating victory by North Vietnam over the United States and South Vietnam in the March 30 invasion and instead wanted to have the war end by negotiation and be removed as an impediment to better relations with the United States as it would help them successfully pursue their own interests.[91]

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[89] Presidential Recordings Digital Editions, "Richard Nixon and Henry A. Kissinger on 3 August 1972," Conversation 760-006 (PRDE Excerpt A)  http://prde.upress.virginia.edu/conversation/4006748
[90] National Security Archive, "Conversations with Chou En-lai, July 9," 15, 27, 29, 32.
[91] FRUS 1969-1976, Volume XIV, Soviet Union, October 1971-May 1972, "Memorandum of Conversation," 88, FRUS 1976 Volume XIV, Soviet Union, October 1971-

However, their articulation of the political cost if South Vietnam were to collapse and be taken over by North Vietnam within a three- or four-month period of signing a peace agreement was sound. Their political opponents would have a powerfully persuasive argument to make to the American public that President Nixon and Kissinger had continued to have the American military fight in Vietnam for four additional years at a cost of an additional 20,553 Americans killed and hundreds of thousands Vietnamese killed and still lost the war and that the President should have withdrawn earlier, losing the war but avoiding this additional heavy loss of life.[92]

On September 9, 1972, when Nixon and Kissinger discussed the terms of an American counterproposal to the North Vietnamese proposal of August 1 and the sending of General Alexander Haig to brief Thieu about those terms, they made a number of startling admissions. Kissinger states that as to the term of a general election after the ceasefire has taken effect, it is all "baloney" as there will never be elections since there must be unanimity of agreement on the electoral law to govern the election by the committee, which is divided between members approved by North Vietnam and South Vietnam.[93] Although there will be a ceasefire, the war will eventually resume but American troops will be already be gone.[94] There was a divergence of issues between President Thieu and the Nixon Administration: the Nixon Administration wanted a ceasefire and its involvement in the war and Thieu didn't want a ceasefire and wants American active military involvement, including the bombing to continue for as long as needed.[95]

The fact that Thieu was not amenable to the terms of the counterproposal, especially the ceasefire and the absence of any term addressing to presence of North Vietnamese troops, did not surprise the administration.

Kissinger notes that a:

> primeval hatred animated the two Vietnamese sides. They had
> fought each other for a generation. They had assassinated each
> other's officials, tortured each other's prisoners. The chasm of
> distrust and mutually inflicted suffering was not amenable to
> acts of goodwill or the sort of legalistic compromise formulas
> toward which diplomats incline. Each Vietnamese party saw in
> a settlement the starting point of a new struggle.[96]

After making a counterproposal which included terms of a ceasefire the formation of a provisional tripartite Government of National Accord to organize a general election, the withdrawal of all American troops and made no mention as to the presence of North Vietnamese troops in South Vietnam, the administration sent General Haig to brief President Thieu and his

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May 1972, "Memorandum of Conversation," 84, FRUS 1969-1976, Volume XIV, Soviet Union, October 1971-May 1972, "Note from Soviet General Secretary Brezhnev to President Nixon," 72.

[92] Hughes, *Fatal Politics*, 86, Herring, *America's Longest War*, 330-331.

[93] FRUS 1969-1976, Volume VIII, January-October 1972, "Conversation between President Nixon and the President's Assistant for National Security Affairs" (Kissinger) 270.

[94] Ibid.

[95] FRUS 1969-1976, Volume VIII, 270.

[96] Kissinger, *Ending*, 314.

government about this proposal and its terms.[97] President Thieu strongly rejected this proposal, saying it will cause his government to fall and that he "will have to commit suicide somewhere along the line."[98]

On October 6, President Nixon and Kissinger met. In discussing Thieu's reaction to the administration's counterproposal, Kissinger states "Thieu is right that our terms will eventually destroy him…given their weakness their disunity, it will have that consequence."[99] President Nixon did not disagree with that statement. Concern that Thieu would go public with his criticism of the terms of counterproposal would destroy the government of South Vietnam which so many Americans had died defending, President Nixon stated he did not want a peace settlement before the election if Thieu went public with his criticism.[100] Kissinger suggested the way to keep Thieu from going public with his criticism would be to try and get private-written security guarantees from the North Vietnamese which will keep Thieu from going public with his criticism.[101] One of those security guarantees would have the North Vietnamese withdraw troops from South Vietnam. Yet, President Nixon and Kissinger know that even if they could get such a guarantee, it would be a limited one, as the North Vietnamese would withdraw only some of their troops, not all.[102]

On October 8, at the Paris peace talks, Le Duc Tho presented Kissinger and the American delegation with the draft of a complete peace agreement. The draft terms called for a ceasefire in place in South Vietnam, an end of acts of force by the United States against South and North Vietnam, complete withdrawal of American troops, a tripartite body that would supervise the implementation of the agreement and arrange elections but with little real power as it would operate on an unanimity principle which gave the South Vietnamese government a veto, and the South Vietnamese government and anti-government Provisional Revolutionary Governmental (PRG) would in the meantime control the parts of the country they occupied with the United States free to supply its allies. Most importantly, the draft signaled that North Vietnam was willing to resolve the military issues and leave the political issues to be decided after the ceasefire was implemented, which was an essential administration demand. The draft represented a significant concession in that did not contain any term calling for the resignation of President Thieu. However, the draft made no specific mention of North Vietnamese troops present in South Vietnam thus allowing them to remain there.

Kissinger was elated, feeling the North Vietnamese had made significant concessions that were meeting the essential demands of the administration for a peace agreement and that a peace

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[97] FRUS 1969-1976, Volume VIII, Vietnam, January-October 1972, "Memorandum of Conversation," 277.

[98] Ibid.

[99] Presidential Recordings Digital Edition, "Richard Nixon and Henry A. Kissinger on 6 October 1972," Conversation 793-006 (PDRE Excerpt A) http://prde.upress.virginia.edu/conversations/4006449

[100] Presidental Recordings Digital Edition, Conversation 793-006 (PDRE Excerpt A).

[101] Ibid.

[102] Presidential Recordings Digital Edition, "Richard Nixon and Henry A. Kissinger on 6 October 1972," Conversation 793-006 (PDRE Excerpt B) http://prde.upress.virginia.edu/conversations/4006749

agreement could be reached if there were just a few more days of intense negotiations.[103] John Negroponte, a member of the American delegation, later stated a stronger peace agreement with more clearly defined terms which might have deterred some of the later North Vietnamese's violations of the peace agreement because of the vagueness of some of its terms could have been obtained if Kissinger would have suspended the talks and returned to the United States for an in-depth examination of Le Duc Tho's draft over a longer period and further consultation with Washington and Saigon before making a counterproposal.[104] Kissinger refused to return for further consultation and instead proceeded with the negotiations.[105]

After a few days of intense negotiations, a proposed draft of a peace agreement was reached. The key terms were a ceasefire in South Vietnam, an end to all acts of force against North Vietnam, the withdrawal of American troops, the right to replace worn out military equipment and material by the two South Vietnamese parties (the Republic of Vietnam and the PRG), the end of infiltration of North Vietnamese troops, the establishment of an administrative structure to organize general elections which required unanimity to act, internationally supervised elections, and that the Thieu government and PRG would continue to control the parts of the country they occupied. However, by the agreement not mentioning the presence of North Vietnamese troops in South Vietnam it in effect legitimized their presence.

It is interesting to note that Kissinger, on the day of the October 8 meeting that upon reviewing Le Duc Tho's proposed peace treaty draft, claimed that he and the American delegation were on the verge of obtaining an agreement which would bring "an end to the blood letting in Indochina" and peace.[106] Yet in the days of negotiation that followed, Kissinger revealed his true feelings about the agreement and the prospects for real peace. In his office journal he wrote: "It's taken for granted that Hanoi will cheat. The question is how to set up communications, intelligence and command arrangements."[107] During negotiations he wrote that he "had no illusions. Whenever we or Hanoi were looking for an elegant way to bury an issue, we left its resolution to the South Vietnamese parties who we knew would probably never agree on anything."[108] When the draft of the proposed peace agreement was completed, Kissinger declared "we were not so naive as to believe that Hanoi's dour leaders had abandoned the aspirations of a lifetime."[109] In short, Kissinger believed both sides would violate the agreement after it was signed.

Negroponte and later General Haig were concerned that Thieu would object to this agreement.[110] It did not take long to prove their concerns were justified. On October 27, Kissinger met with Thieu. Kissinger had made the decision not to keep the South Vietnamese government informed of the progress of the Paris peace negotiations and did not send it a draft of the proposed

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[103] Kissinger, *Ending*, 328-330, Seymour M. Hersh, *The Price of Power: Kissinger in the Nixon White House* (New York: Summit Books, 1983) 584, "Interview with John D. Negroponte, 1981" WGBH Boston, Richard Ellison, producer (1983) http://search.alexanderstreet.com/view/work/179320
[104] WGBH Boston, "Interview with John D. Negroponte, 1981."
[105] Kissinger, *Ending*, 331.
[106] Kissinger, *Ending*, 330.
[107] Hersh, *Price of Power*, 583-584.
[108] Kissinger, *Ending*, 335.
[109] Ibid, 337.
[110] Hersh, *Price of Power*, 584, Nixon, *RN*, 693, Hughes, *Fatal Politics*, 122.

agreement.[111] When Kissinger met with him and gave him a copy of the draft, Thieu simply rejected the terms of the proposed agreement. He stated that "we cannot accept the presence of the North Vietnamese army in the South" and that "a tripartite CNCR is totally unacceptable."[112] Thieu estimated there were 300,000 North Vietnamese troops in South Vietnam.[113] He complained that South Vietnam was being sacrificed and that if "we accept the document as it stands, we will commit suicide and I will be committing suicide."[114]

To avoid any possibility of Thieu making a public condemnation of the proposed draft treaty, Kissinger agreed to present sixty-nine amendments that the Thieu government wanted in the draft treaty.[115] Among the amendments were substantive revisions were wording concerning the Demilitarized Zone (DMZ) between North and South Vietnam, which would make North Vietnamese troops illegal below the 17th parallel, and the withdrawal of North Vietnamese troops in South Vietnam simultaneous with the release of political prisoners.[116] In response to his difficult meetings with Thieu, Kissinger requested a postponement of the next scheduled meeting at the Paris peace talks stating "the difficulties in Saigon have proved somewhat more complex than originally anticipated [and] concern matters the U.S. side is honor bound to put before the DRV side" which required him and rejoin to Washington for further consultation.[117]

This request for postponement was seen by the North Vietnamese to be designed to make it possible for President Nixon and Kissinger to claim progress was being made in the negotiations while delaying the signing until after the election; they could then use the delays an excuse to extract new concessions while continuing the war to strengthen the South Vietnamese government with additional weapons and material.[118] At that point, there was some truth when Kissinger joked that he "had achieved the unity of the Vietnamese-both of them dislike me, North and South."[119]

On October 25, 1972, North Vietnam responded by publicly broadcasting over Radio Hanoi the key points of the draft peace treaty, the history of the negotiations and accusing the administration of negotiating in bad faith in order to prolong the talks and preserve the Thieu government.[120] In response, Kissinger gave a press briefing in which he stated the administration believed that "peace is at hand" and while acknowledging that Thieu, while agreeing with many parts of the agreement, disagreed with some aspects of it, that some ambiguities had to be clarified and there were issues remaining to be settled, which required more time to resolve but were issues that were less important than those already resolved.[121] Kissinger's remarks were well received by

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[111] Kissinger, *Ending*, 337-338, Herring, *America's Longest War*, 321.

[112] Digital National Security Archive, "Angry Discussion of Peace Agreement with Nguyen Thieu," 3
http://search.proquest.com/docview/1679124720?accountid=14515

[113] Ibid, 4.

[114] Ibid, 2, 8.

[115] Hanhimaki, *The Flawed Architect*, 248.

[116] Nguyen, *Hanoi's War*, 289.

[117] Kissinger, *Ending*, 367.

[118] Kimball, *Nixon's Vietnam War*, 347, The Military History of Vietnam, *Victory*, 310.

[119] Hanhimaki, *The Flawed Architect*, 245.

[120] Kimball, *Nixon's Vietnam War*, 345.

[121] Kissinger, *Ending*, 374, 377, Kimball, *Nixon's Vietnam War*, 346.

the press, the American public, and the stock market, which soared.[122] The issue of the war did not impact Nixon's chances for reelection as he won by a landslide. It must be noted that the Nixon White House ran extensive public opinion polls which showed a majority of the American public favored a peace agreement with the terms that President Nixon and Kissinger claimed would bring "a peace with honor" and even supported bombing Hanoi if that would accomplish that.[123]

While his landslide reelection gave President Nixon some reason to believe his administration now had additional leverage to end the war on the terms they were seeking as he perceived that "pressure" had been removed, members of Congress, including some Republicans, thought Thieu was responsible for the inability to conclude a peace agreement on the basis of the October draft peace proposal and threatened to end all aid to South Vietnam and funds for Indochinese military operations.[124]

The next negotiations session at the Paris peace talks was set for November 20, 1972. During the months of October and November in addition to agreeing to present the sixty-nine amendments proposed by the Thieu government at that session, the administration tried a carrot and stick strategy to persuade Thieu not to publicly reject the peace agreement the administration was seeking. One carrot was a massive resupply of weapons and other military material during this period.[125] A second carrot was a promise by President Nixon to continue economic aid and military assistance after the peace agreement is signed, and assurance that if the North Vietnamese violate the terms of the peace agreement, that he will "take swift and severe retaliating action."[126] The sticks included threats by President Nixon that if Thieu continued to publicly criticize the proposed peace agreement, the essential base of support for Thieu and his government would be destroyed, that such criticism would cause the United States to contemplate alternative courses of action detrimental to both South Vietnam and the United States and that it will be difficult for President Nixon to see how South Vietnam and the United States will be able to continue their common effort towards securing a just and honorable peace.[127] However, Thieu continued to

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[122] Walter Issacson, *Kissinger: a biography* (New York: Simon & Schuster, 1992) 459, Hughes, *Fatal Politics*, 131.

[123] Andrew Katz, "Public Opinion and the Pursuit of Peace with Honor in Vietnam," *Presidential Studies Quarterly*, Vol. 27, No. 3 (Summer 1997) 504-505, Hersh, *Price of Power*, 606.

[124] Herring, *America's Longest War*, 322-323, WGBH Boston, "Interview with John Negroponte, 1981."

[125] FRUS 1969-1976, Volume IX, Vietnam October 1972-January 1973, "Letter from President Nixon to South Vietnamese President Thieu," 96, FRUS 1969-1976, Volume IX, Vietnam, October 1972-January 1973, "Memorandum from Secretary Defense Laird to President Nixon," 111.

[126] FRUS 1969-1976, Volume IX, Vietnam, October 1972-January 1973, "Letter from President Nixon to South Vietnamese President Thieu," 20, FRUS 1969-1976, Vietnam, Volume IX, "Letter from President Nixon to South Vietnamese President Thieu," 107.

[127] FRUS 1969-1976, Volume IX, Vietnam, October 1972-January 1973, "Letter from President Nixon to South Vietnamese President Thieu," 79, FRUS 1969-1976, Volume IX, Vietnam, 107, FRUS 1969-1976, Volume IX, Vietnam, 196.

refuse to support the negotiations by the United States to secure a peace agreement based upon the October peace draft.[128]

When the peace negotiations resumed on November 20, 1972, Kissinger found an angry and suspicious Le Duc Tho. In addition to being suspicious that the administration's delay of the negotiations sessions was done to help win President Nixon's reelection by allowing him to portray he and his administration as seeking peace but at the same time massively resupplying South Vietnam with weapons and other military aid, he was angry because the North Vietnamese, relying on the American acceptance of the draft peace treaty had their cadres surface and begin land grabbing operations in South Vietnam and had suffered serious losses.[129] After Kissinger presented the Thieu government's sixty-nine amendments, Le Duc Tho agreed to a few technical changes but rejected the overwhelming majority of these amendments and began demanding changes of his own including withdrawing concessions he had made in earlier negotiations.[130]

As the negotiations continued after this rocky start, Kissinger was acutely aware, that if an agreement was not reached, members of Congress, including those who had previously supported the administration's war policies, were ready to cut off all military and economic aid to South Vietnam if an agreement was not reached when Congress reconvened in January of 1973.[131] Ultimately, the negotiations broke down over inability of the parties to reach a compromise over the language in the proposed treaty concerning the DMZ.[132] Kissinger wanted language that would have prohibited any civilian or military movement across the DMZ, which North Vietnam feared would make considerably more difficult to rotate and resupply North Vietnamese troops in South Vietnam after the peace agreement was signed.[133] However, the North Vietnamese leadership had more significant reasons for not compromising and agreeing to a peace agreement as the leadership thought:

> the new U.S. Congress that would be taking office in January was widely rumored to be at the point of refusing to fund the war and thereby compelling Nixon to end it. If that were the case, Nixon would have to accept a settlement placing fewer restraints on Hanoi and its forces in the South than he was now willing to accept. Hanoi might secure the withdrawal of foreign troops from the South in return for no more than a pledge to release U.S. POW's and to tolerate the Thieu regime for the time being. Should the new Congress fail to force Nixon's hand, Hanoi could agree to a settlement in another round of talks, with or without further concessions…As for the possibility of renewed bombing which Kissinger told DRV negotiations was likely without an agreement

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[128] Herring, *America's Longest War*, 323.

[129] Kissinger, *Ending*, 388, WGBH Boston, "Interview with John Negroponte, 1981."

[130] Kissinger, *Ending*, 390, Kimball, *Nixon's Vietnam War*, 351.

[131] FRUS 1969-1976, Volume IX, Vietnam, October 1972-January 1973, "Message from President Nixon to the President's Deputy Assistant for National Security Affairs (Haig) in Paris," 121, Kimball, *Nixon's Vietnam War*, 354-355, Kissinger, *Ending*, 388.

[132] Herring, *America's Longest War*, 324.

[133] Nguyen, *Hanoi's War*, 294, Asselin, "Revisionism Triumphant," 125.

by mid-December, VWP leaders decided to take that risk.[134] The talks were recessed on December 14, 1972.

Kissinger wrote the administration "had only two choices: a massive shocking step to end the war quickly or letting matters drift into another round of inconclusive negotiations, prolonged warfare, bitter national divisions and mounting casualties."[135] President Nixon chose the first option. He ordered heavy bombing by B-52s of North Vietnam with a focus on Hanoi and Haiphong targeting industry, infrastructure, transportation, power plants, and broadcast stations.[136] This bombing was done for the explicit purpose of forcing Hanoi to return to negotiation and conclude a peace treaty.[137]

The bombing lasted from December 18 to December 29, 1972. When the bombing campaign was launched on December 18, Haldeman recorded in his diary that Kissinger makes the point that President Nixon's "best course is brutal unpredictability."[138] The bombing inflicted massive damage, destroying enough of North Vietnam's military, transport, and infrastructure to undo most of the economic progress made since 1969.[139] North Vietnam suffered 2,996 civilians killed and 1,577 wounded.[140] While they expected to be bombed, the North Vietnamese leadership never expected this level of bombing which threatened the destruction of the country.[141] The bombing convinced the North Vietnamese leadership to return to the negotiations in Paris and reach a peace agreement.[142] On December 26, 1972, North Vietnam informed the United States that it was now willing to resume peace negotiations on January 8, 1973.

Despite this success, the Nixon Administration still faced difficulties. The United States suffered heavy losses of twenty-eight aircraft, including fifteen B-52s.[143] The bombing caused heavy criticism domestically and internationally.[144] When Congress came back into session on January 2, 1973, the House and Senate Democratic caucuses voted to end all funding for the war as soon as safe American troop withdrawals and return of American prisoners of war could be obtained, which placed additional pressure on the administration to reach a peace agreement.[145]

In this atmosphere, the United States and North Vietnam resumed the peace negotiations on January 8 and reached an agreement within a few days.[146] In reaching this agreement, North Vietnam did offer some concessions including the restrictive language on the term dealing with

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[134] Asselin, "Revisionism Triumphant," 130-131.

[135] Kissinger, *Ending*, 411.

[136] Kimball, *Nixon's Vietnam War*, 364-365.

[137] Asselin, "Revisionism Triumphant," 131.

[138] Haldeman, *The Haldeman Diaries*, 557.

[139] Asselin, "Revisionism Triumphant," 132.

[140] Kimball, *Nixon's Vietnam War*, 365.

[141] Asselin, "Revisionism Triumphant," 132, Herring, *America's Longest War*, 327, Nguyen, *Hanoi's War*, 297, WGBH, Boston, "Interview with John Negroponte, 1981."

[142] Asselin, "Revisionism Triumphant," 132.

[143] Herring, *America's Longest War*, 327.

[144] Kimball, *Nixon's Vietnam War*, 365-366, Herring, *America's Longest War*, 328.

[145] Nixon, *RN The Memoirs*, 742-743, Kissinger, *Ending*, 419-420, Herring, *America's Longest War*, 328.

[146] Nixon, *RN The Memoirs,* 747.

the DMZ that Kissinger had proposed in December.[147] However, North Vietnam had succeeded in its goal to get the total withdrawal of American troops with North Vietnamese troops being allowed to remain in South Vietnam and the end of American bombing of North Vietnam. The January agreement, although containing some concessions, resembled the October draft agreement. However, North Vietnam by agreeing to the peace agreement had not renounced its ultimate goals of liberating the South and reunifying Vietnam.[148]

During the months of December 1972 and January 1973, the administration pressed the South Vietnamese government to join the United States in its effort to reach what it believed to be an acceptable settlement. On December 17, 1972, just one day before the administration began its massive bombing of North Vietnam, President Nixon sent Thieu a letter advising him that "certain military actions" were about to be undertaken which will convey to North Vietnam his determination to bring the war to a rapid end "as well as to show what I am prepared to do in case of a violation of the agreement."[149] President Nixon warned Thieu that he must decide whether to work together in seeking a settlement along the lines President Nixon has approved or whether Thieu wants President Nixon to seek a settlement with North Vietnam which serves U.S. interests alone.[150]

On January 14, 1973, President Nixon sent Thieu another letter warning that if Thieu would not accept the completed agreement and sign it, he would do so alone and will publicly explain that Thieu's government obstructs peace, which would result in the immediate termination of U.S. economic and military assistance.[151] President Nixon promised that once the agreement is signed by all parties, the U.S. would react strongly in the event the peace agreement is violated and that it was his intention to continue full economic and military aid to South Vietnam.[152] Republican Senator Barry Goldwater, one of the strongest supporters of war, put out a statement which urged Thieu to sign the agreement and if instead he blocked the agreement, aid to South Vietnam would be cut.[153]

The combination of President Nixon's threats and promises, the statement of Senator Goldwater, the pending legislation in Congress to cut off war funding, and the fact that the December bombing of North Vietnam convinced Thieu that the President was willing to order B-52 bombing raids over North Vietnam to enforce the peace agreement if there were violations by North Vietnam, made Thieu finally relent and agree to sign the agreement.[154]

On January 23, 1973, President Nixon in a televised speech to the nation announced that the peace agreement had been concluded, which would "end the war and bring peace with honor

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[147] Kissinger, *Ending*, 422.

[148] Asselin, "Revisionism Triumphant," 133.

[149] FRUS 1969-1976, Volume IX, Vietnam, October 1972-January 1973, "Letter from President Nixon to South Vietnamese Thieu," December 17, 1972, 189.

[150] FRUS 1969-1976, Volume IX, 189.

[151] FRUS 1969-1976, Volume IX, Vietnam, October 1972-January 1973, "Letter from President Nixon to South Vietnamese Thieu," January 14, 1973.

[152] Ibid.

[153] Nguyen Tien Hung and Jerrold L. Schecter, *The Palace File* (New York: Harper & Row, 1986) 154-155.

[154] Hung and Schecter, *Palace File*, 144-145, 154-155, Nguyen, *Hanoi's War*, 297-298.

in Vietnam."[155] The next day, Kissinger again revealed the continuing adherence to the belief that he and President Nixon shared that the peace agreement was one in which the South Vietnamese government would only last for a decent interval before being overthrown by the North Vietnamese. John Ehrlichman, White House Counsel and Assistant to the President, asked Kissinger how long did he figure the South Vietnamese can survive to which Kissinger replied, "I think that if they're lucky they can hold out for a year and half."[156] The peace agreement was signed by all parties in Paris on January 27, 1973.

**The Aftermath**

The Vietnamese parties to the peace agreement recognized at the time of its signing that a new phase in the armed struggle for the control of Vietnam had begun.[157] Thieu felt that the continued presence of North Vietnamese troops in South Vietnam relieved him of any obligation to honor the ceasefire agreement.[158] He saw the struggle as one in which he must assert control overall of South Vietnam and believed the PRG and the North Vietnamese could not be allowed to have any areas under their control as they would eventually use these areas as bases from which they would take over South Vietnam.[159] Thieu violated the peace agreement from the onset by launching attacks on communist occupied areas to seize those areas.[160] As previously noted, North Vietnam also had no intention of honoring the peace agreement, seeing the peace agreement as a symbol of victory in which communists had now created conditions that gave them "a new opportunity to move forward to force the puppets to collapse to totally liberate South Vietnam, to complete the popular democratic nationalist revolution throughout our country, and to move toward the unification of our nation."[161] North Vietnam also violated the peace agreement in the last part of January 1973 by launching an attack to seize the city of Tay Ninh.[162] Yet North Vietnam and the PRG did not engage in as many attacks as the South Vietnamese government as they needed time to regroup and resupply after the heavy fighting in 1972; instead North Vietnam initially violated the peace agreement in large part by infiltrating troops and military equipment into South Vietnam and building modern paved roads linking staging areas to strategic zones in South Vietnam to better move troops and military equipment into South Vietnam.[163] During the first three months after the agreement was signed, the South Vietnamese army lost 6,000 soldiers and by the end of 1973 a total of 26,000 with the North Vietnamese and the PRG losing 39,000

[155] President Richard Nixon, "Address to the Nation Announcing an Agreement on Ending the War in Vietnam."

[156] John Ehrlichman, *Witness to Power: The Nixon Years* (New York: Simon and Schuster, 1982) 316.

[157] Herring, *America's Longest War*, 330.

[158] Young, *The Vietnam Wars*, 287.

[159] Ibid.

[160] Herring, *America's Longest War*, 334, Robert Dallek, *Nixon and Kissinger: Partners in Power* (New York: HarperCollinsPublishers, 2007) 468.

[161] The Military History of Vietnam, *Victory*, 330.

[162] Dallek, *Nixon and Kissinger*, 462.

[163] Herring, *America's Longest War*, 335, Kissinger, *Ending*, 442.

that year.[164] On March 14, 1973, Kissinger, in response to the heavy troop infiltration and military supplies being brought by North Vietnam into South Vietnam which Kissinger claimed were a "clear violation of both the letter and the spirit of the January 27 Agreement," requested President Nixon authorize a two to three days of bombing the Ho Chi Minh trail.[165] On March 20, 1973, President Nixon discussed this request, but stated his objection to authorizing the bombing saying it would cause a congressional uproar and the American public's reaction would be 'Now for Christ sakes, we're out of Vietnam. Let's don't go back in and they [the South Vietnamese] have an air force…why the hell don't they…do it?'[166] President Nixon never did authorize bombing of even a few days as a response to violations of the peace agreement by North Vietnam.

The fighting continued in South Vietnam until 1975 when the North Vietnamese launched an invasion of South Vietnam and conquered it in just 55 days. President Nixon and Kissinger blamed this development on the Watergate scandal, which simultaneously weakened President Nixon and later President Ford's ability to use military force in the form of American bombing to deter North Vietnamese violations of the peace agreements and emboldened Congress to drastically cut and ultimately refuse further military and economic aid to the South Vietnamese government.

Kissinger claimed that President Nixon was so weakened and distracted by the Watergate scandal that he could not order the bombing necessary to deter North Vietnam from violating the peace agreement, writing the "normal Nixon" would have ordered the bombing but "Watergate Nixon" dithered and would not.[167] Kissinger writes that the Watergate scandal brought to power an emboldened Congress, which slashed military and economic aid, which caused the "throttling" of South Vietnam in its efforts to resist the increasingly large-scale military offensives of North Vietnam, which was ultimately successful in conquering South Vietnam.[168] Kissinger writes that he and President Nixon were seeking a lasting peace with honor and but "for the collapse of executive authority as a result of Watergate, I believe we would have succeeded."[169] President Nixon made the same claim, blaming Watergate for the collapse of executive authority, saying, "Had I survived I think that it would have been possible to have implemented the agreement. South Vietnam would still be a viable non communist enclave."[170] Yet when one examines the aforementioned statements of President Nixon on March 20, 1973, one can see that he realizes that the American public and Congress have decided they want no further American military involvement in Vietnam, especially to further acts of military force such as bombing. He notes that they feel that have given sufficient military aid to the South Vietnamese government and that the South Vietnamese air force should do any bombing. His articulation of why there should not be any bombing occurs before the Watergate scandal had metastasized and hobbled his presidency.

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[164] Young, *The Vietnam Wars*, 290, Herring, *America's Longest War*, 335.

[165] FRUS 1969-1976, Volume X, Vietnam, January 1973-July 1975, "Memorandum from the President's Assistant for National Security Affairs (Kissinger) to President Nixon," 29.

[166] FRUS 1969-1976, Volume X, Vietnam, January 1973-July 1975, "Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Scowcroft)," 34.

[167] Kissinger, *Ending*, 467.

[168] Ibid, 469.

[169] Kissinger, *White House Years*, 1470.

[170] President Nixon quoted from 1990 *Time Magazine* article in Isaacson, *Kissinger*, 487.

President Nixon was fully aware of the public opinion polls that were taken right when the agreement was signed and throughout 1973 and 1974 showed Americans wanted only a decisive conclusion to the American involvement in the fighting in Vietnam, that a strong majority of the American people believed that after American troops were withdrawn, that North Vietnam was likely to try and take over South Vietnam again, and in that event, the United States should not send American troops to South Vietnam or bomb North Vietnam; even half the country was against just sending more war materials to South Vietnam.[171]  Twenty-five years after the signing of the peace agreement, Kissinger would claim that he and President Nixon had misjudged the willingness of the American people to defend the peace agreement, saying:

> But I admit this: we judged wrong. And what we judged wrong
> above all was our belief that if we could get peace with honor,
> that we would unite the American people who would then defend
> an agreement that had been achieved with so much pain. That was
> our fundamental miscalculation. It never occurred to me, and I'm
> sure it never occurred to President Nixon that there could be any
> doubt about it.[172]

In light of the strategy they employed and the military actions they undertook in 1972 to achieve the peace agreement, which were done with a realization that the American public was tiring of the American military involvement in Vietnam and was confirmed by independent public opinion polls and by their own public opinion polling, it does not seem believable that it never occurred to these two veteran political operatives that the American public would not support further American military operations and aid to try to enforce the terms of the peace agreement once the United States military involvement had come to end with the signing of the peace agreement.

Instead, what emerges as a far more reasonable scenario is that President Nixon and Kissinger were quite aware of American public opinion that there was to be no further American military involvement in Vietnam and were only interested in pursuing policies in the period after the peace agreement was signed which would further their decent interval strategy to have South Vietnam last a sufficiently long period before being forcibly taken over by North Vietnam so that they would not be blamed for it. Even bombing was part of that strategy. As Kissinger told Le Quan Yew the prime minister of Singapore on August 8, 1973:

> We were going to bomb North Vietnam for a week…Congress
> made it impossible…In May and June I drew the conclusion
> that the North Vietnamese were resigned to a long pull of
> 5-to-6 years…And it would have been a certainty if we had
> given them one blow.[173]

As historian Larry Berman states, "In other words, a little bombing now might have slowed them down, which would be a decent interval before losing the South. Nixon and Kissinger would not be directly tied to it."[174]

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[171] Dallek, *Nixon and Kissinger*, 472, Larry Berman, *No Peace, No Honor* (New York: The Free Press, 2001) 262.

[172] Berman, *No Peace, No Honor*, 262-263.

[173] Berman, *No Peace, No Honor*, 260.

[174] Ibid.

When one reviews this brutal and misguided Vietnam policy, it is tragic that these two men pursued a policy which caused an enormous loss of life to simply avoid the possibility that history would blame them for the downfall of the government of South Vietnam. For all their claims of being tough-minded and courageous in pursuing this policy, it would have been far more courageous and tough minded for them to have acknowledged in the beginning that the South Vietnamese government was not a viable entity capable of surviving for the long term and moved expeditiously to end this war to avoid the heavy loss of life, the expenditure of billions, the continuing division in this country over the war and the resulting damage to the image of the United States for prolonging this war. One can only hope this tragic misadventure will serve as a sobering example to the United States of how not to end conflicts in the world in which there is an active American combat presence.

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# Rape: Brief Histories on the Power of Language within the U.S.
## Leydy Ruiz

**I**n 2013 the state of New York introduced an "act to amend the penal law, in relation to the definition of the term "sexual intercourse" as such term applies to sex offenses; and to amend the penal law… establishing the crimes of anal rape and oral rape to replace crimes involving criminal sexual acts."[1] The penal law constructs differences in the definition of rape and criminal sexual acts, where S130.40, 45, and 50 classify anal and oral acts under criminal sexual acts and not under rape.[2] Both men and women can testify that they have been raped; however, the manner in which they could have been violated is put to question because of this exclusion to include oral and anal acts within the definition of rape. When rape is designed by the law with preconceived notions of marriage, gender, and (hetero) sexuality the discourse that is distributed amongst society is that there are only certain people who can rape or be raped. The discourse produced then comes to exclude crimes between same-sex individuals and rape through anal or oral penetration by suppressing the victims by not defining the crime as rape. By going through a series of court cases this essay demonstrates how legal language and implementation matter. There must be a broader more inclusive definition of rape and sexual offenses for loopholes to be addressed accordingly. While there are numerous topics in how rape cases were handled and who battled against them. I will focus how particular cases debate controversial topics that ultimately lead to redefining and constructing new laws to help advocate for victims that experience rape or injustices.

## Misconception of Marital Rape

The recognition of marital rape, or spousal rape, as a crime was finally established across the United States by 1993; however, the heteropatriarchal beliefs that were established within marital rape continued to dominate personal beliefs within marriages. Historically, marital rape was exempted from ordinary rape laws creating a leeway for the husbands to rape their wives with impunity. Jill Elane Hasday, explains how the discourse on nineteenth century feminists believed that marital rape was a private concern that stayed within the domestic sphere. Hasday explains that this thought was untrue and many advocates, "publicly demanded for the right for sexual self-expression in marriage, they pressed the [of marital rape] constantly, at length and in plain language."[3] By understanding that marital rape has not been a recent predicament but instead a legal problem that has long been debated, we can see the urgency if pushing the state to abolish differentiation between marital rape and rape.

The exemptions come from a heteropatriarchal belief within masculine spouses that believe marriages allow for the head of the family to dominate the partner in the relationship. Before under the New York penal Law, with accordance to the Blackstone Commentaries from 1966, a married man could not be convicted for raping or sodomizing their wife.[4] However,

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[1] NY Legis. Assemb. S3710C. Reg. Sess. 2013-2014 February 12, 2013.

[2] NY Penal Law S 130.40,45,50.

http://ypdcrime.com/penal.law/article130.htm?zoom_highlight=rape#p130.25

[3] Jill Elaine, Hasday, "Contest and Consent: A Legal History of Marital Rape." *California Law Review* 88, no. 5 (2000), pg. 1379.

[4] Watchler, PEOPLE v. LIBERTA 64 N.Y.2d 152, 474 N.E.2d 567, 485 N.Y.S.2d 207(1984), pg. 2.

Judge Watchler, during the trial of *People V Liberta* (1984), states, "Certainly, then, a marriage license should not be viewed as a license for a husband to forcibly rape his wife with impunity. A married woman has the same right to control her own body as does an unmarried woman."[5] This statement ultimately allows for individuals to govern their own bodies and for those that harbor overly masculine beliefs that they are not entitled to overstep boundaries within a marriage. Addressing how marital rape and rape were for a vast majority of U.S. history not placed under the same recognition allows us to see how these differences affect how rape is handled within the court system.

### *State v. Limon,* October 2005

Matthew Limon was charged with criminal sodomy statute for engaging with M.A.R., a victim who was about 14 years old in 2004. M.A.R had consented to oral-genital contact, and the defendant had stopped when asked to. But Limon being the age of 18, at the time was criminalized for, "the engagement in sexual activities with a child under sixteen."[6] Limon built his case around the Romeo and Juliet Law. The state of Kansas has a special law called the Romeo and Juliet which serves to mitigate the sexual intercourse when both actors are close to age.[7] To confirm the Romeo and Juliet law, the offender must be under 19 and no more than 4 years older than the child; the child and the offender must be the only two parties involved and they must be of the opposite gender.[8] Since, due to both participants being male, however the Rome and Juliet law did not apply, and Limon had to be convicted for a longer verdict. The ruling from the Court of Appeals state that while the Romeo and Juliet Law is gender specific, "creates no discernible difference between the sexes."[9] But in the same ruling it states earlier, "the classification is proper because it is rationally related to the purpose of protecting and preserving the traditional sexual mores … and the historical development of children."[10] The language that was being used to define who could constitute legal subjects for the Romeo and Juliet Law excluded Limon and criminalized his sexuality by placing heterosexual activity but not same-sex activity as legally proper.

### People v. Pena

The case of *People v Pena*, 2012, is discussed to examine how Lydia Cuomo's situation came to demonstrate that the way law is written can be significant in deciding how justice is carried out. Within the case of People v Pena, Lydia Cuomo, a school teacher, was coerced into submission by Michael Pena. Pena, a police officer, who threatened Cuomo at gunpoint into an alley and courtyard where he committed criminal sexual acts against her. A witness had testified that from what she had heard Cuomo was screaming "no!" and she saw from her own

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[5] Watchler, PEOPLE v. LIBERTA 64 N.Y.2d 152, 474 N.E.2d 567, 485 N.Y.S.2d 207, 1984, pg. 2.

[6] Shulamit H. Shvartsman, "Romeo and Romeo: An Examination of Limon v. Kansas in Light of Lawrence v. Texas." *Seton Hall L. Rev.* 35 (2004), pg 361.

[7] Shulamit H. Shvartsman, "Romeo and Romeo: An Examination of Limon v. Kansas in Light of Lawrence v. Texas." *Seton Hall L. Rev.* 35 (2004), pg 361.

[8] Shulamit H. Shvartsman, "Romeo and Romeo: An Examination of Limon v. Kansas in Light of Lawrence v. Texas." *Seton Hall L. Rev.* 35 (2004), pg 361.

[9] State v Limon, 83 P 3d. 229 – Kan: Court of Appeals, 2004, Pg.382.

[10] State v Limon, 83 P 3d. 229 – Kan: Court of Appeals, 2004, pg. 377.

window was "joyless sex."[11] However, despite substantial amounts of evidence, such as the matching semen found on Cuomo's undergarments linked to Pena, there was no verdict from the jury. The jurors came to be persuaded by Pena's lawyer, Ephraim Savitt, who admitted that while Pena did feel guilty for his criminal sexual acts against Cuomo, him being guilty of the acts he did, did not mean he had 'raped' her. Savitt argued that the witnesses would have been too far away to initially know that Pena had raped Cuomo and convinced the doctor to admit that the redness of the victim's genitals was unable to be connected to actual rape, and the redness was just a resemblance.

Pena was sentenced a sum amount of time because he was charged for three counts of criminal sexual acts. Within the NY Slip Op 99330, the document states that, "Although defendant's convictions on three counts of predatory sexual assault involved a single transaction and shared the dangerous instrument element, consecutive sentences were permissible because the three criminal sexual acts were separate and distinct."[12] The law separated the sexual acts and did not term the assault on Cuomo as rape. Ultimately, the case led toward a movement to redefine the definition of rape within the penal law system in New York. The bills that followed the case, S3710 and S3710a-c, and the newest S2997. Within the years of 2012 to 2015 all deal with the movement for, "Rape Victims Equality Act." This Act amend the penal law to redefine criminal sexual acts as oral and anal rape to appropriately reflect the specific offenses done against victims.

 A definition of rape that is narrow allows for other criminal acts to be done, as this happened with Cuomo, where the sexual assaults committed against her were seen not as rape. The discourse that is implemented into society makes women, but also men, come to deny and not report that they were raped. The power that they once had in saying that they were violated is taken away, and they are unable to confront the actions committed against them. The underlying problem is that the law only applies to women being vaginally raped. Staying a virgin and not being vaginally penetrated has come to represent a woman's purity. This outdated belief that sex is connected to purity is still used to determine sexual violence and criminality. Patricia Donat and John D'Emilio expand on the concept women's purity and state, "The rape of a virgin was considered a crime against the father of the raped woman rather than against the woman herself."[13] The fact is that the law is addressing women's purity and where it is by showing how their pride and protection is not their own. Before women are property of their husband they are property of their fathers, casting women to have no control over their own bodies or self-worth within their household. This allows for hyper-masculine men to be the ones to dominate the relationship. Having males assume that women are possessions allow for them to be taken advantage and abused of their rights. By defining rape as contact between penis and vagina or vulva, the vagina is placed as a spot that is untouchable by men and if touched then it is a crime and termed as rape. However, anywhere else the crime is diminished and seen as less damaging to the individual. Cuomo, during the trial, spoke of her pain but because of the controversy on the type penetration the jurors could not come to a verdict and did not see the similarities that the acts of being anal, vaginal, or oral could cause the same pain.

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[11] Melissa Grace and Barbara Ross. "*Mistrial declared after Manhattan Jury deadlocked on rape charge against canned NYPD Michael Pena.*" The New York Daily News. 2012.

[12] PEOPLE v. PENA, 2015 NY Slip Op 99330(U), Court of Appeals of New York., Decided November 4, 2015.

[13] John D'Emilio and Patricia Donat, *A Feminist Redefinition of Rape and Sexual Assault: Historical Foundations and Change*. University of North Carolina at Greensboro. 1992, Pg.10.

By claiming that the circumstance is not rape within a case can cause damaging effects for the survivors involved because the law lacks consideration to the wide range of victims. Rape within this narrow definition of penetration limits how their bodies can be hurt. The specificity of this rape can produce three outcomes. The first outcome would be accepting that their circumstance is not rape and distrust the law, including the police and system that failed to protect them. The second outcome would be that the survivors know they were raped but feel disempowered and distrusting of the law and legal system. The third would be to redefine how rape is being stated within the law to better accommodate how rape is presented.

The bills of S3710, S3710a-c, and S2997 are trying to redefine rape within New York, the language being used within these bills demonstrates how power is being placed back into the individuals and allowing their circumstance to be rape crimes and their attackers to be rapists, instead of the added sentence for criminal sexual acts. However, the bills are still struggling to come to pass, currently S3710C is active and S2997 was introduced on February 2, 2015. S3710C states that the movement of anal and oral criminal acts would be placed within the same grounds as rape. The main change that has been introduced within the bill is the definition and it entails:

> By redefining sexual intercourse-as an element of the crime of Rape- as any contact between the penis and vagina or vulva, rather than the current definition, which requires penetration, this bill would eliminate the disparity in possible punishment between Rape and other crimes, and provide equal protection against forcible sexual attack to all intimate parts of a victim's body.[14]

The new proposed definition of sexual intercourse gives the needed flexibility combats the notion of being harmed in only one place and glorifying that place as pure. The purity becomes part of the whole body belonging to the individual because they are given recognition of the damage and unwanted consent. By reaffirming to the victim that the crimes done against constitute rape, it gives justification that they are worthy of being protected and part of society.

However, there are points within this new bill that follow the heterosexual hegemonic model that it did from the previous definition of sexual intercourse. The quote specifically details that rape is now seen as any contact between the penis and vagina or vulva, but by only addressing the contact between these two the law is only addressing rape between those of opposite sex, excluding individuals of the same sex. Despite the bill creating different variations of rape, such as anal and oral rape alongside with their own specific punishments. The bill states separate types of rape to apply to different individuals and circumstances, which in some case would help because the bill allows for the courts to address more blatant cases, such as anal rape could be applied easier to same-sex individuals. The problem with this is that the discourse of rape will not be fixed by being separated. Assuming anal and oral rape is between same-sex individuals is problematic arise because this generalizes that only people that have anal sex are same sex individuals. Especially when the wording within the bill is clearly heterosexually focused, where rape is defined as contact between female and male genitalia while anal and oral rape is left ambiguous. To avoid falling into a hegemonic heterosexual language, rape should be defined without the context of genitalia and state rape as one meaning, not as rape, anal, and oral rape. By having genderless rape, people from whichever sexuality and gender can be represented equally and have their situations be validated.

The next outcome to be produced from a narrow definition of rape is the lack of trust within the legal system and the police force. For example, returning to Pena's background, he used his position as an officer and gun to intimidate Cuomo. By taking advantage of his position

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[14]NY Legis. Assemb. S3710C. Reg. Sess. 2013-2014 February 12, 2013.

as a police officer, a person that regulates the law within the community, Pena did everything counterproductive in what his position entails and destroyed what trust there could be between the law enforcement and the community. Police abusing their power over citizens in how they handle victims of rape or becoming their perpetrators creates a position where people cannot confide in them or turn toward them in their time of need. Philip Rumney addresses situations that males experience in reporting that they were raped and the issues they face whether being homosexual or heterosexual. Rumney states, "male rape victims non-reporting to police challenges the sexuality and homophobia were frequently mentioned, along with the macho type organization that the police service is, which suggests that the police would challenge survivors' masculinity and, be unsympathetic, and uncaring."[15] The individuals feel that they cannot approach the police force to admit they were raped because the aura that policemen have an overbearing male masculinity. Male victims feel that their situation has allowed them to become emasculated and unable to talk about rape without being ridiculed.

Rumney mentioned that this belief was amongst people that did not approach police officers; interestingly enough the individuals that admitted they were raped, were met with negative comments, Rumney quotes Isely who states, "Frequently, the males had encountered reactions such as hysterical laughter and assumptions of how 'gay men would want to be raped.'"[16] The outcome of confiding within the police and telling the authorities that they were raped is met with an outcome that is as much negative as not admitting a thing. The survivors either feel ignored or that their situation was not handled accordingly. The problem that is being continued is a heterosexual masculine ideology that men cannot be raped, especially if they are heterosexual, and if they are raped and they are gay then they enjoyed the experience. The discourse that exists among male rape victims is unfortunate because there is less room for them to admit that they were violated. If the police force is unproductively managing rape cases of male victims, then the same could be applied to woman where they are expected to be raped and deemed to be submissive. If the law is exclusive against rape victims and the police force is unwilling and unapproachable to male victims, then the issue of men being raped will not be fixed.

Aliraza Javaid, citing Cohen, explains this issue further, "Cohen (2014) warns us that comparing and contrasting male rape with female rape is deleterious because it fuels the continued polarisation of debate and limits the conceptualisation of harm, rendering male rape invisible or at least on the margins."[17] By noticing the warnings of how rape is compared or contrasted produces dangers toward male rape being left to the side allow for a broader more inclusive perspective to be created toward rape. Where rape applies to those wide range of individuals. Laws should equally mirror these beliefs and include male presence when talking about rape and who is the victim.

The discourse of males as rapists, especially black males against white women are especially more prone to be convicted and give higher punishments. Kimberle Crenshaw states within her article, "the use of rape to legitimize efforts to control and discipline the Black community is well established, and the casting of all Black men as potential threats to the sanctity of white womanhood was a familiar construct that antiracists confronted and attempted

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[15] Philip N.S. Rumney, *Gay Male Rape Victims: Law enforcement, social attitudes, and barriers to recognition.* Routledge; University of West of England, 2009, pg. 235.

[16] Philip N.S. Rumney, *Gay Male Rape Victims: Law enforcement, social attitudes, and barriers to recognition.* Routledge; University of West of England, 2009, 238.

[17] Aliraza Javaid, *Feminism, Masculinity, and Male Rape: Bringing Male Rape 'Out of the Closet.'* University of York, 2014, pg. 287.

to dispel over a century ago."[18] The stereotypes created on black male bodies is widely used within the law to persecute these individuals. Within the documentary, *The 13th*, four black male individuals and one of Hispanic descendant were stereotyped and convicted of being the rapists and potential murderers of Trisha Meili.[19] The case is known as the Central Park Joggers Case, the criminalization of black male bodies was so entrenched that no evidence was needed to incarcerate the individuals involved.

Rape therefore should be reevaluated to suit the victims, those accused, and professionals, such as police officers and sexual assault counselors. Debra Parkinson, states, "sexual assault counselors can improve communications across the legal system and that collaboration reduces re-victimization."[20] The use of sexual assault counselors was stated to help the victims feel empowered when going into court. Having the counselors give them the needed support to talk about their experience can allow for victims to share what happened, but because of the laws being inclusive with gender and sexuality norms this creates people to still lack confidence in approaching the legal system. Language is shown to be crucial in how society perceives rape, who can be raped, and who has the power to stand up against it. Taking into consideration the effect of how the language of legal law is used within bills can help describe how rape is used as a power structure not only through the gender roles but through a legal system that supports and reinforces them.

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[18] Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.* Stanford Law Review. Vol. 43, No. 6; Jul., 1992, pg. 1266.

[19] Ava DuVernay, *The 13th*, Netflix Productions, 2016.

[20] Debra Parkinson. *Supporting Victims through the legal process: The Role of Sexual Assault Service Providers.* ACSSAwrap. No.8 2010. PG. 5

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NY Penal Law S 130.40,45,50
    URL:http://ypdcrime.com/penal.law/article130.htm?zoom_highlight=rape#p130.25

## The Emergence of the Fashion Industry and the Development of the Consumer Market in England during the Mid Eighteenth and Early Nineteenth Centuries
### Sarah Spoljaric

Fashion has always been imbedded in society. As long as people have been wearing clothes there has been a minor sense of competition between one another. As technology expanded people began to be able to strengthen the competition and ability to wear new clothing. Mass colonization created a mechanism for the fashion industry to be successful and had the ability to sustain any social changes within England, which developed from stylistic competition and power assertion. Fashion developed from an elite pastime to a way of life for everyone. Due to British colonialism and sustained class power struggles, the beginning of the fashion industry is deeply tied to society today.

The history of the fashion industry had influenced both the economy and society. Socially, due to the artistic nature of fashion, individually developed personal style, which influenced others to purchase similar goods, like bonnets. The economic aspects derived from the factories, which created jobs and the fashion products then flooded the markets. The stylistic tie gave people personal stake in the economic outcome, leading the two factors to work hand in hand to create a successful industry, which still dominates the world's economy today.

Fashion and style have always revolved around societies, however it never became an industry until the mid-eighteenth century. This was due to a variety of factors including urbanization, technology, trade roots, colonization, and industrialization. As opposed to previous generations in England which revolved around individual shops and specializations such as tailors or cobblers, the newly emerged workshops opened producing multiples of the same items. Due to mass-production, prices were lowered which allowed individuals to purchase even more products than they would have previously.

There were a variety of factors, which allowed it to succeed especially the exploitation of the lower and working classes and the British colonization. Individuals put personal stake in what they wore and status was placed onto their wardrobe. While economically companies used this to their advantage to sell their newly imported goods to British consumers. British colonialism created a market, which fed off limited goods. Factories opened in larger cities and lower classes flocked to work in them in hopes of helping their economic situation. The upper classes used this to their advantage to exploit the workers in favor of keeping a fashionable edge with other people in their classes.

Through a breakdown of the different themes revolving around the social and economic aspects of the fashion industry in England it will create an intertwining picture of how it could be sustained. Beginning with the class divisions in England then transitioning into the British colonialism and how through trade and the exploitation of countries and classes; they were able to gain access to the raw materials, which created luxury goods. Then introducing the goods into the market led to competition within the classes. Eventually leading into how the economic success allowed for people to use excess income to advance their own style and competition with others.

Before the eighteenth century fashion tended to be reserved for the upper classes and royalty, this left the lower classes to use clothing for function rather than style. Not because of lack of fashionable knowledge but economic barriers. English history was filled with the class system. With royalty at the highest position followed by the upper class trickling down to the lower classes. The mass separation between the lower and upper classes began to dissolve with British expansion and colonization. A mercantile class began to emerge which in turn developed

a middle class in England. The home front industrialization led to the creation of the fashion industry in symmetry with the emerging middle class. This gave way for industrial jobs for the lower classes; the fashion industry simultaneously increased and made possible to decrease the class divides.

The industry began evolving before factories were even created. The more colonization the British did the more goods they brought back to England. This created a whole new market for luxury and unique goods. The competition was steep because many of the fabrics and fashion items were not available besides once imported. The development of fabric importation industry was described as, "The late seventeenth century also saw a spectacular growth in the popularity of the pure cotton muslins, chintzes and calicoes, printed with gay and colorful patterns, which the East India Company brought back from India."[1] This shows how the demand for foreign fabrics and new fashion styles grew in the late seventeenth century. However not until the mid eighteenth century did the British economy see a surge of internal demand. This gave way for the industrialization of factories due to the popularity of these items and the public desire to wear new and exciting items.

### Economic Aspects

While many of the social aspects of the fashion industry hold true today the economic aspects allowed for centuries of success. The British were able to use their international footing to import items and stimulate the economy from multiple standpoints in the fashion industry. Britain then was able to create a fashion industry, which exploited the lower classes to transform raw materials into fashionable items. They simultaneously created a luxury market for materials for the upper classes. They used the exclusivity of not having immediate access to foreign items to promote competition for luxury fashion items, which were deemed fashionable.

Due to the East India Company not only did new goods become available to British citizens, but also they became available on a regular basis. A whole new luxury market was created with the interest wealthy people held in obtaining these new items. The historic structure of British society gave way for this competitive market encouraging people to outdo each other with the best and brightest items. While the goods ranged from spices to animals, the new fabrics available became a source of competition for classes. Maxine Berg and Elizabeth Eger describe in their book, *Luxury in the Eighteenth Century: Debates, Desires, and Delectable Goods*, the influence imported goods had on British society. They focus on the fashion aspects, which the fabrics and foreign influences held by expressing; "Clothing is crucial to this argument because it was the element of plebeian expenditure most likely to embrace fashionable display."[2] This shows how essential fashion was in determining a person's class and the influence one's wardrobe held. People, especially the upper classes were looking for any edge they could find to advance individuals style, and in turn their social merit. Fabric brought in by these companies gave way for a new manufacturing market.

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[1] Clay, C. G. A. *Economic Expansion and Social Change: England 1500-1700: Volume 2, Industry, Trade, and Government*. Cambridge University Press. 1984. 42.

[2] Berg, Maxine, Eger, Elizabeth, *Luxury in the eighteenth century: debates, desires and delectable goods*. Palgrave, Houndmills, Balsingstoke, Hampshire; New York. 2003. 104.

Not only were fabrics brought back from England's colonies, but raw materials as well. Cotton became a massive import and commodity for the Britain's central economy. Cotton was imported then was used to make into fabric in British factories. These factories, which sprang up, gave multiple ways to stimulate the economy. It first allowed for the creation of new jobs, which people living in the countryside then flocked to cities to hold. It also put new desirable goods into the market for people of the upper classes to purchase.[3] Beverly Lemire asserts on this theory by affirming, "By 1800 'fashion and consumerism were inextricably linked to the future prosperity of the nation' something that was not true in 1660, and that the principle agent of this change was cotton."[4] This shows how influential of a time the late eighteenth and early nineteenth century was in the allowance of the creation of the fashion industry.

The economic prosperity, which Britain gained from colonization, was especially evident in in the increase of the luxury goods market, which the fashion industry capitalized on. *Luxury in the Eighteenth-Century* pronounces the value placed onto fashion and items by asserting fellow historians theory; "Uglow argues that the mass production of fine objects raised new questions about the nature of art, craft, and originality. From the perspective of production or consumption, a simple vase could carry complex meaning. Affordable luxury lay at the heart of a new sense of national identity."[5] The British used these imported and factory made objects and fabrics to impose a sense of purpose and meaning into luxury goods. They created a story which people would place value in the fabrics detailing their origin or social significance. This turned the British consumer into a conscious consumer who valued the story of the products they were purchasing.

Luxury items also filled the market after the advancement of trade and technology. Before utility was a prime purpose for purchasing clothing for the lower classes, luxury items became more accessible. Bonnets and lace are two objects, which flourished due to the economic surplus of money and ability to buy frivolous clothing. Practically bonnets and lace hold no technical value. Lace does not keep a person warm or make any form of life different. Lace was extremely tedious to make by hand and this made it a luxury commodity. When a person was seen wearing lace the public then knew that they were able to afford such an expensive goods. Symbols like hats and lace were subtle ways of showing if someone was successful. In contrast to many pervious centuries these goods were now readily available thanks in large part to the East India Trade Company.

Lace was another popular item in England. Not only was it difficult to produce because it needed a massive amount of land power, but it also held no value in practicality. The lace industry developed all over Europe, however the styles of lace were extremely prevalent in England. Lace was solely created for differentiating classes. It held no value other than being

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[3] Lemire, Beverly. Fashion's Favorite: The Cotton Trade and the Consumer in Britain, 1660-1800. 138.

[4] Lemire, Beverly. Fashion's Favorite: The Cotton Trade and the Consumer in Britain, 1660-1800. 138.

[5] Berg, Maxine, Eger, Elizabeth, *Luxury in the eighteenth century: debates, desires and delectable goods.* Palgrave, Houndmills, Balsingstoke, Hampshire; New York. 2003. 118.

time consuming to make. Factories opened all over cities in Britain, this then further enhanced the class difference with the lower classes manufacturing goods for the upper ones. All classes craved lace because it showed economic prosperity by simply wearing it.

The textile industry further developed in the eighteen sixties when William Henry Perkins developed a chemical method for dying fabrics. This was revolutionary for the fashion industry because now fabrics could be transformed much more easily and rapidly into new styles and colors. This allowed for individuals to express their own personal style more, especially the lower and middle classes that had previously not had access to cheap colorfully dyed fabrics. Perkins was infamous for his development of the color purple for fabric dying.[6] The more diversity available to the British public the more they were able to play with different styles.

Previous generations had used shells and other organic materials to create the color, however with his chemical invention dying Perkins was able to introduce the color to the masses. Benjamin Harrow summarizes Perkins technique by stating, "He found that the uneven color often obtained in dyeing on silk could be entirely remedied by dyeing in a soap bath. The use of tannin as one of the mordant made it applicable to cotton, and shades of various kinds and depths of any degree could be attained without difficulty." [7] This was incredibly influential for the fashion industry because it continued to make clothing more accessible to all classes.

The pressure, which was then placed on society to fall into fashion trends and the economic value placed on fabrics, led to a surge in theft. People were now stealing fabrics and clothing in order to sustain themselves economically. One court case from The Old Bailey describes how a man stole lace and silk from a store with the intention of reselling it.[8] The desire to break out of one's class became immense as people continued to strive to wear the latest trends. Fabric became an enormous commodity with different fabrics determining different social statuses. Clothing was now more accessible to all classes with fashion certifying one's class. Society was eager to use this to their advantage to help break down the class structure.

Theft became massively prevalent in England due to the high demand for fashionable items. Fabrics especially held value because they could be taken to other businesses and used without much of a trace. Silk, cotton, and lace were three of the most influential fabrics due to their high demand. One man was caught stealing lace fabric from a store, his account states. "There was a Coat hanging up; I ask'd the Prisoner if it was his, and he said, Yes. I search'd the Pockets and took out this lac'd Head. Now, says I, this is plain Proof against you, and therefore you may as well confess."[9] This shows how the court functioned and the amount of items people were stealing. At times it was massive amounts however in cases like this it was only enough lace for his family, not enough to turn a massive profit on. Fabrics were essential to allowing the fashion industry to function due to their versatility. The Old Baily Court in England kept massive records of the individual cases, especially those of the lower classes stealing from the upper classes.

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[6] Harrow, Benjamin. *William Henry Perkin*. The Scientific Monthly. 1919. 237.

[7] Harrow, Benjamin. *William Henry Perkin*. The Scientific Monthly. 1919. 238.

[8] Old Bailey Proceedings Online. May 1733, trial of Thomas Adley (t17330510-19).

[9] Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.2, 09 April 2015), May 1733, trial of Thomas Adley (t17330510-19).

People flooded into cities in search of factory jobs. Propaganda was released which described the mass industrialization that was occurring, and encouraged people from the lower classes to migrate into cities with the chance of making a better life. Factory work was not as life fulfilling as the propaganda described. It was extremely hard and dangerous work. Industrialization had just begun to develop and machines were not always safe. It did give a moderate amount of new freedom to women because they were able to hold some of the factory positions.[10] The class divide grew between the emerging middle class, which took advantage of the new trade commerce, and the lower class, which struggled with the factory work. This was extremely clear in London where the East End became filled with factories and poor living conditions for the factory workers.[11]

As the lower classes worked in the factories inventors took on the task of advancing the production. Sir. Edward Baines describes the success of the textile industry by describing the different materials taken from British colonies and how the British, especially silk from China and cotton from India and the Americas, used them.[12] He goes onto explain the use of these fabrics in British society by asserting, "Among all the materials which the skill of man converts into comfortable and elegant clothing, that which appears likely to be the most extensively useful, though it was the last to be generally diffused, is the beautiful produce of the cotton-plant."[13] Thus showing the demand for cotton in British society. Cotton had the ability to be used by all classes and its versatility was revolutionary for the fashion industry because of its availability. The British factories also made the cotton more uniform and easier to turn into workable fabrics, which allowed for the mass production of clothing.[14]

As opposed to seeing the industrial revolution as a time of technological boom the British citizens of the 1830's saw it as the era of invention, which holds true to the advancements they made in the fashion industry.[15] Baines furthers his point by describing how this changed the fashion industry by stating, "The two important inventions for spinning, of which the history has been traced, broke down the barrier which and so long obstructed the advance of the cotton manufacturer."[16] He goes onto explain how the advancements in the machines allowed for faster production and smoother textiles.[17]

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[10] Barker, Hannah, and Elaine Chalus. *Women's History, Britain 1700-1850: An Introduction*. New York: Routledge, 2005.

[11] Adolphe Smith and John Thompson, *Street Life in London.* London. 1877.

[12] Baines, Sir. Edward. *History of the Cotton Manufacture in Great Britain*. London. H. Fisher, R. Fisher, and P. Jackson. 1835. 12.

[13] *Ibid.* 12.

[14] *Ibid.* 60.

[15] *Ibid.* 113.
[16] Baines, Sir. Edward. *History of the Cotton Manufacture*. 163.

[17] *Ibid.* 163.

The mass production led to an overload of fashion items flooding the market. Mom-and-Pop shops were not as popular and larger stores opened. Street vendors also became a popular form of commerce due to the amount of goods in the market. The prosperity of the street market vendors was described by Henry Mayhew by affirming, "One reason why these gals buys free is that when the jewelry get out of order or out of fashion, they can fling it away and get fresh…"[18] This developed into the throw away fashion still used today. Jewelry and clothing were no longer made to be sustained wear and tear for multiple years; instead only for the short time they would be in style.

As the middle class in London began to gain major political footing the working class also developed in order to support the middle merchant class. Many accounts explained what life was like including; *Street Life in London* from 1877, which described what it was like for the lower and working classes in London and how working at clothing factories affected their desire to stay fashionable.[19] The working class created the clothing, which supplied the upper classes. This left little room for the lower, working class to become successful because of the majority of the economic prosperity going towards the upper classes. This then contributed to the success of the fashion industry because of the exploitation of the lower classes.

Propaganda filled society in order to help promote the mass-produced fashion goods as well as to help promote the production of these goods. Due to this marketing, people began to crave material goods that held no practical use. This was because of the marketing put in place by international trade companies to sell their exotic goods to people in England. Vast amounts of advertising were used to motivate people to leave their pastoral homes in favor of working in industrial cities. They would promise economic prosperity and individual freedoms, however the lower classes were not usually able to afford the clothing they were making. This led to an even greater gap in the lower and upper classes. With propaganda promoting the lower classes to work and the upper classes to purchase this economic difference led to the advancement of the fashion industry as a massive machine.

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[18]Mayhew, Henry. *London Labour and the London Poor: Volume 1*. Janruary 1. 1861. London. Griffin, Bohn, and Company. 293.

[19] Adolphe Smith and John Thompson, *Street Life in London.* London. 1877. 10.
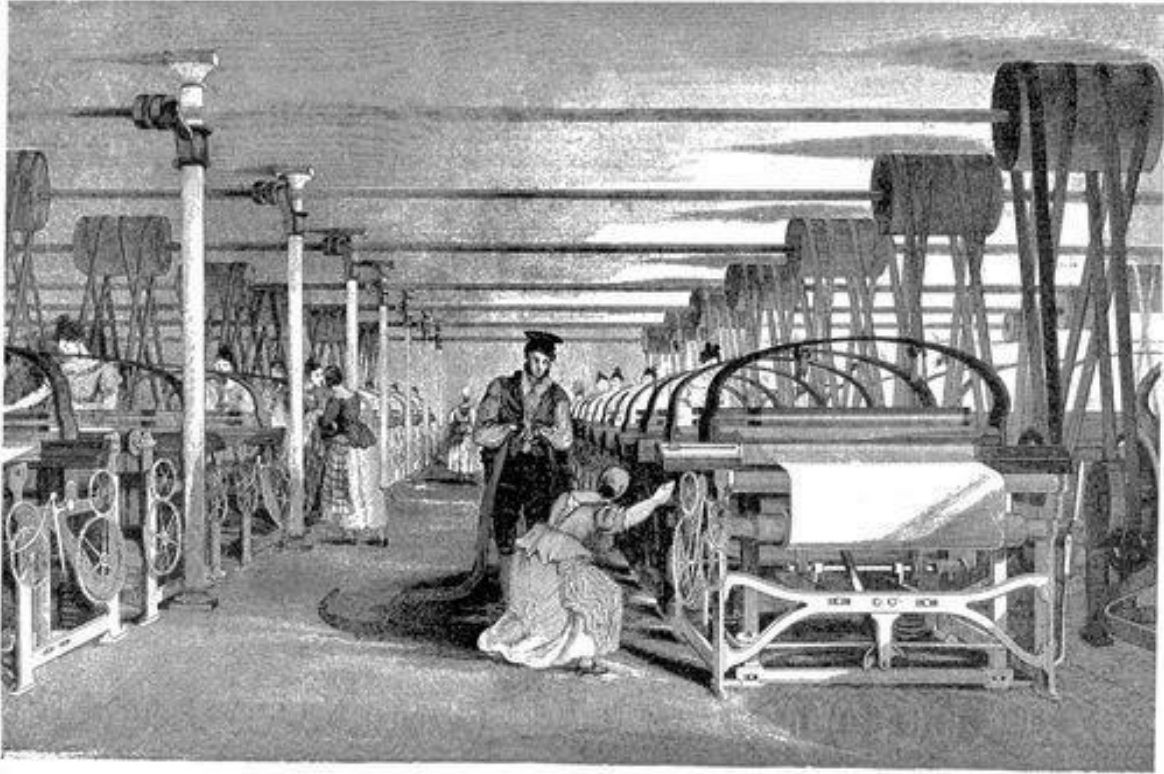
[20]

The working class had poor living and factory conditions. London was one of the epicenters for producing goods due to the influx of raw materials they received. *Street Life in London* describes the living conditions after the streets flooded in the East End. Living conditions were so poor that once the conditions were disturbed it was difficult for them to recover, Smith and Thompson describe, "It would be difficult to conceive conditions more favorable to the growth of disease than those at present existing in the low-lying, densely populous quarters of Lambeth, that have been invaded by the floods."[21] As the wealthier classes exploited the lower working class for their goods, the lower class in turn worked in these unfavorable conditions. Diseases ran through the streets of the East End of London, which was the center of industry. By the upper classes refusing to give the lower classes positive working in the end the upper classes caused a less productive working class.

The mass amount of clothing, which was created, led to a surplus of clothing. Styles had an extremely fast turnaround from being popular to being out of fashion due to the mass production. Secondhand clothing stores opened which gave way for the lower classes to be able to afford some of the previous clothing they had been producing in factories. It shows how important fashion trends were becoming. It also displayed how desired different articles were, especially with articles like lace, which was a purely elite driven clothing[22]. Due to the mass

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[20] Baines, Sir. Edward. *History of the Cotton Manufacture in Great Britain*. London. H. Fisher, R. Fisher, and P. Jackson. 1835. 238.

[21] Adolphe Smith and John Thompson, *Street Life in London*. London. 1877. 11.

[22] Lemire, Beverly. *Consumerism in Preindustrial and Early Industrial England: The Trade in Secondhand Clothes*.

increase in clothing production people were purchasing more than one outfit for certain occasions and beginning to change what they wore more rapidly to compete with one another. This lead to a surplus of extra clothing once it was considered to be out of style. This allowed the lower classes to be able to afford more modern clothing. The idea of recycling clothing and having multiple people wearing one outfit gave way to new shops to open to sell these secondhand goods.

England, especially London was able to sustain a successful middle and upper class due to the exploitation of the lower working classes. However the lower class exploitation allowed for not only the upper and middle class success but also the creation of whole new neighborhoods in London. The West End could be sustained solely because of the amount in which the upper classes used the power dynamic of British society to continue to flourish. Fashion was at the center of this economy being sustained, Baines explains the power fashion held by declaring, "The first want of men in this life, after food, is clothing, and as this art enables them to supply it far more easily and cheaply than the old methods of manufacturing…"[23] Everyone had a personal stake in the fashion industry succeeding. While the upper classes were able to sustain their economy with the exploitation of the working class, the lower classes had access to more clothing and the ability to express themselves more readily through their clothing.

## Social Aspects

Due to England's longstanding class system society had long been attempting to one up another. The expansion of industry in England gave way for society to throw them in the fashion world. As cities expanded with the technological advancements and industrialization people flooded in and used the streets as catwalks. There was no better form of social competition than showing off one's latest styles while walking around. Style immediately gave an indicator of class. Before even speaking to a person someone had the ability to know his or her social status. While this occurred for centuries in England now it was more readily accessible to the masses. The economic factors, which Britain created, allowed for even more competition between individuals due to the economic prosperity. People of all classes now used the fast pace changing styles to invoke their personality and social class.

As people began to have access to partially mass-produced clothing as well as luxury fabrics they needed new ways of displaying their fortune and style to others. The factories, which were built to sustain the fashion industry, also created gigantic urbanization in city centers. People began to use the streets as catwalks displaying their newest looks. In London shopping became a more popular activity. On Bond and Oxford streets men and women from the upper classes would flock to see and be seen.

The urbanization, which led to fashion street style, showed the classes divide even further with people strutting around down to show off their wealth. Fashion icon Beau Brummell described this new occurrence by asserting, "If people turn to look at you in the street, you are not well dressed, but wither too stiff, too tight, or too fashionable."[24] In Brummel's case he was

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[23] Baines, Sir. Edward. *History of the Cotton Manufacture in Great Britain*. London. H. Fisher, R. Fisher, and P. Jackson. 1835. 213

[24] Kelly, Ian. *Beau Brummell; The Ultimate Man of Style.* New York. Free Press. 2006.

too fashionable. People, even today, aspire to show off their personal style in public. Brummell became known as Britain's premier fashion icon. He was known for his outlandish style, which promoted designers and people alike to adopt his style. He was also a unique case because he self-promoted his own style by going on different social outings in London from theater to different events in order to show off his style. Brummell also influenced lower classes style when he wrote a newspaper column describing what he saw as fashionable or not.[25] Due to people such as Brummell the fashion industry was pulled in the corporate direction as well as the individual direction that in turn helped to become as successful as it was.

The Lady's Magazine was sent out to women in the countryside, men and women closer to urban areas used newspapers as a source for lifestyle and fashion knowledge. While largely women wrote the magazine, men mostly wrote newspapers, especially the articles concerning fashion. Men used this as an opportunity to voice their own concerns on what women were wearing. In the Times magazine a monthly fashion article was released, this gave men a space to say what they thought should be in style for women and the different aspects they did not want their wives to be wearing.[26] In a spring article one man suggests the personal stake men held in women's clothing, saying coats changed from cloth to silk.[27] The widespread fashion industry simultaneously gave women new freedom to express their personal styles while at the same time continuing to confine them with the values of men.

Having what society considered a good fashion sense held a mass amount of value in British society. A writer for The Lady's Magazine described his aunt in this manner by testifying, "I have before given an account of my dearly beloved aunt as an economist, and the good-natured creature took the rub very kindly: I therefore venture again to display her, as a person of taste and fashion."[28] This shows how fashion defined a person's status and vice versa. If somebody was considered to be fashionable then they would also be considered successful. A successful person had value on what they wore, but as described above had more opportunity to determine their own style because it was already assumed to be successful. The fashion industry was successful because people bought into it. They agreed to place value on a person's character on the basis of what they wore.

The fashion industry did not originate in a bubble only in England. The key development of the British fashion industry compared to others is the rapid advancement of technology leading to the industrial revolution. It was also influenced by other cultures by means of British colonialism. It was also vastly influenced by the Parisian fashion industry. The Lady's Magazine

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[25] Ibid. 3.

[26] "To LADIES OF FASHION.-Princess Royal's Powder.-The above Powder was allowed to be." Times [London, England] 20 Feb. 1786: 3. The Times Digital Archive. Web. 4 Feb. 2015.

[27] The Lady's Magazine 1770-1832, University of Pittsburgh University Library System

[28] The Lady's Magazine 1770-1832, University of Pittsburgh University Library System. 291.

shined a bit of light on these views by stating, "In Paris the people of fashion only s'apprrocent: in London they dovetail. It would be intolerable in a fashionable assembly at the west end of the town if there was room for enjoyment." [29] This shows how not only was the competition steep for the individuals within British society but they also were influenced by what was happening in neighboring countries. Britain's colonial success however did create an international competition in the fashion world because of the success they had internally with fashion competition they then turned towards other countries.

There was also a shift from utility-based clothing to luxury items as well as an adaptation of styles. An author of the *Times* wrote in columns regarding, what he considered, the most popular styles of the day. The author even goes as far as to suggest that the more lavish and fashionable the clothing the more likely men will be to admire the women, he states; "to look as lovely as their genius will permit in the eyes of men."[30] While this was a positive form some men it was a negative for married ones. These descriptions of everyday fashion help to set the scene for what it was like to live in 1785 and the competitive nature clothing takes on. Women did have a section of the paper where they were able to voice complaints and opinions. In the *Times* women had an advice column that allowed them to write in and ask on anything including the proper way to wear modern fashion items. Clothing trends changed so rapidly that at times people struggled to keep up with them and the luxury items demanded from them.

England's class divide and advancement in fashion was evident to the outsiders as well. In a journal by a French woman Tristan she shared her opinion of London culture during the 1830' s-1840. She explains that fashion in England moved in servile conformity.[31] She describes how people in London rely on one another for fashion and that not many people have their own style, simply following what the crowd wore. England was a juxtaposition of people wanting to fit into the crowd while at the same time pushing the envelope of fashion. This furthered how lower classes wanted to break down the class structure while upper classes used fashion to separate themselves from the lower classes by all having the same goods and clothing.

The lower classes were eager to compete with the upper ones and fashion was the most accessible way of achieving this. Secondhand shops were not the only way lower classes purchased goods, which were lesser, but comparable to the upper classes. *Street Life in London* explains how the working class found ways of attempting to jump classes. "The modern 'quasi' jewelry sold in the streets is remarkable alike for its variety, its artistic beauty, it's marvelous imitations of real gems and ornaments, and its fashionable designs. It is, indeed, necessary now-a-days for the street vendor of jewelry, to exercise tact and judgment in selecting such wares only as are supposed to be in vogue among the upper classes of society."[32] This shows how the lower classes craved to be of the upper classes. It also furthers how fashion was able to give the

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[29] The Lady's Magazine 1770-1832, University of Pittsburgh University Library System. 664.

[30] "Fashion." Times [London, England] 23 Feb. 1785: 3. The Times Digital Archive.

[31] Dennis Palmer and Giselle Pincett, Flora Tristan's *London Journal: A Survey of London Life in the 1830's*. George Prior. London. 1980.

[32] Adolphe Smith and John Thompson, *Street Life in London*. London. 1877. 29.

lower classes hope, which allowed the poor working conditions it, created to be sustained.

British society held massive value onto fashion. Clothing was an easy way to differentiate the classes while talking around the streets. Henry Feilding describes fashion as, "The greatest governor of this world. It perfidies not only in matters of drift and amusement, but in law, psych, politics, religion, and all other things of gravest kind…" [33] This shows how people thought of the power of fashion. Due to society handing power to fashion without fully realizing its economic power they in turn forced themselves to become slaves to it. The competition which fashion spurred was driven by individuals but largely by the economic institution which fashion created.

Style evolved from many different aspects. The dress pictured below is a prime example of different influences involved in British fashion. It was influenced by past fashion in the high neckline and patterned design. However the sleeves and bottom fluff are new innovations on the classic dress. Someone of the upper class would have worn this. It further shows how competitive people were when it came to personal fashion. They were willing to break out of the traditional fashion comfort zones to attempt to be fashion forward. Once a dress such as this was shown off the styles would trickle down to the lower classes and then into factory mass production trends.


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Propaganda through magazines and newspapers allowed people to voice their products while also adapting the fashion industry with their propaganda. This section from the Times is an advertisement disguised as an article regarding what perfume women should wear if they are

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[33] Fielding, Henry. The beauties of Fielding: carefully selected from the works of that eminent writer. To which is added, some account of his life. First American edition. Philadelphia, Oct. 27, M.DCC.XCII. [1792]. Eighteenth Century Collections Online. Gale. UC Merced. 9 Feb. 2015 . True Patriot, p. 282.

[34] Dress. Victoria and Albert Museum. London. 1816-1821.

fashionable. "To the Ladies of Fashion—Princes Royal's Powder—The above powder was allowed to be more fashionable and becoming on her Majesty's Birth Day; it gives a richness and elegance to the hair…"[35] This only furthers the competition between women of the time against each other and the class structure. Advertisements had the power to sway men and women to purchase not necessarily the best or most popular well. Through propaganda they were able to promote different items to companies economies advantage.

In search of the newest fashion trends the middle and upper classes turned towards newspapers and magazines in search of stylistic inspiration. In this reappearing newspaper article women could write in with their daily problems, largely involving fashion and style and receive advice. Each section over begins with a different quote such as, "If to her share some female errors fall, look on her face, and you'll forget 'em all." –Pope"[36] Not only is this association fashion with culture and poetry, but asserting that women are in need of assistance in the areas of fashion and culture and that they are not able to do it on their own. Women were reinforced as objects of man affection as they used manipulation of their fashion through newspapers to influence them.

The transition between personally tailored clothing to factory made was a rapid transition. The upper class still used seamstresses as their source of fashion entering the nineteenth century, however the emerging middle class did not have the finances to purchase completely custom items, which led to partially made clothing and then into purely factory made clothing. Lemire describes this beginning by expressing; "that from the early eighteenth century London shops sold ready-made gowns and that by the 1770's they were being sewn up in Lancashire for delivery to the metropolis."[37] This shows how available clothing was to the masses. The ready-made wear was not the same as today it was cut out fabric partially sewn who was then fitted to the consumer. [38] Partially made clothing allowed for tailors and seamstresses to still have jobs while factories were created and gave way for mass production for the middle classes. Fashion blended the line between economic prosperity and style, which is why it was able to be successful.

Fabrics were at the center of the emergence of the fashion industry. For the middle classes they relied on the factory made clothing. However for the upper classes they still largely used seamstresses and tailors to have an edge in modern fashion of the nineteenth century. The painting below by Charles Baugniet in 1858 depicts a woman sewing a wedding gown for a British bourgeois. This is a prime example of day-to-day life for lower classes supporting the upper classes. This painting does an excellent job of portraying the luxury fabrics, which were of

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[35] "To LADIES OF FASHION.-Princess Royal's Powder.-The above Powder was allowed to be." Times [London, England] 20 Feb. 1786: 3. The Times Digital Archive. Web. 9 Apr. 2015.

[36] *Morning Post and Daily Advertiser* (London, England), Saturday, June 29, 1776; Issue 1148.

[37] Lemire, Beverly. Fashion's Favorite: *The Cotton Trade and the Consumer in Britain*, 1660-1800. 3.

[38] Lemire, Beverly. Fashion's Favorite: *The Cotton Trade and the Consumer in Britain*, 1660-1800. 3.

high demand from the upper classes. The fabrics were those which developed in the working class run factories with raw materials gathered from the British colonies.



Propaganda influenced lower classes to flood into cities with the hope of improving their economic situation. Colonialism gave Britain a surplus of raw materials, which they were able to transform into goods, including clothing. *Street Life in London* describes the vicious cycle of lower classes not being to break their economic shell by stating, "Sometimes, it is true, when the labor is all over, and the money has been shared, there is some feeble attempt at rejoicing. But even then the guy must not be burnt; its clothes are too precious, the spangles might be used again next year." [40] This enforces the double-edged sword, which the fashion industry created. It gave hope to lower classes, which in turn exploited their labor, health, and time. However the surplus of clothing did give them the opportunity to break the economic shell, simply not as often as anticipated.

British society became obsessed with material goods, fashion at the forefront. The mix of individual competition for the upper classes and struggle to make ends meet for the lower classes led to a fracture in society. The mixture an economically driven social industry allowed for its success. British society as a whole became entranced with consumer items with fashion as the easiest form of self-expression. The balance between the artistic side and consumer side created the powerhouse of the fashion industry to have as much pull as it did in society. The British

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[39] Baugniet, Charles. *The Seamstress*. London. 1858. Oil on panel. Victoria & Albert Museum

[40] Dennis Palmer and Giselle Pincett, Flora Tristan's *London Journal: A Survey of London Life in the 1830's*. George Prior. London. 1980. 78.

society functioned in such a way that readily allowed for the fashion industry's success. People were extremely invested in the class system attempting to break their class mold which gave them personal stake in fashion items success.

Second hand stores opened and stimulated the economy in a number of ways in the eighteenth century. These stores gave way for the lower classes to have access to the clothing they had once produced. While secondhand clothing existed for decades, stores opened and popularity grew as the upper class fashion industry expanded.[41] Lemire describes the reason for the surge in secondhand stores by stating, "The notice that this trade attracted in the eighteenth century can be attributed directly to the vastly greater quantity of merchandise, in addition to the more visible numbers of traders and their patrons."[42] This shows how quickly fashion moved from being in style to out for the upper classes and the trickle down to the lower classes. The lower classes now had access to more clothing than one or two outfits. They could financially afford to own multiple sets, raising their social status in their ability to have variety.

Overall the fashion industry had many negatives and positives. From the elite British standpoint it furthered their international prosperity. This viewpoint existed because of the colonialism and creation of a competitive market other countries attempted to emulate. On the other hand the lower classes in England struggled to make ends meet because of the elite exploitation. Today similar ideas are reflected in the fashion industry. Fashion has the ability to allow people to express their own personal style, however at the same time it forces people to judge one another before even speaking. Britain also opened up the international trade market for fashion. People from all over exchanged ideas about style and how to execute different outfits. The industrial expansion gave people the ability to wear multiple outfits, which only furthered their personal connection to deciding what to wear on a daily basis.

Now the fashion industry is a massive machine, which is largely designer, based. In the eighteenth and nineteenth centuries companies dominated the market determining what was fashionable in accordance to the luxury goods, which they had, access to. It is important to track the history of the fashion market because it directly influences what people wear today. Some of the high-end goods, which made their way into the English market over two hundred years ago, still hold value today. While fashion is used more currently as a way for one to express them, it continues to be a way to determine class, especially with name brand designers. Fashion still holds tremendous value whether people realize it or not. No matter what an individual wears it shows where they stand economically in life. By understanding how the market was created it helps to understand the fashion market today.

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[41] Benjamin Harrow. *The Scientific Monthly* . Vol. 9, No. 3 (Sep., 1919) , pp. 234-245. American Association for the Advancement of Science. 2.

[42] Lemire, Beverly. *Consumerism in Preindustrial and Early Industrial England: The Trade in Secondhand Clothes*. 3.

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**The Process of the City:**
**The Evolution of Space in Merced, California**
T.R. Salsman[1]


$G$enerally speaking, we view space as an objective fact fundamental to the physical configuration of objects. We are confident that places like California, The San Joaquin Valley, the city of Merced, and the nice but affordable neighbourhood of apartments on R Street exist. However, those spaces are not objective, but instead subjectively projected onto the physical world. There is no natural law that dictates whether a piece of land falls under the jurisdiction of Merced or Atwater, nor where California should be separated from Nevada. Certainly, there is no reason why a given neighbourhood must, by nature, be rich or poor, integrated or segregated, or well-maintained or dilapidated and litter-strewn. The unique characters and distinct spaces we consider immutable are all subjectively created by the interactions, activities, and visions of the human populations who live in and around them.

Although we tend to agree on spatial demarcation at the level of cities, states, and geographical regions, the more minutely we examine a space, the more clearly we see that one space has at least as many ways of being organised as there are people to observe it. Far more often, there are many more ways of mapping a space than simply one per person. In her atlas of San Francisco, *Infinite City*, Rebecca Solnit attempts to tackle that very issue. She writes, "Every place is if not infinite then practically inexhaustible… Any single map can depict only an arbitrary selection of the facts".[2] Even preposterously detailed maps cannot depict every aspect of a space, and even an inconceivable number of such maps could never show all of the intricate relationships between those aspects. She therefore sets out to create a variety of maps, which, taken together, form a cubist view of the ideal form of a map of San Francisco. If we are willing to set aside the pursuit of the perfect map that truly shows the world as it is in all of its intricacies, we can construct maps that make useful arguments about how space is divided, what defines the character and purpose of those divisions, and what is important both to the inhabitants of a space and to the cartographer. It is with that goal in mind, that I commenced this project.

My project is relatively straightforward. In order to better understand the city of Merced, I have explored the city, mapping my discoveries from memory and a few basic field notes. As the maps developed, I began to understand the different districts of the city, how they fit together, and what makes them stand out as individuals from the rest of the city. As my sense of Merced became more concrete, I began researching the city more closely to understand not only what the districts of Merced are, but also how and why they came to be.

In my work, I have come to the conclusion that Merced is best understood in terms of three districts: The Administrative District to the south of Bear Creek, the Commercial District defined by the area between Bear Creek and Yosemite Avenue, and the UC Campus District defined by UC Merced. These three spaces each have distinct personalities and purposes in

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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] Rebecca Solnit, *Infinite City: A San Francisco Atlas*, (Berkeley CA: University of California Press, 2010), 2.

Merced at present, however, they also exist in time. Each district expanded the city to the North and changed its identity in response to specific historical stimuli.

**The Modern City**

My inquiry into the development and evolution of Merced began with my realisation that Merced does not have a centre and a periphery, but rather three centres, each peripheral to the other two. Each of the three districts serves an important role in the overall functioning of the city. The Administrative District contains the apparatus of government and the primary means of travel. The Commercial District is central to supporting the population of Merced, and in many ways makes up the difference between a town and a city. The UC Campus District provides opportunity both for students in the San Joaquin Valley and for the industries that cater to students.

The three districts are divided geographically. The UC is separated from the rest of the city by a hinterland of pastures and fields and the Commercial and Administrative Districts are separated by Bear Creek. However, these features are not immutable, fundamental barriers. They are boundaries we have created by choosing to observe them as such. In his book about Chicago, *Nature's Metropolis*, William Cronon finds it necessary to distinguish between, "'First nature' (original, prehuman nature) and 'Second nature' (an artificial nature that people erect atop first nature)".[3] Landscapes and spatial features we perceive as natural are often just as unnatural and manmade as any urban development. Moreover, Cronon warns that, "The nature we inhabit is never just first or second nature".[4] First nature can take on elements of second nature. When looking at the natural boundaries between the three districts of Merced, it is important to emphasise that their ability to do so is fundamentally a feature of second nature.

Bear Creek is a natural body of water. However, it has also been directed to flow in a particular way and it has been transformed from a feature that merely exists to one that defines a boundary. It is a feature of first nature that has been imbued with features of second nature. The relatively open space that separates the UC from the city is not rugged wilderness, but rather well-kempt agricultural and pastureland cut by straight, well-maintained roads. The geological divisions of Merced are a convenient euphemism used to divide the city, not because they must, but because they provide a convenient location to embody what is actually a social phenomenon.

In fact, the clearest sign that the city is divided physically is the nature of its roads. In his *Plan of Chicago*, Daniel Burnham, endeavouring to design a planned city with the maximum efficiency and harmony for business interests, places particular emphasis on road widths and street plans. He specifies three varieties of roads: streets, avenues, and boulevards. Avenues, he explains, "Should be of sufficient width to draw to itself the streams of traffic passing from one point in a city to distant points".[5] Essentially, avenues are streets that have the capacity to handle

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[3] William Cronon, *Nature's Metropolis: Chicago and the Great West*, (New York, NY: W.W. Norton, 1991), xix.

[4] Ibid.

[5] Daniel Burnham, *Plan of Chicago*, (Chicago, Il: Commercial Club of Chicago, 1908), 84.

heavy traffic. The principal avenues of Merced are all found in the Commercial District. Even those that transverse Bear Creek, most notably M Street, are generally wider and busier to the North. Burnham also emphasises, throughout his *Plan* that for the most part the street plan should be rectilinear for maximum order and directness.[6] However, Merced is not orderly. The street plan takes a marked forty-five degree bend south of Bear Creek, which clearly signals the boundary between the two districts. The UC, on the other hand, can hardly even be said to have streets. With the exception of a bus route, and basic infrastructure for going to and from the university, all of the roads are designed for pedestrians and cyclists.

The different street plans reflect the different identities of the three districts. The Administrative District was never designed with the present size and traffic of Merced in mind; its streets are older than those in the rest of the city, and they are designed to cater to pedestrian traffic idly wandering down Main Street rather than people hurriedly driving to the mall. The efficiency of movement Burnham is so infatuated with is far more important to the Commercial District. Similarly, the UC is small and self-contained enough that the idea of driving across campus is preposterous. The only automotive traffic the UC experiences on a regular basis is the busses that run between the campus and the rest of the city. We can see who uses each district and how just by the size and shape of its roads.

The geographical features and general plans of Merced are the obvious signs that there are three portions of Merced, but what really sets them apart from each other is their functions. The street plans serve broader purposes which are actually carried out by the buildings found in each district. The Administrative District contains important centres for local and county governance and infrastructure for travel. The Commercial District contains a dizzying number of large businesses and shopping centres. The UC Campus District contains classrooms, offices, and student housing facilities.

The Administrative District is set apart by the high concentration of buildings with obvious importance. The superior court, the police station, the post office, the county administrative building, and the DA's office can all be found on M Street between the railroad tracks and the freeway. Expanding our field of view out a little, City Hall is a short walk West from M Street. Legislative decisions, executive enforcement, and judicial interpretation all happen in a radius of a few blocks. No other part of Merced has anything resembling that degree of legal power. The Administrative District also contains nodes for travel both inside and outside of Merced. The freeway and the railroad both pass through the Administrative District, and connect Merced to Atwater, where the nearest airport is located. The only other major route out of the city is Bellevue, in the ruralate[7] hinterland near the UC district. The post office, though perhaps not as vital a piece of infrastructure as it once was, is also located in the Administrative district. Administration and infrastructure are arguably the essence of what a city is, and both are found in the Administrative District.

However, as a student exploring the city, the Administrative District was not the obvious centre of the city. The obvious centre was the commercial district. There are several reasons for that assumption. First of all, as I have already mentioned, the streets are broader and are oriented

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[6] Ibid., 103.

[7] This area of Merced is too agricultural to be truly urban and too connected to the city to be truly rural. I have therefore created the term ruralate to fill this necessary lexical niche (compare Italianate, Islamicate, agrarianate)

towards the main points of the compass. My conception of a city will always be in terms of some ideal form of the orderly, efficient Modern City, similar to the one that Burnham believed in. Additionally, the Commercial district is the physical centre of Merced as I frame it. I proceeded on the understandable but incorrect assumption that whatever lies at the centre of the city must be the most important part. However, the primary reason I saw the Commercial District as the centre was because, from my perspective as a student and consumer, it is the centre. It isn't the centre of government and infrastructure, but it is where most of the things that I need can be found. When I consider going into town to get something, in almost every instance I am considering going into the Commercial District. That's where the Target is, that's where Barnes & Noble is, that's where Starbucks is. Although I have come to enjoy visiting the Administrative District, the part of the city that is most important to the daily lives of Mercedians, and particularly students, is the Commercial District.

Furthermore, the Commercial district contains the things that, relative to my ideal form of the Modern City, make a city a city. The Commercial district is physically large. It's busy. It's designed to accommodate a larger population. Above all,  makes the difference between Merced as an agricultural centre and a retail centre. Cronon, in his introduction to *Nature's Metropolis*, reflects, "I realised that the human hand lay nearly as heavily on rural Wisconsin as on Chicago… By what peculiar twist of perception, I wondered, had I managed to see the plowed fields… as somehow more 'natural' than the streets, buildings, and parks of Chicago?"[8] What Cronon is hinting at is that, on some level, we dissociate the urban and the rural. A city that depends on the surrounding agricultural lands for more than sustenance is perceived to be hardly a city at all. Once examined, the notion is readily dismissed and, in fact, Cronon does dismiss it, but it remains an essential part of how we view cities. The Commercial District is as much a part of making Merced a city as the courts and bureaucracies, because it dissociates Merced from quaintness and ruralness.

Last to come to my attention as a centre was UC Merced. Although for most of my time at UC Merced I have only been on campus, its small size and distance from the rest of the city immediately identify it as a periphery. However, a periphery is not a geographic distinction, but rather a relationship of dependence on (and exploitation by) a centre. The more I have explored Merced, the more I have come to realise that the rest of the city relies on the UC as much, if not more, than the UC relies on Merced. The UC is a source of tremendous opportunity. The university offers local students a greater chance at pursuing higher education at a UC, and has the potential to radically change people's lives. However, the economic impact of constructing a university and introducing a population of some six thousand students (and enrollment is rapidly increasing) affects Merced far more immediately and universally. The students need off campus housing, which puts money in the pockets of landlords and real estate developers. Students are consumers, which means more sales for grocery stores, big box stores, restaurants, and theatres. It may not be a significant portion of Merced physically, or contain the things that make a city feel urban. It wields no political power. Yet the UC is the indirect source of growth, change, and prosperity in the city.

When looking at the modern city of Merced, it is clear that there is no single centre. Each part of the city provides a necessary element to Merced. Without all three, Merced would become an insignificant rural town, completely overshadowed by Atwater. And yet, Merced

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[8] Cronon, *Nature's Metropolis,* 7.

hasn't always been the city it is today. Just over a decade ago, the UC didn't exist. It isn't enough to place Merced in space, we also have to place it in time.

## The Process of the City

Spaces are not just closed, static systems. They are constantly changing both as a result of impetuses from within and stimuli from without. Cities, with their high concentrations of people and general conspicuousness, tend to invite change at a far greater rate. In fact, the impetus for Burnham to create his *Plan of Chicago* was precisely that Chicago would necessarily change over time, and that, "The formless growth of the city is neither economical nor satisfactory".[9] He continues, saying that, "the aim has been to anticipate the needs of the future as well as to provide for the necessities of the present".[10] We cannot think of a city only as it is, but must view it holistically as a process of developments in response to changes. In the particular case of Merced's three districts, it must be seen that each is a chapter in the history of Merced, and derives its character from the historical circumstances in which it was created.

The oldest part of the city is the Administrative District, though to distinguish it from the current district which is codependent on two others, I will refer to it here as the Old City. For most of Merced's history, Bear Creek was not an internal division between parts of the city, but rather the Northern boundary of the city, as a 1917 map of Merced shows[11]. More interesting yet, the map shows some signs of how spatial divisions have changed. Although within the modern Administrative District, the highway and the railroad tracks serve some degree of purpose in separating space, they are less significant on the scale of the city as a whole. However, before Merced expanded beyond Bear Creek, the highway and railroad were the major dividing lines of the city. They cut the city into rough thirds, and even today the remnants of the divide can be seen. Between the train tracks and Bear Creek, there are residential neighbourhoods and the main park of the Old City. Between the train tracks and the highway is where the old courthouse is located. Finally, the highway was built right through where Chinatown had once been.[12] The highway clearly demarcated the poor, underprivileged part of the city.[13] Although they still bear some weight, the old spacial markers have been subsumed under divisions on a larger scale.

The Old city persisted as a complete system for quite some time, however, the Second World War reshaped the city, just as it reshaped countless others on the West Coast. With the opening of Castle Air Force Base in Atwater, Merced became a new home for airmen and people

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[9] Burnham, *Plan of Chicago*, 1.

[10] Ibid., 2.

[11] "Route 12," *Automobile Blue Book 1917* vol. 8, (New York, NY: Automobile Blue Book Publishing Company, 1917), 86.

[12] Sarah Lim, "Railroad, Irrigation, and Chinese Settlement," (presentation, The Bridge is History: Water and the Humanities, Merced, CA, October 15-16, 2016).

[13] And though I never got around to mapping/exploring there, I am told it still is.

involved in industries ancillary to the air force[14]. After the war, that potential turned into a boom. As Josh Sides writes in his book *L.A. City Limits*, "During the two decades after World War II, the most rapid and significant growth in Southern California… occurred outside the corridor in the aircraft/aerospace industry… the industry enjoyed phenomenal government subsidies".[15] The wars the US fought after World War II gave ample employment, not only to manufacturers of aircraft, but to the airmen who operated them and the engineers who maintained them. When airmen retired from Castle, they settled down in nearby Merced, bringing with them the economic impact of their air force pensions.

The increase in population, and the prosperity brought by Castle expanded Merced North, past Bear Creek. The Commercial District reflects the time period it was built in. The neighbourhoods just south of Yosemite Ave. are quaint and suburban. The district is dominated, not by small businesses like Main Street, but with supermarkets, shopping centres, and Merced Mall. The Commercial District is a little slice of suburbia, recognisably drawn from the idealised, whitewashed picture of the Fifties that codified suburban culture. However, the prosperity of Castle didn't last forever, and in the Nineties the base was closed, resulting in massive unemployment.[16] The city survived by beginning work on a new UC campus.

Building UC Merced, the final of the three districts, proved all-important. At the same time that Merced was working to save its economy by building the university, the city was also jumping on the housing boom. In fact, there persists a very high concentration of realtors in Merced, particularly in the Commercial District. In the period leading up to the 2008 crash, contractors in Merced built, "4,397 new homes in those neighborhoods, some costing half a million dollars, without asking who in a city of only 80,000 could afford to buy them all".[17] The crash was the devastating result of boosterism and speculation on space. The development of the city depends on boosters, who create second nature constructs that draw investment to the city. In the case of the housing market, they emphasised the value of constructing expensive homes in Merced, on the false belief that housing investments were safer than they actually proved to be. Merced still bears the marks of the housing boom, and the Commercial District in particular is dotted with some very pleasant neighbourhoods. Fortunately, the newly built UC has kept Merced afloat, and continued construction projects involved in the 2020 Plan should bring employment as well as a new population of consumers to revitalise Merced.

Of course, the UC is not without its downsides. Though the *Merced Sun Star* discusses it in positive terms, the investment pouring into downtown Merced comes at a cost. As highfalutin developers and investors transform downtown Merced, they will most likely begin to price

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[14]John Decker, interview by Andrew Kuhn, "United States Air Force Veteran Looks Back on Time at Castle Air Force Base," *Merced Sun-Star*, May 22, 2015, http://www.mercedsunstar.com/news/article21732393.html.

[15] Josh Sides, *L.A. City Limits: African American Los Angeles from the Great Depression to the Present*, (Los Angeles, CA: University of California Press, 2003), 81.

[16] Decker, *Merced Sun-Star*

[17] David Streitfeld, "In the Central Valley, the Ruins of the Housing Bust," *New York Times*, Aug. 23, 2008, http://www.nytimes.com/2008/08/24/business/24house.html.

residents out of those neighbourhoods. In a reply to concerns about gentrification on his election campaign's Facebook page, local politician Daniel Sabzehar writes:

> One of the greatest consequences of that growth that has plagued cities like San Jose, Seattle, New York, and San Francisco is gentrification. I think about it everyday and am constantly studying case studies to see how cities have avoided or mitigated its toll[18]

The issue of gentrification will be the problem that defines the next chapter of Merced's history, and local politics are already changing to reflect the influence the UC will have on the city.

Each district of the city since the Old City has arisen as a response to some sort of stimulus. The Commercial District arose out of World War II and the employment opportunities at Castle Air Force Base, and UC Merced arose out of the closure of Castle and the housing market crash. Perhaps the gentrification brought on by the construction of the UC will be the next stimulus to reshape the city of Merced.

**Conclusion**

The city of Merced is composed of three distinct districts, each with its own purpose, character, and form of centrality. Though today they each fill a niche that is codependent on the others, they have not always done so. Each part of the city represents a chapter in the history of Merced and a response to historical events, both regional and national. Merced has evolved with the times, and will continue to evolve as the UC grows and new problems, such as gentrification, arise. Nonetheless, however much Merced may change, each chapter of its history will remain visible in the character of its districts to anyone willing to explore and observe the process of the city.

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[18] Daniel Sabzehar, "Daniel Sabzehar for Merced City Council," *Facebook*, September 29, 2016, https://www.facebook.com/sabzehzar4council/?fref=ts.

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## Political Relations of the University of Paris, 1200-1450
Nathan Parmeter[1]

## Introduction

After the Western Roman Empire disintegrated, intellectualism and education dramatically declined in Western Europe as disorder, decay and instability took hold.[2] Emerging out of the chaos came a revival of urban areas and trade, which in turn led to a renewed interest in academia and scholarly work.[3] In the long-run, this newly-found interest in education and academia precipitated the rise of the universities, which were considered the pinnacle of Medieval education and learning as the idea and structure of the university became unique to Western Europe during this period.[4] One of the most significant universities from this era was the University of Paris, which was founded in the mid-12th Century and like other universities, became a corporation created through a charter.[5] Over time, the institutional rules that allowed the University of Paris to remain independent as a corporate entity created special political relations between the university corporation, inside factions within the university, the Catholic Church and state authorities. Early on, the power of the university to decide its own regulations and rules produced factions within the university to vie for that power, while years later, the university created special political relations with state authorities to advance its interests in contemporary French politics.

## Background and History of the Medieval University

During the early half of the Medieval Period, education and academia in Western Europe underwent several major changes as the region declined and then rebounded to economic and social stability. For several hundred years after the fall of the Western Roman Empire in 472 A.D., the intellectual sphere in Western Europe collapsed as chaos, urban decline and frequent migrations and invasions became the norm.[6] During that time, scholarly work and education were the jobs of transmitters at rural monastery schools, who spread ideas of intellectualism and classical works to upcoming cohorts of students.[7] In the 900s and 1000s, cathedral schools emerged as newer centers of intellectualism and education, with different schools focusing on

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[2] Edward Grant, *The Foundations of Modern Science in the Middle Ages: Their Religious, Institutional, and Intellectual Contexts* (Cambridge: Cambridge University Press, 1996), 18-19.

[3] Ibid., 19.

[4] Ibid., 34.

[5] Marcia Colish, *Medieval Foundations of the Western Intellectual Tradition, 400-1400* (New Haven, CT: Yale University Press, 1997), 267.

[6] Edward Grant, *The Foundations of Modern Science in the Middle Ages: Their Religious, Institutional, and Intellectual Contexts* (Cambridge: Cambridge University Press, 1996), 18-19.

[7] Marcia Colish, *Medieval Foundations of the Western Intellectual Tradition, 400-1400* (New Haven, CT: Yale University Press, 1997), 54-55.

specific areas of study depending on the composition of its masters.[8] Building on the cathedral and monastery schools came the university, many of which also had direct or indirect links to the Catholic Church.[9] These universities emerged at a time when stability was reemerging and urban centers were becoming vibrant once again, allowing for academic culture and education to flourish as it had in Classical times.[10]

From its inception, a variety of rules that went into medieval universities such as the University of Paris would influence its political relations with secular and religious authorities. Like with other medieval universities, the University of Paris was not founded on one single date but rather came into being as a consortium of church-educated masters and students with sub-corporations and colleges to provide services to its members.[11] Many of the masters and students who founded and entered universities were educated at church-affiliated educational institutions, and as such many gave their indirect influences from the church into the university corporation through their educational background.[12] Simultaneously, many members of the various facilities began advocating for the separation of religion from the university even though many were religious clerics themselves.[13] The final factor precipitating conflict within the University of Paris was one of the underlying rules of a university guild, which is the fact that the university had a broad amount of jurisdiction over certain internal affairs, privileges to its members and the ability to set their own standards and rules.[14] Political relations between the university, internal factions (like the mendicants) and outside parties were influenced by the structure of the university's rules that governed it as the freedom of the university to set its own rules and regulations caused power struggles for that power. On the other hand, the same rules would also allow it to build friendly relationships with outside actors and institutions, (Such as secular state authorities) even coming to the point of influencing the national political situation of the era.

**Intra-University Conflict in the 1200s-1300s**

The major period of conflict between the University of Paris, the church and various

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[8] Ibid., 164.

[9] Ibid., 265-266.

[10] Edward Grant, *The Foundations of Modern Science in the Middle Ages: Their Religious, Institutional, and Intellectual Contexts* (Cambridge: Cambridge University Press, 1996), 33-34.

[11] Marcia Colish, Medieval Foundations of the Western Intellectual Tradition, 400-1400 (New Haven, CT: Yale University Press, 1997), 267.

[12] Ibid., 265-266.

[13] Laurance Brockliss, "Review: Corporatism, Church and State: The University of Paris, c. 1200-1968." Oxford Review of Education, 23 (1997): 220, http://www.jstor.org/stable/1050849.

[14] Edward Grant, *The Foundations of Modern Science in the Middle Ages: Their Religious, Institutional, and Intellectual Contexts* (Cambridge: Cambridge University Press, 1996), 36.

factions within the university began during the 1250s and lasted discontinuously until the 1290s.[15] In 1254 A.D, the first of the several conflicts during the century broke out, which was caused by an influx of mendicant masters into the theological facility and their subsequent majority in the faculty.[16] This alone could have given the mendicants (Comprising the Franciscan and Dominican orders) a large voice in university policy, made worse by the increasing number of houses of study.[17] However, the Dominicans within the facility were not pleased with the changes occurring, even though the Franciscan masters accepted the change in status quo.[18] Upon an appeal to the pope, many of the privileges of the mendicants were revoked, the university was returned to the city of Paris and the two orders were disciplined.[19] The conflict then continued for several years, leading to a propaganda campaign by both orders against each other and against the seculars in the university.[20] Two years after starting, a compromise deal was reached, which allowed the Dominican friars to continue working under the university corporation but also reiterated the power of the university over its members.[21] Overall, the conflict between the mendicants and the secular faculties as well as between the different mendicant orders clearly show the strained and troubled relationship between the University of Paris, the church and factions within the university during this time. The political relations between the church and the university in this case can be seen through the intervention of the church in the conflict and its disciplinary measures against the competing factions. In addition to showing the relationship between the church and the university, it can be determined that the cause of the conflict wasn't necessarily the grievances between the parties involved; the rules and structure of the university also played a role. More specifically, the fact that the university was meant to be independent and have jurisdiction over its rules and legal matters allowed for the two sides to vie for that power to influence the university corporation and its rules to their liking. In any case, the compromise that ended the first secular-mendicant conflict during the 1200s would be temporary, and it would not be long before tensions would rise again.

While the earlier compromise and resolution of the 1250s conflict led to a period of peace within the university and with the ecclesiastical authorities, the conflict was sure to strike again, and it happened a decade later in 1267 A.D.[22] This new conflict involved mendicant friars and their relations with the local bishops and opposition leaders such as Gerard d'Abbeville.[23] However, unlike the earlier conflict between the mendicants and seculars a decade

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[15] Decima Douie. *The Conflict between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century*(London: Blackfriars Productions, 1954), 3.

[16] Ibid., 6.

[17] Ibid., 6-7

[18] Ibid., 6-7.

[19] Ibid., 7.

[20] Ibid., 8-12.

[21] Ibid., 13.
[22] Decima Douie. *The Conflict between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century* (London: Blackfriars Productions, 1954), 16.

[23] Ibid., 16-17.

before, this new conflict was triggered by a university sermon on January 1, 1269 when d'Abbeville gave a university sermon denouncing Franciscan ideas of poverty and rejection of materialism.[24] This would be followed by the "Contra Adversarium Perfectionis Christainae" which attacked the Franciscans, their doctrine and their views on society.[25] The conflict then escalated once again between the Mendicants and Seculars within the university, with each side using propaganda and literature once again to spread their side of the issue.[26] In the long-run a series of conventions such as the Council of Lyons were held to resolve the issue and settle on a compromise point, although reaching such a point was difficult and by the early 1280s, the conflict was ongoing.[27] Eventually, the disputes began to calm down by 1290 as the Catholic Church took the position of the seculars on their side of the dispute, which weakened the Mendicant friars and their position in the university.[28] Despite a later compromise negotiated by Boniface VIII which ended the Mendicant-Secular conflict within the University of Paris, the force used on behalf of the pope towards the university and bishops gave rise to the Gallican movement.[29] The fact that the conflict reignited over the same issue a decade later despite an earlier compromise is significant because it shows the consistently strained relations between the university, its members and the church due to the rules established as part of the university. This in turn can be linked to the 1254 and 1267 secular-mendicant conflicts within the university, showing how different factions tried to use the university's rules to their advantage in order to further their own goals and how outside political actors sought to influence the situation. But the very same rules that caused conflict among factions within the university and with ecclesiastical officials would also allow for close relations between the university and secular authorities later in the Middle Ages.

**The University and Secular French Politics**

While relations with ecclesiastical authorities and the ecclesiastical state were often tense due to the permeation of Christianity into the University of Paris and the different factions within the university who sought to control its affairs, relations with secular state authorities were much more peaceful, and in some cases even cooperative. Prior to the 1350s, the university did not become entangled with domestic political affairs, possibly a result of the secular-religious conflict that occurred during the previous century.[30] However, this trend began changing during the late 1300s and early 1400s when France was in the middle of a conflict between the

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[24] Ibid., 17.

[25] Ibid., 17-18.

[26] Decima Douie. *The Conflict between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century* (London: Blackfriars Productions, 1954), 19-22.

[27] Ibid., 25-26.

[28] Ibid., 28-30.

[29] Ibid., 30.
[30] Charles Gross, "The Political Influence of the University of Paris in the Middle Ages." *The American Historical Review*, 6 (1901): 440, doi: 10.2307/1833509.

Burgundians and Armagnacs under Charles VI.[31] If anything, the university soon became very involved in state affairs, usually aligning itself with the Burgundians on their side of the conflict.[32] Meanwhile, the university began to push for political change at home and with external enemies such as England.[33] Overall, the university's influence in politics was due to the rise of Charles VI and the related social and political turmoil that existed in the era.[34] It can seem surprising the university, which had previously remained "Politically" neutral, was now taking sides in the contemporary political realm. The reason for this change was not just due to the contemporary political atmosphere but to one of the most fundamental elements of the university; its independence and various privileges assigned to it for being a university. Such rules that were built into the university gave it a sense of strength in the political realm, and with free discussion of political issues allowed within the university corporation, this gave the university the power and will to enter and even take stances on secular politics.[35] This is significant because the same rules that allowed for conflict between different factions within the university (As mentioned previously with the Mendicants and Seculars) also allowed for cooperation and even direct influence on secular politics. However, the major difference between the two is that both situations were influenced by the contemporary political realm during the 13th and 15th centuries, which had changed drastically in the time since the university's founding.

**Conclusion**

Throughout the Middle Ages, the Catholic Church was the primary institution promoting the establishment of educational institutions in Europe, with the most prominent example being the university, meant to prepare and educate students for high-level occupations. While most universities were founded directly or indirectly by the church, its officials or those educated at other religious institutions, almost all were granted exclusive privileges, independence and jurisdiction over certain legal matters, although this did not mean that the universities were free from political influence. The University of Paris is a prominent example of a university that was not free from political conflict or influence, and has been that the case since its founding in the thirteenth century.[36] By looking specifically at several cases of the university and its relations with religious and secular politics during the Medieval Period, it can be concluded that the university was an important aspect to various groups who sought to take control of it to further their own goals (Such as the Mendicants).[37] The political aspects and relations of the University of Paris would not end with the Medieval Period; between the fifteenth century and French

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[31] Ibid.

[32] Ibid.

[33] Ibid., 441-442.

[34] Ibid., 445.

[35] Ibid., 443-444.

[36] Laurance Brockliss, "Review: Corporatism, Church and State: The University of Paris, c. 1200-1968." Oxford Review of Education, 23 (1997): 219-200, http://www.jstor.org/stable/1050849.

[37] Ibid., 220.

Revolution; the university would increase its political relations with the secular state, even to the point of being given close scrutiny by the French monarchs.[38] Regardless of the political relations the university had with secular and ecclesiastical authorities, the university's basic fundamental rule of being sovereign and independent in certain legal aspects was the basis for its political relations with secular and religious authorities in addition to conflict between internal factions.

[38] Laurance Brockliss, "Review: Corporatism, Church and State: The University of Paris, c. 1200-1968." Oxford Review of Education, 23 (1997): 217-220, http://www.jstor.org/stable/1050849

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# Ecclesiastical Divorce in the 19th Century: Implications and the Status of Women
## Akhila Yechuri

**N**ineteenth-century Mexico was an extremely Catholic society, and the common doctrine surrounding marital unions was that they were divine, and that those whom God united through marriage should not be parted. Divorces were rare, and only occurred in especially trying circumstances. I will be examining a divorce case filed on March 24th, 1839 in Mexico City. Doña Hilaria, the petitioner, was seeking a divorce from her husband, Felix Morales, insisting that "[t]his hellish [marriage] has become unbearable for me and I'm unable to carry on without risk to my safety."[1] The only option available for women like Doña Hilaria, who were caught in abusive and loveless marriages, was to file for an ecclesiastical divorce, which was akin to legal separation.[2] In this paper, I will closely analyze Doña Hilaria's petition to answer the following questions: what were the promises and drawbacks of ecclesiastical divorce, and what arguments did Doña Hilaria draw on to make her claims? Moreover, what does this petition tell us about the status of women in the early nineteenth century, just decades after Mexico's Independence?

Postcolonial Mexico was a time of great political instability. Mexico was still a young nation, and was facing inequities that it was not fully equipped to confront. The inequities were evident during the revolution and led to ideological tensions, as there were largely different agendas amongst the plebeian and elite rebels. Some indicate that the struggle for independence was less "a two-way struggle than a three-way conflict amongst the Mexican masses, the elite creole directorate... and the colonial regime."[3] In the transition from colony to nation, the landed elite wanted to ensure their interests. Although politicians did proclaim large, sweeping reforms, much remained unchanged. Factional fighting amongst conservatives and liberals further impeded any social progress for women. Additionally, when creating a new legal code after independence, colonial laws were simply reviewed. This led to a large amount of written law that was "centuries old, [but] largely accepted in the 19th century."[4] Many laws surrounding the legal rights of women depended on the woman's purity, and characterized women according to their supposedly innate weakness Women were in many regards second-class citizens subject to the control of men. By virtue of their gender, women "relinquished sovereignty over most of [their] legal transactions, property, earnings, and even their domestic activities."[5] They were not afforded autonomy or legal rights, and this ultimately left most women no choice but to comply with the wishes of the men in their lives. Doña Hilaria's case occurred less than 20 years following independence. During this time, which saw tumultuous shifts in power, a newly conservative Santa Anna was in power. Social conservatives wanted to preserve Catholicism as the state religion and to maintain hierarchies from colonial times. Therefore, Doña Hilaria had to go through divorce while being scrutinized to archaic colonial laws.

Marriage, like most Mexican societal institutions of the time, was patriarchal in nature. Men's role was as providers. To accurately sum up power relations, one man stated, "it was the

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[1] Pamela S. Murray, *Women and Gender in Modern Latin America* (New York: Routledge, Taylor & Francis Group, 2014), 50.

[2] Silvia M. Arrom, "Marital Relations and Divorce," in *The Women of Mexico City, 1790-1857*(Stanford University Press, 1985), 208.

[3] Eric Van Young,*Agrarian Rebellion and Defense of Community: Meaning and Collective Violence in Late Colonial and Independence-Era Mexico* (Oxford University Press, 1993), 249.

[4] Arrom,"Legal Status"*,* 54.

[5] Ibid., 65.

pants that gave the orders, not the naguas. [67] The role of the wife within a marriage was to be subservient and maintain the household. Gender held more weight in society than social class, as evidenced by the case, in which Doña Hilaria reflects that she married her husband "despite his former lowly status as [her] domestic servant."[8] He subsequently was granted complete access to her inheritance, which he spent in its entirety. Marriage eliminated any large measure of economic independence that the woman had been offered. Financial self-sufficiency was not something a woman was expected to be capable of, especially considering the role of the man as the main contributor to the family income. This was particularly problematic in scenarios in which men did not fulfill their societally-expected obligations. Morales, for example, continued to go out of his way to take any money that his wife may have earned, stealing her savings and clothes, and also terrorizing her atole stand, causing further financial strain on Doña Hilaria's limited income. In her first petition, she cites these reasons as to why she should be granted a divorce.

Ecclesiastical divorces were a Church construct. The concept of Church sanctioned separation dates to the 1100s, when the Church implemented its marriage laws across Europe and displaced secular law.[9] When the Spanish colonized Mexico, they brought these practices with them. Ecclesiastical divorces were used throughout colonial times and continued after independence, as Catholicism became a part of early Mexican identity. Obtaining an ecclesiastical divorce took a large amount of effort and time from both parties, and was rarely pursued by any except the most daring and desperate. Before the couple could be pronounced legally separated, women were often pressured to stay with their husbands during a trial of reconciliation. This consisted of a face-to-face meeting of the husband, wife, and their attorneys. Reconciliation was codified into procedure, and was a necessary and expected step of all couples. In fact, a divorce petition was only accepted after going through two trials of reconciliation, after which neither produced the desired result. Doña Hilaria filed her case a "few days after attempting to comply with the reconciliation order,"[10] a sentence presumably handed down by the ecclesiastical judge, or provisor.

Filing for divorce was a largely female domain, and in many cases, the trial of reconciliation was reminder enough of the woman's power to undermine the man's social standing. A man's ability to provide for a woman and keep her submissive was a large marker of his societal worth. The authority of a man who could not maintain or allocate adequate food or clothing was illegitimate. If the spouse continued not providing enough, ecclesiastical divorce was a way for women to get their complaints heard. Divorce was essentially a small challenge to patriarchal authority. The centrality of honor in guiding social norms was a large reason many found divorce so embarrassing. The accusation of incapability to provide for the household questioned a man's masculinity, which in turn, undermined his honor. A man's reputation was questioned and "sullied simply by being involved in such litigation."[11] However, divorce was also detrimental to the social status of women. Women like Doña Hilaria took large risks by filing divorce petitions, as the

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[6] Sonya Lipsett Rivera, "Behind Closed Doors," in *Gender and the Negotiation of Daily Life in Mexico, 1750-1856* (University of Nebraska Press, 2012) 90.

[7] *Naguas* roughly translates to skirt, or petticoat.

[8] Murray, *Women and Gender in Modern Latin America,* 52.

[9] Rudolf Huebner, The Continental Legal Series, Volume 4, trans. Francis Philbrick (Little, Brown, and Company, 1918), 91.

[10] Murray, 52.

[11] Arrom, "Marital Relations and Divorce," 211.

process was elaborate and had drastic social implications. After divorce, women were also considered pariahs. A divorced woman was watched by church officials for the rest of her life to determine if she was living her life within the respectable standard of conduct she owed to her husband. Furthermore, divorce lowered the economic status of women, as they were not capable of earning similar amounts of money as men. To a large degree, after a divorce, most women never regained a semblance of normalcy within their lives.

  A large number of ecclesiastical divorces were filed based over complaints about clothing. In fact, nearly half of ecclesiastical divorces broached the topic of clothing; either that the husband was not providing enough, or that he was pawning the woman's wardrobe. Clothing played a large part in the marital power structure.[12] As a part of his role as husband, and therefore, provider, Morales was expected to give his wife clothing and food. However, Doña Hilaria notes in her divorce petition that her husband was not fulfilling these obligations, even stealing several pieces of clothing from her to give to one of his mistresses. Providing clothes was the cornerstone to marital authority, largely due to the importance clothes had in maintaining modesty. This exchange of material goods was a societally ingrained formula for both gender roles to fulfill the duties expected of them: the husband as the provider, and the wife as the receiver. By stealing his wife's clothes, Morales was making a statement far grander than his explicit adultery. It served as an indirect attack on Doña Hilaria's modesty, and reasserted his control over her. Doña Hilaria cites this lapse in husbandly duties as an argument for her divorce.

  Throughout her case, Doña Hilaria also speaks of her husband's frequent beatings of her. A witness recounted seeing Doña Hilaria "bleeding freely from a blow to her head that her husband had inflicted" in their testimony.[13]  In Mexican culture, the head maintained a large amount of cultural importance. This is due to both Nahua and European influences. The head was used in both cultures to describe seats of power, including head of state, head of household, and so on. A judge in one case in the 19th century singled out the fact that the man in question had dared to wound a woman on "a part of the body so noble as the head" as his main reason for convicting the man.[14] Domestic violence was so common at the time that the location of wounds often had social significance and symbolic meaning. As cited in the petition, Morales took his wife out to a tortillería with a fresh wound on her head, disregarding social norms and conventions, and making a public display meant to humiliate his wife. Hitting a wife's head was seen as abusive maneuver, meant to remind her of her place, and to reassert the authority of the male head of the household. The power of an audience was evident in this case. Doña Hilaria's neighbors took notice of her husband's mistreatment of her, and advised her to consult an attorney. This is very telling of neighborhood culture at the time. Neighbors in some Mexican neighborhoods lived in very close proximity to each other, and privacy was often very hard to achieve.[15] It was common in Mexican culture at the time to intervene if there was "evidence of quarrels or domestic violence."[16]This aspect of culture is apparent in Doña Hilaria's petition, as her neighbors confronted her after she was beaten and forced to serve her husband's mistress food. The community frequently took on the role of the caretaker for the woman. Women could not often stand up for themselves due to fear of retribution, and having allies in the neighborhood ensured their safety. Due to the frequency

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[12] Ibid., 214.

[13]Murray, 52.

[14] Lipsett Rivera, "The Body in Daily Life,"147.

[15] Ibid., 117.

[16] Ibid., 147.

of domestic violence, and it was often up to observers to ensure that it did not go too far. Neighborly intervention often spurred women into taking action.

After the divorce suit was initiated, a woman was taken from her home and placed in a depósito for the duration of the trial. The depósito had many functions. It was a safeguard from husbands, as they were specifically denied from entering or could be criminally prosecuted. However, the depósito was also a patriarchal institution, meant to observe women and "keep watch over her conduct."[17] A woman had to ask for permission to leave the house or to see visitors. Furthermore, the husband had to agree to the depósito, and had a say in where the woman was placed and who she could see. Though many lived comfortably with family during this time, other women lived with strangers. Ultimately, the strictness of the depósito varied. In Doña Hilaria's case, it is reasonable to suspect that she lived with a stranger, as she requested to end her depósito, as they were so stringent that they "[did not allow] her a means to pay for basic expenses."[18] The husband could also restrict whom the wife could see while she was under the protection of the depósito, and subsequently maintained indirect control over her life. The depósito became a new locus of control for the husband. It is notable that the institution of the depósito only applied to women. Men were not obligated to be watched during the duration of the trial. Furthermore, in the case of an ecclesiastical divorce, women were watched over the by the ecclesiastical court to ensure that they were not breaking the imposed chastity that came with ecclesiastical divorce in order to maintain "the fidelity she owed her husband."[19] Men were also exempt from this. Most legal inequities in 19th century Mexico were written with the assumption of women's inferiority to men. The gender role imposed on women as obedient was further codified legally, as women were banned from holding leadership or governance positions. Women who were considered "impure" were discriminated against, offered far fewer societal protections, and punished for their sexual behavior. In fact, the Siete Partidas, the foundation of Mexican law at the time, explicitly stated that women were not "of good a condition or of high a status as the man."[20]

Despite the action a wife may take against her husband, unless the woman was in an immediate threat of physical danger, the courts moved rather slowly to address divorce suits. The husband could further delay this process by not complying with served notices. During the 5th year of the divorce case, Morales was refusing to separate from his wife, claiming that "not even the Pope has the right or authority to take her from [me]."[21] Morales often claimed that it was his wife's duty to tolerate his behavior, stating that "it was [Doña Hilaria's] obligation to put up with him and not [his mistress's]."[22] It is evident from this statement that Morales felt as though it was his right to cheat on his wife, and that Doña Hilaria's role as the wife gave her no right to dispute this behavior. Morales expected Doña Hilaria to uphold all of the qualities of the wife, mainly meekness, without fulfilling any obligations as the paterfamilias.

Doña Hilaria's case took over six years, illustrating the court's reluctant role in providing pathways for divorce to occur. The court didn't actively pursue or follow up on cases. It was a system that was meant to discourage the practice of divorce and took every possible step it could to impede it. In fact, divorce cases didn't move along further unless one of the spouses instigated each stage of the process. Doña Hilaria informed the court and asked for every single step of the

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[17] Arrom, "Marital Relations and Divorce," 212.

[18] Murray, 53.

[19] Arrom, "Marital Relations and Divorce," 216.

[20] Ibid., 79.

[21] Murray, 53.

[22] Ibid.

procedure to occur. Most of the requests made by the person pursuing the divorce were not investigated by the court and divorce eventually did occur, but the court's passivity led to some petitioners staying at one step of the process for a prolonged period of time, as Doña Hilaria was for a period of three years.[23] Divorce was not a reasonable option for those who wanted a quick separation, except for those in higher classes. In one instance, an elite woman's entire case was resolved in the span of a month.[24] The court's modus operandi did not give similar priority to lower class petitioners, even if their circumstances were more burdensome. This is particularly problematic for Doña Hilaria, as the divorce leached so many of her resources that she eventually asked for the court to aid her financially. Along with this request for poverty alleviation, after the long stagnancy in her case, Doña Hilaria filed another petition for divorce. In this second petition, she cited adultery as her primary reason for separation.

In most cases, adultery was not the principal reason why women sought to divorce their husbands. In fact, within marriage, many women "did not consider a husband's infidelity important in and of itself to consider a divorce."[25] Doña Hilaria's her first petition for divorce included her husband's admission of adultery and the appearance of two of Morales' mistresses at the reconciliation hearing, but as additional information regarding Morales' questionable character. The court clearly did not consider this reason enough to pursue divorce, as the constitutional mayor presiding over Doña Hilaria's case still tried to get her and her husband to agree to a reconciliation. The main reasons that a woman filed for divorce were mistreatment and failure to provide resources. Doña Hilaria was an anomaly in that her second petition focused solely on Morales' admission of adultery as its focus. It is plausible that in seeing no action taken on her case, Doña Hilaria chose to refile it under a more easily provable reason, rather than her initial claim of Morales "forgett[ing]... his obligations within the sacrament of marriage."[26] Morales was not particularly remorseful when these charges are brought against him, and initially denied the legitimacy of the claims, however, later that year, he finally agrees to the divorce.

This case provides interesting insight into divorce cases and the social and economic circumstances that came with them. However, the facts of the case must be interpreted with some caution. Ecclesiastical divorce was a trying process for women and was hindered by patriarchal social constructs. Divorce cases only occurred and moved forward under the most debilitating circumstances, and it is possible that Doña Hilaria exaggerated the events that occurred in order to advance her case. Furthermore, the case is only presented through the perspective of Doña Hilaria's petitions and requests. Morales' side is never fully covered or elucidated. Consequently, there are large gaps in the narrative of this case. Morales abruptly agrees to the divorce after five and a half years of avoiding it, and no explanation is provided for this sudden shift in opinion. Ultimately, it is not known whether a divorce actually occurred.

Looking at court divorce documents for historical context is particularly problematic because the petitioners in these cases only represent a small fraction of the population; not much is known about women in unhappy marriages who were too afraid to file for divorce. The number of divorces filed accounted for only around one percent of all marriages. Despite this, the evidence presented by this case reveals major trends in popular thought and of the narrative that surrounded divorce in a theological society. The nineteenth century is commonly known as a period of major political change and instability, but the history of gender during this period is marked by

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[23] Ibid.
[24] Arrom, "Marital Relations and Divorce," 219.
[25] Arrom, "Marital Relations and Divorce," 242.
[26] Murray, 50.

remarkable continuity. Doña Hilaria's case clarifies the complex traditional culture that shaped gender roles and status of women in Mexico during this time.

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**Religion and Politics in the Greek Successor States after the Fourth Crusade (1204)**

Mitchell T. Anthony

Before the Fourth Crusade in 1204, the Byzantine Empire had a strong relationship and was greatly influenced by the Patriarch of Constantinople. This relationship was beneficial to the Empire, as it gave the government a religious mandate to rule over the people, and provided the Emperor with legitimacy. Eastern Orthodoxy benefitted from this relationship, as the Byzantine Empire was the defender of the faith, and offered a vehicle in which to spread the religion. After the Fourth Crusade, the Byzantine Empire failed to protect the seat of the Patriarch and thus failed to protect the faith. As a result of this, there was a sixty year period in which the Eastern Orthodox faith was unstable, and its influence on politics was weakened in the area until the final fall of the Byzantine Empire in 1453.I argue that the relationship between church and state before the Fourth Crusade was somewhat equal, with the Patriarch actually having more power than the Byzantine Emperor, but after the siege of Constantinople in 1204, and the formation of the Latin Empire and Greek Successor States (Empire of Nicaea, Empire of Trebizond, and Despotate of Epirus), the relationship makes a drastic change and ends up in favor of the Emperor gaining more power over the Patriarch and the Eastern Orthodox Church.

# Mexican Americans in Vietnam
### Luz Garcia

When writing about the Mexican American contribution during the Vietnam war, I realized that all Mexican Americans struggled with ideas surrounding American identity. Many of them were trying to become citizens and wanted to prove that they were citizens of the United States. The only way to prove it during this time was fighting in the war, and so many did during the Vietnam era. They tried to show that they were American, but when they participated in the war they realized that they were not expecting to see many of their friends or families being involved and even being killed in action. Many Mexican Americans realized too late that this war was not meant for them to fight, and were often manipulated to fight in the war, in which politics played an important role. The result would be a vast number of Mexican American males returning home in boxes. Those that did return alive would come back changed and with flashbacks of the horrors of war. The conclusion of this paper looks at how Mexican American males knew who they were and contested the idea of fitting into a society that wanted them to assimilate, displaying a vicious cycle of contributing to American patriotism while respecting their traditional histories and cultures as Mexican Americans.

# Las Soldaderas

Gabrielle Medrano

Despite the vast research on the Mexican Revolution, little is known about the perspective of the women in the Mexican Revolution, specifically the group known as Las Soldaderas. The overall image that emerges from historical texts heavily relies on the male's perspective, roles, and contribution within the war. Whereas the women, are placed on the sidelines as dependent, shy, and delicate individuals that do not fraternize themselves with political issues. This research paper recovers Las Soldaderas perspective for a variation of audiences through images, newspaper articles, books, and journals. An analysis of these sources yields Las Soldaderas roles and contributions while challenging culturally and socially constructed stereotypes that undermine and subjugate women. Factors such as: 1) Besides being the support system for the male soldiers Las Soldaderas also had a variation of positions such as cooks, washers, nurses, and messengers. 2) Not ever women that was a soldadera voluntarily joined the war some were forced into becoming a soldadera by use of violence, kidnap, and rape. 3) Las Soldaderas were also replacing dead soldiers on the battlefield and taking up arms alike the male soldiers. This paper is part of a growing body of research on Las Soldaderas history and redefining gender roles in the war; this paper will contribute to future research on similar topics.

**Creation of National and Native Identity: Through the Eyes of Native American and Sami People**
Leydy Ruiz

This research paper explores what effect boarding/nomad schools had on students, teachers, and indigenous identity. The argument is that the school system's attempts of assimilating indigenous students and staff into the hegemonic national identity instead caused indigenous activists and organizations to rally together to create a native identity and bring back their cultural background. By comparing the educational system in the US and Sweden, I hope to address the different courses of actions taken against the indigenous (Native American and Sami) students in their respective schooling systems. Using topics of gender, language, identity roles, and media inclusivity I will demonstrate how indigenous identity came to be seen within each country, through both the lenses of the educational sphere and how the indigenous people perceived themselves. To gather how indigenous communities saw themselves within the school system and vice versa, I used primary sources in the form of oral histories and school reviews. Secondary sources focused on accounts of teachers, activists, and the construction of the educational platform in each country. By showing how the schools affected the students and generations afterwards, this research highlights the importance of what it means to recognize, support, and represent indigenous presence within the society.

**Cultural Importance of Portuguese Religious Festivals in California**
By Victor Toste

During the summers in California, families with Portuguese origins find themselves at their local Portuguese lodge throughout the state. In the past 150 years, the Festas do Espirito Santo (Holy Spirit Festivals) have travelled from the Azores into Portuguese-American society and has become an integral physical and social link between these their new and previous home countries. Over the past 50 years though, immigration from Portugal and specifically the Azores has peaked and declined rapidly. I argue that due to this decrease in immigration from Portugal to the United States, the Holy Ghost festivals have slowly changed the transition of Azorean immigrants into American society. Originally, these festivals served as community building and preservation of their Portuguese/Azorean culture and religion, but the festivals have dwindled and the lack of steady immigration has allowed the festivals' cultural meaning and importance to diminish. Once a celebration of an Azorean lifestyle, the festivals have become a recognition of a unified Portuguese culture while the second and third generation lose part of their Azorean identity. My work goes on to look at the process in which these festivals began, the power they have over the Portuguese community, and how their disappearance could cripple the remaining Portuguese-American community.

**Slaughterhouse to Knife: An Analysis of the Meat Industry Using a Farm to Fork Model**
Brianna Vasquez

Many Americans have the luxury of buying their food at grocery stores or fast food restaurants. While this is a luxury that many enjoy, it creates a disconnect between the food and the human. Few people understand the process food takes to get to their plates. Following programs like Farm to Fork can provide answers for the journey crops take, but meat has always been left out of the picture. This study provides an understanding of the changing agricultural policies that made corn cheap, harsh and dangerous work environments for animals and workers, and the negative effects meat has on human's health throughout its journey from the slaughterhouse to the knife. Using labor histories, agricultural histories, and the USDA, I will explain the changing agricultural policies from the 1920s to the 1970s that prompted intensive specialized agriculture and created a surplus of subsidized corn which was then given to livestock and poultry. Intensive agriculture along with cheap corn led to the rise of concentrated animal feedlot operations (CAFOs), where animals are forced to live unnaturally. This meat makes its way toward meatpacking factories where workers are treated as replaceable pawns. Finally, this meat makes it to our plates where consumers are passive towards their understanding of meat and its effects on their health and environment.