

HERODOTUS

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HERODOTUS

Herodotus is a student-run publication founded in 1990 by the Stanford University Department of History. It bears the name of Herodotus of Halicarnassus, the 5th century BCE historian of the Greco-Persian Wars. His *Histories*, which preserve the memory of the battles of Marathon and Thermopylae, were written so that “human achievements may not become forgotten in time, and great and marvelous deeds... may not be without their glory.” Likewise, this journal is dedicated to preserving and showcasing the best undergraduate work of Stanford University’s Department of History, selected through a process of peer review. For additional information about the journal, please visit us online at herodotus.stanford.edu.

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EDITOR'S NOTE

When landscape architect Frederick Law Olmsted produced his earliest sketches of the Stanford University Main Quad in 1888, the History Corner figured prominently into the plan. Rounding the Oval by carriage, the first students to arrive at the university would have met with a monumental Memorial Arch that was itself the keystone of the rhythmic array of sandstone buildings. At the Quad's smoothed northeast corner stood the Department of History. Today students continue to pass through the wooden double doors and ascend the grand staircase to attend a broad offering of more than two hundred history courses, taught by more than forty History Department professors working on areas as disparate as classical Greece and modern South Asia.

Such breadth is both necessary and stimulating, yet it can also be isolating. For twenty-five years now, *Herodotus* has played an important role in bringing together undergraduates with diverse historical interests into a common conversation about the craft of history. We are pleased to present the 2015 issue of *Herodotus*, which bears the marks of this productive engagement between and among the editors and authors. The essays here — five in total — have been selected for their persuasive and precise analysis, their excellent prose, their close attention to change over time, and their engagement with existing historical interpretations. This year's volume brings together a wide range of places — from California to Hawaii, China, and Venice — and subjects, including colonial science, racism, and sexuality; changing definitions of sexual violence; early modern prostitution and power; civil-service examinations and political control; and identity politics during the Cold War. We hope our readers will enjoy these essays and continue to delight in reading history.

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FROM THE BUSHES TO THE BEDROOM: REFRAMING RAPE AT STANFORD UNIVERSITY, 1958-1992

Introduction by Professor Estelle Freedman

In my colloquium on the history of sexual violence in America, students have rarely chosen the primary research option for the final paper, but I am very glad that Benjy Mercer-Golden did so this year. His study of the treatment of sexual assault at Stanford, based on careful analysis of archived issues of *The Stanford Daily*, along with social scientific and feminist literature, compares national and campus responses to rape from the 1950s through the 1990s. In addition to identifying a shift in focus from the racialized stranger rapist to the problem of acquaintance assault, Mercer-Golden uncovered a vibrant earlier anti-rape movement at Stanford, now largely forgotten. The paper, which I plan to assign in my course, won the 2015 Stanford Historical Society Prize for Excellence in Historical Writing. I hope it will inspire further studies of student organizing at Stanford and of the response to rape on other campuses.

From the Bushes to the Bedroom: Reframing Rape at Stanford University, 1958-1992

Benjamin Mercer-Golden

On November 16, 1981, at a rally held in White Plaza of Stanford University, the feminist scholar, lawyer, and activist Catharine Mackinnon addressed the crowd, reminding those gathered that the spate of rapes that had recently come to light on campus was not a sudden “epidemic of rape,” but a “short flurry of rape reporting and rape publicity.”¹ Her speech, the transcript of which she included in *Feminism Unmodified: Discourses on Life and Law*, is prescient given the tenor of contemporary discourse around sexual violence on college campuses; with slight modification, it would not appear out of place at a campus rally today, nearly three and a half decades on.

In fact, while elements of the recent explosion of attention towards sexual assault on college campuses are profoundly new, they recall in many ways two previous historical moments that radically shifted the national understanding of the prevalence and forms of sexual violence. During the late 1970s and early 1980s, campus activists, survivors, and a host of other actors, building on contemporary feminist texts and social science literature, dramatically shifted the perception of the most common threat of sexual violence for college women. Moving beyond acts committed forcibly or violently by a stranger—often presumed to be a man of color or (especially if white) a sociopath or “sexual deviant”—activists attempted to reveal the “hidden epidemic” of “acquaintance rape” or “date rape,” usually perpetrated through coercion or duress by men whom their victims knew. During the late 1980s and early 1990s, a second wave of campus activists worked to turn the contemporary societal shift on rape into tangible policy changes, implicating a responsibility on the part of Stanford—and other universities across the country—to address the issue in areas where the criminal justice system either could or would not.

Understandings of sexual violence have shifted significantly over time, and the current moment at Stanford is reflected in many ways by similar ones in the past. Consequently, the focus of this story is on the history of efforts to redefine rape and the campus and university response at Stanford University during these historical “moments,” the pivotal years of 1978-1984 and 1988-1992, although it also explores coverage of sexual vio-

1 Catharine Mackinnon, *Feminism Unmodified: Discourses on Life and Law* (Cambridge: Harvard University Press, 1987), 81.

lence on campus beginning in the 1950s. Articles from *The Stanford Daily*, the student-run campus newspaper, provide the primary source materials used to map this history, placed in a national context of key feminist texts, civil rights legal cases, and social science studies.²

This story has as many limitations as it has insights. Because of its intimate nature, sexual violence is a particularly difficult subject for historians to examine: the factors that lead to a culture of silence on the issue create challenges for scholars attempting to document its history, and thus may perpetuate the (partial) silence among academics. That fact may help explain why, to date, no historian has written a dedicated study of the campus sexual violence movement. While all histories on the topic have their gaps and silenced voices, this may be particularly true in the case of college campus sexual violence, given the quasi-legal status of disciplinary proceedings and administrative actions. Unlike court records, which reveal testimony and some personal narratives, universities do not produce public information on disciplinary proceedings or interactions with survivors of sexual violence. As such, without the benefit of oral interviews or diaries, relying on the *Daily* lends an incomplete picture at best. It may also produce biases: as acknowledged by *Daily* editors themselves in editorials, the secrecy of most incidents often prevented reporters from covering cases of sexual violence. On the other hand, cases that involved the criminal justice system and, often, perpetrators who were not members of the university community may have received more extensive coverage because the relevant information was easier to access.³

In an attempt to correct for these gaps and biases, much of the *Daily* coverage analyzed here focuses on op-eds and editorials, privileging pieces that describe the general situation on campus (the voices of those who aim to speak for what goes unreported), rather than news articles covering specific cases. Despite these limitations and challenges, the story of the evolving discourse on sexual violence at Stanford, and campuses like it, is an important and revealing one, for both the historians of Stanford's past and the people concerned about its present.

STRANGER AND DATE RAPE THROUGH THE 1970s

While the origins of acquaintance and date rape in popular conception go back to the 1950s (feminists coined the specific terms decades later), the archetypal perpetrator of sexual violence from the late nineteenth century through the 1960s remained the aggressive black male. That image originat-

2 All *Stanford Daily* articles accessed via the digital archive, stanforddailyarchive.com. See Table 1 for more details on source material.

3 Dave Ansley, "Frustrations of the press over rape," *The Stanford Daily*, June 7, 1978, 2.

ed in the South, but spread nationally, as evidenced in the legal records of the time. In Chicago, for example, between 1945 and 1955 black men were five times more likely to be prosecuted for rape than white men.⁴ White parents, predominantly in the South, warned their daughters of the dangers of black gangs and blacks' sexual aggression. Yet a white male date was no guarantee that the daughter would be protected.⁵

As young couples of the 1950s "dated" and engaged in sexual courtship in private and semi-private spaces (such as cars), the American white middle class shifted the nature of its attention to sexual coercion to include unwanted advances from male dates. As historian Lisa Lindquist Dorr explains, in the 1950s "Experts naturalized male aggression as proof of manhood even in 'nice boys,' and studies of dating confirmed that male aggression targeted the young women they dated, especially in the private confines of the back seats of cars."⁶ Sexual coercion posed considerable risks in a society where premarital sex often signaled a young woman's social "demise," particularly if it resulted in pregnancy.

Some social science research confirmed fears of the "offenses" committed by young males on the women they dated. The first study of sexual violence on college campuses, a 1957 article in the *American Sociological Review* entitled "Male Sex Aggression on a University Campus," reported that 56 percent of college girls in their sample "reported themselves offended at least once during the academic year at some level of erotic intimacy." Twenty-one percent were "offended by forceful attempts at intercourse" and 6 percent by "aggressively forceful attempts at sex intercourse in the course of which menacing threats or coercive infliction of physical pain were employed."⁷

Stories printed by *The Stanford Daily* during the 1950s and 1960s reflected these national themes. Initially, the paper employed many of the common tropes of sexual violence during the era, focusing on strange and terrifying acts by psychologically unstable men (the "sexual psychopath" or "degenerate") or by men of minority or low socioeconomic status. The *Daily* ran a series of reports in 1958 chronicling the crimes of Thomas Cordry, a sophomore at the University, who somewhat neatly fit the image of the deviant sexual psychopath. As the *Daily* reported, after slaying his 17-year-old girlfriend, Deena Bonn—not a student but a local Palo Alto resident—Cordry confessed to officers his plans to rape, kill, and bury the body of the

4 Estelle Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage* (Cambridge: Harvard University Press, 2013), 272.

5 Lisa Lindquist Dorr, "The Perils of the Back Seat: Date Rape, Race and Gender in 1950s America," *Gender & History* vol. 20, no. 1 (2008), 40.

6 *Ibid.*, 28.

7 Clifford Kirkpatrick and Eugene Kanin, "Male Sex Aggression on a University Campus," *American Sociological Review* vol. 22, no. 1 (1957), 53.

girl in the foothills.⁸ The father of the slain girl seemed to confirm Cordry's mental instability: "The boy doesn't need punishment—only help...He did terrible harm, but he did not intend to commit a crime," he said.⁹ Most of the handful of rape reports published in the *Daily* involved strangers, such as an attack on a graduate woman bicyclist by a man who jumped out of the bushes (two freshmen boys saw the attack and broke up it up). The victim later identified Valerio Canderle, a former campus kitchen worker, as her attacker, and he was charged with attempted rape.¹⁰

Between 1969 and 1970, reported rapes on campus increased from three to five incidents in a year, all concerning stranger assailants. Moreover, in the early 1970s the *Daily* expressed concern about the increase in reported rapes and attempted rapes. The paper's focus reflected the political tenor of the moment. "Law and order" social policies and a discourse of rising crime rates, heavily emphasized by both California governor Ronald Reagan (1967-75) and President Richard Nixon (1969-74), brought renewed national attention to the issue of sexual violence. In 1971, a *Daily* article entitled "Campus Crime Increases" cited a "tremendous increase in violent crime across the country in recent years" and asserted that Stanford reflected the national picture.¹¹

Alongside law and order, however, feminist politics also expanded in the 1970s. Feminists at Stanford responded actively to the political moment, hoping to shift attention from the fear of rape to preventive efforts. Elizabeth Harris, a graduate student who identified herself as a member of the Women's Caucus, wrote a 1974 letter to the editor criticizing the *Daily* for "inflammatory" coverage of a "rash of assaults," suggesting that "news coverage of one [incident] may be partly responsible for subsequent ones." In response, she requested that the *Daily* print a full-page insert on how Stanford women could avoid sexual assault: "Some of us have already taken measures to defend ourselves, and all of us can," she wrote.¹² Harris's letter reflected a major feminist critique of anti-rape initiatives—the disempowerment of women in prevention strategies—and referenced a major move-

8 Barbara Hicks, "D.A. Files Charge, Seeks First Degree Conviction; Cordry to Plead Monday," *The Stanford Daily*, February 28, 1958, 1.

9 Ibid.

10 "Freshmen Foil Rape Attempt," *The Stanford Daily*, November 24, 1959, 1. See also "Rapist attacks Stanford co-ed," *The Stanford Daily*, April 19, 1968, 5, for the story of a 21-year-old undergraduate woman who reported being kidnapped, driven off campus and raped, and who also did not know her attacker.

11 Alison Davis, "Campus Crime Increases," *The Stanford Daily*, February 5, 1971, 1.

12 Elizabeth Harris, "Publicize defense measures," *The Stanford Daily*, November 7, 1974, 2.

ment gaining traction: self-defense training specifically catering to women.

While many feminists of the 1970s argued the anti-rape movement should focus on culture change and the power dynamics that created sexual violence, another school of thought, increasingly prominent, additionally advocated victim-prevention strategies. They criticized the traditional victim-prevention message, which generally recommended that women limit where and when they traveled, rely on male partners or friends for protection, and in the event of an attack, provide no or little resistance to minimize harm. “Feminist self-defense” classes emerged out of these critiques, with women often teaching other women either traditional martial arts or a hybrid of practical “street-fighting” techniques, and emphasizing mental confidence and self-reliance as much as physical prowess.¹³ Stanford was one of the first large universities to participate in the growing feminist self-defense movement, introducing a physical education class, “Self-Defense for Women,” in the early 1970s. The course consistently had long waiting lists, according to a 1973 *Daily* article, which began with a description of a typical class:

A pair of muscular arms grabs Debbie suddenly and pins her from behind. Her assailant thinks she is helpless, but Debbie is well prepared. With one loud yell, ‘Oiss!’ she throws the startled attacker to the ground. This scene is a session of a popular Women’s P.E. class, Self-Defense for Women, and it could be repeated anytime—when a girl is walking alone at night along Campus Drive or showing in her dorm.¹⁴

The movement on college campuses remained quite small nationally, though it gained significant traction in progressive pockets. By 1983, one study found that 6 percent of higher education institutions offered a women’s self-defense class. Half of these institutions were based in California.¹⁵

For feminists and the *Daily*, stranger rape remained the chief concern throughout the 1970s. After an attempted gang rape in 1978, just three weeks after a similar incident against another Stanford student, Police Captain Raoul Niemeyer expressed his concern “about the increasing number of incidents of lone women being abducted off roadways and assaulted by small groups of men in the Mid-Peninsula area recently.”¹⁶ *Daily* reporting on rape cases incorporated dominant constructions of rape at the time, describing one suspect as “about 20 years old...with an Afro hairstyle,”

13 Patricia Searles and Ronald J. Berger, “The Feminist Self-Defense Movement,” *Gender & Society* vol. 1, no. 1 (1987), 62, 65.

14 Sandy White, “Classes Teach Rape Escape Tactics,” *The Stanford Daily*, October 18, 1973, 5.

15 Searles and Berger, 66.

16 “Female student flees from male assailants,” *The Stanford Daily*, November 6, 1978, 1.

another as a “Latin male in his 20s,” and a third as a “black male around 29.”¹⁷ A *Daily* reporter did present a Santa Clara County Sheriff Investigator, Sergeant Ken Bush, with data from the FBI suggesting that victims more often than not knew their rapists, but Bush asserted that the majority of the county’s rapes were committed by strangers.¹⁸ He later discounted concerns over sexual violence taking place within the Stanford campus or community: “There’s no real problem right on the [Stanford] campus... the concern comes from off campus. In East Palo Alto, for instance, there is a problem.”¹⁹

SHIFTING THE DISCOURSE: TWO MAJOR ‘MOMENTS’ ON CAMPUS

During the close of the 1970s and beginning of the 1980s, the national discourse around sexual violence shifted in a significant way, substantively “redefining” what acts could be considered rape, who committed them, and why they did them. In parallel, feminist activists coined the term “sexual harassment” to include a wide range of behaviors that often went overlooked in a discussion focused solely on rape. Sexual harassment included rape but also involved less obviously violent acts or verbal statements that constituted coercion, intimidation, discrimination, or obscenity, often employed by an individual in a position of authority. Moreover, Susan Brownmiller’s 1975 book *Against Our Will: Men, Women and Rape*, which argued that rape is a “conscious process of intimidation by which all men keep all women in a state of fear,” challenged the belief that rape was a crime of lust rather than of power and control and turned attention to the countless seemingly “normal” men who committed rape, in addition to the stereotypical lonely or deviant psychopath.²⁰ The book had as much impact as any text in shifting the national outlook on sexual violence. The landmark 1980 *Alexander v. Yale* case, whose plaintiffs were the first to argue that the “pattern of sexual harassment and assault that we experienced as female students hurt our access to education and constituted sexual discrimination,” publicly exhibited widespread gender inequity on college campuses. It also created a spotlight for students at other universities to examine the ways that their campuses, like Yale’s, could be a hostile space for women.²¹ In

17 Robert Mauro, “Suspects arrested in three of four rape cases over past year,” *The Stanford Daily*, May 10, 1978, 1.

18 *Ibid.*

19 Mauro, “Extent of problem unknown,” *The Stanford Daily*, May 9, 1978, 1.

20 Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Ballantine, 1975).

21 Ann Olivarius, “Title IX: Taking Yale to Court,” *The Yale New Journal*, April 18, 2011.

1979, feminist poet and writer Adrienne Rich (who served as a professor of English and feminist studies at Stanford from 1986-92), published an essay, "Taking Women Students Seriously," which connected issues of educational access with sexual harassment and violence on campuses:

Women do not receive an equal education because outside the classroom women are perceived not as sovereign beings but as prey...More subtle, more daily than rape is the verbal abuse experienced by the woman student on many campuses, where, traversing a street lined with fraternity houses, she must run a gauntlet of male commentary and verbal assault. The undermining of self, of a woman's sense of her right to occupy space and walk freely in the world, is deeply relevant to education.²²

Between 1978 and 1984, Stanford students engaged in their own effort to reframe sexual violence, asserting that acquaintance and date rape, often committed by male students against their female classmates, was significant both absolutely (as a proportion of the student body who were victims) and relatively (in relation to stranger rape). They also sought to challenge the stereotype of the black rapist and demanded greater involvement of the University in prevention and response efforts. Many of their efforts reflected and were supported by a national feminist anti-rape movement. But there were, of course, elements unique to Stanford that helped propel the campus movement during this specific time. Efforts to create a major in women's studies began in 1976, and the University created the Program in Feminist Studies in 1981.²³ Students created the Rape Education Project (REP) in 1979, an organization that would be the backbone of campus activism throughout the next decade; its first major initiatives were creating a 60-minute film, "Working Against Rape," and leading discussions on sexual violence in dorms.²⁴ The arrival of Catharine Mackinnon on campus as a visiting professor at Stanford Law School also had a significant impact. The *Daily* reported that Mackinnon "came to symbolize the campus feminist effort" and was active in helping organize students around anti-rape initiatives.²⁵

The change in how rape was discussed on campus appeared, for example, in the 1978 *Daily* piece "Rape: Legal, Psychological and Social Implications," in which the author Leah Halper suggested that the contemporary anti-rape movement's focus on isolated areas at night hid the fact

22 Adrienne Rich, "Taking Women Students Seriously," *The Radical Teacher* no. 11 (March 1979), 41.

23 Debbie Walker, "New degree offered this fall in feminist studies," *The Stanford Daily*, May 13, 1981, 1.

24 Karen Springen, "Feminist groups active, open to different perspectives," *The Stanford Daily*, August 13, 1982, 13.

25 *Ibid.*

that half of assaults took place in homes, apartments, or dormitories. The article quoted Maria Sakovich, a rape prevention advocate at UC Berkeley, in a defense of a much broader societal understanding of rape: “Any intimacy forced on a woman is rape... The victim’s definition of rape may differ from the legal one. Many rapists are not even aware they’ve raped a woman; they may call up a week later asking for a date. They may threaten not to drive their date home unless she consents to sex.”²⁶ Mackinnon articulated an expanded definition of sexual violence as well, though she was careful to divorce legal efforts to prosecute rape in criminal courts from the need to reshape its occurrence in social contexts. In her 1981 speech on campus during the “Speak Out Against Rape” rally, she asserted, “Politically, I call it rape whenever a woman has sex and feels violated. You might think that’s too broad. I’m not talking about sending all of you men to jail for that. I’m talking about attempting to change the nature of the relations between women and men by having women ask ourselves, ‘Did I feel violated?’”²⁷ In 1984, the Rape Education Project (REP) organized a two-week Rape Awareness Series focused on acquaintance rape, which the *Daily* was by then describing as the “most common and least publicized form of rape.” Doug McKenzie, a REP member, told the paper that “people don’t realize that two-thirds of all rapes occur between people who know each other.”²⁸

Reflecting an important new trend in the national anti-rape movement, students called for men to engage on the subject by interrogating their own attitudes and behaviors and standing as allies with women. For the first time in the pages of the *Daily*, an op-ed writer—law student Jim Steyer (later a consulting professor at Stanford)—suggested that only men could bring an end to rape. Doing so would involve the “re-evaluation of... our traditional sex role behavior and attitudes... [as] rape is rooted in forms of dominance and aggression, as well as in men’s sexual conditioning.”²⁹ The *Daily* reported packed, mixed-gender crowds for programs hosted by Richard Snowden, a San Francisco organizer of Men Against Male Violence. A number of young men formed a group to spread awareness in response to the events.³⁰

At the same time that students reframed the causes of sexual violence and its manifestations on campus, members of the Stanford commu-

26 Leah Halper, “Rape: legal, psychological, social implications,” *The Stanford Daily*, November 21, 1978, 2.

27 Mackinnon, *Feminism Unmodified*, 82.

28 Mary Yuh, “Program explores acquaintance rape,” *The Stanford Daily*, October 22, 1984, 1.

29 Jim Steyer, “Rape a community problem,” *The Stanford Daily*, November 25, 1981, 4.

30 Jeffrey Golden, “Men respond to rape with education, discussion,” *The Stanford Daily*, December 9, 1981, 24.

nity expressed their concern over the racial tensions that recent rape cases had raised on campus. The problem was highlighted in a 1982 *Daily* article titled “Black men—rapist’s other victims,” which reported that many black male students felt frustrated by the perception that they posed a threat to their fellow students. A number lamented the nervousness of women who passed them at night. As one black student said, “For all practical purposes, I am the campus rapist, as far as a lot of people who have seen the composite drawing are concerned. Since the picture was printed in the *Daily*, I’ve been stopped and questioned at least five times. I’m really sick of being hassled.”³¹ Other student statements revealed a deep awareness of prominent national efforts since the 1950s to highlight the inequity facing black men accused of rape.³² REP leaders told the *Daily* that many of their conversations raised the problem of labeling black men as stereotypical perpetrators.³³ Additionally, feminists at Stanford and nationally increasingly attempted to bring a discussion of race into the overarching discourse on sexual violence. The first half of Mackinnon’s 1981 speech at Stanford was devoted to race, pointing out that two of the victims of the rapes receiving major campus attention were women of color.³⁴

The new conception of sexual violence on campus during this period shifted both the scope and the substance of the *Daily*’s reporting, a development best seen quantitatively. The word “rape” appeared in the *Daily*’s pages 149 times in 1979 alone, nearly twice the number of appearances as in 1978 and as many as were seen during all of the years 1960-73 combined. The *Daily* mentioned “rape” twice as often in the 1980s than it had in the 1970s.

Throughout the 1980s, feminist thinkers continued to re-center the national focus of sexual violence on the enormous prevalence of acquaintance rape. Susan Estrich’s *Real Rape* (1987) argued that the criminal justice system largely ignored rape that did not involve a stranger or physical violence.³⁵ The same year, Andrea Dworkin’s *Intercourse* used examples from literature and art to argue that heterosexual intercourse consistently portrayed, and endorsed, the subordination of women.³⁶ The first major reports on sexual harassment and violence on college campuses also suggested a problem of epidemic proportions. Arguably the most influential were a series of interviews with college women conducted by *Ms. Magazine*, compiled in Robin Warshaw’s 1988 book, *I Never Called it Rape: The Ms.*

31 Joan O’Connell, “Black men—rapist’s other victims,” *The Stanford Daily*, May 6 1982, 5.

32 Freedman, *Redefining Rape*, 272.

33 Ibid.

34 Mackinnon, *Feminism Unmodified*, 81.

35 Susan Estrich, *Real Rape* (Cambridge: Harvard University Press, 1987).

36 Andrea Dworkin, *Intercourse* (London: Arrow Books, 1987).

Table 1: Prevalence of terms used in *The Stanford Daily*, 1910-2014

Time Period	Rape	Sexual Assault	Date rape	Acquaintance rape	Relationship abuse + Relationship violence + Dating Violence + Domestic Violence	Sexual Harassment
1910-1949	40	-	-	-	-	-
1950-1959	14	-	-	-	-	-
1960-1969	71	1	-	-	-	-
1970-1974	125	5	-	-	3	-
1975-1979	371	25	-	1	15	5
1980-1984	583	36	2	13	34	42
1985-1989	410	37	40	31	14	31
1990-1994	592	431	57	70	34	204
1995-1999	218	127	18	9	71	244
2000-2004	159	110	17	4	50	208
2005-2009	128	96	6	1	61	87
2010-2014	80	150	3	1	113	100
Total	2791	1018	143	130	395	921

Note: Numbers in the table refer to the total number of appearances, not the number of articles. Data include all material from *The Stanford Daily* (news articles, features, op-eds, advertisements, and captions).

Report on Recognizing, Fighting and Surviving Date and Acquaintance Rape. Nearly 200 Stanford students participated in the study in 1984.³⁷ The survey of 32 campuses reported that 25 percent of the college women polled were the victims of rape or attempted rape and 84 percent knew their assailant.³⁸ A 1988 survey of 1,250 Stanford students conducted by the Stanford Rape Education Project revealed similar numbers to the *Ms.* study: one in three undergraduate women and one in four graduate women reported experiencing some form of sexual coercion or rape, as well as one in eight men.³⁹

37 Taeza Pierce, "Stanford surveyed: *Ms.* Magazine studies sexual coercion," *The Stanford Daily*, November 21, 1984, 12.

38 Robin Warshaw, *I Never Called It Rape: The Ms. Report on Recognizing, Fighting and Surviving Date and Acquaintance Rape* (New York: Harper, 1987).

39 Elizabeth Howton, "Rape attempt in Foothills," *The Stanford Daily*, October 27, 1989, 1.

Empowered by shifts in national perception of the issue, new feminist texts, and the first substantive social science research attempting to reveal the extent of campus rape, Stanford students joined in what might be seen as a second significant “moment” in the history of campus sexual assault, roughly covering the years 1988-1992. If the late 1970s and early 1980s were instrumental in shifting the framework of how sexual violence was conceived—turning attention to the pervasive, messy issue of coercion between people who knew each other—the late 1980s and early 1990s produced tangible policy changes on campuses and in federal legislation. Named after Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered in her dorm room, the Clery Act (also known as the Crime Awareness and Campus Security Act) was signed into law in 1990, requiring universities to disclose information about crime on or near their campuses. The California State Legislature passed a major student safety law requiring universities to adopt a formal protocol to respond to sexual assault, Assembly Bill 3098, in July 1990, and the federal Campus Sexual Assault Victims’ Bill of Rights in 1992 further required universities to afford sexual assault victims certain basic rights.

At Stanford, student activists pushed the University to change its policies regarding sexual assault and provide more resources to prevent and respond to the issue. In response to the Stanford Rape Education Project survey, Dean of Student Affairs James Lyons convened a Task Force on Sexual Assault in May 1989 composed of faculty, staff, and students to make recommendations on the University’s judicial affairs policies, educational initiatives, response protocol, and services for survivors, which ultimately released its recommendations in November 1990.⁴⁰ While they deliberated, the *Daily* published a number of articles highly critical of the University’s handling of the issue. The headlines in a three-part series published in February 1990 suggest the message: “Reporting the reality: Rape victims face a judicial system in need of repair,” “Battling bureaucracy: Judicial process increases trauma for rape victims,” and “The silence of survivors: hazy definition, lack of protocol impede reporting.” The articles told the stories of a number of female students who claimed Stanford’s Office of Judicial Affairs had ignored or undermined their complaints and those who said the University’s inadequate policies precluded them from reporting. The *Daily* concluded,

The system is plagued by blind spots that ignore the unique nature of rape and ultimately harm the victim. These shortcomings include a lack of sensitivity for the victim and a neglect of the victim’s rights, absence of an official University condemnation of rape, and a standard of evidence for prosecution that is more

40 Paula Gani, “Rape task force sets wheels in motion,” *The Stanford Daily*, July 13, 1989, 4.

stringent than that of most universities...while the University guidelines include no rights for the victim, they do list 12 specific rights of the accused.⁴¹

A student on the Task Force on Sexual Assault, Suzanne O'Brien, suggested that among some University officials, "there is definitely an idea that rape doesn't happen here."⁴²

In March 1990, a group of 24 women from the Self-Defense for Women course published a petition with 3,000 signatures, requesting more funding for related courses, a revision in the student conduct code, and a formal statement from President Donald Kennedy condemning sexual assault.⁴³ Kennedy delivered the opening speech of "Rape Awareness Week" on May 14, 1990, and signed the University's first Sexual Assault Policy in December 1991. The policy incorporated many of the Task Force's recommendations, including calls to clearly define sexual assault (the new policy stated "sexual assault" includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault") and its consequences (students could be expelled and faculty or staff could be fired).⁴⁴ The Cowell Student Health Center also established a Campus Sexual Assault Response and Recovery Team (C-SARRT) that offered 24-hour response services for victims.⁴⁵

The University's new policy did not include everything that many students had hoped for. The most controversial recommendation produced by the Task Force on Sexual Assault was to lower the burden of proof for judicial affairs cases from "beyond a reasonable doubt" to the "clear and convincing" evidence threshold. The Task Force—and many student activists—had felt the high standard of proof deterred students from bringing forth a charge. But in its February 1990 series on Stanford's handling of sexual assault cases, the *Daily* interviewed a number of administrators who acknowledged both the problems with the evidentiary standard and their hesitation to curtail the rights of the accused. Judicial Affairs Officer Sally Cole noted, "In a case of sexual assault where it is one person's word against another's, I don't think you can reach a beyond-a-reasonable-doubt proof... [in those circumstances] I don't see that you're going to be able under any judicial system, whatever the standard of proof, to make a determination

41 Alicia Kent, "Judicial process increases trauma for rape victims," *The Stanford Daily*, 27 February, 1990, 1.

42 Ibid.

43 Jonathan Eisenberg, "COP establishes rape task force," *The Stanford Daily*, March 14, 1990, 14.

44 "Sexual assault timeline," *The Stanford Daily*, June 28, 1990, 6; Hacker, Holly. "Sexual assault policy under fire," *The Stanford Daily* January 6, 1992, 1.

45 "Inadequate response," *The Stanford Daily*, October 9, 1991, 4.

of guilt.”⁴⁶ Nevertheless, the Associated Students of Stanford University (ASSU) Senate defeated a proposal to amend the Judicial Charter and lower the burden of proof, which remained “beyond a reasonable doubt” until 2011.⁴⁷

The Stanford student movement to combat sexual assault encountered two major obstacles during the early 1990s, which may have ultimately limited the long-term legacy of its efforts: a powerful national backlash that argued activists and universities had gone too far in over-defining sexual assault and, back home at Stanford, a budget crisis that thwarted efforts to fund victim services and advocacy. In 1991 UC Berkeley Professor Neil Gilbert published an article, “Sexual Assault: The Phantom Epidemic,” asserting what many had come to believe: that the “pendulum had swung too far” in favor of over-labeling the prevalence of rape. Gilbert questioned the Stanford Rape Education and *Ms.* studies, pointing out that 73 percent of the women cited in the latter report as rape victims did not consider themselves to have been raped and 40 percent subsequently had sex with the same man.⁴⁸ Katie Roiphe’s bestseller *The Morning After: Sex, Fear, and Feminism* (1993) expressed similar doubts about the type of sex that feminists were eager to call coercive. She argued that campus culture had become obsessed with victimization and as fearful of female sexuality as generations past.⁴⁹ And in the same *Daily* article quoting a number of concerned students’ views that the new sexual assault policy was “weak” and a “hollow response to a very solid Task Force proposal,” Stanford German professor Gerald Gillespie, chapter president of the California Association of Scholars—a group formed to oppose growing “political correctness” on campuses—argued the new policy was “vague” and “dangerously open-ended.” Arnold Beichman, a research fellow at the Hoover Institution, also opposed the new policy, arguing that “in an intimate situation turned ambiguously sour, the man’s word will be pitted against the woman’s...I think I speak on behalf of a generation of young men who have been cowed by the accusations that all men are predators.”⁵⁰

46 Kent, *The Stanford Daily*.

47 Stanford lowered it to “preponderance of the evidence” on April 12, 2011, nine days after the Office for Civil Rights released new guidance to universities. “Timeline of Judicial Affairs changes,” *The Stanford Daily*, May 1, 2012, 1.

48 Brad O’Donnell, “Berkeley Professor’s article upsets rape education group,” *The Stanford Daily*, June 5, 1991, 16; Irving, Carl. “Date-rape Statistics Skewed, Professor Says,” *Chicago Tribune*, June 2, 1991.

49 Katie Roiphe, *The Morning After: Sex, Fear and Feminism* (Boston: Back Bay Books, 1993).

50 Alain Dalva, “Group of profs lambasts sex-assault policy,” *The Stanford Daily*, January 27, 1992, 1.

Along with the backlash, Stanford's budget crisis, caused in part by the \$150 million worth of damage produced by the 1989 Loma Prieta earthquake and a reduction in federal government grants, forced student groups to turn to temporary—and ultimately unsustainable—sources of funding.⁵¹ In 1990, an umbrella organization of student groups, the Coalition Against Sexual Assault (CASA), used ASSU special fee funding to create, among other programs, a student-run Sexual Assault Information and Resource Center located at Cowell Student Health Center and a full-time Sexual Assault Prevention Educator position.⁵² When CASA lost its special fees funding in the spring 1994 elections, it was forced to shut down its services, including the prevention educator post and the Orientation program "Sex in the '90s."⁵³ The *Daily* lamented in a 1991 editorial, titled "Inadequate response," that because the ASSU was forced to use its limited funds for prevention education it—and the University administration—had not funded a victim advocacy position, one of the Task Force's primary recommendations.⁵⁴

Additionally, the campus sexual assault movement may have also been eclipsed in the nation's—and Stanford's—attention and priorities by another issue. Sexual harassment, not sexual assault, became the hot-button gender issue of the 1990s and much of the 2000s, following lawyer Anita Hill's testimony during the 1991 Senate approval hearings for Supreme Court nominee Clarence Thomas. The *Daily's* reporting showed a strong shift in focus: appearances of "rape" and "sexual assault" in the paper's pages dropped by two-thirds from 1990-1994 to 1995-1999, while the use of "sexual harassment" increased by 20 percent during the same period.

Many of the questions that emerged at Stanford during the late 1970s and 1980s remain the primary issues and areas of debate in the gender politics of contemporary college campuses. How prevalent is sexual violence on campuses? Where should the line between consent and coercion be drawn? Who are the primary perpetrators in campus life, and what institutions or attitudes perpetuate and enable their actions? What obligations do universities have to protect and support their students, above and parallel to the criminal justice system? Beginning in 1978, members of the Stanford community initiated an expansive critique of the unequal expectations and coercion present in the sexual lives of college students, grounded in male dominance and a broader campus culture of hostility toward women. While a county sheriff could assert then that no on-campus rape

51 Don Kazak, "Stanford: Stanford budget is in better shape," *Palo Alto Weekly*, May 8, 1996.

52 Julie Tsai, "Concern raised about Cowell staff shake-up," *The Stanford Daily*, December 1, 1993, 1.

53 "Coalition regroups," *The Stanford Daily*, April 3, 1995, 4.

54 "Inadequate response," *The Stanford Daily*.

problem existed, within a decade, scholars and activists would cite data to show that on-campus rape was a problem of widespread proportions. Though the experiences they revealed reflected significant personal trauma, the messages that Stanford women (and those on campuses across the country) shaped were, in many ways, aspirational: in a tight-knit campus like theirs, they hoped that members of the community would treat one another with respect, not only in their public and intellectual lives, but also in their most intimate and vulnerable moments of human interaction.

A LOVE TRIANGLE: RACE, SEXUALITY, AND LEPROSY ON MOLOKAI

Introduction by Professor Estelle Freedman

To pursue her interest in the history of science within our History 209S seminar on the historical intersections of race, gender, and sexuality, Valerie Stevens explored the medical and cultural meanings of leprosy in Hawaii in the late nineteenth and early twentieth centuries. With a focus on the leprosy quarantine colony on the island of Molokai, she located a wide range of primary sources, including medical literature, government reports, travelers' accounts, newspaper articles, and fiction. Drawing on the concept of the "exotic other," Stevens showed that the conflation of leprosy with notions of native immorality and with sexually transmitted diseases fueled fears of contagion and contributed to the quarantine of Hawaiians at the Kalaupapa colony. At the same time, a romanticized view of the native informed more sympathetic accounts that nonetheless shared western beliefs in racial hierarchy. The "sexualization of leprosy" and the eugenic policing of reproduction had little effect on the disease, which declined only after the introduction of drug treatments in the 1940s. Throughout the process of research, writing, and revising, Valerie Stevens proved to be an astute historian of ideas and of social practices.

A Love Triangle: Race, Sexuality, and Leprosy on Molokai

Valerie Stevens

As the liquid fire coursed through them and mounted to their brains, they forgot they had once been men and women, for they were men and women once more. The woman who wept scalding tears from open eye pits was indeed a woman apulse with life as she plucked the strings of a ukulele and lifted her voice in a barbaric love-call. . . Upon a mat, timing his rhythm to the woman's song, Kiloliana danced. . . Love danced in all his movements and, next, dancing with him on the mat was a woman whose heavy hips and generous breast gave the lie to her disease-corroded face. It was a dance of the living dead, for in their disintegrating bodies life still loved and longed.¹

— Jack London, *Koolau the Leper*, 1909

After his visit to the leprosy quarantine facility on the island of Molokai in 1906, Jack London wrote about the plight of native Hawaiians and the disfiguring effects of leprosy. London's depiction of a "dance of the living dead" illustrates the reactions and response of the white community of Hawaii to leprosy in the late nineteenth and early twentieth centuries. By describing the native Hawaiians dancing, London insinuated that traditional Hawaiian dances, such as the hula, were demonstrations of Hawaiian hypersexuality.² He linked the close physical intimacy of the dance to disease, drawing upon white fears of contagion as well as of Hawaiian sexuality. At the same time, London's mention of love humanizes the characters, lending the scene a tragic and sympathetic tone. Ultimately, this passage by Jack London romanticizes and eroticizes native Hawaiians with leprosy. Yet it also reveals the intersections of disease, race, sexuality, and morality in the degenerating body of the leprous native Hawaiian.

Though a Native monarch governed Hawaii until 1893, white settlers played a significant role in the governance and treatment of native Hawaiian lepers. In 1865, the predominantly white Hawaiian Board of Health pressured the monarch to pass the Act to Prevent the Spread of Leprosy. This legislation, which remained in effect for over a hundred years, led

1 Jack London, *Koolau the Leper*, The Literature Network (1909), 5.

2 Elizabeth Bentzel Buck, *Paradise Remade: the Politics of Culture and History In Hawai'i* (Philadelphia: Temple University Press, 1993), 112.

to the quarantine and imprisonment of men and women with the disease. Subsequently, those infected lived in confinement in the Kalaupapa settlement on the isolated Kalawao peninsula of Molokai.³ The white settlers, referred to as the *haole* by the native Hawaiians, largely derived their power from their economic influence. When they overthrew the Hawaiian monarchy in 1893 and when the United States annexed Hawaii in 1898, policy regarding leprosy changed little. Thus, due to the political and economic power of western settlers, white perceptions of leprosy remained consistent both during and after the rule of the Hawaiian monarchy.⁴

The *haole* conviction that leprosy was a disease caused by immorality corroborated the colonial belief of the moral inferiority of Native peoples. Many historians, including Michelle Moran, Rod Edmond, and Zachary Gussow, have analyzed how the leprosy quarantine on Molokai arose from and reinforced imperialistic white visions of native Hawaiians. However, very few have discussed the role of Native sexuality in shaping the white perception of leprosy.⁵ To remedy this gap in the historiography, this paper seeks to show how white interpretations of native Hawaiian sexuality and gender intersected with understandings of morality and contagion in the context of leprosy.

Western culture strongly linked leprosy, perhaps more than any other single disease, to immorality. Several passages in the Bible, including chapters 13 and 14 in Leviticus, claimed that people suffering from leprosy were “unclean” and should be segregated from the rest of society. Leviticus 13 asserts in verse 46 that “the leper on whom the sore is...he is unclean, and he shall dwell alone; his dwelling shall be outside the camp.”⁶ Although

3 Leprosy, also known as Hansen’s disease, is a mildly contagious infectious disease that primarily affects the peripheral nerves, mucosa, and upper respiratory tract. Leprosy is contagious, but is not passed down from mother to child during birth. It is neither sexually transmitted. While genetic predisposition plays a role in susceptibility, it is not a genetic disease in the traditional sense of the word, meaning a disease encoded by the genome and passed down through families, as there must be external source of contagion for one to contract the disease.

4 John Tayman, *The Colony: The Harrowing True Story of the Exiles of Molokai* (New York: Simon and Schuster, 2010), 181-185.

5 Michelle Moran, *Colonizing Leprosy: Imperialism and the Politics of Public Health in the United States* (Chapel Hill: University of North Carolina Press, 2007); Zachary Gussow, *Leprosy, Racism and Public Health: Social Policy in Chronic Disease Control* (Boulder: Westview Press, 1989); RDK Herman “Out of Sight, Out of Mind, Out of Power: Leprosy, Race, and Colonization in Hawaii,” *Journal of Historical Geography* vol. 27, no. 3 (2001), 319-337.

6 Lev. 13:1 – 59, Lev. 14:1 - 57, New King James Version (Nashville:

the introduction of scientific medicine and germ theory was emerging in the late nineteenth and early twentieth century, the belief that contagion was God's punishment for sin persisted. As historian Rod Edmond claims, Westerners frequently associated leprosy with depravity, and "its most commonly recurring association [was] with sex."⁷ During the imperial expansion of Western nations and missionary efforts to teach the "savage" native peoples Christian ideas of morality, Westerners began to connect leprosy with race. The uncommon susceptibility of native Hawaiians to leprosy, due to genetic factors that inhibited the standard immune response to the disease, bolstered this misconception.⁸

For the white settlers of Hawaii, the high proportion of native Hawaiians at the leprosy settlement on Molokai reinforced native Hawaiians' position as the "exotic other."⁹ While many *haole* saw Hawaiians as dangerous and hypersexual "others" in need of white paternalistic management and care, they also romanticized and eroticized the exotic native Hawaiian.¹⁰ In the response to leprosy in Hawaii, sexuality, race, and disease were three corners of a triangle, each one affecting and validating notions about the other. Sexuality played a prominent role in defining the white response to leprosy in Hawaii. In turn, this response informed broader notions about the intersections of sexuality and disease in the late nineteenth and early twentieth century.

Thomas James, 1982). In Matthew 8:1 - 8, Mark 1:40 - 45, and Luke 17:12 - 19 Jesus heals lepers, reinforcing the role of religion in the treatment of leprosy.

7 Rod Edmond, *Leprosy and Empire: A Medical and Cultural History* (Cambridge: Cambridge University Press. 2006), 9.

8 J. Fitness, K. Tosh, and A.V. Hill, "Genetics of Susceptibility to Leprosy," *Genes & Immunity* vol. 3, no. 8 (2002), 441-453; E. Schurr, A. Alcais, L. de Leseleuc, L. Abel, "Genetic Predisposition to Leprosy: A Major Gene Reveals Novel Pathways of Immunity to Mycobacterium Leprae," *Seminar in Immunology* vol. 18, no. 6 (2006), 404-410; C.C. Cardoso, A.C. Pereira, C. de Sales Marques, M.O. Moraes, "Leprosy Susceptibility: Genetic Variations Regulate Innate and Adaptive Immunity, and Disease Outcome," *Future Microbiology* vol. 6, no. 5 (2011), 533-549.

9 I use the term "exotic other" to conceptualize the imperialistic attitude of white settlers toward native Hawaiians. The term is meant to capture the marginalizing and/or dehumanizing aspects well as the enticing and sexualized aspects of the attitude of the white colonizers to the Hawaiian colonized.

10 Buck, *Paradise Remade*, 110-115; London, *Koolau the Leper*, 5.

DANGER: LEPROSY AND PATHOLOGIZED SEXUALITY

One critical element of the exotic other is the association between danger and otherness, especially with regards to the perceived sexuality of the other. Leprosy is a disease that affects the peripheral nervous system and mucosal tissue. In the least severe cases, it causes sores on the skin and face. The most severe cases of leprosy result in substantial facial disfigurement, blindness, as well as significant deformation of the limbs, particularly the hands and feet. The association between immorality and leprosy heightened fears of the already-horrifying disease. In Hawaii, white settlers, doctors, missionaries, newsmen, and other authorities reinforced the common perception among whites that the sexuality of the native Hawaiians was dangerous and immoral by drawing links between Hawaiian sexuality and leprosy. In this case, the physical effects of the disease heightened fears of Hawaiian sexual immorality.¹¹

The mismanagement of the leprosy settlement by the Hawaiian Board of Health during the 1860s and early 1870s created the foundation on which many white authorities based their connection between leprosy and immorality. When the Hawaiian Board of Health established the leprosy settlement on the Kalawao Peninsula in 1866, they expected that the patients would be almost entirely self-sufficient. The colony had no established organizational or leadership structure, besides one resident superintendent, who was hired to manage the day-to-day affairs of the settlement. During the first few years of the settlement, leadership changed frequently and government aid was sporadic. Fewer women than men resided in the colony, heightening competition between resident men for female partners. In these early years of relative chaos, it was not uncommon for women and children who had no family in the settlement to become commodities, used as “servants or sexual objects.”¹² The failures of the Board of Health to provide a safe and healthy environment prompted popular dramatized portrayals of life at Kalaupapa as a miserable and lawless “living burial” where immorality thrived.¹³ While the colony became much more effectively organized in the 1870s, its early reputation lasted decades, reinforcing the biblical association between leprosy and immorality and creating a lasting connection between the Hawaiian race and the “immoral leper.”

The press linked leprosy to two common concerns of the racial politics in the late nineteenth and early twentieth centuries: miscegenation

11 Ron Amudson and Akira Oakaokalani Ruddle-Miyamoto, “A Whole-some Horror: The Stigmas of Leprosy in 19th Century Hawaii,” *Disability Studies Quarterly* vol. 30, no. 3 (2010).

12 Julius Auboineau Palmer, *Memories of Hawaii and Hawaiian Correspondence* (Boston: Lee and Shepard, 1894), 21.

13 John Tayman, *The Colony*, 51.

and the perpetuation of individual races. One writer blamed loose Hawaiian women for the decrease of the Hawaiian race, caused by the spread of leprosy, the “infertility of native women...with [healthy] men of their own race” and the “absorption of [native Hawaiian] women by men of other races.”¹⁴ The links between sexuality and leprosy were not always made as explicitly, but the press often suggested the association nonetheless.¹⁵ For example, a man who visited the Kalaupapa settlement in 1902 vividly described his night there: “The hula was done and the kanakas and wahines [Hawaiian men and Hawaiian women] snored as they lay prone. Men and women were mixed up indiscriminately.”¹⁶ The remainder of the article described leprosy and the Kalaupapa settlement in the dramatic and vivid language of exoticism, showing how racialized ideas of sexuality and gender underwrote discussions of leprosy. The specific reference to the hula, a dance many white settlers and missionaries viewed as inappropriately sexual, and the use of the Hawaiian terms for native men and women underscored the connection between the Hawaiian race and hypersexuality.¹⁷ Additionally, the description of their arrangement as “indiscriminate” not only reinforced the notion of the pervasive immorality of native Hawaiian sexual practices but also drew upon fears of contagion.

The contagiousness of leprosy was one of the factors most commonly linked to Hawaiian sexuality. During the late nineteenth and early twentieth centuries, doctors struggled to determine the specifics of leprosy’s transmission. Their explanations ranged from a hot climate, unsanitary conditions, dietary intake such as lack of salt, malaria, heredity, inoculation, casual contact, to intimate contact.¹⁸ Despite the growth of scientific medicine and the development of germ theory—which concluded that microorganisms such as bacteria caused disease—doctors and researchers were unable to identify a definitive cause of leprosy. In this scientific confu-

14 “Est Modus In Rebus,” *Hawaiian Gazette*, November 23, 1881.

15 I read about 200 articles from the Library of Congress database “Chronicling America” and the ProQuest Historical Newspapers database. I sampled articles between the years 1880 and 1920, reading approximately equivalent numbers of articles from each decade. The articles I read came from a variety of newspapers from Hawaii and the mainland U.S. including but not limited to the *Pacific Commercial Advertiser*, the *Hawaiian Gazette*, the *Honolulu Evening Bulletin*, the *Los Angeles Times*, the *Washington Post*, the *Atlanta Constitution*, the *New York Tribune*, the *Boston Daily Globe*, and the *San Francisco Chronicle*.

16 “Awful Sights of Leper Island,” *Los Angeles Times*, January 19, 1902.

17 Buck, *Paradise Remade*, 112.

18 William Tebb, “The Recrudescence of Leprosy, and its Causation: A Popular Treatise,” *The American Journal of the Medical Sciences*, vol. 107, no. 2 (1894), 201; Edmond, *Leprosy and Empire*, 61-109.

sion, several popular ideas emerged about the origins of the disease. One hypothesis was non-specific and racialized: that the social norms of Hawaiians made the “exotic other” particularly vulnerable to leprosy.

While the idea that Hawaiians were vulnerable to leprosy because of their social behaviors was not always tied to sexuality, in some cases, sexuality substantially elevated the fear associated with the contagiousness of the disease. Writers, such as Dr. William Thomas Corlett of Cleveland, tended to think that leprosy spread “rapidly among the Hawaiians because of their intimate mode of living, together with their laissez faire attitude in regard to the disease.”¹⁹ “The customs of the Hawaiians,” wrote Dr. Judson Daland of Philadelphia in 1903, “are such as to facilitate the spread of leprosy.”²⁰ While these doctors did not explicitly target gender or sexuality, they related the spread of leprosy to the social intimacy valued in Hawaiian culture, which implicitly extended to native Hawaiian sexual behavior.²¹ In specific instances, such as when leprosy spread across racial lines in interracial marriages, the sexual origins seemed apparent. When discussing a case in which a Hawaiian woman gave leprosy to her white husband, Dr. Samuel Kneeland of Boston claimed that leprosy was transmitted primarily through methods of contact that were unique to families and sexual partnerships, including “intermarriage, cohabitation, and hereditary transmission.”²² Popular newspapers in Hawaii and the mainland United States also frequently linked Hawaiian sexuality, particularly female sexuality, with the transmission of leprosy. One particularly striking example stated that a physician “knew of very few cases where virtuous women contracted leprosy...virtuous women do not go where leprosy exists.”²³ Another doctor claimed that leprosy spread through kissing, an act that Sanford Dole, the first territorial governor of Hawaii, thought Hawaiians did “more promiscuously.”²⁴

19 William Thomas Corlett, “The Present Status of Leprosy in the Hawaiian Islands,” *Archives of Dermatology and Syphilology* vol. 6, no. 5 (1922), 614.

20 Judson Daland, “Leprosy in the Hawaiian Islands,” *Journal of the American Medical Association* vol. 41, no. 19 (1903), 1127.

21 Edmond, *Leprosy and Empire*, 157.

22 Samuel Kneeland, “On Leprosy, as It Exists in the Sandwich Islands,” *The Boston Medical and Surgical Journal* vol. 88, no. 10 (1873), 235.

23 “Physicians Sit In Convention,” *Pacific Commercial Advertiser*, May 21, 1896;

24 “Mr. Dole Gives His Views on Good Government and Various Details of His Department,” *Evening Bulletin*, September 15, 1902; Dole was the president of the Provisional Government of Hawaii between the overthrow of Queen Liliuokalani in 1893 and the United States’ annexation of Hawaii as a territory in 1898, as well as the first territorial governor of Hawaii

In addition to transmission through generalized intimate and sexual relationships, doctors believed that leprosy was either fourth-stage syphilis or closely related to syphilis. Influential figures in Hawaiian leprosy treatment as well as others who worked with patients with leprosy in India, Barbados, and Guiana held this view. Their ranks included Dr. George Fitch, the Medical Superintendent of the Branch Hospital at Kakaako, and Dr. George Trousseau and Dr. Frank Enders, both visiting physicians at the Kalaupapa colony. While it was not a unanimous belief by any means, many doctors agreed with Enders that, "leprosy is not a disease *sui generis* [of its own] but an offspring of syphilis."²⁵

The association of leprosy with venereal disease strengthened the connection between Hawaiian sexuality, immorality, and leprosy. Enders commented that the only whites and Europeans he had seen with leprosy were "males of the lower order, living entirely with the natives," each of whom "presented undeniable evidence of syphilis."²⁶ Though many doctors were not convinced that leprosy was in any way related to syphilis, others still thought syphilis and leprosy shared many similarities in their modes of transmission and effects on the body. In 1899, Dr. Prince Morrow, a venereal disease specialist, speculated that "the impaired constitutions resulting from these syphilitic progenitors, coupled with the feeble capacity of resistance of the native Hawaiians, has always been regarded as among the chief causes of their remarkable susceptibility to leprosy."²⁷ As late as 1936, Dr. C.H. Binford, a surgeon for the United States Public Health Service, believed syphilis merely complicated or mimicked the symptoms and progression of leprosy.²⁸ Despite their commitment to scientific integrity, medical views of the disease were inextricably linked to long-standing cultural stigmas associated with leprosy, including the religious belief that the disease represented punishment for sexual transgression.²⁹

between 1898 and 1903.

25 Frank H. Enders, *Leprosy as Observed in the Sandwich Islands*, 1876. Branch Hospital briefly replaced Kahili Hospital as the site of leprosy diagnosis before exile to Kalaupapa.

26 Enders, *Leprosy as Observed in the Sandwich Islands*.

27 Prince Morrow, "Leprosy" in *Twentieth Century Practice: Syphilis and Leprosy* (New York: William Wood and Company, 1899), 502.

28 C.H. Binford, "The History and Study of Leprosy in Hawaii," in *Public Health Reports (1896-1970)* (1936), 420-423; Binford was a former Assistant Surgeon at the U.S. Leprosy Investigation Station in Honolulu, HI at the time this was published.

29 Edmond, *Leprosy and Empire*, 9. According to Edmond, the association between syphilis and leprosy went back in literature as far as Robert Henryson's *Testament of Cresseid* from 1593.

 EROTIC AND ROMANTICALLY TRAGIC: LITERARY DEPICTIONS OF LEPROSY

Despite medical perceptions of leprosy patients as a dangerous and potentially fatal threat to the *haole* because their uninhibited sexual practices spread leprosy, other writers romanticized and sexualized these patients. This erotic view of leprosy on Molokai frequently appeared in the diaries and fictional works of several leading literary figures who visited the Kalaupapa leprosy colony between 1875 and 1910. Leprosy was not a new subject in literature. Victorian-era authors, such as Algernon Charles Swinburne, wrote about the disease, fetishizing descriptions of the degenerating leprous body in what Edmond terms “leprophilia.”³⁰ American writer Jack London and diarist Charles Warren Stoddard sexually described the physical degeneration of the leprous Hawaiian body, but they also depicted leprosy in more sympathetic and romanticized terms. These authors exaggerated the native Hawaiian as “exotic other” while continuing to portray them as dangerous and in need of paternal supervision.

Stoddard and London both portrayed the leprous native Hawaiian as highly sensual by couching leprosy in titillating terms which exaggerated and fetishized the physical disfigurements that characterized the later stages of the disease. London’s 1909 fictional short story, *Koolau the Leper*, tells an altered version of a true story about a Hawaiian native suffering from leprosy who escaped exile to the Kalaupapa colony by retreating into the wilderness of Kauai with his wife and young son, where both he and his son died of leprosy after several years. Before Koolau arrived, the Kalalau Valley on Kauai, because of its remoteness, was a relative safe haven where Hawaiians diagnosed with leprosy could escape arrest and exile to Kalaupapa. After Koolau shot and killed the sheriff, Louis Stolz, who followed him to Kalalau, the Hawaiian government responded in force, sending in a militia to capture Koolau and exile the other Hawaiians with leprosy living there.³¹ In *Koolau the Leper*, London’s portrayal of Koolau’s band of renegade leper followers attempting to escape exile linked leprous native Hawaiians to hypersexuality. At the beginning of the story, the lepers, who were aware that the government was sending the military to Kalalau to capture them and send them to Molokai held an orgy-esque party. London described the resulting festivities in highly erotic terms: “Ever the dancers of love danced in the warm night, and ever the calabashes [gourds containing alcohol] went around till in all their brains were maggots crawling of memory and desire.” Later in his description London described two leprous women

30 Edmond, *Leprosy and Empire*, 20. See also “The Leper” by Algernon Charles Swinburne (1866).

31 London, *Koolau the Leper*. The son of the sheriff that Koolau killed went to Stanford University and travelled with London to Hawaii.

dancing, their two bodies starkly contrasting one another. The first woman had a feminine body, with “heavy hips and a generous breast,” but a face that was grossly disfigured by leprosy while the woman who accompanied her had a face that was “beautiful and unmarred, but whose twisted arms that rose and fell marked the disease’s ravage.” London’s vivid description of the degenerating bodies of these leprous women engaged in a highly erotic dance presented a sexualized portrait of the native Hawaiian suffering from leprosy.³²

While Stoddard’s works are less vivid than London’s story, his non-fiction accounts of his travels in Molokai in *The Lepers of Molokai* and *Joe of Lahaina* also depicted leprosy as, in one writer’s terms, “a spectacle of the flesh that is at once horrifying and erotic.”³³ Unlike London, who reserved the use of titillating language for his fictional stories, Stoddard’s use of this type of description illustrates his personal fascination with the Hawaiian leprosy colony, which he visited twice during his lifetime. Historian Gregory Tomso drew a link between Stoddard’s own homosexuality and his depiction of leprosy in *The Lepers of Molokai*. Tomso’s analysis of Stoddard’s depictions of leprosy in Hawaii framed the perceived connections between the Hawaiian race, sexuality, and leprosy. Stoddard’s portrayal of leprosy, Tomso argued, is “at once forbidding in its evocation of fears of national and racial pollution and alluring in its suggestion of intimate contact with supposedly hypervirile Hawaiian natives.”³⁴ Stoddard’s descriptions of leprosy are more elaborate in his other works, such as his semi-fictional, *Joe of Lahaina*. In this work, Stoddard describes meeting Joe, a man who he had once had relationship with, now suffering from leprosy at the Kalau-papa colony. His descriptions of the leprous Hawaiians illuminate conflicts caused by forbidden longings, in which sexual desire, or even proximity to sexual desire, puts one at risk for infection.³⁵ Like London, Stoddard employed titillating descriptions of native Hawaiians and imagery of disfigurement and degeneration to exaggerate his depiction of leprous natives as the dangerous yet erotic exotic other.

The primary way in which sympathetic attitudes towards Hawaiian leprosy patients manifested was in the form of romantic tragedy. While London’s description of the party of the Hawaiians with leprosy in *Koolau the Leper* was highly erotic, it also maintained an empathetic tone for lives and loves that infected people lost. At the termination of the dancing scene

32 London, *Koolau the Leper*, 5-6.

33 Gregory Tomso, “The Queer History of Leprosy and Same-Sex Love,” *American Literary History* vol. 14, no. 4 (2002), 746.

34 Ibid.

35 Charles Warren Stoddard, “Joe of Lahaina,” in *Summer Cruising on the South Seas* (London, Chatto and Windus, 1881), 111 – 115; Tomso, “The Queer History of Leprosy and Same-Sex Love,” 762 – 765.

London observes “two idiots, gibbering and mouthing strange noises... travesty[ing] love as they themselves had been travestied by life.”³⁶ Despite the fact that Koolau was Native and had killed several white men, London also portrays him as a sympathetic character. Both Stoddard and London, who had a unique connection with the patients after visiting Kalaupapa and who wrote about how much they enjoyed their visits, were most likely driven by personal sympathy for the patients as well as concern that they had been exposed to the disease.

Newspapers during the late nineteenth and early twentieth centuries frequently relayed tales of leprosy tragedy. They reported on leprous Hawaiian natives who resorted to extreme measures, such as suicide, to prevent separation from their loved ones. In these depictions, victims of leprosy were courageous and devoted individuals whose disease was due to the poor moral behavior of the rest of their race. Unsurprisingly, the characters in these stories generally displayed two qualities that whites did not generally associate with the Hawaiian race: an “appropriately” horrified response to their diagnosis of leprosy and monogamous devotion to the point of self-sacrifice. One article from 1901, entitled “Honolulu Leper Colony Tragedy,” told of the police finding two corpses of Hawaiians believed to have committed suicide, including “those of a young native, who had contracted leprosy and was to be sent to Molokai, and his sweetheart, who chose to die with him rather than endure separation.”³⁷ Another article narrated the story of “a pretty Hawaiian, blessed with perfect health [who] voluntarily doomed herself to a life of desolate horror,” claiming there “could be but one motive for a woman to do a deed like this – love.”³⁸ After her husband was sent to Kalaupapa, the woman used topical herbal treatments to fake the symptoms of leprosy. Although the doctors saw through her lie, she was allowed to join her husband as a caretaker, called a *kokua*.³⁹

Historians Ron Amudson and Akira Miyamoto have argued that the white-driven stigma against leprosy in native Hawaiians was magnified by the lack of concern for contagion that many native Hawaiians displayed in their interactions with those suffering from leprosy.⁴⁰ The Hawaiians that the newspapers portrayed as tragic victims were viewed as standouts of their race. Newspaper portrayals had the affect of both eliciting sympathy from white readers for the plight of those at the leprosy settlement and continuing to highlight the racial inferiority of the Hawaiian race as a whole.

36 London, *Koolau the Leper*, 6.

37 “Honolulu Leper Colony Tragedy,” *The Washington Post*, January 15, 1901.

38 “Good Stories For All,” *Boston Daily Globe*, June 11, 1901.

39 *Ibid.*

40 Ron Amudson and Akira Oakaokalani Ruddle-Miyamoto, “A Whole-some Horror,” *Disability Studies Quarterly* vol. 30, no. 3 (2010).

PRESCRIBING GENDER: PATERNALISM IN THE RESPONSE TO LEPROSY

Colonial ideas promoted both paternalistic methods of religious mentorship and legal enforcement of morality to combat the dangers associated with the “exotic other.” White members of the Board of Health and the *haole* population in general viewed their methods as kind, yet strict and unrelenting. As historian Michelle Moran comments, health officials “portrayed themselves as selfless stewards of the Hawaiians, whom they coached in proper Western attitudes towards the disease” and as an Americanizing force that “effectively policed and controlled ‘deviant’ Hawaiian bodies.”⁴¹

However, these authorities also thought that native Hawaiians were too ignorant, indolent, and indifferent to adhere to the dutiful management of whites.⁴² Health and government officials’ perceptions of Hawaiian nature dictated their establishment of institutional structures to address leprosy, both within and outside the Kalaupapa settlement. Health officials’ belief that the Hawaiians were to some extent uncontrollable gave Hawaiian leprosy patients some additional freedoms that were not afforded patients in leprosy quarantine facilities elsewhere, such as at the leprosarium in Carville, Louisiana, which strictly enforced segregation of men and women.⁴³ In Hawaii, gender segregation was mostly limited to facilities run by religious leaders in the Kalaupapa settlement or isolated to government institutions, such as the hospital within the confines of the settlement and the Kahili and Kakaako hospitals in Honolulu.⁴⁴ Rather than being housed in gender-segregated dormitories as in other leprosy quarantine facilities, patient inmates in Kalaupapa primarily lived in small houses with family members who had either been sentenced to Kalaupapa or come voluntarily as non-leprosy medical helpers (*kokuas*).

Despite questioning by the United States government, the Hawaiian Board of Health and local government officials supported the decision to allow patients to marry and cohabit. For example, when U.S. Senator Theodore Burton—a Republican from Ohio and member of the Subcommittee on the Pacific Islands and Puerto Rico—asked whether it would not have been better to segregate men and women at the Kalaupapa settlement, Governor Dole responded emphatically, “No.” As a follow-up question, Senator Burton asked whether “the sexes could be kept apart in such a way

41 Michelle Moran, *Colonizing Leprosy*, 133.

42 Walter M. Gibson, *Leprosy: Report of the President of the Board of Health to the Legislative Assembly of 1886* (Honolulu: Daily Bulletin Steam Print, 1886), 21.

43 Moran, *Colonizing Leprosy*, 133-134.

44 Kneeland, *Leprosy as Observed in the Sandwich Islands*, 231-233.

as to prevent the birth of a child without materially detracting from the pleasures of these lepers.” Dole responded that he “should have to secure a thousand additional men in [his] department to enforce any such regulation.” While Dole may have had several reasons for believing that married couples should be allowed to live together at the settlement, including sympathy, it is also clear that he believed that the task of policing patient sexuality would have been prohibitively difficult and costly.⁴⁵

In addition to government officials, Father Damien, the most influential and famous religious leader who worked at the Kalaupapa leprosy settlement, believed in allowing marriage between patients. Damien suggested, “one of the great moral improvements which helped do away with licentiousness was the granting of inter-marriage between lepers.” Unlike Dole, Father Damien did not cite practical reasons of enforcement to support his position on marriage between patients, nor was he particularly concerned about the contagiousness of leprosy. An ardently religious man, Damien considered religious direction to be the most effective way of controlling the sexual behavior of Hawaiian leprosy patients.⁴⁶ Damien believed that marriage was a large part of religious and moral fulfillment. He claimed that before he had arrived to guide them, the Hawaiian leprosy patients, “mostly all unmarried or separated on account of the disease, were living promiscuously without distinction of sex.” Under his religious guidance and with the sanctity of marriage, Damien had faith that his patients would live more wholesome and pious lives.⁴⁷

Besides the town-like arrangement of personal and family homes, there were two gender-segregated dormitory facilities in the Kalaupapa settlement, the Baldwin Home for Boys and the Bishop Home for Girls. The gender segregation of these facilities encouraged adherence to traditional gender roles, both by policing patient sexuality and encouraging conventional gender-appropriate manners of dress and recreational activities. Catholic missionaries ran both facilities; priests ran the boys’ home and nuns ran the girls’ home. The founders designed these facilities for the care of children without family at the settlement. Nevertheless, the Bishop Home was expressly designed to shelter “unprotected and friendless females.” This language implies the need to protect Hawaiian women from hypersexual Hawaiian men. However, it was also likely that this was a way in which white missionaries and the Hawaiian board of Health enforced traditional gendered behavior and expressed concern about patient lawless-

45 “Mr. Dole Gives His Opinions on Good Government and Various Details of His Department.”

46 Tayman, *The Colony*, 91-96.

47 Josef Damien, *Leprosy: Report of the President of the Board of Health to the Legislative Assembly of 1886*, Appendix M (Honolulu: Daily Bulletin Steam Print, 1886), cxx-cxxii.

ness and promiscuity.⁴⁸ The missionaries expected Hawaiian women to conform to nineteenth-century western ideas that espoused female purity, innocence, and the need for protection of women, but they did not necessarily believe that these qualities were inherent to their female Hawaiian patients. Unlike the relative geographically close homes and facilities in Kalaupapa, the distance between the Baldwin and Bishop homes encouraged separation and minimal interaction between single men and women.⁴⁹ In addition to the homes at the settlement, missionaries also ran two single-sex homes in Honolulu and Waimea for children who had been born at the settlement who did not display any signs of having leprosy. By the 1880s, doctors were calling for the removal of both healthy male and female children born to leprous parents living in the colony, yet the public seemed more urgently concerned with the need to protect the girls born in the colony than the boys. As the president of the Board of Health, Walter M. Gibson, said in 1885 at the opening ceremony for the Kapiolani Girls' Home in Honolulu, "It was felt by all who have considered the matter to be an outrage that young children, especially girls...giving no signs of this disease should be doomed to lose their opportunities."⁵⁰ While opportunities for boys at this time may have meant a job in agriculture, for girls "opportunities" meant marriage.

The Hawaiian Board of Health opened the boys' home in Waimea over twenty years after opening the Kapiolani Girls' Home; this gap in timing reflected challenges to late nineteenth century sexual beliefs that women were pure and innocent. Rapid urbanization and the commercialization of sex increased the visibility of prostitution. Partly in response, concerned activists initiated a public health movement to address increasing concern over venereal disease spread by prostitution and the transformation of innocent girls into "fallen women."⁵¹ Despite the fact that the protective impulse generally favored white women, the non-leprous daughters of patients at the settlement garnered particular attention from government officials because of their youth and perceived innocence. Government officials were highly influenced by the ideas in the mainland United States and felt a paternal duty to care for these innocent and unfortunate girls.⁵²

48 J.H. Kimball, *Leprosy: Report of the President of the Board of Health to the Legislative Assembly of 1890* (Honolulu: Daily Bulletin Steam Print, 1890), 41-42.

49 Moran, *Colonizing Leprosy*, 53, 60.

50 *Dedication of the Kapiolani Home for Girls* (Honolulu, 1885), 14.

51 John D' Emilio and Estelle Freedman, *Intimate Matters: A History of Sexuality in America* (Chicago: University of Chicago Press, 2012), 133 - 152.

52 *The Kapiolani Girls' Home, Honolulu, T.h., and Proposed Boys' Home, Waimea, Hawaii* (Honolulu, 1907). *Dedication of the Kapiolani Home for*

Catholic missionaries who managed much of the colony, including the Baldwin and Bishop homes, integrated religious morals and Victorian gender norms heavily into the institutional structure of the Kalaupapa settlement. The Baldwin Home was run first by Father Damien, then by Father Joseph Dutton, and then by a succession of Catholic priests. Catholic nuns, supplied by the Franciscan Convent of Saint Anthony in Syracuse, NY ran the Bishop Home. The religious organization of these facilities reinforced strict gender separation. Travelers to Molokai, who often described their trips to the Baldwin and Bishop homes, commented on the distinctive gender norms. Visitors to the Baldwin home, such as Dr. E. L. Cofer, frequently mentioned the boys' "neat uniforms" and praised their band.⁵³ Visitors to the Bishop Home mention the girls' "neat" dresses and participation in activities like sewing or crocheting.⁵⁴

Ideas about gender affected not only the patients but also perceptions of the female and male missionaries who worked in Hawaii. The perception of religious white women as virtuous healers both emphasized the "otherness" of leprosy Hawaiian women and encouraged paternalistic methods of healing that reinforced traditional gender roles that extended from healer to patient. Board of Health President Walter Gibson explained "it was not alone sufficient to provide skilled physicians and remedies, but experienced and devoted nurses – especially women, endowed with that rare devotion to the cause of the sick and suffering that arises from the highest inspiration of Christian charity."⁵⁵ By reinforcing the idea that women were well-suited to roles as religious and moral healers, Gibson maintained distinct roles for female and male healers and held women to a higher moral standard than men. These standards filtered down and were also applied, albeit to a somewhat lesser extent, to the female patients living in the missionary-run facilities. While the missionaries provided critical services at the colony and in the boys' and girls' homes, religious figures maintained, even exaggerated the paternal attitudes of the Hawaiian Board of Health.

The first four verses of the Hawaiian Lepers' Hymn, sung by the incoming residents of the Kapiolani Girls' home during its dedication, highlight the key elements involved in the perceptions of white religious and government officials about the role of religion and gender in saving Hawaiian leprosy patients (See Figure 1). The first verse illustrates the belief that leprosy was a divine retribution, a disease one caught from immoral

Girls.

53 "Dr. Cofer's Molokai Report," *Pacific Commercial Advertiser*, November 4, 1901.

54 *The Molokai Settlement (illustrated) Territory of Hawaii: Villages Kalaupapa and Kalawao* (Honolulu: Hawaiian Gazette Co., Ltd., 1907).

55 *Dedication of the Kapiolani Home for Girls*, 9.

actions. The song begins, “The Almighty’s chastening hand, a sore affliction sends.” This verse establishes the typical Hawaiian leprosy patient as unclean and immoral, while the second verse illustrates the possibility of salvation and healing:

Then Christ - His blessed son,
The Lepers’ woe did feel,
He touched the unclean sores,
Th’ incurable did heal

The third and fourth verses refer to the nuns who gave up their lives at home to come help the Hawaiian leprosy patients, both religiously and physically. The hymn explains that Christ “feels for our woe and send his messengers of love”:

They come – Good Sisters come,
Their love for Christ to prove,
And sooth our stricken hearts,
With Heaven’s divinest love.

The song continues for two more verses, but the male missionaries involved are not mentioned, despite Father Damien’s legendary status across the world as the religious savior of the Hawaiian leprosy patients.⁵⁶ By neglecting to mention the role that male healers played, the song emphasizes a particularly female affinity for religious healing, and thus reinforces nineteenth century notions of womanhood.

White settlers believed that the nuns’ femininity uniquely endowed them with a particular kindness, generosity, and piety that allowed them to manage the leprosy institutes both on and off Molokai effectively and humanely. One newspaper described Sister Rose Gertrude as remarkably courageous, despite the fact that “she knows she cannot live more than ten years.”⁵⁷

Robert Louis Stevenson, a supporter of Father Damien, described the nuns as “indefatigable.”⁵⁸ Hawaiian Board of Health officials claimed that the women “inspired by Christian love are more courageous, or moved by a stronger faith than men.”⁵⁹ While the piety of the world-renowned Damien came under fire many times, the nuns’ devotion remained unquestioned. During this time women were often thought of as particularly pious and spiritual. Nuns’ ability to command financial support from the Catholic Church, as well as their female status, established them as influential figures

⁵⁶ *Ibid.*, 4.

⁵⁷ “Sister Rose Gertrude: A Catholic Nun,” *The Washington Post*, January 31, 1890.

⁵⁸ Robert Louis Stevenson, *Father Damien: An Open Letter to the Reverend Dr. Hyde of Honolulu* (London, Chatto and Windus, 1890), 203.

⁵⁹ Walter M. Gibson. *Leprosy: Report of the President of the Board of Health to the Legislative Assembly of 1886*, 21.

HAWAIIAN LEPERS' HYMN	
1	1
Kou lima Mana mau Na eha i kau mai; Maluna o makou na ike, Kona huhu, me ke aloha.	The Almighty's chastening hand, A sore affliction sends; But trusting still we feel His wrath with mercy blends.
2	2
Karisto! ke Keiki mau, Aloha i na Lepera, Hoopa i na lima, na ino nei, Hoola i na palaho.	The Christ:—His blessed Son The Lepers' woe did feel; He touched the unclean sores Th' incurable did heal.
3	3
Ma kona Noho Alii, Ua ike maluna ae, Eha ka naau a hoouna mai I kona Elele Aloha.	Ascended to His Throne He sees us from above. Feels for our woe and sends His Messengers of Love.
4	4
Kipa mai na Virigini, Hoike ko Iesu aloha Hooluolu na naau, Ke aloha mai ka Lani.	They come—Good Sisters come, Their love for Christ to prove And soothe our stricken hearts With Heaven's divinest Love.
5	5
Na aloha mai luna mai E ola nei makou; E ikaika ka manaolana Ko ka Lani wahi maha mau.	These mercies from on High With which our lot is blest, Make strong in us the hope Of Heaven's eternal rest.
6	6
Na Moi, na Alii pu, Me ka Lahui a pau; Hoohalike, hoolana ae, Hookahi puuwai aloha.	Our King and Queen and Chiefs:— Hawaiians everywhere; Unite with loving hearts In this our hope and prayer.

Figure 1: Hawaiian Leper's Hymn from the Dedication of the Kapiolani Girls' Home, 1885⁶⁰

in public health, allowing them to manage many public health facilities, including the leprosarium at Carville.⁶¹

Religion played a fundamental role in the management of the Kalaupapa leprosy colony during the late nineteenth and early twentieth centuries; nevertheless, by the 1920s, eugenics became an increasingly important for those whites managing leprosy colonies. Eugenics was a movement in twentieth century public health whose followers wanted, and sometimes attempted, to improve the human race through heredity. One mission of eugenicists was the forced sterilization of people deemed unfit to reproduce, such as the mentally handicapped. Additionally, concerns about heredity raised debates about hereditary transmission of infectious

60 *Dedication to the Kapiolani Girls' Home*, 4.

61 Sioban Nelson, *Say Little Do Much: Nurses, Nuns, and Hospitals in the Nineteenth Century* (Philadelphia, University of Pennsylvania Press, 2001); Moran, *Colonizing Leprosy*, 209-210.

disease.⁶² While the government and medical authorities most frequently suggested segregation of men and women as a means to regulate the ability of leprosy patients to have children, in the 1930s doctors and government officials considered sterilization of adult male and female patients as an alternative that would prevent patients from having children while still allowing them to live together. In 1938, for example, one physician, an “expert” on leprosy, argued that men and women should not be allowed to live together unless one or the other had been sterilized.⁶³

As with the separation of single men and women and the removal of children born to leprous parents after birth, the Hawaiian Board of Health also attempted to police the sexuality and reproduction of patients through sterilization. While this policy never became mandatory, for several years during the late 1930s and early 1940s, the Board of Health coerced patients into “voluntary” sterilization procedures. The Hawaiian government did not allow patients to leave the settlement without undergoing a sterilization procedure, although by the 1930s, they had restricted ability to leave the colony to get medical procedures or visit family at Kahili Hospital.⁶⁴ By this time the Hawaiian government determined that the Kalaupapa settlement’s leprosy was relatively contained, but they continued to be concerned with the possibility that Hawaiian promiscuity could reintroduce leprosy into the general population. Hawaii began to consider the prospect of becoming a U.S. state more seriously during the late 1930s and early 1940s, when aircraft travel made getting to and from the continental United States easier. The reemergence of leprosy would have had a dramatically negative affect on that goal. Although leprosy was cured in 1941 with the introduction of sulfone drugs, which were the precursors to antibiotics, the medication did not reach the Kalaupapa settlement for several years as it underwent clinical trials at the Carville leprosarium. In the end it was the fear that communism had infiltrated the islands, not leprosy, that prevented Hawaii from becoming a state until 1959.⁶⁵

62 Martin Pernick, “Eugenics and Public Health in American History,” *American Journal of Public Health* vol. 87 no. 11 (1997), 1767 -1772.

63 “Urges Sterilization as Leprosy Control,” *Boston Daily Globe*, April 26, 1938.

64 Ted Gugelyk and Milton Bloombaum, *The Separating Sickness : Ma'i Ho'oka'awale : Excerpts From Interviews with Exiled Leprosy Patients At Kalaupapa Settlement, Molokai, Hawaii ...* 3rd ed. [Honolulu]: Separation Sickness Foundation, 1996.

65 Tayman, *The Colony*, 277-278. After WWII, the American government and other relevant mainland parties believed that Hawaii was overrun by communism. Even popular culture represented Hawaii as a hub of communist activity. In the motion picture *Big Jim McLain*, John Wayne plays an officer working for the House Un-American Activities Committee, inves-

Because Western cultures had long associated the contraction of leprosy with sexual immorality, the leprosy epidemic among the Hawaiian natives during the latter half of the nineteenth century and first half of the twentieth century validated *haole* perceptions that the Hawaiian sexual practices were immoral. Whites frequently viewed leprosy as a punishment from God for the promiscuity of the Hawaiian race. Thus, the relationship between disease and perceived immorality validated the pre-existing stereotype of the hypersexual Hawaiian. Scientific developments furthered this belief. Despite revolutionary changes in the understanding of methods of contagion during the late nineteenth century, leprosy's transmission remained a mystery. In this environment of confusion, preconceived explanations informed the many prominent medical hypotheses put forward to explain the contagiousness of leprosy, including as promiscuity and syphilis. Leprosy reinforced the concept of the native Hawaiian "exotic other." The sexualization of leprosy extended this concept further, creating an archetype of the lustful, yet sympathetically misguided, leprous "exotic other." Most of the time individuals with leprosy, as well the Hawaiian race as a whole, suffered from the sexual stigmatization of leprosy. However, in certain instances in which native Hawaiians responded in ways that seemed to follow Western guidelines for morality, they were painted as tragic victims of the improprieties of their race.

Otherness and paternalism defined white perceptions of the native Hawaiians and institutional treatment of leprosy patients. Western gender norms played a large role in the institutional responses to leprosy. The missionaries and government organizations designed institutional facilities, such as the Bishop Home for Unprotected Women and Girls and the Kapiolani Girls' Home, to protect single women and female children, whom they considered particularly vulnerable. Within gender-segregated facilities males and females missionaries expected patients to adhere to gender-specific western conceptions of proper behavior. Western conceptions of gender affected not only the treatment of Hawaiian patients, but also the male and female missionaries who managed the healthcare and dormitory facilities. Because they were women, white officials viewed nuns as possessing a unique ability to care for the leprosy patients and as being exceptionally courageous and selfless for subjecting themselves to life caring for patients of Kalaupapa.

While unique to native Hawaiian leprosy patients during the nineteenth and twentieth centuries, this study informs our understanding of connections between sexuality and disease. Historians have often drawn links between the stigmatization of leprosy and the stigmatization of AIDS

tigating communist activity in Hawaii. His investigations even lead him to the Kalaupapa leprosy settlement. See also Moran, *Colonizing Leprosy*, 1-3.

in the 1980s.⁶⁶ In both cases groups of people who were associated with behavior seen as sexually immoral or deviant from Western norms were disproportionately affected by disease. The diseases' association with groups marginalized on the basis on their sexual behavior exaggerated fear-based responses to the contagion of the disease, beyond what was scientifically valid. Additionally, both diseases were seen as consequences of the perceived sexual transgressions of these groups, which, in the eyes of those not targeted, validated their judgments that the sexual practices of the marginalized group were indeed immoral and dangerous.⁶⁷ These two cases show how the association between sexual immorality and disease can engender a vicious cycle in which the stigmatization of the affected group and the stigmatization of the disease reaffirm each other.

In addition to illustrating the importance of understanding the link between sexual immorality and disease, understanding the ways in which the Hawaiian government and missionaries responded to leprosy in Hawaii raises the question of how to integrate cultural understanding into medical practice effectively. This is a question that is important for healthcare providers both working overseas and in the United States, a country that is no way homogenous in race, gender, sexuality, ethnicity or otherwise. Understanding the role that sexuality and gender played in interpreting leprosy and institutionalizing its treatment on Molokai can help increase understanding of broader relationships between sexuality, gender, and treatment of disease throughout the history of western medicine, as well as in current medical practice.

66 Rod Edmond, *Leprosy and Empire*, 16.

67 Michelle Moran, *Colonizing Leprosy*, 209-210.

TO PASS A TEST: THE IMBALANCE BETWEEN THE EARLY MING EMPERORS AND THE SCHOLAR-GENTRY OF LATE MEDIEVAL CHINA*

Introduction by Professor Laura Stokes

Dan Ruprecht's essay "To Pass a Test" analyzes the late medieval realities of the Chinese civil service exam, drawing from the seemingly timeless topic of the ancient exam system a nuanced historical analysis of conflict and crisis in the early Ming. He describes a tension at the heart of the examination system, between the meritocratic principles it pretended and the social and ethnic hierarchies that it reinforced. Dan focuses on the social group of the scholar-gentry, for whom the exam was a crucial rite of passage, and on their political and cultural conflicts with the first two Ming emperors. He finds that the civil service examination was used as a political tool while itself being a site of contestation; at stake was the emperor's claim to be a sage-emperor in the classical Chinese tradition.

* As a member of the journal's editorial board, Daniel Ruprecht recused himself from the review of this essay.

To Pass a Test: The Imbalance Between the Early Ming Emperors and the Scholar-Gentry of Late Medieval China

Daniel Ruprecht

Imagine: the air is hot, filled with dust and the rank smell of the men surrounding you. It's difficult to breathe, and your heart is beating quickly. A gong's sound announces it is time to enter, and you and the herd are pushed through the gate, brushing each other as you move into the courtyard. You "dare not use fans" nor ask for water "for fear of being victimized and punished." Some men are jittery, practically bouncing in place, and all look concerned, "faces wearing a sort of funeral expression hardly fit to greet [your] wives and slaves." Your name is chanted from a list, and you are carefully searched by two inspectors to make sure you are carrying nothing forbidden. They assign you a number to take the place of your name. As you follow an attendant through a labyrinth of gates and down small hallways, you pass the hundreds, maybe thousands, of cells. Finally, the attendant stops in front of yours: cement walls with no window, equipped with two wooden boards to serve as a bed or desk. You enter your cell, your home for the next 72 hours, and try to breathe easily. You are no prisoner—or at least no criminal—but instead a candidate for public office in Ming China, about to take the infamous Chinese civil service examination.¹

Inside, the examinee would stand waiting, "freezing cold, bare-footed," and "so numb that [they] were not conscious of [their] limbs' existence."² Asking for a blanket or extra clothing was dangerous though. An examinee might "have [his] scripts marked in red – in which case [his] efforts would be downgraded," if the examiner was in a bad mood.³ Once the examination started, the examinee would be completely cut off from all contact with the outside world for 72 hours, provisioned only with the food that they brought with them. If a candidate died—not an infrequent occurrence during the winter—a guard posted outside the door would call for

1 Quotes and details both from T.C. Lai, *A Scholar in Imperial China* (Hong Kong: Kelly & Walsh, 1970), 7-8. quoting a translation of Shang Yen-liu, *Civil Service Examination System of the Ch'ing Dynasty*. The writer is Ai Chien Tzu of the Ming dynasty on his experience taking the examinations. The date is specific to Ai Chien Tzu's experience, but the examination would not have been terribly different 500 years before or 500 years after.

2 Lai, 8

3 Ibid, 9.

assistance to carry the body to a mass grave. The family might be notified. It is certainly telling that the most comprehensive study of the examination system is entitled *China's Examination Hell*.⁴

The test was long and devilishly difficult by the time of the Ming dynasty, but the rewards were more than just compensation for those who could master it. If an aspiring scholar could accurately memorize and recite the Confucian texts⁵ and apply what he⁶ had memorized to questions of contemporary national policy (and if his examiners were grading fairly), he could expect increased social status, tax breaks, and a position of power in the government.

In theory, this testing system was open to almost any Chinese man who had the time and resources to actually take an examination. It endured as an experiment in meritocracy that started around the seventh century in China, and was unseen anywhere else in the world for centuries thereafter. There were stipulations blocking “mean peoples” who worked “unclean jobs,”⁷ but as Miyazaki’s writes in *China's Examination Hell*, the system as a whole was “unusually democratic.”⁸ “The very idea,” he wrote, “that everyone should be eligible for the examinations, regardless of family background or lineage, was incomparably forward-looking in its day.”⁹ It provided social mobility for those who were best educated, and many historians have argued that it played a prominent role in the shaping of the modern western educational system.¹⁰ However, it is important to note that the meritocracy established by the examination system was not based on any proto-liberal, equality-of-opportunity style of political thought, but rather evolved out of centuries of conflict between Chinese emperors and the established aristocracy.

Briefly tracing the history of the examination system reveals the tension at its heart; in essence the examination system evolved to serve as a form of imperial manipulation to legitimize the ruler and control the

4 Ichisada Miyazaki and Conrad Schirokauer, *China's Examination Hell* (New York: Weatherhill, 1976).

5 The Four Books and Five Classics: *Great Learning, Doctrine of the Mean, Analects (of Confucius), Mencius*, and the *Classic of Poetry, Book of Documents, Book of Rites, Book of Changes, and Spring and Autumn Annals*.

6 And it was always “he” during the Ming. Women were barred completely from the process and seen as unfit to govern.

7 Benjamin A. Elman, *Civil Examinations and Meritocracy in Late Imperial China* (Cambridge, MA: Harvard University Press, 2013), 5-6.

8 Miyazaki and Schirokauer, 118.

9 *Ibid.*, 119.

10 See Ssu-Yu Teng, “Chinese Influence on the Western Examination System,” in John Lyman Bishop, ed., *Studies of Governmental Institutions in Chinese History* (Cambridge, MA: Harvard University Press, 1968).

aristocratic class. The imperial government wielded the examinations as a check on aristocratic power because the aristocracy was the only realistic threat to the emperor. The history of the civil service examination system is the key to comprehending the relationship between the Chinese emperors and the gentry class. The context of the examination system will also reveal how it formed an “aristogeny” in place of an aristocracy, and how the privileged and powerful exploited it to maintain their families. An analysis of what the exams meant to the Chinese, who took them and why, as well as how the emperors used the system, is vital to understanding Chinese culture in the early Ming. The history will show that, by the late Song dynasty (960 – 1279) the imperial power relied on good relations with the gentry class for legitimation and control of the elites, and the civil service examination was the best means for securing sympathetic relations between the parties.

A close reading of the educational policies of Zhu Yuanzhang the Hongwu emperor and Zhu Di the Yongle emperor—two of the first three emperors of the Ming dynasty—reveals the trials that the emperors faced to legitimize themselves, each having taken power via bloody revolutions. Their relationships with the literati-gentry class were troubled because neither understood what exactly the imperial examination was meant to do, and both believed they could be rid of it without serious repercussion. Neither the Hongwu nor the Yongle emperor acknowledged how important the literati class actually was to a Chinese emperor—due in no small part to the influence of the Mongolian khan-emperors that they succeeded—and the results of breaking the symbiotic relationship between the scholar-gentry and the imperial power were disastrous for both parties. Both emperors turned away from exams and to mass murders to control the aristocracy because they did not understand the test’s purpose.

DEVELOPMENT OF THE EXAMINATION SYSTEM FROM THE HAN TO THE YUAN DYNASTIES

By 140BCE, Chinese government was modeled upon Confucian political philosophy. An educated and benevolent emperor oversaw the workings of a relatively strong central government, whose officials were appointed via a system of *chaju* – “investigation and recommendation.”¹¹ Around 120BCE, the Han emperor Wudi established an imperial university to train and test officials in the practice of Confucian government. The propertied and privileged class used the *chaju* system to keep their families and allies in power until the Wui dynasty of the Three Kingdoms era (~200CE) experimented with a system known as the Nine Ranks. Under the *chaju* system,

11 Rui Wang, *The Chinese Imperial Examination System: An Annotated Bibliography* (Lanham, MD: Scarecrow Press, 2013), 2.

the emperor more or less had to accept all recommended bureaucrats, and the aristocracy was thus able to pass important positions to itself without limits.¹² For the emperor to have openly criticized those recommended or appointed would threaten the only group that had the power to check the emperor: the aristocracy. The Nine Ranks system meant to subvert that threat by establishing standards for appointees, as well as imperially appointed offices responsible for inspecting elected officials. The system very quickly became corrupted, and again the aristocracy was able to manipulate it to keep power in their hands.¹³ The narrative forming already exposes the power struggle inherent in the system: the ability to rig examinations kept the aristocratic class from changing and threatened the emperor's power, not to mention the tenants of Confucianism which the government was meant to adhere to.

The examination system began in earnest in 583CE when the Sui emperor, in an attempt to overcome the constraints placed upon him by the gentry class, opened exams to the public and eliminated the recommendation requirement of the earlier system.¹⁴ The Sui emperor established the *jinshi*, a process by which prospective civil servants wrote essays discussing contemporary political issues in order to demonstrate their ability as statesmen and (hopefully) win appointment in the bureaucracy.¹⁵ Those who succeeded in the examinations were rewarded with prestige and earned the title of "scholar," which would grow to mean more and more through the generations. To check the aristocracy meant to evolve into more of an actual meritocracy.

In the T'ang dynasty (619-907), the examination system became the primary means by which one could secure a political career, yet the system could still be exploited through practices like *tangbang* – official recommendation that gave an applicant a much greater chance of success, and *xingjuan* – a form of officialised networking necessary for serious candidates that all but required lavish gift-giving and feast-throwing.¹⁶ The most widespread testing style, *quashi*, had four components: physical appearance, communication, calligraphy, and ability to judge a civil or criminal case.¹⁷ The subjectivity of the first three categories allowed those with positions of privilege to keep power concentrated in their own hands because those currently in power set all standards for test-takers. Generally, that meant that regardless of the establishment's attempt to curb the aristocracy, they were able to perpetuate themselves by awarding their own

12 Ibid.

13 Ibid, 3.

14 Wang, 3 and Miyazaki and Schirokauer, 111.

15 Ibid.

16 Wang, 4.

17 Ibid.

and legitimize their decision because they set all examination standards.

That said, the content of a Confucian education stressed the importance of scholarly bureaucrats and public service, and as more Chinese became educated, the process gained more prestige. What began as a system of checking the aristocracy's power had actually been the impetus to change the form of the bureaucracy. While recommendation, bribery, and heritage were still consistently used to gain appointment into the bureaucracy, "by the mid T'ang dynasty [618-907], those who gained office simply through their parentage were not highly regarded by the imperial government or society at large, so career minded aristocrats found it necessary to enter officialdom through the examination system."¹⁸

The characteristics of the aristocracy changed during the Song dynasty (960-1279) as the emperors tried to instill fair exam processes and education became more important in China culturally. The early Song emperors prohibited *tangbang* and discouraged *xingjuan* while also beginning the practices of *huming* – concealing the names of the examinees to ensure fair grading procedures, and *tunglu* – recopying exams so that a student could not be identified based on his handwriting.¹⁹ The imperial government committed serious resources to spreading the Confucian educating system and almost all important positions in the bureaucracy by this point were reserved for graduates.²⁰

A palatial examination rewarded the smartest men in the country with the status of "students of the emperor," a mark of distinction respected across the nation. Because the emperor depicted himself as the type of sage-emperor glorified in classical writing, being his student was the highest praise offered to the literati, further strengthening the cultural importance of scholarship. The Song dynasty "marked the beginning of a newly risen class, concentrating on scholarship" rather than inherited power.²¹ One marker of the growing influence of scholarship in Chinese culture would be Emperor Song Zhenzong's (997-1022) poem, "Study Books":

No Need to buy land, there are tons of grain in the books.
 No need to build a big house, there are mansions in the books.
 Don't worry that [there are] no good matchmakers to find a wife for you, there are beautiful women in the books.
 Don't worry that you have no entourages; there are horses and carriages in the books.
 If a man wants his dreams to become true, he needs to study the Confucian books as hard as possible."²²

18 Miyazaki and Schirokauer, 112.

19 Wang, 5.

20 Ibid.

21 Miyazaki and Schirokauer, 114.

22 Emperor Song Zhenzong, "Study Books," translated in Wang, 6.

Instead of developing into a completely meritocratic system like the emperors would have wanted (based on the assumption that the emperors themselves were the best educated and most fit to rule), the civil service examination still barred most Chinese from entering the bureaucracy. While the examination was open to almost anyone during the Song,²³ it rewarded only those who were able to dedicate an immense amount of time studying Confucian classics—almost exclusively those with wealth and power already. It was an achievable goal “as long as one studied everyday without interruption... there was nothing strange or miraculous about it.”²⁴ Of course, being able to commit that kind of time to studies blocks almost the entire population during the Song from being able to participate.

More than ninety percent of the population was barred simply because they did not speak the proper language of the exams.²⁵ “Classical Chinese,” the language of the exams, was completely “incomprehensible to literate, native Chinese speakers who were never trained in it.”²⁶ No rural peasant, artisans, or trader could be expected to learn the language, and so they were excluded from the exams not by law, but by practice.²⁷ To “acquire the legitimate cultural training necessary to qualify for the civil service” a serious student would need to learn a new dialect (Mandarin) as a second spoken language, as well as the classical written language “whose terseness, unusual written graphs, and archaic forms required constant attention until adulthood.”²⁸ The Dynastic schools established throughout the country presumed that students entering could already read and write at least Mandarin (*guanhua*, the language of the officials in the capitals of the empire rather than regional dialects), so the initial education was left to

23 Elman notes that only “mean people” were excluded from taking the examination. Though the meaning of this term changed over time, it referred to people who worked “unclean jobs.” At various times, “mean people” included merchants, Buddhist and Daoist monks, and butchers. See Elman, 169.

24 Elman, 156

25 Ibid, 132.

26 Davis Mosner, “Why Chinese Is So Damn Hard,” Pinyin Info. Accessed March 19, 2015. To explain further the difficulty of Classical Chinese, Mosner writes: “A passage in classical Chinese can be understood only if you *already know what the passage says in the first place*. This is because classical Chinese really consists of several centuries of esoteric anecdotes and in-jokes written in a kind of terse, miserly code for dissemination among a small, elite group of intellectually-inbred bookworms who already knew the whole literature backwards and forwards, anyway.”

27 Elman, 47.

28 Ibid, 48.

the family.²⁹ As if that were not enough, each student had to memorize the classics and be able to reproduce them in extended essays written in *caoshu*, *xingshu*, or *zhuanshu*, forms of “cursive” script that were “intelligible to only the most erudite.”³⁰

The elite Chinese citizen may not have been from a traditional aristocracy – in other words may not have inherited prestige – but instead was able to gain it from education if he had the time and money. Because of this, by the time of the Song, it was the established gentry as well as military families and those able to stockpile money down the generations who were able to secure public office via the examination system. The gentry had shifted its focus onto education because graduation was the most stable marker of prestige, wealth, and power in the nation. Serving the court was “the most prestigious means to achieve personal, family, and lineage success”: thus whenever it was possible to invest the resources in a family member to take the exams, it was done.³¹

The examinations provided for the rise of what sinologist Timothy Brook dubbed the “aristogeny” – a system in which “the elite reproduced itself across generations without relying solely on birth.”³² While this was not exactly what the emperor had in mind, the system benefited both parties; the literati were more or less able to pass along their prestige and were able to justify the class divisions by arguing that they were the most fit to rule, and by subscribing to the system the elites in turn provided the dynasty with legitimation. An occasional success by a humble candidate “helped mystify the examination process,” and forced those excluded from the process to “acknowledge that their lesser fates were due to their lack” of merit and their ignorance.³³ A kind of circular affirmation of those who were in power occurred by which the ruler deemed the literati fit to serve because of their education and the literati did the same for the emperor.

It is important to note that most Chinese seemed to have believed that the educational system was more or less meritocratic, and that those appointed to civil service deserved to be there because of their hard work and skill. “As a meritocratic institution demanding anonymity for provincial and metropolitan test papers and a process that limited the arbitrary privilege of hereditary transfer of social and political status,” the examina-

29 Ibid, 127.

30 Ibid, 50.

31 Ibid, 127.

32 Timothy Brook, *The Troubled Empire: China in the Yuan and Ming Dynasties* (Cambridge, MA: Harvard University Press, 2010), 127. It is perhaps fitting to call upon the rule of survival of the fittest to point out that the only aristocracy that continued through the Song dynasty was that which evolved to meet the new imperial testing requirements.

33 Elman, 132.

tion successfully diverted attention “from the de facto elimination that took place via language credentials prior to examinations.”³⁴ It was simply understood that the exams based on classical abilities were the best test of moral, intellectual, and social worth of a man by the Song.

On top of that, “wealth and power derived from commerce or military success” were, through the education system, drawn “into the civil service,” for the benefit of the dynasty, and simply passing an examination provided many families the reputation they wanted without necessarily having to go into civil service.³⁵ Education gave status “because literati wanted it and dynasties affirmed it” by providing benefits for each *shengyuan*, or licentiate. Any degree holder, even when not holding office, was exempt from corvée, got significant tax breaks, often was paid a stipend in rice, and received special legal treatment in the form of commutation of punishments.³⁶ The literary gentry class’ ability to recreate itself was based on what Pierre Bourdieu called “symbolic capital,” defined as cultural resources and social advantages, which in this case were particular to the literati class.³⁷ The

status; honor; extra-statutory income from gifts and other emoluments; literary fame; the opportunity to meet the best minds and talents of China; certain service exemptions; authorization to wear the caps, robes, sashes, and silk badges of a select elite; and a chance to immortalize oneself and honor one’s ancestors, to right wrongs and create benefits for the great masses of China, and to leave one’s mark in the annals of civilization

were the benefits of the examination system only, even if one could make more money through estate management or commerce.³⁸

The relationship between the literati and the ruling class became doubly complex during the Yuan dynasty (1279-1368) because the conquering Mongolian khan-emperors rewrote the rules of what a Chinese ruler had to be. The first emperor, Kubilai Khan, did not keep the bureaucracy of the regular Chinese emperors, preferring to surround himself with a Mongolian warrior aristocracy.³⁹ The civil service examination continued in

34 Ibid, 33.

35 Ibid, 100.

36 Elman, 128 and John W. Dardess, *A Ming Society T'ai-ho County, Kiangsi, Fourteenth to Seventeenth Centuries* (Berkeley: University of California Press, 1996), 150. While Dardess was only compiling information from the county of Tai-ho, he was able to prove that the rice stipend was enough to feed three people for a year. There is no reason to suspect that it was significantly lower anywhere else.

37 Elman, 131.

38 Dardess, 139.

39 Brook, 80.

the background, offering the same prestige and most of the same rewards, only without the prospects of a government job. Kubilai was generally able to keep the literati in check by either buying them off or killing them. He was happy not to follow the traditional constitutional constraints of the Chinese emperors, and for the most part, all the Yuan khan-emperors followed his example.⁴⁰

The gentry class was not needed by the Yuan because they did not claim to follow any Chinese traditions and had no pretensions about being sage-emperors. They needed no legitimation from scholars because they were a warrior elite that justified its reign from the sword with the sword; the Yuan were of completely different stuff than their Chinese predecessors and embraced it.

Tradition, however, ran deep. Criticism from the established Chinese gentry for the non-Confucian governmental practices all but forced the later Yuan emperors into bringing back the examination system. However, once the examinations were reinstated they were overtly racist against the Chinese, and they continued to anger the literati. The exams heavily favored Mongolian candidates by giving them significantly easier questions and better rewards than their Chinese counterparts.⁴¹ Unrest spread throughout the empire as the dynasty wore on.

The broken pieces of the examination system were picked up by the early Ming emperors who wanted to depict themselves as restoring China to its golden days before the Yuan-kahn. Unfortunately for the Ming emperors Zhu Yuanzhang and Zhu Di, they did not quite understand what the examination system was meant to be doing and tried to use it basically as a testament to their Chinese heritage rather than as a form of control. Their inability to properly wield the examination along with their attempts to establish themselves as classical Chinese sage-emperors would be their undoing as each turned to mass murder rather than education to secure their power.

ZHU YUANZHANG, THE HONGWU EMPEROR (1368-1398)

Zhu Yuanzhang took control of the Chinese government in 1368 in a violent coup, declaring that “his mission was to rid China of its Mongol influences and restore Song models.”⁴² The “radical regeneration and ethical remaking of the whole Chinese people”⁴³ was the newly empowered em-

⁴⁰ Ibid, 81.

⁴¹ Yuan-Chu Lam, “The Civil Recruitment Chapter in the Yuan History,” *Monumenta Serica* vol. 56 (2008), 293-372.

⁴² Brook, 86.

⁴³ Confucian scholarship was deeply concerned with morality, metaphysics, and what would be considered scholarship in modern

peror's "prime objective."⁴⁴ The Hongwu emperor sought literati approval particularly because he was a "former peasant soldier," and he knew that he could not live up to the image of sage-emperor without support from the elite.⁴⁵ He did not know the classics, but he knew their importance to Chinese culture and understood that elevating them would reciprocally elevate him.⁴⁶ At the same time, Zhu Yuanzhang's past left him suspicious and resentful of the literati elite, and he did not want them to gain power. As a *Chinese* emperor, building on *Chinese* traditions rather than the Mongolian, he needed the approval of a group that he bitterly mistrusted.

Initially, to accomplish this goal Zhu Yuanzhang went on a public education campaign as had not been seen before in China, extending the selection process via the examination system "down to most every county and prefecture in his search for classically literate men to enter officialdom."⁴⁷ For the first time in Chinese history, the examinations were open to merchant families, previously considered mean peoples. However, after only one round of examinations, Zhu Yuanzhang chose to suspend them.

His peasant upbringing and the residue of Mongolian khan-emperors emboldened him, and he felt as though he could control elite opinion without worrying about the literati, regardless of what his advisors told him. He did not like having to appoint the successful candidates, given that so many of them were part of the scholar class that already held so much power in China, or worse, they had been part of a rival rebel group during the civil war to overthrow the Yuan. Zhu Yuanzhang's administration thus allowed *jen-tzu* (*yin-tzu*) or "protection of sons," a kind of spoils system under which families that proved their loyalty to Zhu's regime would be ensured government positions for their sons, as well as *en-sheng* or "students by grace," which provided for the sons of those who had served Zhu particularly well and military officials.⁴⁸

In response to these overt attempts to shape the ruling class, the literati openly criticized the emperor and frequently made bids for his power. He was being attacked from all sides – by his advisors, by his court,

Western institutions of higher learning. The "ethical remaking" of the nation would have been a popular idea for Zhu Yuanzhang's Confucian citizens after the Mongolian "barbarity." Little did they know how Zhu planned to undertake his ethical remaking, nor could they have expected the limits of his barbarity.

44 Dardess, 174.

45 Elman, 19.

46 Ibid, 20.

47 Ibid, 18.

48 Charles O. Hucker, "Governmental Organization of the Ming Dynasty," in Bishop, ed., *Studies of Governmental Institutions in Chinese History*.

and by the bureaucracy at large, not to mention that he was rapidly losing popularity with the elite as a whole. Here was a Chinese emperor who did not conform to Confucian standards, and did not even appoint officials based on merit! Confronted with unpopularity on a massive scale and with no way to legitimize himself, Zhu Yuanzhang took two actions. First, he killed most every prominent scholar in China in a succession of massive purges; and second, he forced the living literati to conform to his approved interpretation of the classics, effectively rewriting the canon and restructuring national curriculum.

The Hongwu emperor's reign is often stylized as the "Ming autocracy" because of Zhu Yuanzhang's treatment of the literati class.⁴⁹ His purges were brutal, unexpected, and widespread. There is no way to accurately say how many victims fell under the imperial sword during the 1380s, but Zhu Yuanzhang himself estimated that 50,000 to 70,000 scholars were killed.⁵⁰ Many who were not executed were imprisoned, and "Ming penal repression was unusually savage" in comparison to the Chinese tradition.⁵¹ According to Brook, "the purge in the 1380's was the most horrendous bloodbath of civilian violence in human history to that time, and inflicted a far greater trauma on the educated elite than anything" done before.⁵²

Of course Zhu Yuanzhang needed some literati to help justify his reign and hide his actions after the purge, so he could not kill quite everyone. Now that all his detractors had been silenced, either from death or fear, the scholars spared were taken into the civil service to aid Zhu Yuanzhang in crafting a new image as a sage-emperor. In order to recruit new officials, he sent out sympathetic men to "actively hunt out the best and most promising men from the population at large," to "nominate them for employment."⁵³ By "best and most promising," Zhu Yuanzhang meant anyone classically trained who had not and would not oppose his rule. These newly appointed officials would help to forge the new emperor's image as a sage-emperor from the scattered pieces of the imperial examination system.

First, Zhu Yuanzhang issued his "law beyond the law," the *Dagao*,⁵⁴ in the mid-1380's, to justify imperial violence against criminals, like the so-labeled "treasonous" scholars.⁵⁵ The *Dagao* would be a mandatory text for civil service examinees to memorize.⁵⁶ On top of the *Dagao*, Zhu Yuanzhang began an unprecedented censorship spree. He could not rewrite

49 Elman, 14.

50 Ibid, 21.

51 Dardess, 174.

52 Brook, 90.

53 Dardess, 142.

54 Translated either Great Pronouncements or Great Announcement.

55 Brook, 87 and Elman, 103.

56 Elman, 103.

the classic texts, but he could choose to exclude parts of them, and he could make those loyal to him profess interpretations of the classics pursuant to his interests. One “dangerous” idea after another was glossed over or omitted, like the complete removal of the *Mencius* because it had argued that imperial sovereignty was derived from the people, and Zhu certainly did not want scholars thinking that.⁵⁷ The examination system was put back into place in the mid-1380s, with Zhu Yuanzhang’s amendments. The system rewarded “those who recognized imperial power as the ultimate exercise in “Way learning,” the neo-Confucian doctrine established and enshrined during the Song.⁵⁸ He and his bureaucracy had the final say on the structure of the exams, and he was happy to employ them as a powerful propaganda tool.⁵⁹ He emphasized the Confucian belief that one ought to accept fate contentedly so as to divert any revolutionary feeling.”⁶⁰

When the test did not provide the results that Zhu Yuanzhang wanted, he was ready to intervene.⁶¹ The most famous example was the aftermath of the 1397 exam, in which all graduates of the palatial examination, the highest level of exams, hailed from the southern provinces. Zhu Yuanzhang did not trust the South’s ability to produce so many more scholars than the North, and as a Northerner himself felt particularly connected to what he saw as the North’s simplicity and honesty.⁶² Much of the gentry south of the Yangzi delta had sided with his rivals during his war for the throne, giving him reason for concern.⁶³ Zhu asked the head examiner Liu Sanwu to reread the papers, and he came up with the same result.⁶⁴ “Northern literati just don’t compare to southerners.”⁶⁵ The emperor was furious and decided that the examiners (other than Liu, who was a close personal friend) should all be executed. After his orders were followed and at least two examiners were murdered, the tests were regraded. The result?

57 Ibid, 20.

58 Ibid.

59 Ibid, 22.

60 Dardess, 189.

61 For instance, he chose the 1385 *optimus* – the top scholar, Ding Wian against official recommendation because of a dream he had of nails – *ding* and silk thread – *si*. Ding Wian’s name reminded the emperor of his dream, and ultimately that was much more important than the test results. See Elman, 192.

62 Brook 36-37

63 Elman, 25. For more on why the southern literati was so much better equipped for the examinations, see Elman 25-29 and Brook, 36.

64 And, I like to imagine, probably winked at him. Alas, Liu did not understand.

65 Brook, 37.

All sixty-one graduates were northern.⁶⁶

In sum, Zhu Yuanzhang recognized that the civil service examination system could be used as a tool to secure his own legitimacy, and he willingly employed it as a propaganda tool to try and stabilize his reign after a violent takeover. However, when the results were not what he desired, he followed Mongolian precedent and simply abolished them—only to learn that there was no feasible option to control the aristogeny without the exam other than resorting to brutal violence. Realizing violence's inherent instability, he turned again to the examination system, albeit one that he structured to fit better with his political goals. Even under the later examination system, *jen-tzu* ("protection of sons") and *en-sheng* ("students by grace") were meant to buttress imperial power in appointing officials and further obstruct the aristogeny. Zhu Yuanzhang followed the Mongolian practice of sectionalist rewards by establishing a quota system to better reward northern Chinese at the expense of the southern.⁶⁷ Perhaps Zhu Yuanzhang's violent rise to power was an indication of his style of rule, as it was more sensible to him to murder the literati than learn to control them. If so, the story seemed to repeat itself soon thereafter.

ZHU DI, THE YONGLE EMPEROR (1402-1424)

If Zhu Di had gotten his way, this section would be entitled: "Zhu Di, the Yongle Emperor (1398 – 1424)" rather than "(1402-1424)". Four years, 1398-1402, does not seem like much, but those four years separated Zhu Di from the reputation as usurper on one hand and heir on the other. Like his father Zhu Yuanzhang, Zhu Di rose to the throne by violence. Unlike the Hongwu emperor however, the Yongle did not depose a Mongolian tyrant, but rather fought a civil war against his nephew Zhu Yunwen the Jianwen emperor. Those four years were the years of the war—if they could be erased from the history books after the Yongle's emperor's usurpation, he would be a step closer to legitimation.

Instead of the Yongle emperor's version of the story, the history books speak of the years 1398 – 1402 thus: Zhu Yuanzhang had named his first son heir apparent during the early years of his reign, but the father outlived the son. When the Hongwu emperor's son died in 1392, the rules of primogeniture that structured the Confucian rationale of imperial power as mandated from heaven necessitated that the prince's son Zhu Yunwen would be the next in line for the throne. All of Zhu Yuanzhang's other sons felt cheated by this arrangement, and the emperor gave them each districts of the kingdom to watch over to spread them out and, theoretically, check their influence and prestige. The plan essentially backfired, and, as Zhu

⁶⁶ Ibid.

⁶⁷ Ibid.

Yuanzhang lived out the final years of his reign and his life, his sons were quietly gaining power all around the empire.⁶⁸

In 1398, all seemed to be going according to plan. Zhu Yunwen became the Jianwen emperor, and upon his advisors' recommendations he began to reclaim his uncles' territory in a campaign dubbed the "Weakening the Marcher Lords." Each prince that the Jianwen emperor could track down was demoted, some were arrested, and he most likely prompted the suicide of another.⁶⁹ Zhu Di, the most powerful of Yuanzhang's sons⁷⁰ "asserted military control of the north and opened a three-year civil war with his nephew."⁷¹ Zhu Di's assault was unrelenting, and the capital would eventually fall to him without even putting up a fight.

To justify the war and his usurpation of the throne, Zhu claimed that the South "had fallen into evil ways and he was rescuing the dynasty from the misguidance of self-serving officials."⁷² Jianwen (conveniently) died in an "accidental" fire, an "unfortunate turn of events, not a regicide" according to the official story. Four days later, Zhu Di ascended the throne as the Yongle emperor, and as his father's successor rather than his nephew's.⁷³ The only way for Zhu Di to legitimize his rise to power under that logic was if the Jianwen emperor's reign was completely wiped out of the history books, and he needed the literati's help.

To test the loyalty of the Jianwen emperor's chief advisor, the Yongle emperor told Fang Xiaoru to pen the edict authorizing his ascendance. Fang refused, and was promptly executed – along with 873 of his relatives that the Yongle administration hunted down.⁷⁴ Another prominent scholar of the day, Lian Zining had his tongue cut out for rebuking the Yongle emperor. So the story goes, he wrote a message with his blood asking "where is King Cheng?" the rightful emperor.⁷⁵ In response, Lian was murdered along with his entire family and anyone even remotely connected to his lineage.

Realizing his unpopularity with the literati, the Yongle emperor expanded the education system and offered new rewards to imperial

68 The story of the civil war is told by Brook, 90-93 as well as Elman, 29-30.

69 Yuansheng Liang, *The Legitimation of New Orders: Case Studies in World History* (Hong Kong: Chinese University Press, 2007).

70 Zhu Di had been given Dadu (now Beijing) and was being assisted by many eunuchs who had felt cheated by their treatment under the Hongwu emperor. The political power of the eunuch class in imperial China is a topic far too complex to be treated in this essay.

71 Brook, 91.

72 Ibid, 92.

73 Ibid.

74 Brook, 92 and Elman, 30.

75 Elman, 30.

graduates. First, he brought back the passages of *Mencius* that his father had banned because they could be used to justify his bloody coup.⁷⁶ As the Yongle emperor “had just removed an emperor whom he accused of corruption and immorality,” the “change in heaven’s mandate’ (*tianming*) conveniently served his political needs in ways that his father had foreseen and opposed.”⁷⁷ He then made sure that his updated doctrine was widely spread and emphasized his status as the chief scholar, the head of the literati and the classic sage-emperor.⁷⁸

Propaganda was not quite effective when the most influential men of the country attacked the legitimacy of his claim to the throne, and men like Fang and Lian were widely believed to be heroes and martyrs fighting against a murderer and an unjust usurper. Unfortunately for the Yongle emperor, few of the scholarly class were convinced that he was a sage-emperor; unfortunately for the literati, the Yongle emperor decided to take a few pages out of his father’s book. If the literati would not agree to his interpretations of the classics and they would not accept him as their rightful ruler, he would quietly have the majority of them killed and again revise the canon to suit his needs. Instead of working with the scholars or controlling the class by changing the way examination systems were graded, Zhu Di tried to force all scholars into accepting his doctrine, else they suffered execution.

The story should be familiar. In 1402 alone, at least 10,000 of the literati were killed, along with their families.⁷⁹ Yet another emperor seeking justification for his violent rise to power from a gentry class that did not want to accept him, yet “another bloodbath.”⁸⁰ Just as his father had done, Zhu Di knew that he needed to take advantage of any scholars who would be willing to serve him. He decided to hold a “special literary examination” for all those who had failed the civil service examination recently, and a large proportion passed into his administration.⁸¹ The first task of the new scholars would be to help Zhu Di rewrite the Chinese histories to exclude the Jianwen emperor altogether. His blatant disregard of tradition and propriety when it came to the examination system—utterly ignoring it and implementing his own version—was an affront to the aristogeny and

76 Ibid, 31.

77 Ibid.

78 Ibid, 30-32.

79 Elman, 30. For a specific account of Yongle’s violence against one town, see Dardess 175-184.

80 Brook, 92. It is a telling characteristic of the Yongle emperor that (as of March 20, 2015), the Wikipedia entry devoted to the emperor is divided into: 1) Youth, 2) Ascension, and 3) Terror. See http://en.wikipedia.org/wiki/Yongle_emperor.

81 Elman, 36

perceived as such.

His propaganda written by his new scholars read: “Never before has there been a ruler of such great action, who has been able to clarify the Way of the Six Classics and continue the unity of our previous sages like this.”⁸² Perhaps his most important re-interpretation stemmed from the idea that the classics “stood as a guide to the past and not as a critique of the present. [Their] criticism of ancient tyrants could not be translated into a precedent for the enlightened age of the Ming.”⁸³ Like the Hongwu emperor, the Yongle emperor was canonized as a sage-emperor by his personally appointed intellectual class whose alternative was to be killed. He spent his life trying to prove his claim to the throne, but could never silence his detractors. The Yongle emperor’s total misunderstanding of the examination system forced him to turn to the sword.

LEGACIES

The Hongwu and Yongle emperor were not able to wield the examination system nearly as effectively as their Song and T’ang predecessors or their later Ming or Qing successors. The trick was that the examination system was the means by which they could control the aristogeny—providing the gentry with the prestige and wealth that they desired in return for their support—as well as legitimize their own rule. By the time of the Song, the importance of a Confucian education was acknowledged all over China, and the Emperor shared the status of a Confucian scholar with the literati, neither being able to single-handedly dictate the proper interpretation of the Confucian texts without help from the other. At its most effective, the education and examination system served to validate the Emperor’s right to rule and the gentry’s privilege. For Zhu Yuanzhang and Zhu Di who could not wield the examination system well, violence was the only response they understood to control the aristocracy and stop threats against their authority.

The basic tenets of proper Confucian government argue that the ruler ought to be a sage-emperor. The only people in China who had the power to declare whether or not the emperor deserved that status were the literati. The emperors who understood the necessity to reward scholars with prestige and power and try and make the system more meritocratic in order to benefit themselves may never have been the smartest men in the room, but the emperors had the intellectuals’ support; regardless of an emperor’s merit, with the literati behind him, he could convince the nation

82 Ibid, 39 quoting *Da-Ming Taizong Wen huangdi shilu* [Veritable Records of the Yongle emperor] (Ming edition) (Taipei: Academic Sinica, n.d.), 128.2a-4a.

83 Elman, 40.

that he deserved to reign. When the powers didn't work together however, Chinese politics would be rocked by violence. The real purpose of the Chinese civil service examination was thus to find the best-versed men in the country that would be willing to affirm the imperial power and recruit them to do just that.

The emperor didn't have to be one of the smartest men in the country: he just had to have their support. To pass a test was to secure privilege and power for the Ming gentry, and to pass the literati's test (i.e. to win their approval) was to be legitimized as emperor.

VERONICA FRANCO AND THE ‘CORTIGIANE ONESTE’: ATTAINING POWER THROUGH PROSTITUTION IN SIXTEENTH-CENTURY VENICE

Introduction by Professor Jessica Riskin

Born in 1546 to a Venetian family of limited means, Veronica Franco ultimately followed the path her own mother had taken and became a ‘cortigiana onesta’ or “honest courtesan.” The name distinguished women such as Franco from a lower order of street-walking prostitutes; the cortigiane oneste displayed aristocratic manners, were highly educated and culturally accomplished, and attracted clients from the highest ranks of society. Franco was a published author, a poet, and counted the King of France among her lovers. This case study deftly uses Franco’s story to examine the limited yet complex social possibilities open to a 16th-century Venetian woman without means except for, to use an anachronistic term, “cultural capital.” Arielle Sison finds a fascinating, exceptional area of flexibility and blurred boundaries in an otherwise categorical early modern social world.

Veronica Franco and the 'Cortigiane Oneste': Attaining Power through Prostitution in Sixteenth-Century Venice

Arielle Sison

Among the most educated women in society, among the only women to interact in the male-dominated public sphere, and yet arguably the most subjugated women in sixteenth-century Venice, the *cortigiane oneste* ("honest courtesans") both upheld and transcended the female gender roles designated for them by the traditional, Catholic, patriarchal society in which they lived. Prostitution may be the oldest profession in human history, but the *cortigiane oneste* used their advanced education and higher social standing to elevate their status above that of the *cortigiane di lume* ("courtesan of light"), a lower class of courtesan who catered to the middle classes, and the *meretrice* ("harlots") who sold their wares under the bridges of the lagoon city. The economic and cultural climate of 16th century Venice facilitated the *cortigiane oneste's* emergence as relative power players among societal elites, and allowed these women to transcend the barrier between the female private sphere and the male public sphere, but did so at the sacrifice of their reputations in respectable society.

Perhaps the most famous member of this class of courtesans, Veronica Franco used her connections in the private sphere of the bedrooms of the Venetian elite to gain access to the public sphere of art, culture, and politics and to find success as a published poet. Born to a *cittadino* ("citizen") family in 1546 in Venice, Veronica Franco, despite having the coveted legal status of a citizen of the republic, lacked both power and wealth. In the early 1560s, she had an arranged marriage to a local doctor, Paolo Panizza, but quickly separated from him due to undisclosed circumstances.¹ Shortly thereafter, Franco's own mother, who had herself turned to the life of a courtesan to support the family, "owing to financial necessity, introduced her daughter to the profession in order to support herself."² However, despite being forced to become a courtesan, Veronica Franco soon came to be one of the most successful in the class of the *cortigiane oneste*, catering to senators, cardinals, academics, and even kings. Franco's

1 Margaret F. Rosenthal, "Franco, Veronica (1546-1591), Venetian Courtesan Poet." Chicago: University of Chicago Library. Online biography. <http://www.lib.uchicago.edu/efts/IWW/BIOS/A0017.html>.

2 Rosenthal, "Veronica Franco's Terze Rime: the Venetian Courtesan's Defense," *Renaissance Quarterly*, Vol. 42, No. 2 (Summer, 1989): 236.

life reflects the larger cultural experience of the *cortigiane oneste*: she was a beautiful educated woman who turned to prostitution during a moment of financial distress; she gained access to intellectual circles and made connections with prominent figures in the Venetian court; and she used her position to gain a modicum of political, financial, and literary power. This expression of power in a female challenged the gender norms of early modern society, casting the *cortigiane oneste* into a paradoxical role of not quite female and definitely not male, despite having characteristics assigned to both: “A woman who attempted to rule in her own right was perceived as an anomaly, a monster, at once a deformed woman and an insufficient male, sexually confused and, consequently, unsafe.”³ It is this point of social ambiguity that makes the *cortigiane oneste* a fascinating case study through which to explore the relationships between knowledge, sex, and power in early modern Venetian society.

Veronica Franco and the other “honest courtesans” occupied a liminal space in 16th century Venetian society by creating their own domain within the public sphere that was traditionally closed to them by virtue of their gender. The decline in marriage rates in the early modern period forced many daughters of the *cittadino* class to turn to courtesantry, their high social class gave them the humanist education that made them desirable by the elites of society, and the prosperity of Venice at this time allowed them to be selective in choosing their clientele. While no woman would voluntarily choose to become a courtesan, the *cortigiane oneste* were able to derive from this position a unique power in society to engage with and influence the Venetian elite, which would have denied to them if they had chosen a conventional path, such as marriage or entering the convent, rather than working as prostitutes. This is not to say that they were the *only* powerful women in society, but that the *cortigiane oneste* were given the agency to project their power *directly* in the public sphere, while married noblewomen and princesses (such as the great Catherine de Medici) needed to act *indirectly* through influencing their husbands or sons. In prostitution, it is generally accepted that the man holds all of the power over the woman; however, Veronica Franco and the other *cortigiane oneste* should be recognized for their ability to partially reverse of the direction of power dynamics in 16th century Venice. For the *cortigiane oneste*, prostitution was actually the one role through which they could access the public sphere, obtain and exert their power, and influence the world around them. In the salons and bedrooms of the Venetian elite, the *cortigiane oneste* were able to make powerful social connections to secure patronage for the publication

3 Rabil Jr., Albert and Margaret L. King, “The Other Voice in Early Modern Europe: Introduction to the Series,” in Cox, ed., *The Worth of Women: Wherein Is Clearly Revealed Their Nobility and Their Superiority to Men*, xxiii.

of their literary work. This gift of the power of language and a public forum facilitated their emergence as an influential female group operating outside of the traditional gender norms of a patriarchal society.

WOMEN IN SIXTEENTH-CENTURY VENICE: WIVES, NUNS, AND WHORES

Sixteenth-century Venice was defined by a traditional patriarchal system of gender roles and norms in which men occupied the public sphere of politics, art, and culture, while women were relegated to the private sphere of the household. As identified by historian Guido Ruggiero, women born into the higher classes of society were typically given only "three options—life as a nun, as a wife, and as a whore."⁴ The virtuous occupations were those of the nun or the wife, but only the life of the whore could give women any autonomy, as "women possessed virtually no political power of their own."⁵ Nuns, upon entering the convent, relinquished their claims to all worldly pleasures and committed themselves to serving the Catholic Church. They had little interaction with men in the public sphere and so were too far removed from the elites of society to exert any power over them. Married women, on the other hand, typically maintained control of the daily operations within the household and held considerable power "within the social and economic structures of the family" but "noble-women's opportunities for constructive public or political interactions were virtually nonexistent."⁶

In his work entitled *Declamation on the Nobility and Preeminence of the Female Sex*, published in 1509, Henricus Cornelius Agrippa, a German scientist and writer, sympathizes with the plight of women under the contemporary social system which subjugated women to men as a result of unjust laws and social conditioning:

For as soon as she is born, a woman is confined in idleness at home from her earliest years, and, as if incapable of functions more important, she has no other prospect than needle and thread. Further, when she has reached the age of puberty, she is delivered over to the jealous power of a husband, or she is enclosed forever in a workhouse of for religious. She is forbidden by law to hold public office; even the shrewdest among them are not

4 Guido Ruggiero, *Binding Passions: Tales of Magic, Marriage, and Power At the End of the Renaissance* (New York: Oxford University Press, 1993), 25.

5 Rosenthal, *The Honest Courtesan: Veronica Franco, Citizen and Writer In Sixteenth-Century Venice* (Chicago: University of Chicago Press, 1992), 15.

6 *Ibid.*, 68.

permitted to bring a suit in court.⁷

Agrippa's description of the realities of women living under a system of female oppression highlights the traditional attitude of early modern Europe towards male-female power dynamics, as women continued to be denied access to public or political life. Any influence they wished to exercise in the public sphere had to be funneled through their husbands or, if widowed, their sons.⁸ Marriage was considered to be the foundation of civil society, a means of social reproduction to maintain the status of a patrician family.⁹ Women in this society were considered to be "objects of exchange,"¹⁰ moving from the control of their fathers to that of their husbands upon marriage, who monitored their activities, finances, and social interactions.¹¹ The *cortigiane oneste*, by contrast, were actively involved in public affairs and could establish financial and social independence by maintaining control of their clientele, their schedules, and their money.¹² However, it is important to note that despite technically being 'free' from the constraints imposed upon patrician women's lives by dominant patriarchal ideologies, few courtesans voluntarily chose a life of prostitution; a shrinking marriage market and financial distress forced many to become courtesans.¹³

The greater economic prosperity of the sixteenth century allowed for upward social mobility by the middle classes, thereby threatening the social hierarchy of Venice by reducing the wealth gap between the old-moneyed elite and the newly-rich merchants who sought entrance

7 Henricus Cornelius Agrippa, *Declamation on the Nobility and Preeminence of the Female Sex*, trans. and ed., Albert Rabil (Chicago: University of Chicago Press, 1996), 95.

8 Carole Levin and Alicia Meyer, "Women and Political Power in Early Modern Europe," in Poska et. al, eds., *The Ashgate Research Companion to Women and Gender in Early Modern Europe* (Farnham: Ashgate Publishing, 2013), 345.

9 Allyson M. Poska, "Upending Patriarchy: Rethinking Marriage and Family in Early Modern Europe," in Poska et. al, *The Ashgate Research Companion to Women and Gender in Early Modern Europe*, 195.

10 Jutta G. Sperling, "The Economics and Politics of Marriage," in Poska et. al, eds., *The Ashgate Research Companion to Women and Gender in Early Modern Europe*, 216.

11 Lyndan Warner, "Before the Law," in Poska et. al, eds., *The Ashgate Research Companion to Women and Gender in Early Modern Europe*, 239.

12 Drew E. Davies, "On Music Fit for a Courtesan: Representations of the Courtesan and Her Music in Sixteenth-Century Italy," in Martha Feldman and Bonnie Gordon, eds., *The Courtesan's Arts: Cross-Cultural Perspectives* (Oxford: Oxford University Press, 2006), 146.

13 Rosenthal, *The Honest Courtesan*, 58.

to their inner circles.¹⁴ The anxiety of the old-moneyed elite to maintain class power contributed to the rise of the courtesans in Venice, due to the restriction of marriages in the patrician class to “one male per generation in order to protect the family patrimony from the economic dangers of fragmentation.”¹⁵ With fewer noblemen committing to marriage, more and more women of the *cittadino* class were turning to the life of courtesan to support their families, since they could not rely on being able to obtain a husband for financial security. The influx of unmarried men in the city created a demand for the courtesans, and “localities that allowed prostitution did so to provide social non-disruptive sexual opportunities” so that these men would not pursue married women or become entrapped by women of lower status who would purposefully become pregnant in the hopes of securing a marriage or at least financial support.¹⁶ The industrialization and economic prosperity of the late Middle Ages and early modern period facilitated the emergence of a higher class of prostitute who was not bound by financial necessity to accept just any clients.¹⁷ The *cortigiane oneste* were no ordinary prostitutes, their ability to charge such exorbitant prices and be so selective with their clients speaks to a special kind of power unexpected of a sex worker.¹⁸ Part of what made courtesans so desirable was how they wielded their ‘power of surrender,’ maximizing what little power they had by granting or withholding sexual access to their bodies.¹⁹ While virginity was a woman’s greatest asset in a marriage agreement, by wielding their sexuality, the courtesans were able to derive power in the bedroom that could be translated out into the public sphere.²⁰ However, this sexual power was only part of the appeal of the *cortigiane oneste*; it can be argued that the

14 Alexander Cowan, *Women Marriage and Social Distinction in Early Modern Venice* (Abingdon, Oxon, GBR: Ashgate Publishing Ltd, 2007), 2-3.

15 *Ibid.*, 151-152.

16 Katherine Crawford, “Permanent Impermanence: Continuity and Rupture in Early Modern Sexuality Studies,” in Poska et. al, eds., *The Ashgate Research Companion to Women and Gender in Early Modern Europe*, 269.

17 Daniella Rossi, “Controlling Courtesans: Lorenzo Venier’s Trentuno Della Zaffetta and Venetian Sexual Politics,” in Allison Levy, ed., *Sex Acts In Early Modern Italy: Practice, Performance, Perversion, Punishment* (Farnham: Ashgate, 2010), 225.

18 Ruth M. Karras, “Sex and the Singlewomen,” in Judith Bennet and Amy Froide, eds., *Single Women in the European Past, 1250-1800* (Philadelphia: University of Pennsylvania Press, 1998), 136.

19 Mariana Valverde, *Sex, Power and Pleasure* (Philadelphia: New Society Publishers, 1987), 40-44.

20 Gordon, “The Courtesan’s Singing Body as Cultural Capital in Seventeenth Century Italy,” in Feldman and Gordon, eds., *The Courtesan’s Arts: Cross-Cultural Perspectives*, 188.

most desirable aspect of the “honored courtesan” and real source of their power was their “fine verse, wise thought, witticisms, and sensual speech” that made them engaging to interact with.²¹

Consequently, Venetian society in the sixteenth century operated on a peculiar paradox that “alternately idolized and denigrated” courtesans.²² Predominantly, it was a traditional patriarchy with fixed gender roles for men and women; however, it not only accepted the practice of prostitution, but at times even promoted the *cortigiane oneste* as representatives of Venetian freedom and tolerance used to attract visitors to the floating city: “While the Venetians officially only condoned sex within marriage, and publicly esteemed modesty and chastity above all, they actually prized status and access to capital resources even more.”²³ These “honored courtesans” found their niche straddling this line, dually conforming to traditional gender roles through their subjugation as sex workers and subverting them by rejecting the options typically chosen by women of the higher *cittadino* social class. As women from this social class, graced with a more advanced humanist education than was available to those from working class families, the *cortigiane oneste* were primed for lives as the wives of noblemen or as nuns in the service of their Catholic God, but became courtesans out of necessity. In northern Italy, Venice particularly, “it was not completely unusual for the daughters of well-established noble and bourgeois families to be educated” because in a highly competitive marriage market, a “thorough humanist education” became a form of cultural capital that could attract a husband.²⁴ Veronica Franco was given an excellent education with her brothers from private tutors, training that was intended to make her marriageable but ultimately served the function of facilitating her transition into courtesantry.²⁵ Without this education and understanding of the social dynamics of Venetian society, the courtesans would not have been able to elevate themselves above the common prostitutes. Knowledge yielded power for the *cortigiane oneste* to achieve political influence, financial ‘independence,’ and in the case of Veronica Franco, literary fame, in the

21 Feldman, “The Courtesan’s Voice: Petrarchan Lovers, Pop Philosophy, and Oral Traditions,” in Feldman and Gordon, eds., *The Courtesan’s Arts: Cross-Cultural Perspectives*, 104.

22 Courtney Quaintance, “Defaming the Courtesan: Satire and Invective in Sixteenth-Century Italy,” in Feldman and Gordon, eds., *The Courtesan’s Arts: Cross-Cultural Perspectives*, 202.

23 Cowan, *Women, Marriage and Social Distinction*, 150.

24 Jacqueline Broad and Karen Green, “Women of the Italian Renaissance,” in Broad and Green, eds., *A History of Women’s Political Thought in Europe, 1400-1700* (Cambridge: Cambridge University Press, 2009), 38, 40.

25 Rosenthal, “Franco, Veronica,” <http://www.lib.uchicago.edu/efts/IWW/BIOS/A0017.html>.

public sphere of men.

VERONICA FRANCO: KNOWLEDGE AS POWER VIA PROSTITUTION

Veronica Franco was arguably the most successful *cortigiana onesta* in Venetian history, famous for both her sexual acts such as spending the night with the future King of France, Henry III, as well as her volumes of published poems and letters through which she tried to claim the respect of polite society. The case study of Veronica Franco shows that 1) it was the *cortigiane oneste's* humanist education and mastery of conversation that created the foundation of their power, and that 2) they would not have been able to exercise this power if they had not used their sexuality to transcend the boundary between the private and public spheres defined by traditional gender roles. Through her profession as a sex worker, Franco met Domenico Venier, head of one of the most prestigious academic salons in Venice (who notably also played patron to other female 'performers' such as Francheschnia Bellamano, a singer,²⁶ and Gaspara Stampa, another poet),²⁷ but by the gracefulness of her verse, she was able to obtain him as a patron for her literary work, which she was able to then publish in a volume of 25 *capitoli* ("chapters") titled *Terze Rime* ("Third Rhymes") in 1575. Franco wielded her art as power, her poetry as a "means to legitimacy" through which she could "project any fiction of herself she desired to the world," thereby defining herself and other *cortigiane oneste* in her own words.²⁸ In addition, admittance to his salon gave her access to a wide range of societal elites with whom she interacted directly, as evidenced by the personal correspondence chronicled in her volume of letters, *Lettere Familiari a Diversi* ("Familiar Letters to Various People"), published in 1580. Through these connections, Franco was able to publish and distribute her original poems and letters, which she used as a vehicle to define her own self-representation and advocate for the fair treatment of not only the *cortigiane oneste* but women in general.

Franco's published poems and letters add nuance to the "traditional history" of male contemporaries such as playwright and satirist Pietro Arentino, who depicted courtesans as "mercenary, deceitful, foreign,

26 Feldman, "The Courtesan's Voice," 110.

27 Dawn De Rycke, "On Hearing the Courtesan in a Gift of Song: The Venetian Case of Gaspara Stampa," in Feldman and Gordon, eds., *The Courtesan's Arts: Cross-Cultural Perspectives*, 126.

28 Fiora A. Bassanese, "Private Lives and Public Lies: Texts by Courtesans of the Italian Renaissance," *Texas Studies in Literature and Language* Vol. 30, No. 3 (Fall 1988), 311.

mobile, raucous, [and] undeferential.”²⁹ A contributor to the negative stereotype of the *cortigiane oneste*, Aretino published a satirical comedy, *Il Dialogo* (“The Dialogue”), in 1536 in which he Aretino described a conversation between a former Roman courtesan, Nanna, and her daughter, Pippa, who wishes to enter the profession. Here, in a selection of quotes from their dialogue, Nanna instructs her daughter in the most effective way to seduce men and, more importantly, lighten their purses:

Nanna: Whores don’t have as much wit as they have malice, and, when they’ve put up with it for six, seven or ten years, people eventually wise up because of the treacheries and betrayals they’ve been subjected to day and night, and send them off to the pillory.³⁰

Nanna: But, above all, study deceit and flattery as I’ve told you, because these are the frills that help you to earn a living....The cornerstone of a whore’s art is knowing how to feed gammon to the gullible.³¹

Nanna: A woman who knows how to hoodwink them will be able to shear them right down to the hide—they’re actually just dupes with honorable and pleasant manners.³²

Nanna: If I, the most wicked and villainous whore in all of Rome, in fact in all of Italy, or the world even, managed to get myself covered with gold rather than cooper, whilst doing evil, speaking worse, betraying friends and foes and well-wishers without a second thought, imagine what you can achieve, if you just follow my teaching.³³

Pippa: I like all this lazing around for profit and grandeur.³⁴

The two women are crass and manipulative, the very opposite of demure and docile married noblewomen, disregarding the cultural value placed on Pippa’s virginity and instead voluntarily seeking out a living in prostitution. It is notable that he refers to them as “whores” instead of “courtesans” and downgrades their wit to mere manipulation, trying to diminish the importance of their knowledge and education. In this dialogue, Aretino does not recognize the different categories of prostitutes—not differentiating between the *meretrice*, the *cortigiane di lume*, and the *cortigiane oneste*—

29 Elizabeth S. Cohen, “Women on the Margins,” in Poska et. al, eds., *The Ashgate Research Companion to Women and Gender in Early Modern Europe*, 324.

30 Pietro Aretino, *The School of Whoredom*, translated by Rosa Maria Falvo, Alessandro Gallenzi, & Rebecca Skipwith. (London: Hesperus Press, 2003), 5.

31 Ibid, 27.

32 Ibid, 45.

33 Ibid, 71.

34 Ibid, 82.

conflating all women who make a living off of their bodies, as simply self-ish, greedy, and manipulative.³⁵ Aretino's portrayal of prostitutes epitomizes the view of the traditional historian, the perspective of a wealthy, privileged man who spoke on behalf of the women he wrote about instead of offering a true representation of their perspective.

Roughly forty years after Aretino's *Dialogo*, in her *Lettere Familiari a Diversi*, Veronica Franco used her writing to combat the stereotype presented by Aretino and instead promote an image of the *cortigiana onesta* as beautiful, smart, and well-mannered. In Letter 22, Franco warned a friend against turning her daughter into a courtesan:

Now, finally, I wanted to be sure to write you these lines, urging you again to beware of what you're doing and not to slaughter in one stroke your soul and your reputation, along with your daughter's—who, considered from the purely carnal point of view, is really not very beautiful (to say the least, for my eyes don't deceive me) and has so little grace and wit in conversation that you'll break her neck expecting her to do well in the courtesan's profession, which is hard enough to succeed in even if a woman has beauty, style, good judgment, and proficiency in many skills. And just imagine a young woman who lacks many of these qualities or has them only to an average degree! And because, persisting in your error, you might say that such matters depend on chance, I reply first that there's nothing worse that can be done in life than to let oneself become a plaything of fortune, which can as easily or more easily hand out evil as good. But anyone with good sense, to avoid being deceived in the end, builds her hopes on what she has inside her and on what she might be able to make of herself.³⁶

As a woman forced her into the life of a courtesan by her mother, Veronica Franco understood better than anyone what it was like being “a plaything of fortune,” but as this passage declares, she used her position as a *cortigiana onesta* to “build her hopes on what she has inside her” and ultimately re-fashioned herself as a poet first and a courtesan second. In direct contrast to Aretino's portrayal, Franco clearly identifies an elite class of prostitutes, the *cortigiane oneste*, who are distinguished from their lower-class counterparts, the *cortigiane di lume* and the *meretrice*.

35 Guido Ruggiero, “Who's Afraid of Giulia Napolitana? Pleasure, Fear, and Imagining the Arts of the Renaissance Courtesan,” in Feldman and Gordon, eds., *The Courtesan's Arts: Cross-Cultural Perspectives*, 284.

36 Veronica Franco, “Letter 22: A Warning to a Mother Considering Turning Her Daughter into a Courtesan,” in Ann Jones and Margaret Rosenthal, eds., *Poems and Selected Letters* (Chicago: University of Chicago Press, 1998), 39.

By focusing on their *virtues* rather than their *sins*,³⁷ Franco attempts to elevate the status of the *cortigiane oneste*, women whose standards of social advancement resembled those required of the male courtier, above that of other prostitutes who relied on sexual favors in exchange for monetary reward as the means of their survival.³⁸ Here, Franco makes the case that for this particular class of courtesans, their true means of power was their humanist education, not their sexual prowess. While she does not deny eroticism as a necessary tool of her trade, in this self-representation, Franco characterizes it as a means to an end that culminates in patronage, interaction in the public sphere, and literary fame for her intellectual activities.³⁹ The “honored courtesans” are named as such because, despite their role as sex workers, they, in the words of historian Rosenthal, make their living from their ‘virtues’ as “highly sophisticated conversationalists and cunning rhetoricians, and [from] their dexterity at navigating their way through a loosely organized maze of social structures and class hierarchies.”⁴⁰ Veronica Franco was arguably the most successful of the *cortigiane oneste* and her life exemplifies the experience of many honored courtesans in 16th century Venetian society, such as Tullia d’Aragona, Gaspara Stampa, Lucrezia Squarcia, and Fiammetta Malaspina Soderini.

In addition to allowing her the opportunity to provide “the other voice” and define her own self-portrait, Franco’s literary fame enabled her to act as an authoritative voice speaking on behalf of and in defense of all courtesans. In her *Terze Rime*, Franco demonstrates independent female agency by calling out specific men in society who tried to victimize her and other courtesans, and shaming them for lack of adherence to the social code is supposed to govern their lives. It was this agency, this power founded in her literacy and allowed in the public sphere through her connections made via prostitution, that made her dangerous to the patriarchal system of 16th century Venice. By claiming agency, “she retains stereotypically masculine traits...and appears as an armed warrior, ready to defeat her male rivals in war or words” with her pen as her weapon of choice.⁴¹ Courtesans were not restricted by the rules of traditional gender roles, as they operated outside of respectable society, and therefore their voices were not hampered by the filters of a husband or a son. The *cortigiane oneste* maintained their own powers of literacy and speech, unregulated by traditional norms and uncontrolled by the men of society.

37 Davies, “On Music Fit for a Courtesan,” 147.

38 Rosenthal, *The Honest Courtesan*, 65.

39 Ibid, 61.

40 Ibid, 2.

41 Justin Flosi, “On Locating the Courtesan in Italian Lyric: Distance and the Madrigal Texts of Constanzo Festa,” in Feldman and Gordon, eds., *The Courtesan’s Arts : Cross-Cultural Perspectives*, 137.

They were a threat to Venetian society because “the civic and sexual freedom courtesans gained by such relationships was almost masculine in nature, and this changing character of Venice’s public arena greatly confused traditional sexual roles.”⁴² By escaping the private sphere, the conventional domain of married noblewomen and nuns, courtesans challenged the social hierarchy by utilizing sex to gain access to the public sphere where they exercised their true source of power, their education, in the domain of noblemen and political elites. As historian Elizabeth Horodowich, an expert on early modern Venice and the power of language, phrases it, “a woman’s accessibility to the social world beyond the household through speech was seen as intimately connected to the scandalous openness of her body.”⁴³ Access to the public sphere of men and the expression of their personal thoughts and opinions was in a way, the symbolic representation of their sexual prostitution: “A woman who ‘spoke’ therefore took possession of her own body and sexuality—a dangerous notion in a society based on chastity and patriarchal control.”⁴⁴ While in other Italian cities, married noblewomen such as Vittoria Colonna, Veronica Gambara, and Chicara Matraini were able to freely write and publish their poetry, the heavy emphasis on status and the social hierarchy of Venetian society necessitated the continued subordination of its patrician women to their husbands; therefore, only women like Veronica Franco *outside* of respectable society could succeed publicly as poets.⁴⁵

For example, Moderata Fonte, a married Venetian poet, was forced to publish her poems anonymously and her most influential work *Il Merito delle Donne* (“The Worth of Women”) only achieved publication in 1600, eight years after her death.⁴⁶ While a talented writer and poet like Franco, she was not able to see her work published under her own name during her life time because a dominant understanding at the time stated that “an eloquent woman was reputedly unchaste; a learned lady threatened male pride.”⁴⁷ Women, as wives “belonged” under the control of their husbands; publishing under their own names would call into question the male’s ability to manage his wife and his masculinity by extension. “While

42 Rossi, “Controlling Courtesans,” 225.

43 Elizabeth Horodowich, *Language and Statecraft In Early Modern Venice* (Cambridge: Cambridge University Press, 2008), 169.

44 Horodowich, *Language and Statecraft In Early Modern Venice*, 172.

45 Virginia Cox, “Moderata Fonte and ‘The Worth of Women,’” in Cox, ed., *The Worth of Women: Wherein Is Clearly Revealed Their Nobility and Their Superiority to Men* (Chicago: University of Chicago Press, 1997), 3.

46 *Ibid.*, 1-2.

47 Barbara Whitehead, “Introduction,” in Whitehead, ed., *Women’s Education in Early Modern Europe: A History, 1500-1800* (London: Routledge, 1999), x.

men's 'public sphere' brought them honour and prestige, to be designated a 'public woman' was to be called a whore."⁴⁸ However, as this statement from Fonte's fictional work demonstrates, married noblewomen did not lack for political opinions:

"You've got it all wrong," Corinna retorted. "On the contrary, the woman when she marries has to take on the expense of children and other worries; she's more in need of acquiring money than giving it away. Because if she were alone, without a husband, she could live like a queen on her dowry (more or less so, of course, according to her social position). But when she takes a husband, especially if he's poor, as is often the case, what exactly does she gain from it, except that instead of being her own mistress and the mistress of her own money, she becomes a slave, and loses her liberty and, along with her liberty, her control over her own property, surrendering all she has to the man who has bought her, and putting everything in his hands—so that he can run through the lot in a week? Look what a good deal marriage is for women! They lose their property, lose themselves, and get nothing in return, except children to trouble them and the rule of a man, who orders them about at his will."⁴⁹

For a woman of the patrician class to criticize the dowry system, to contemplate life as a single independent woman, and to make the grand claim that marriage was akin to slavery, all reinforce what should be an obvious claim: that noblewomen were capable of political thought and had a mind to reform the system which so disadvantaged them. What they lacked were the means to do so by bringing their private thoughts into a public forum within their own lifetimes. Niccolo Doglioni, Fonte's friend and uncle by marriage, in the introduction to her volume, speculated that while she was gifted poet, "her literary output was restricted by her domestic duties and by the tyranny of 'the misguided belief in this city that women should excel in nothing but the running of their households.'"⁵⁰ While noblewomen such as Fonte may have possessed the same humanist education as the *cortigiane oneste*, what they lacked was the freedom from the "rigorous codes of decorum" that hindered them from achieving the same literary fame that courtesan-poets like Veronica Franco were able to garner.

In contrast, as a public woman *and* a whore, Veronica Franco had little fear of the social standards of polite society and not only criticized the patriarchal system in general terms, but called out specific men for their abuses to herself personally and to other *cortigiane oneste* in her *Terze Rime*.

48 Levin and Meyer, "Women and Political Power," 345.

49 Moderata Fonte, *The Worth of Women: Wherein Is Clearly Revealed Their Nobility and Their Superiority to Men*, Cox, ed., 113-114.

50 Cox, "Moderata Fonte and 'The Worth of Women,'" 2.

In "Capitolo 16: A Challenge to a Poet Who Has Defamed Her," Franco responds to a poem written by Maffio Venier, fellow poet and relative of her patron, Domenico Venier, which takes a similar tone to Aretino's work and maligns Franco as a *puttana* ("common whore"), utilizing the most vulgar and derogatory name to position her below even the *meretrice* ("harlots"). Franco's direct and public retaliation against such an inflammatory attack showcases 1) her literary prowess; 2) her social connections that made her comfortable exercising this power to defend herself against a foe who would traditionally be considered her social better; and 3) her prominent public social position, given that she "was considered threatening enough to be the subject of such forceful condemnation."⁵¹

It is not a brave knight's gallant deed
 (if, gentle sir, you permit me
 this time to declare the truth),
 it is not the deed of a knight who's gathered
 lofty virtue in his undefeated heart
 and set his mind entirely on honor,
 with insidious and hidden weapons
 to strike without warning an unarmed woman
 and to deal her blows that mean her death. ...
 You will have nowhere to run from me
 for I am prepared for any test of skill
 and I wait impatiently to start the fight. You may choose the lan-
 guage of every day,
 or whatever other idiom you please,
 for I have had practice in them all;
 and if you do not write me a response,
 I will say that you feel great fear of me, even though you think
 yourself so brave.⁵²

These two sections of Veronica Franco's "Capitolo 16" demonstrate the power of the *cortigiane oneste*, who, unlike most other women in society, were empowered to speak out directly and publically against men who sought to denigrate them. Franco's ability to write made her an "active agent of communication" and gave her "a means to pursue personal ends," which in this case, meant advancing not only her own self-representation of a virtuous prostitute but also advocating for fair treatment by men for the entire class of *cortigiane oneste*.⁵³

51 Quaintance, "Defaming the Courtesan," 206.

52 Franco, "Capitolo 16: A Challenge to a Poet Who Has Defamed Her," in Jones and Rosenthal, eds., *Poems and Selected Letters*, lines 1-9 and 196-204, 161-171.

53 Sharon T. Strocchia, "Learning the Virtues: Convent Schools and Female Culture in Renaissance Florence," in Whitehead, ed., *Women's Educa-*

While the subjugation of women to men was characteristic of early modern Venice, the “honored courtesans” lived by different social rules and therefore were able to use their voices to combat the imposition of the traditional gender schema upon them in a way that married noblemen or nuns could not. The first excerpt once again harkens back to Franco’s self-portrait of the “honored courtesan,” as a woman who, despite “not [being] subject to the strict social, familial, and class ideologies governing patrician women’s lives and activities,” still seeks to hold others to a courtly code of honor.⁵⁴ Here, she challenges Venier to defend his actions against her and seeks even to propose that she, a courtesan, is more honorable than a nobleman of the patrician class. The second excerpt reveals the power that Franco believes she derives from her literary ability. Since Maffio Venier has chosen to attack her through written verse, she declares herself ready to respond in kind, wielding her intelligence as her source of power and her pen as her weapon. This literary exchange of calculated insults demonstrates how Franco saw her power as derived from her intelligence, rather than her sexual prowess. For while she could have opted to call upon one of her lovers to exact vengeance on her behalf, she instead chose to respond in a way that made Venier recognize her as an equal, at least on the basis of literary ability and displays of wit—a serious blow to traditional gender norms. This exchange is only one part of a larger phenomenon, as more and more male writers became jealous and insecure more women, such as Tullia d’Aragona, a poet, author, and courtesan, “entered the literary sphere and made use of the new power of print.”⁵⁵

Historian Elizabeth Horodowich highlights the political agency that courtesans were enabled to wield through speech because of their freedom from traditional gender norms: “In her speech, writing, and public presentation, Franco occupied a political position—one that Venetian patrician women never did—as the state’s feminine voice, going so far as to state that she defended and spoke ‘for all women.’”⁵⁶ Her self-defense in “Capitolo 16” and well as her defense of a fellow courtesan against a lover who had beaten her in “Capitolo 24: Franco, to a Man Who Has Insulted a Woman,” define Veronica Franco’s political voice:

Arguing on this basis, it is well known
 how much the civility of a gentleman
 detests an offense made to our sex.
 And don’t believe that I speak this way now
 with any purpose except to show you
 how much attacking a woman is an obvious sin. ...

tion in Early Modern Europe: A History, 1500-1800, 33.

54 Rosenthal, *The Honest Courtesan*, 58.

55 Quaintance, “Defaming the Courtesan,” 205.

56 Horodowich, *Language and Statecraft In Early Modern Venice*, 204.

Forgive me if in this I insist too much
 on your faults; for I certainly don't claim
 to understand you better than anyone else;
 but what I am now to explain
 is how much to his shame a man is deluded
 who enters into contention with women;
 for certainly all the damage is his:
 if he wins, it's bad, and worse if he's vanquished;
 the risk is certain and the suffering infinite.⁵⁷

The moral authority with which she addresses this man who physically abused another courtesan and the logical manner in which she argues against men attacking women speaks to Franco's power in the public sphere. She has established herself as the defender of the *cortigiane oneste* and women in general; through the literary fame gained with the connections made via prostitution, she has both the audience and the authority to publically reproach a man for wrongdoings. She was arguably one of the only women in society who could have done so because she was not fundamentally dependent upon any man and could therefore take on the "masculine" virtue of public speech. In this way, Franco was able to succeed where Moderata Fonte was not, and was able to become the public voice of the *cortigiane oneste* and women in general.

Beyond the feminist defenses in her poetry, Franco maintained a more cordial role in interactions with other patrician men. Most of her letters in her *Lettere Familiari a Diversi* are personal correspondences with upper-class males such as Henry III, king of France; Domenico Venier, one of her patrons; and Jacopo Tintoretto, the famous Italian painter. In all of these letters, she offers "the kind of moral, social, and ethical advice appropriate to their social status" and in doing so she "shuns the passive role of recipient of patriarchal advice, a part traditionally assigned women, who were denied access to civic and political arenas where important decisions were made for all citizens."⁵⁸ Just as she tried to make Venier accept her as his literary equal through her poetry, so Franco attempted to derive respect as an adviser and confidant to the movers and shakers of 16th century Venetian society through personal correspondence. Veronica Franco's power over words and her ability to articulate intelligent and insightful thoughts challenged the widely held belief that women's minds were inherently inferior to men's and "implied in many ways [female] power in the world and over men."⁵⁹

57 Franco, "Capitolo 24: Franco, to a Man Who Has Insulted a Woman," in Jones and Rosenthal, eds., *Poems and Selected Letters*, lines 112-117 and 130-138, 249.

58 Rosenthal, *The Honest Courtesan*, 118.

59 Ruggiero, *Binding Passions*, 45.

Franco's literary fame and profession as a sex worker also allowed her freedoms in other aspects of her life, most notably financial independence and the ability to enact her proto-feminist advocacy off of the page. As a literate single woman and in control of her own finances, Franco had the "ability to manage and protect personal and family property, whether in the form of dowry, real estate, or banking networks."⁶⁰ Throughout her lifetime, Veronica Franco gave birth to six children (all to different men), three of whom survived to adulthood. In addition to her children, she supported herself, her mother, and a large household of servants and tutors.⁶¹ As the head of her own household, she maintained the financial freedom akin to that of a widowed noblewoman, who "could sell goods, contract debts, loan money, transfer land," but was not limited by the interference of other male family members and was able to make her own money.⁶² Perhaps the most significant indicator of Franco's financial success was her patronage of girls in the *Casa delle Zitelle* ("Home of Unmarried Girls"). This female community, established in 1568, took in young women who were at risk of turning to prostitution and gave them shelter and an education, in the hopes that they would choose one of the more conventional life paths of wife or nun.⁶³ In "Letter 22," Franco offers her assistance to her friend's daughter in order to keep her away from the life of a courtesan: "I offered you all the help I could to assure you that she'd be accepted into the *Casa delle Zitelle*, and I also promised you, if you took her there, to help you with all the means at my disposal as well."⁶⁴ Beyond only offering her patronage to this unnamed friend, Franco also paid the dowries for several girls in the *Casa delle Zitelle* who were unable to obtain a marriage contract. Not only did she control her own finances, but she used the money that she made from a life as a courtesan to protect other young women coming from similar circumstances. In this way, she lived out the political proto-feminist agenda that she wrote in her *capitoli* against Venier and other abusive men. While it is clear from the letter and Franco's support of "fallen women" that she did not advocate for the life of the *cortigiane oneste*, without her access to the public sphere of men and their salons which sparked her literary fame, she would not have had the monetary capital to support other women who were headed down the same path she had been forced to take.

60 Strocchia, "Learning the Virtues," 25.

61 Rosenthal, "Franco, Veronica," <http://www.lib.uchicago.edu/efts/IWW/BIOS/A0017.html>.

62 Bennett and Froide, "A Singular Past," in Bennet and Froide, eds., *Single Women in the European Past, 1250-1800*, 14.

63 Monica Chojnacka, "Singlewomen in Early Modern Venice: Communities and Opportunities," in Bennet and Froide, eds., *Single Women in the European Past, 1250-1800*, 226.

64 Franco, "Letter 22," 38.

CONCLUSION

Despite the widely held belief that in prostitution, women are completely subjugated to the will of the men, for Veronica Franco (and other *cortigiane oneste*), prostitution was actually the one role through which they could exert their power and influence the world around them. While these "honest courtesans" were subjected to the wishes of their male clients, their sexual prowess was only part of the appeal of this particular class of courtesan. Rather than deriving from sex itself, the source of power for the *cortigiane oneste* was found in their humanist education and their intellectual prowess. The connections they made through their sexual profession provided the access they needed to the public sphere of men where they could influence politics, establish financial independence, and for Veronica Franco, achieve literary fame. It has been argued here that for these women—the educated daughters of the *cittadino* class of society who suffered from a shrinking marriage market and who were forced to turn to courtesantry to support their families—prostitution was the only way they could employ the power of their advanced knowledge and exercise agency. Having been denied the option of marriage and facing the cloistered world of the convent, these women, by becoming courtesans, created a liminal space in sixteenth century Venice in which they both upheld and transcended the assigned gender roles of a traditional patriarchal society.

It should be noted, however, that this was only a partial reversal of the direction of power. Courtesans, even the elite *cortigiane oneste*, were still objects within the traditional patriarchy. They were able to obtain and wield power through prostitution, but even the most successful courtesans couldn't acquire total autonomy. While at the height of her fame, Veronica Franco was one of the wealthiest and most influential courtesans in Venice. Yet, in the later 1570s, she came under suspicion of witchcraft and heresy, and was put on trial during the Inquisition. She escaped execution by the actions of Domenico Venier, her patron, but was still forced to flee Venice in order to save her life from rioting mobs who blamed the courtesans for "the problems of overcrowding, poverty, and crime in their city."⁶⁵ In her two-year absence, her home was robbed and looted, leaving her destitute and, when Venier died in 1582, without a protector. By the time of her death in 1591, Veronica Franco was impoverished and forgotten by a society of which she had once been a power player in her own right. However, her poems and letters live on, as the enduring literary legacy of a 16th century poet, proving that Franco succeeded in making her voice heard in a way that she would not have been able to if she had chosen a more conventional path.

65 Chojnacka, "Singlewomen in Early Modern Venice," 224.

COULD A BLACK FEMALE COMMUNIST GET A FAIR TRIAL IN COLD WAR AMERICA? THE ROLE OF IDENTITY POLITICS IN THE 1972 ANGELA DAVIS TRIAL

Introduction by Professor Estelle Freedman

In her paper for History 209s, Olivia Wong crafted an original interpretation of the 1972 trial of Angela Davis. Although the philosopher and political activist had not been present during the murder of a California judge, she was charged as an accomplice because of her associations with those involved in the crime. The trial and the acquittal of Davis provoked extensive commentary across the political spectrum, and Wong carefully analyzed the contrasting claims that it represented either the failure or the triumph of American justice. The heart of the study draws on the papers of jury forewoman Mary Timothy, which Wong found in Stanford Special Collections. By analyzing both the press clippings files and the hate mail sent to Timothy, Wong explored the responses to Davis' intersecting identities as a woman, an African American, and a Communist. The paper places the trial within the historical contexts of Cold War fears of communism and the participation of black women within the Left. Carefully structured and argued, this compelling narrative and analysis uses a particular moment to reveal the heightened political reactions to race, gender, and politics in the early 1970s.

Could a Black Female Communist Get a Fair Trial in Cold War America? The Role of Identity Politics in the 1972 Angela Davis Trial

Olivia Wong

In 1972, political cartoonist “Conrad” drew an image of Angela Davis for the *Los Angeles Times* titled, “Justice is Blind.” In the cartoon, Davis wears black shades and a large Afro, grins toothily and raises her slender, muscular arms triumphantly with peace signs. On the left side of her blouse, Davis wears a badge attributing to her the radical slogan, “The system doesn’t work.” Conrad draws out the irony of Davis’s recent acquittal in a trial for murder. The system, he suggests in his cartoon, “Justice is Blind,” *did* work. The reader commentary attached to this image refers to a lesser-known figure in the Davis trial, jury forewoman Mary Timothy. Timothy was the spokesperson for the jury that acquitted Davis of all charges. In an apparent criticism of this verdict, “Danny” wrote a direct statement questioning the motive for the acquittal and mailed it to the forewoman: “Mary, it’s unconstitutional and immoral to make a political judgment in a criminal trial.” “Danny” signed his flourishing signature in hot pink across the bottom. This hate mail letter was representative of the innumerable newspaper clippings and other harsh messages Timothy accumulated that captured the volatile, emblematic reaction to the outcome of Angela Davis’s trial in 1972.¹ Davis’s identity as a black female communist was at the center of this controversy.

Davis’s alleged involvement in the 1971 kidnapping and first-degree murder of Judge Harold Harley in Marin County led to her trial. A college professor with a doctorate in philosophy and a political activist, she was not physically present at the courthouse during the shoot-out when Harley was kidnapped. The weapons used, however, had been registered under her name, and her romantic affiliation with one of the inmates involved made her a suspect of conspiracy.² While she was charged with a crime of association, Davis claimed that her identity as a black female communist was on trial. She suggested that the trial was a result of the racial and political prejudices inherent in the American justice system, whether she was guilty or innocent. Davis proclaimed to the world, “A fair

1 The terminology hate mail is used because the original primary source derived from a folder entitled “hate folder” in the Davis Trial Collection in Special Collections of Stanford University.

2 Bettina Aptheker, *The Morning Breaks: The Trial of Angela Davis* (New York: International Publishers, 1975), xiii.

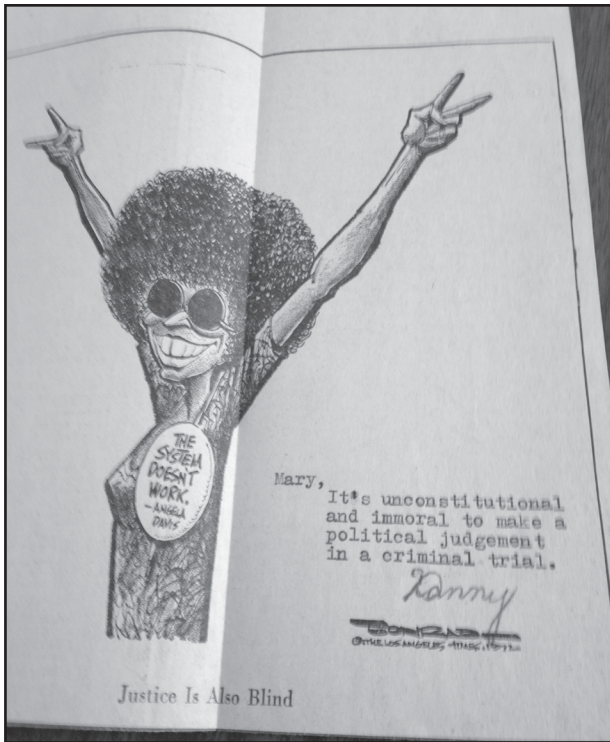


Figure 1: Cartoon by Conrad, published in 1972 in the *Los Angeles Times* after the trial of Angela Davis.

trial would have been no trial at all.” She retained this belief even after her acquittal in 1972.

While focused scholarly attention on the public reception of Angela Davis’s trial is limited, the political context of her black female communist identity in Cold War America has been widely studied. Kate Weigand’s *Red Feminism: American Communism and the Making of Women’s Liberation* traced the relationship between feminism and communism from the early 1930s to the 1960s. Some feminists saw communism as a safe haven to advance their agendas. Weigand argued that although there were anti-communist pressures from the United States government during the McCarthy Era, female communists, such as Susan B. Anthony II, continued their work throughout the 1960s. In *Sojourning for Freedom: Black Women, American Communism, and the Making of Black Left Feminism*, Erik S. McDuffie extended Weigand’s analysis that these feminists came to understand the intersecting nature of gender, sexism, and race within the Communist Party. McDuffie specifically analyzed the changing roles of radical black feminists

in the Communist Party from the 1920s to the 1960s. These black women activists found their way to the Communist Party through different routes, but McDuffie's work and Dayo Gore's *Radicalism at the Crossroads: African American Women Activists in the Cold War Era* also stressed an underpinning commonality— they faced the “triple oppression” of being black, communist, and female. While these scholars profile Angela Davis as an embodiment of this triple oppression, only a few, such as Bettina Aptheker, have analyzed her trial and its aftermath.

Could a black female communist get a fair trial in Cold War America? To understand why this question was important at the time period, one must consider how the identity politics of the major actors, as well as popular media reactions, shaped the perception of the Davis trial. Local, regional, and national newspapers weighed in on the fairness of the trial. The robust media coverage that circulated a week after the verdict may have fanned extreme reactions against the forewoman of the trial, Mary Timothy, who received a cache of hate mail. These two bodies of primary sources—the press and the hate mail— reveal that it was not only Angela Davis who was on trial, but so too were the identities of every participant in the trial, from the forewoman, to the jury, the prosecuting attorney, the defense attorney, and the judge. On a broader scale, Davis's trial was seen as a microcosm of competing political systems. Who could claim victory after the trial— the Communist Party that believed the acquittal represented a people's victory, or American Cold Warriors who saw the trial as a vindication for the justice system?

Angela Davis's 1972 trial provides a case study of how different sectors of the American public contested and renegotiated the significance of identity, both during the trial and in the reactions to the acquittal. This paper first assesses the global reaction to Davis's trial to foreground the importance of Cold War politics for domestic issues. It then documents the fractured response to Davis's trial in the United States, where those who viewed the acquittal positively focused on the racial politics of a virtually all-white jury acquitting her, while others who disapproved of the verdict strongly associated the jury with communism. The American press maintained this global polarization of opinions along predictable political lines of communism versus democracy. However, the tension between global and American reactions to Davis's acquittal both reinforced these political lines and called them into question; in this late Cold War period, diverse attitudes toward the intersections of race, gender, and politics symbolized a unique moment of change in the American culture, driven by evolving identity politics.

In *Cold War, Civil Rights: Race and the Image of American Democracy*, Mary Dudziak captured this sense of evolving identity politics by showing how the global communism and the American civil rights

movement must be understood alongside one another. Following World War II, the United States became the leading democratic nation in the world, yet the nation received overwhelming international criticism for its racial prejudices against African Americans. The international community questioned how the United States could present itself as the purveyor of freedom and democracy for newly emerging nations in Asia and Africa when people of color within the United States were lynched, segregated, and disenfranchised. These civil rights abuses delegitimized the United States' claim of having a superior political system to the Soviet Union. The Soviet Union transformed these civil rights infringements into anti-American propaganda during the Cold War. In this period of fraught racial and political tensions, Dudziak argued, America responded to the Soviet and international critique by constructing a story that acknowledged its flaws of racial prejudices but showed that American democracy helped correct these mistakes and was the only viable route forward.³ While Americans tried to portray the civil rights movement as a testimony to the evolving American story of freedom and equality, many still believed that neither a black person nor a Communist could get justice in this "non-white world and anti-communist world."⁴

The Angela Davis trial became a "spinoff of the world social and political turmoil" of the Cold War, wrote journalist Royce Brier.⁵ The result of the trial became a test for America's commitment to freedom and democracy. An acquittal would testify to this story of improved race and political relations while a guilty verdict validated the Communist charge that Davis was a "victim of a racial, political framework."⁶ When Davis was acquitted, the press and angry citizens questioned whether the American courts or the progressive people were responsible for this success. Both groups turned to the history of the American justice system's treatment toward blacks and debated whether the acquittal helped correct or reinforce the nation's long and fraught racial history.

Since its inception, America has discriminated against African Americans, making Davis's acquittal at the hands of an all-white jury unexpected in the international community. Defense attorney Howard Moore Jr. outlined the history of legal oppression and injustice of blacks in America at the trial:

300 years ago your forebearers were brought to this country in

3 Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, N.J.: Princeton University Press, 2000), 23.

4 Royce Brier, "Royce Brier About Acquittal of Angela Davis," *The San Francisco Chronicle*, June 6, 1972.

5 Ibid.

6 "Editorial: The Many Faces of an Acquittal," *The San Francisco Chronicle*, June 6, 1972.

chains, in slave ships. Only the strong survived. With the Fugitive Slave Law blacks were chased across every border. No Charge. No trial. No jury. The Declaration of Independence was written by men owning hundreds of slaves. Black men counted 3/5 of a man.⁷

While Moore used the early history of racism in America to appeal to the jury, blacks continued to be highly suspicious of the fairness of the American legal system and turned to find justice in the civil rights movements. During the 1960s, there were various forms of protests to end racial segregation, from the non-violent Martin Luther King, Jr., to the radical Black Panthers. Although these factions differed, black civil rights participants, including Davis, shared a common goal to correct the inadequacies of the American justice system.

Throughout her life, Angela Davis's activism symbiotically evolved with her identity. She was principally known for her involvement with civil rights activism, including both the Student Non-Violent Coordinating Committee and the Black Panthers.⁸ Davis believed that black women constantly struggled in a country fraught with racial and gender tensions, making it difficult for them to find allies in other movements. In 1968 she joined the United States Communist Party (CPUSA), an affiliation that added another layer of oppression to her identity, given the stigma of Communism at the time. Davis turned to the Communist Party to "demand radical change" because she was convinced that black women had been "forcefully compelled to eke out an existence at the lowest level of American society" and she blamed their plight on "the nature of capitalism."⁹ All three of these identities were so powerful that when a public trial gave her a platform for protest in 1972, she portrayed her crime not simply as a revolutionary act of racial solidarity, as charged, but rather as the plight of being black, communist, and female in Cold War America.

Historically, identity politics emerged during the second half of the twentieth century within large-scale social justice movements such as Civil Rights and second wave-feminism.¹⁰ By the 1970s, identity politics, or advocacy based on identification with social groups and advocacy based on past injustices suffered by that group, became a framework for both

7 "Angela Free: Casts Off 'Chains'," *Berkeley Barb*, June 9, 1972.

8 Aptheker, *The Morning Breaks*, xiii.

9 Angela Davis, "Like it is," Interview with Margaret Burnham, WABC, 1971, <http://search.alexanderstreet.com/view/work/71982>, accessed February 1, 2015.

10 Cressida Heyes, "Identity Politics," *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/identity-politics/>, July 16, 2002, accessed February 22, 2015.

promoting and contesting social change.¹¹ In *Sojourning for Truth*, a study of pioneering black women activists in the CPUSA, historian Eric McDuffie expounded on the relationship between oppression and change by applying the theory of “triple oppression.” This theory posits that the eradication of one form of oppression is only achievable through simultaneously dismantling the other forms of oppression. He argued that black Communist women in the 1970s were the first to articulate explicitly this theoretical framework of “triple oppression.”¹²

While McDuffie provides us with a model to understand Davis’s identity, this model does not adequately represent the shifting salience of the separate identities in her self-identification and in the public perception and counter-construction of her intersecting identity. In her interactions with the public, Angela Davis portrayed her identity both as a form of oppression and as a source of obligation to empower those who shared her intersecting identities. Many newspapers recognized that she was facing discrimination, and some writers debated whether Davis was a martyr or threat to America, given her black communist sympathies. To explore the ways that oppression and empowerment are both context and audience-specific requires teasing out the major categories of Davis’s identity, particularly those of race, political affiliation, and gender.

Angela Davis was no stranger to public scrutiny. Before she found herself on trial for the Marin conspiracy, she was already controversial in the public eye for her identity as a member of the Communist Party while she was a professor of philosophy at University of California at Los Angeles (UCLA). Fearing that her political ideologies would infiltrate the UCLA classrooms, the Board of Regents and then-California Governor Ronald Reagan fired her from her post.¹³ Although Judge Jerry Pact found this decision unconstitutional and overturned it, his ruling was only a temporary triumph for Davis. The Board of Regents subsequently dismissed her for her “inflammatory language” based on statements she had made in four off-campus speeches.¹⁴ The report used to justify her firing criticized her claim that the University of California Regents “killed, brutalized [and] murdered the People’s Park demonstrators, and her repeated characterization of the police as ‘pigs.’”¹⁵ Moreover, the Regents believed that Davis saw “academic

11 Linda Alcoff, *Identity Politics Reconsidered* (New York: Palgrave Macmillan, 2006), 2.

12 Erik S McDuffie, *Sojourning for Freedom: Black Women, American Communism, and the Making of Black Left Feminism* (Durham, NC: Duke University Press, 2011), 4.

13 Wallace Turner, “California Regents Drop Communist From Faculty,” *The New York Times*, June 20, 1970.

14 Ibid.

15 Ibid. People’s Park referred to a park located on Telegraph Avenue near

freedom as ‘an empty concept which professors used to guarantee their right to work undisturbed by the real world.’” They felt she should be dismissed to guarantee that her non-academic commitments did not interfere with her teaching duties.¹⁶

While the U.C. Regents presented her dismissal as based solely on her threatening political views in an academic setting, Davis believed that race underlay their decision. In her prepared statement at the hearing, Davis explained that “as a black woman, my politics and political affiliation are bound up with and flow from participation in my people’s struggle for liberation, and with the fight of oppressed people all over the world against American imperialism.” She pointed out that her instrumental role in the “struggle for black liberation” made her a target of the Regents. Their actions represented “fascist encroachments” on her constitutional rights that were designed to “perpetuate and increase that oppression” of her people.¹⁷ A discrepancy between the formal charges brought against her and her belief that her identity as a black female communist was on trial recurred in her trial in 1972. Davis chose to waive council and represent herself. In her opening defense statement, she weighed the legitimacy of each of these identities and their political potential, as well as the response each stimulated in the public. Although the press emphasized her race and her communist political affiliations, Davis’s opening statement in Santa Clara County Superior Court on March 9, 1972 suggested that she also viewed the charges in terms of gender stereotypes. She argued that the prosecuting attorney Albert Harris attributed her motive in the conspiracy to an alleged romantic relationship with George Jackson, one of the inmates involved. Davis pointed out that Harris’s argument was a “symptom of male chauvinism.”¹⁸ Claiming her identity as a woman and questioning the expectations society imposed onto women, she stated that “I am a woman—and women in this society are supposed to act only in accordance with the dictates of their emotions and passions.”¹⁹ While Davis portrayed gender oppression as one

the University of Berkeley, California. The park became a site for protest and political activism, especially around the Berkeley campus. The controversy referred to when then-California Governor Ronald Reagan wanted to restore order to the park and sent Highway Patrol Officers and Berkeley Police Officers to clear an eight-block area around the fence on May 15, 1969. His restrictive actions rallied people into protest to the point they were tearing down the fences and opening fire hydrants. The police controversially used tear gas and indiscriminate shooting to quell the uprising.

16 Ibid.

17 Ibid.

18 Davis and Joy James, *The Angela Y. Davis Reader* (Malden, Mass.: Blackwell, 1998), 333.

19 Ibid.

of the primary arguments in her defense statement, the subsequent debates focused largely on her race and politics.

Although not all members of the Communist Party unanimously supported Davis, a common thematic portrayal in the leftist press was that being a black communist made her a target for a “frame-up.” While Davis herself did not use the term “frame-up” in her opening defense statement, certain members of the Communist Party reinterpreted her trial in political terms. For example, the National United Committee to Free Angela Davis, spearheaded by Davis’s sister Fania Jordon (also a Communist Party member), converted her opening defense statement into a revolutionary pamphlet, entitled “Frame-Up.”²⁰ Jordan claimed that Angela Davis was brought to the trial for “political reasons.”²¹ In fact, she insisted, the trial was no trial at all—it was a “frame-up.” Jordan claimed that Governor Reagan, Attorney General Evelle Younger, and prosecuting attorney Albert Harris Jr. wanted Davis’s trial to serve as a lesson of warning to blacks, other Communists, women, and other activists. The Communist press promoted the idea that Davis was framed. For example, the Polish news agency stated that the “whole case was a frame up by the FBI” and the official Soviet news agency *Tass* viewed Davis as “a heroine who was ‘framed’ because she was black and Communist.”²² The belief that the trial was a “frame-up” challenged the legitimacy of the American justice system in the world.

Mainstream American newspapers pointed out that Davis’s trial was “eagerly seized upon by the powerful Communist propaganda apparatus in support of its contention that racial discrimination political prosecution and injustice remained a rift in American society.”²³ Moreover, these newspapers rationalized that a guilty verdict would have crystallized the vast propaganda that Davis was, in the words of conservative William F. Buckley’s words, “a victim of a rigged trial” or even worse “victim of a fascist-capitalist-exploitative state.”²⁴ International communists would have interpreted this guilty decision as indicative that America was blatantly racist and anti-communist. Moreover, it would become an even more powerful

20 National Committee to Free Angela Davis, *Frame Up: The Opening Defense Statement Made by Angela Davis*, San Francisco, March 29, 1972.

21 “The Press Conference,” *The San Francisco Chronicle*, June 5, 1972.

22 “Angela Davis Is Innocent,” *This World*, June 11, 1972; “Did Notoriety Help Angela?,” “The Press Conference,” *The San Francisco Chronicle*, June 5, 1972; “Torrent of News Copy From Case,” *Oakland Tribune*, June 5, 1972.

23 Theodore Shabad, “Russians Hail Davis Acquittal as a ‘Victory for the Progressive American,’” *The New York Times*, June 6, 1972.

24 “Western and Red Press Differ on Angela Verdict,” *The San Francisco Chronicle*, June 6, 1972.; W.M. F. Buckley Jr., “Justice or Politics?” *The San Jose Mercury*, June 9, 1972.

propaganda tool for the Communist bloc to mar America's image as the purveyor of democracy and freedom.²⁵

When the jury acquitted Davis, the American press asserted that the acquittal of a black female communist at the hands of an all-white jury invalidated the Communist propaganda and restored the international community's faith in the American justice system. The American press claimed that "the acquittal has to come as a great disappointment, a great confusion, and well-nigh unbelievable" to various Communist centers in the world.²⁶ Rome's biggest newspaper, the *Messaggero*, articulated the acquittal's significance as a "reconfirmation of the democratic validity of the most sacred institution in America" and effectively nulled the extensive Communist propaganda.²⁷ The acquittal disproved the Communist theory that whites in America conspired to deny justice to "colored people" or to those who did not share the dominant political ideology. The *London Daily Mail* believed that the acquittal "sensationally disproves that in the United States today a controversial black cannot get a fair trial from an all-white jury in a bourgeois middle-class area where anti-Negro emotions have so long been potent."²⁸ Americans believed that the acquittal would force Davis and the Communist Party to recognize the merits of the American justice system; in contrast however, they refused to express their gratitude to the courts.

Davis firmly believed that the verdict did not validate the American justice system. After she heard the jury's verdict, Davis re-invoked her pre-trial rhetoric, "If you are implying that acquittal changes my mind about the American judicial system, then you are wrong," she stated. "As we've said continually the winning of an acquittal would be a people's victory."²⁹ When she was questioned about the mitigating role of the jury,

25 "The Court Kept the Faith." *Christian Science Monitor*, June 7, 1972.

26 Royce Brier, "Royce Brier's *An Aftermath of Angela Davis*," *The San Francisco Chronicle*, June 7, 1972.

27 "Western and Red Press Differ on Angela Verdict," *The San Francisco Chronicle*, June 6, 1972.

28 "Torrent of News Copy From Case," *Oakland Tribune*, June 5, 1972.; European Press Hails Angela Davis' Acquittal." *The Los Angeles Times*, June 6, 1972.

29 "Angela Free: Casts Off 'Chains'," *Berkeley Barb*, June 9, 1972.;

"Angela's Goal 'Free Oppressed'," *The Sacramento Union*, June 5, 1972.;

"Angela's Plan Uncertain," *Oakland Tribune*, June 5, 1972.' "Bedlam in Courtroom as Angela Davis is Acquitted." *The Oakland Tribune*, June 5,

1972.; Rick Carroll, "No Juror Cast a Ballot Guilt," *The San Francisco*

Chronicle, June 5, 1972.; "Farmer Hopes Angela Will Visit," *San Fran-*

cisco Examiner and Chronicle, June 5, 1972.; James A. Finefrock, "Angela Free; Little Argument in Jury: Juror Salutes in Sympathy;" *San Fran-*

Davis countered that she did not see the jury members as part of the American justice system; rather, she saw them as part of the progressive people's cause.³⁰ Davis thanked all the people who "struggled so hard for my freedom," but she warned them, "your work is not done."³¹ She challenged them to join her in freeing "every political prisoner and every oppressed person in this country and the whole world."³² By asserting that her imprisonment had been political, she simultaneously transformed her own identity into a martyr to the cause of freeing political prisoners, a cause which she had been devoted to since the 1950s. Moreover, by universalizing the significance of her acquittal as a call to action to free all political prisoners from unjust political systems, she used the acquittal to further her activism while refusing to acknowledge the success of the American justice system. With responses ranging in emotional intensity, many anti-communist white Americans were indignant over Davis's lack of gratitude for the American system. They charged her with rejoicing in "that truth while freely speaking an untruth."³³ The mainstream press suggested she replayed a "Communist revolutionary theme of degrading American institutions in this case a system that scrupulously safeguarded her rights."³⁴ Davis and the Soviet bloc press, however, denied that the American justice system protected her rights.

The Soviet press agreed with Davis that the acquittal did not mean that she had received a fair trial; rather, it represented to them "a people's struggle victorious."³⁵ The Communist Party's response to the acquittal universalized the significance of Davis's struggle to include the parts of the world that valued a progressive political identity. The Soviet press proclaimed that the acquittal was a great triumph for the people against racism and imperialism. *Tass* mirrored Davis's rhetoric, arguing that it represented

sisco Examiner and Chronicle, June 5, 1972.; "Jury Clears Angela Davis, Claims No Conviction Vote," *The Sacramento Bee*, June 5, 1972.; "Jury left the courtroom for the first time," *The Stockton Record*, June 5, 1972.; "No Major Disagreements- How Jury Found Angela Innocent," *The Stockton Record*, June 5, 1972.; "Reaction to Davis Acquittal," *San Francisco Examiner and Chronicle*.

30 "Jury Left the Courtroom for the First Time." *The Stockton Record*, June 5, 1972.

31 "Angela's Goal 'Free Oppressed'," *The Sacramento Union*, June 5, 1972.

32 "Jury left the courtroom for the first time." *The Stockton Record*, June 5, 1972.

33 *The Stockton Record*, June 6, 1972.

34 *The Stockton Record*, June 6, 1972.

35 "Jury left the courtroom for the first time," *The Stockton Record*, June 5, 1972.

a “victory for progressive minded people in the United States and the world in their long hard fight for Angela’s freedom.”³⁶ *L’Humanite*, the paper of the French Communist Party, said that the verdict “confirm[ed] the stupidity of the charges against Miss Davis,” adding that it also insured “that justice was rendered it was necessary for millions and millions of men and women throughout the world to stand up to prevent monstrous inequity.”³⁷

In contrast, most American newspapers challenged the Communists’ interpretation of the acquittal as a “people’s victory,” arguing instead that the verdict was a vindication of the system’s fairness. A general theme in the mainstream American press was that Davis’s acquittal was possible only because of the fairness of the impartial American justice system, which was non-existent in communist countries. Davis was privileged to enjoy “juries of peers to determine in the Anglo-Saxon tradition the truth of charges brought against them,” but “no such version of truth is available in Communist and other countries.”³⁸ The American newspapers criticized the Communist emphasis on a universal progressive people’s identity, insisting that it was well known that “in Red dictatorships the people participate minimally in any of the processes of government, including the courts.”³⁹ A German newspaper echoed the American critiques of the Soviet Union’s Communist Party’s hypocrisy whose constitution “promise the same but do not fulfill.” In this way, the western press drew out the contrast between communist and democratic legal systems.

The newspapers’ portrayal of the acquittal played on Cold War tensions and sympathies. For example, one article compared Davis’s plight to that of Raiza Palatnik, a Jewish woman in Odessa who was arrested and jailed for distributing anti-Soviet propaganda.⁴⁰ If Davis had been in Palatnik’s environment, they reasoned, she might not have been freed due to the suppressive nature of communist governments. In this sense, the press emphasized Davis’s identity as an American to highlight differences in the treatment of communists in America and Russia. One of the hate mail letters vociferously encapsulated this sentiment, using both racist and sexist language: “She won’t rise her big black fist in defense of our country and its judicial system, if this mad dog bitch killed a judge in commie Russia, she wouldn’t take two years at million dollar cost for a black ugly pig like her.”⁴¹

36 “Torrent of News Copy From Case,” *Oakland Tribune*, June 5, 1972.

37 *Ibid.*

38 “Unnamed Newspaper.” *The Stockton Record*, June 6, 1972.

39 *Ibid.*

40 “Angela Davis and Raiza Who?” *Angela Davis Trial 1972*, Stanford University Special Collections Archive, Box 4, Folder 2 Folder 11

41 Letter in Hate Mail Folder, *Angela Davis Trial 1972*, Stanford University Special Collections Archive, Box 4, Folder 2 (all subsequent references to hate mail appear in this folder, hereafter Davis Trial Collection)

The writer referred to the exorbitant amount of money and time that the American justice system spent on Davis to ensure that she would have a “fair trial.”

While the American press focused on the different political environments and systems of the two countries, the Soviet press pointed to the flaws in the jury selection for Davis’s trial. *Tass* stated that “even the carefully selected jury” rejected the “unsupportable charges” made against Davis. *Tass* continued, “The threats of the racist, anti-Communist plot was specially made clear for all to see,” even for a jury without any black members.⁴² The Communists criticized the biased circumstances that led to the selection of this virtually all-white jury (one member was Mexican American) in Santa Clara County. Davis’s lawyer, Margaret Burnham, held the same belief that “the vast majority of prospective jurors would be white, middle class and housewives, hardly constituting a jury of Angela’s peers.”⁴³ She believed that “everything about the selection procedure militated against Black, Brown and working people ever becoming prospective jurors,” pointing to the fact that only registered voters received jury questionnaires, jurors must have “sufficient knowledge of English” (which included the ability to speak, read, *and* write English), and the low pay of five dollars a day for the duration of trial.⁴⁴ Burnham’s prediction was relatively accurate, for Davis’s jury consisted almost entirely of white middle-class members, seven women and five men. Even though it was problematic to label the jury as “all-white” given the one Mexican American member, the Communist and American press privileged the racial identity of an “all-white jury,” which influenced how the public perceived the acquittal.

The majority of the American newspapers rejoiced that the acquittal of Davis by this “all-white” jury represented the fairness of the justice system; however, many newspapers argued that “white guilt” in the closing statement unfairly influenced the trial. Defense attorney Howard Moore Jr., who once declared that it was impossible for Davis to receive a fair trial in the predominantly white city of San Jose, challenged the jury to “Think black.”⁴⁵ He diminished the white jury’s ability to relate to the struggles of the oppressed by stating, “I arise to address you as a black man. There is not one black face in the jury box. You are a cross-section of Santa Clara County. Not many of you have been close enough to black people to know what it means. Think black with me.”⁴⁶ Evoking the long tumultuous history of race relations since the founding of America, Moore asked the jurors

42 Ibid.

43 Aptheker, *The Morning Breaks*, 113.

44 Ibid, 112.

45 “Jurors Join Celebration for Angela,” *The Stockton Record*, June 5, 1972.; “Angela Free: Casts Off ‘Chains’,” *Berkeley Barb*, June 9, 1972.

46 “Angela Free: Casts Off ‘Chains’,” *Berkeley Barb*, June 9, 1972.

to rewrite history because “You have an opportunity to be part of history. Whether you want to or not you will be. We have tried to get over to you the gigantic hoax that has been perpetrated. You write the last chapter.”⁴⁷ When the jury acquitted Davis, Attorney Leo Branton exclaimed he was “exultant” over the verdict. He attributed the success to both the people and the jury, shouting “Power to the people. Power to the jury.”⁴⁸ “There is nothing else the state can do to Angela Davis,” Branton said, “The jury had the final word.”⁴⁹ Branton asserted that his own closing argument and the jury’s positive response demonstrated America’s continuing faith in the justice system, though others believed that he employed “white guilt” to fix the verdict.

Moore’s racially charged closing statement was predictably attacked in the mainstream press. The *Oakland Tribune* bemoaned that the “overwhelming influence of the trial was the radical overtone and the challenge to the jurors to ‘think black’ and strike a blow against racial prejudice.”⁵⁰ One livid onlooker wrote in a personal letter to Mary Timothy, “All the Black lawyer has to do is ‘cry’ poor poor negroes have been persecuted for years and are still persecuted and white jury gives in every time. Whites are spineless stupid.”⁵¹ Some American newspapers showed that Moore’s overt reminder of America’s fraught racial relations had coerced the jury to acquit Davis. This argument suggests that whether the jury was inherently racist or not, the importance of the worldwide opinion about America’s image during the Cold War intimidated the jury into freeing her. Prosecuting Attorney Albert Harris Jr. bluntly stated, “They were geared to have a martyr,” especially with the “numerous ‘observers’ of American justice from leftist and Communist forces throughout the world.”⁵² He lamented that Davis’s defense team not only racialized the closing statement but also infused racial overtones throughout the entire trial. Even his own identity became subjected to the repeated epithets from Davis’s defense committee and attorneys, who called him “‘racist pig,’ ‘brutal,’ ‘obscene,’ and the ‘hatchet man’ in a vast conspiracy by the state to ‘railroad’ Miss Davis.”⁵³ While the press stressed the importance of the all-white jury in the acquittal, different members of the jury rejected this label and interpreted the acquittal differently. For example, Ralph E. Delange, one of the juror members did not want to be solely viewed as a member of the “white middle

47 Ibid.

48 “Angela is Acquitted,” *San Francisco Chronicles*, June 5, 1972.; “Unnamed Newspaper,” *The Stockton Record*, June 6, 1972.

49 “Angela is Acquitted,” *San Francisco Chronicles*, June 5, 1972.

50 “Dilemma Facing Angela Prosecutor.” *Oakland Tribune*, June 6, 1972.

51 Letter in Hate Mail Folder, 5 June 1972, Davis Trial Collection.

52 Letter in Hate Mail Folder, 5 June 1972, Davis Trial Collection.

53 Ibid.

class jury” but rather wanted to express his support of oppressed people. As an act of solidarity, he waved his clenched-fist salute to Davis after the acquittal, which was an emblematic salute of the Black Panther Party. Delange explained, “It was a spontaneous thing... to show a unity of opinion for all oppressed people, to show I felt a sympathy for the people in the crowd,” he said.⁵⁴ While Delange intended the salute to sympathize with the oppressed, those angry at the verdict saw this as incriminating evidence that blatant racial politics pervaded the jury’s decision.

The forewoman of the all-white jury, Mary Timothy, and the oldest juror, Robert Seidel, denied that race or communism played a substantial role in the decision. Timothy declared, “Blackness never came up in the discussion in the jury room ... I think we’d been there so long that we didn’t think black and white any more as to the people involved.”⁵⁵ While Timothy recognized that the jury system selection was not perfect, she believed Davis’s acquittal testified that the justice system is “the best process that any country has come up with.”⁵⁶ The hate mail writer who identified as “one of the majority white Americans” sarcastically chastised Timothy for misrepresenting their ostensibly shared group: “You call yourself a white person.” Moreover, the writer viciously attacked Timothy for being selected to be the “so called foreman, for this pro black jury, NO doubt chosen and planned by that mad-dog-nigger, bitch commie.”⁵⁷ Another hate mail writer replayed obscene stereotypes, writing to Timothy, “I just hope a black man rapes you, and shoots your husband like the other people have been. Maybe your husband will be paralyzed for life.”⁵⁸ These extremist racial and sexual prejudices account for the attitudes of those who most harshly criticized the acquittal, revealing that not all Americans valued the same goals of racial equality.

The controversy in the proceedings of the trial was not only about race but also included gender politics. Although Timothy denied that there was a strategic conspiracy over race and political affiliation in a Cold War context, she publically proclaimed that she believed her selection to

54 Philip Hagar, “5 Factors Noted in Angela Davis Innocent Verdict: From Moment it Approved Jury, Defense Was All But Certain of Acquittal,” *The San Francisco Chronicle*, June 6, 1972.

55 “‘White Guilt’ Seen in Verdict,” *Palo Alto Times*, no date.

56 “Editorial: The Many Faces of an Acquittal,” *The San Francisco Chronicle*, June 6, 1972.

57 Letter in Hate Mail Folder, 7 June 1972, Davis Trial Collection.

58 Letter in Hate Mail Folder, no date. Davis Trial Collection.

The writer refers to the myth of the “black male rapist.” This racialization of rape started in the nineteenth century and became the dominant definition of rape by the twentieth century. The association of rape with black men reinforced the white male patriarchal system of America.

head the jury was symbolic of women's liberation in America. Even though the women's liberation movement appeared to be in a separate arena from race and political affiliation, a few private hate mail letters linked Timothy's commitment to the women's movement with being sympathetic with blacks. One hate mail writer associated all women liberationists with sympathizers of radical blacks saying, "I just have to know one "women libber" who doesn't sympathize with those loud-mouthed black bullies who call themselves 'black panthers.'"⁵⁹ This conflation of women's liberation with the radical civil rights movement, however, was rare and referenced only in private letters. While gender politics may have influenced the acquittal, the explicit link to feminism was present only in hate mails and commentary on Timothy's role as the forewoman.

Similar to the way the American press downplayed the role of the feminist movement in the trial, the press deemphasized that one of the members of the "all-white jury" was Mexican-American. A minority of the newspapers included the perspective of this juror, Luis Franco. Franco related to the defense's closing statement about the repression of blacks. He saw parallels between the persecution of blacks and that of Mexican Americans in the United States, especially in the agricultural labor forces. While these newspapers portrayed his opinion as a Mexican American in neutral and non-inflammatory terms, hate mail writers directly addressed Franco with livid, racially charged comments. A fellow Mexican-American wrote, "She was guilty as hell, and like most Black Panthers deserve the gas chamber. My race has no gratitude, no matter how well they have fared during the [Nixon] administration and before — Tell that to that Mexican American."⁶⁰ Another Mexican-American said, "There's one 'Chicano' who thinks you all made a mockery of the law! I want you to know that I'm one who thinks Angela Davis was guilty as all hell. I base this on the many things I've read by sympathizers of Angela, not by her enemies."⁶¹ This type of volatile response raises the question whether the public, particularly the non-white population, related to the "Think Black" arguments.

Although the American press portrayed the acquittal as a great relief for African Americans within America and abroad, not all African Americans shared this sentiment, as exemplified by one newspaper article entitled, "Rejects Davis Trial." While this article does not represent the viewpoint of all black people in America, the writer, a black man in his thirties with a high school education, took a unique stance that viewed the acquittal negatively. The writer said that he was "ashamed that so many blacks who consider themselves good Americans would look on the likes of

59 Letter in Hate Mail Folder, 7 June 1972, Davis Trial Collection.

60 Letter in Hate Mail Folder, 7 June 1972. Davis Trial Collection.

61 Letter in Hate Mail Folder, 7 June 1972. Davis Trial Collection.

her [Davis] as a leader or spokeswoman for our cause.”⁶² The writer stated that equating Davis with Martin Luther King Jr. would be an insult to his memory and pleaded the black American population to “look beyond the color” because she represented “everything that the evils of communism and violence” stood for.⁶³ This unique article exemplified the complicated nature of identity politics.

While the jurors believed they were impartial, those who critiqued the acquittal charged the jury with being sympathetic to communism. Both jury forewoman Mary Timothy and juror Robert Seidel pointed out that Davis “was not being charged with being a Communist” and therefore her political identity had no bearing on the acquittal.⁶⁴ However, an undertone in the hate mail viewed the acquittal as proof that the jury must have Communist sympathies. One individual blamed Timothy that “the communist bitch is free—while she is as guilty as can be.”⁶⁵ The writer assumed Timothy’s identity was grounded in communist tendencies because she had worked as researcher at Stanford, considered “a nest for communism,” and because she was the wife of an attorney, a profession the writer linked to communist sympathies.⁶⁶ Another individual accused the entire jury, stating, “One more communist jury acquitted a guilty communist bitch.”⁶⁷ In this commentary, communist sympathies were just one way to delegitimize the jury. The writer also believed that the jury was “bought” and “stupid.”⁶⁸

Davis’s acquittal as an openly black female communist empowered her to greater influence as a communist in America, which generated fears and doubts for some over the faulty American justice system. In particular, Davis’s fair trial rhetoric, journalist Roscoe Drummond wrote, “added to her prestige and [gave] her a high news quotient.”⁶⁹ Additionally, he believed, the acquittal transformed her into “the most valuable single instrument of the Communist Party.”⁷⁰ Davis as a dangerous Communist who threatened the legitimacy of the American justice system was an overarching theme of the hate mail. Other individuals chastised the jury for letting

62 “Rejects Angela Davis Trial,” *Angela Davis Trial 1972*, Stanford University Special Collections Archive, Box 4, Folder 2 Folder 3

63 *Ibid.*

64 “Angela Davis Is Acquitted—Wild Scene in Courtroom,” *San Francisco Chronicle*, June 5, 1972.

65 Letter in Hate Mail Folder, 5 June 1972, Davis Trial Collection.

66 Letter in Hate Mail Folder, 5 June 1972, Davis Trial Collection.

67 Letter in Hate Mail Folder, 5 June 1972, Davis Trial Collection.

68 Letter in Hate Mail Folder, 5 June 1972, Davis Trial Collection.

69 Roscoe Drummond. “Roscoe Drummond’s How Will Reds Use Angela?” *Davis Trial 1972*, Stanford University Special Collections Archive, Box 4, Folder 2 Folder 11

70 *Ibid.*

“a known Communist, that works to destroy our society go free.”⁷¹ Another writer attacked Mary Timothy for her liberal views, stating “Why you phony liberal Whore Person you have inflicted the commie Black radical on us, turned her loose to destroy this country?”⁷² Hate mail writers articulated that Davis should deserve the death penalty for being “the enemy of this country.”⁷³

In addition to the perceived misruling of the jury, the significance of the acquittal was elevated as the moment when “justice had fallen in the streets.”⁷⁴ The communists saw the justice system as broken since Davis was unfairly put on trial for her communist identity; however, certain American writers believed that Davis’s acquittal as a *communist* represented the illegitimacy of the justice system. “If you want to get by with murder,” the letter read, “just become a Communist Revolutionary against your country and the courts of this country will set you free.”⁷⁵ Descriptions like this suggested that all courts in America were sympathetic to communism. Those angry at the verdict replayed a communist conflation of the Cold War era that the dangers communists posed were analogous to that of the Black Panthers. One hate mail writer sent in an annotated newspaper about the secret plotting of extremists against local police and specifically underlined, “another militant black group which calls itself the New Orleans Urban Guerrilla Group advocates overthrow of the US government... The Black Panther Party’s David Hillard, for example, told an antiwar rally in San Francisco: We will kill Richard Nixon.”⁷⁶ In both scenarios, the jury privileged the radical element in Davis’s identity and associated it with the danger she posed to the community and to the legitimacy of the justice system.

Perhaps the starkest challenge to upholding the validity of the justice system lay not in the identity politics of the jury, but rather in their alleged irresponsible actions. Hate mails and newspapers alike stressed Robert Seidel’s nonchalant description of the deliberation process. While ten jurors were for acquittal, two jurors wanted more time to review the evidence. He described, “Two of them sat on one side of the jury room and looked at the evidence while the rest of us waited. Some of us even played cards, you know. After awhile, they decided to go along.” In addition to the perceived apathetic nature of the jury, the jurors also celebrated with Davis immediately after the acquittal, which was viewed as suspicious in the public eye. Many emphasized Timothy’s unprofessional closeness to Davis.

71 Letter in Hate Mail Folder, no date. Davis Trial Collection.

72 Letter in Hate Mail Folder, 7 June 1972 Davis Trial Collection.

73 Letter in Hate Mail Folder, 12 June 1972, Davis Trial Collection.

74 Letter in Hate Mail Folder, 12 June 1972, Davis Trial Collection.

75 Letter in Hate Mail Folder, 12 June 1972, Davis Trial Collection.

76 Letter in Hate Mail Folder, 15 June 1972. Davis Trial Collection.

One outraged American wrote, "I've been a juror four times and I have never seen such injustice and as for your hugging and kissing Angela to me you are disgusting."⁷⁷ The anonymous black man who wrote the article "Rejects Davis Trial" stated, "Immediately after the trial, I thought that the members of the jury had all along somehow been threatened in some way, but after their sickening display of affection and celebration for this poor excuse of our race, I couldn't help but feel that their decision was wrong."⁷⁸ Some American press viewed the jurors' celebration with Davis as a breach of impartiality that the American justice system guaranteed.

The acquittal of Angela Davis in 1972 elicited a kaleidoscope of responses. The global response to the trial was divided into the Communist press belief that the acquittal was a people's victory versus the American press insistence that the acquittal testified to the impartiality of the justice system. Whereas the global reaction was highly polarized along predictable Cold War lines, the domestic response was even more fractured, with the sympathetic and the angry and identity politics even more strongly observable, particularly in the debates over the ethics of an "all-white jury." A common theme was that those who favored the acquittal focused on the racial triumph that an all-white jury found Davis not guilty while those who disapproved the decision charged the jury for being sympathetic to "white guilt" and communism. In analyzing these sources, the role identity politics played was not clear-cut.

The reaction to Davis's trial gives us a small window into the complex and fractured public opinion about larger themes of race, political affiliation, and gendered inequality during the early 1970s. Moreover, this analysis of the responses to Davis's acquittal complicates McDuffie's model of "the triple oppression." The responses to Davis's trial rarely mentioned gender as the primary argument—only in reference to Davis's opening statement and Mary Timothy's comments on her role as the forewoman. While gender appears to be on the periphery, some of the hate mail letters incorporated rhetoric of gender and sexuality—"bitch," "rape," and "whore." These misogynistic references remind us to re-examine the intersections and connections between feminism, race, and communism during this changing American culture.

Although the feminist movement was not yet operating on the same political scale as civil rights and anti-communism, a new movement of black feminists arose in the 1970s. A strong proponent of black feminism, Angela Davis believed that this movement emerged to address simultaneously sexism, racism, and class oppression. Even before its development, Davis had argued that society forced black women to choose either

77 Letter in Hate Mail Folder, 12 August 1972. Davis Trial Collection.

78 "Rejects Angela Davis Trial," *Angela Davis Trial 1972*, Stanford University Special Collections Archive, Box 4, Folder 2 Folder 3

the civil rights or women's movement as most important. She stressed that this was the wrong question. Feminism that strove to overcome sexism and class oppression still discriminated against women racially, and civil rights movements that ignored the feminist agenda marginalized women. Black feminism strove to bridge these two movements. Davis, however, believed that society struggled with understanding the significance of these interconnections. In a 2014 interview, columnist Frank Barat asked Davis about the significance of black feminism in today's society. She stated that "We are faced with the challenge of understanding the complex ways that race, class, gender, sexuality, nation and ability are intertwined—but also how we move beyond these categories to understand the interrelationships of ideas and processes that seem to be separate and unrelated."⁷⁹ The reactions to the Davis trial predated the theory of intersectionality developed within feminist thought later in the 1970s and her recent interview serves as a reminder that the struggle to understand these powerful intersections of identity remains a challenge.

79 Angela Davis, Interview with Frank Barat, "A Q&A With Angela Davis on Black Power, Feminism and the Prison-Industrial Complex," *The Nation*, August 27, 2014.
