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*The Crimson Historical Review* is composed of undergraduate students at the University of Alabama who are passionate about history, academic writing, and publishing. Interested in becoming a staff member? Undergraduate students at the University of Alabama are invited to contact crimsonhistorical@ua.edu. The *CHR* is not operated by the University of Alabama. The opinions and views within this publication are those of the authors and do not necessarily reflect the position of the University of Alabama and its staff.
Contributors

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Dear Readers,

From the accidental discovery of Penicillin to the fortuitous unearthing of the Dead Sea Scrolls, history is full of “happy accidents.” I reflect on those happenstance events today as I write this letter for the Crimson Historical Review. When I arrived at the University of Alabama, I was not looking to get involved with an academic journal. But, after some persistent pestering from a fellow freshman, I joined the CHR. My acquiescence led to one of the most important aspects of my academic career: helping serve one of the strongest undergraduate publications in the country.

Nowhere can such strength be more clearly seen than in our present issue. In this edition, you will find incredible articles written by authors from across the U.S., focusing on topics from nineteenth-century European nation-building to an analysis of slavery and its legacy at this very university. Our pattern of excellence is undoubtedly due to the commitment of our staff and their sharp work, which they maintained while maneuvering through the changing environment of COVID-19 as well as its subsequent variants.

I must also acknowledge my appreciation for Dr. Margaret Peacock’s continued support of this journal, and state how important her administrative support and historical expertise has been to our success. I should recognize too our senior executive members, who have been a constant at the fore of the CHR, Lily Mears, Production Editor, and Caroline Lawrence, Chief Copy Editor. I am most excited, however, to commend the staff who will fill the seniors’ shoes: Gavin Jones, Review Board Executive, Sarah Jaggears, Chief Copy Editor-Elect, and John French, Administrative Executive (and all-around great man). Finally, I would be remiss if I neglected to mention the central character in my Butterfly Effect CHR experience, my friend, and Co-Editor-in-Chief, Jackson Foster. Jackson was the freshman that got me involved with the journal and has been an important colleague for me at U.A. I am now more proud of him than ever, as he plans to head to Durham University—the second CHR Editor-in-Chief to move across the pond for graduate work—on a Marshall scholarship.

As I see Jackson and myself begin to hand off the reins of the Crimson Historical Review to its next generation of leaders, I can only offer one tip: trust in history and butterfly wings, you never know where either will lead you.

Please enjoy the newest edition of the CHR,

John Pace
Co-Editor-in-Chief
From March to May of 1871, the Paris Commune proclaimed itself the foremost bastion of secular, progressive government in the world. Study of this dramatic period in French history predominantly focuses on its socio-political character, highlighting radical thinkers and ideas of anarchist or social-democratic bents. Alongside these more researched trends, however, were fringe associations in an equal struggle to survive the siege and Commune. This paper focuses on one such group—the Spiritists—as they attempted to reconcile egalitarian mores, integral to their philosophy, with petty-bourgeois investiture in religion as integral to social structure and governance.

Examining articles from the Paris-based Revue Spirite, it is found that the Spiritists approached the Commune from an opportunistically supportive stance, eventually shifting their language to full-blown animosity and disregard as the Versaillais recaptured the city and put down the Communards; these views being articulated through the uniquely Spiritist platform of mediumship.

By the end of 1870, Paris was in flames. Radical thinkers of various persuasions fomented dissent under the auspice of the Prussia’s cannons, while the French government in Versailles failed to provide basic relief to the former capital. Concessions made in late January to Bismarck’s army increased the rage of the starving and angry population. With the declaration of the Paris Commune in March, respite was not to be found for the city and its people until the climactic atrocities of Bloody Week that May.

Through this volatile and tumultuous period, the Parisian Spiritists were isolated from the rest of France and struggled to live within the battered city walls. The Spiritist’s primary publication, dedicated to further developing their doctrine, was the Paris-based Revue Spirite. In spite of nearly six-months of continuous strife within the City of Light, the Revue persisted in print and publication while many issues were held in reserve until “each subscriber … receive[d] the numbers that the state of siege had not allowed [the editors] to send.” This was an impressive display of fortitude, given that much of its work was undertaken by a single person, editor Armand Theodore Desliens. Analyzing articles from the siege/Commune-era Revue Spirite, this research paper highlights the journal’s discussion and criticism of events during this watershed in Parisian history alongside devices, largely unique to the world of Spiritism, that these writers utilized in articulating Spiritism’s stance on both the siege and Commune.

Spiritism, developed by American Spiritualists, originated across the Atlantic. Spiritualism swept the Americas through the mid-nineteenth century. Adherents
generally subscribed to the belief that after death, the dead possessed an ability to communicate with the living by various means, and one of the more common methods was table-turning. This craze for spirit messages ran tandem with the West’s whiggish pursuit of scientific knowledge. In the view of the Spiritualists, this was a march toward an inevitable conciliation between science and religion through occultic means. Table-turning eventually made its way to Europe and rolled along to France in 1853. Across the world, experimentation meant to improve transmission between the dead and living resulted in further refinements, such as a proto-Ouija board, the planchette, and automatic spirit-writing. It was amidst these developments that Allan Kardec entered the Spiritualist community.

Allan Kardec was born in Lyon in October 1804 as Hippolyte-Leon-Denizard Rivail. Steeped in Catholicism and tutored in a variety of sciences, Kardec dabbled in various esoteric movements through early adulthood before he settled upon the sphere of spirit communication. In session with a medium, he was tasked by the spirits present to compose a book—*The Spirits’ Book*—and began the process of codifying their true intent in communication with the living. First published in 1857, the movement of Spiritism spread globally from this tangible cornerstone of doctrine. Its distinguishing features were an emphasis on reincarnation and the communications of the dead as incontestable, scientific proofs of the afterlife. For Kardec and his Spiritists, the meaning behind spirits’ presence was to gain insight on one’s current life, compelling the believer to work toward greater purification of their personal spirit in future corporeal lives. Kardec proselytized his science for twelve years, and he died of an aneurysm in 1869, one year before the Franco-Prussian War.

In contrast to Spiritism’s cornerstone, information on Armand Desliens is scarce. What few scraps to be found in the dustbin of history are obscure Brazilian and Spanish-language internet forum posts, lacking citation and serving, at best, as circumstantial evidence. Taken as a whole, however, the faint yet plausible outline of a man takes form. It seems an educated guess that Armand worked closely with Kardec who, in addition to his role as religious codifier, was the first editor of the *Revue Spirite*. After Kardec’s death, Desliens assumed editorship within the year, in time for the War and, as the *Revue* later opined, the “communal insurrection.”

In the initial stages of the Prussian’s siege, Desliens and those writing to the *Revue* dove headfirst into the pits of prophecy, questing for rational explanations and confident declarations of when the siege would end. This search for meaningful prophecies took center stage in the *Revue*, in spite of doctrinal insistence that the “influence of passions, aspirations, [and] secret patriotic desires of the mediums” often rendered prophecies and prophetic spirit messages unreliable. Regardless, analysis of the Prussian assault on Paris was relegated to examining such things; many of which, notably, were of non-Spiritist origin.

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3 Sharp, “Building,” 52.
4 Sharp, “Building,” 53.
5 Sharp, “Building,” 73.
Consistently, the *Revue* took a stance seemingly at odds with the large volume of working-class adherents to the movement. During the Siege especially, an emphasis was placed on the culpability of the German and French people, rather than leaders on either side, who were “the acting arm, the striking instrument and nothing more!” This argument was defended in a way Spiritists would recognize and reflect upon earnestly—through the shared belief in karmic response to past life misdeeds. For Desliens and the *Revue*, past attacks by the French upon German States justified what was happening contemporarily. Though the city of Paris suffered, belief in reincarnation and karma made it only fair that Parisians “logically become the oppressed after being the oppressors.”

Such sentiments were taken even further through the suggestion that Otto von Bismarck was a German equivalent, and possible reincarnation of, France’s Cardinal Richelieu. Both were heroic figures who worked toward federation and unity for their respective peoples. In glowing words, one article postulates whether if, “at different epochs of history, we would not see periodically appearing the same characters under the human masks of the great princes and great ministers of antiquity and the Middle Ages?” This kneejerk response by the *Revue* to utilize reincarnation as an explanation and justification for Parisians’ collective suffering was a trifle, however, to their reaction toward the Commune those fateful, subsequent months.

The March issue identifies the declaration of the Paris Commune as a “Blockade of Paris,” further indulging the readership’s panic by turning to further collective karmic missteps, condemning them postpartum through parroting prophecy. Communication with the rest of France was open for a limited time during the armistice and was then shut off as it had been during the siege. In the interim, though, “numerous letters addressed to us, in spite of the difficulty of communications” found their way to the *Revue*, including an offer by a provincial miller to house refugee Spiritists. Aside from this initial address, Desliens, in his capacity as editor, went silent on the matter of the Commune and Communards until May. However, implications found throughout the March-issue’s “Spiritual Dissertation,” attributed to the spirit of Allan Kardec are notable.

His tone was cautious regarding Paris’ revolutionary tension, and he insisted several times that “fraternity practiced in its purity cannot be alone, for without equality and freedom there is no true fraternity.” Yet balancing out this caution is what appears to be open, albeit lukewarm, support of the social promises these soon-to-be-Communards represented. Kardec’s spirit insists that humanity must “destroy in the laws, in the institutions, in the religions, in the education … causes which maintain and develop these eternal obstacles to the real progress,” addressing those institutions soon to be reworked under the Commune. Kardec’s spirit proclaimed, “It is up to the men of progress to activate this movement by studying and putting into practice the most effective means.”

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9 Sharp, “Building,” 54.
10 Desliens, “Forecasts,” 223.
14 A. Veve and Captain B., “Correspondence - Spiritism in the provinces and abroad during the war,” *Revue Spirite – Journal D’Etudes Psychologiques* (March 1871), 54.
In contrast to these reservations, his spirit’s immediate response to the brutal aftermath of the Commune is simply remarkable—and most explicit, for the Revue, in addressing the Communards. For an article commemorating the second anniversary of Allan Kardec’s death, a medium was asked to consult the founder. Kardec briefly glossed over the subject of his afterlife and eagerly shared his thoughts on recent events. In earlier communications from March and April, Kardec’s spirit expressed grumbling distaste for the rule of radical working-class Parisians, certain that “on the pretext of equality, the little one lowers the great to replace him, and becomes the tyrant in turn,” while also warning readers of the Revue to “stay away from all these things … because you have nothing to do with the wreckers.” When the prospects of the Commune were uprooted in utter oblivion by Thiers and his soldiers during the aptly-named Bloody Week of late May, Kardec instructed those reading to “follow the current, without mixing in it, [and] let men of violence do their work of blood: let them pile ruins on ruins, rubble on rubble.”

This “work of blood” carried on with futile opposition, save the Communard’s execution of hostages, as Versaillais troops ravaged the city: they were better trained, better equipped, and left thousands of massacred Parisians in their wake. In concluding his appeal for apathy, Kardec’s primary criticism of the Commune, its irreligiosity, becomes ever more palpable—his spirit remarked, “to repair a house that has fallen into ruin, to recreate a cracked wall that trembles on its secular foundations, one only postpones an imminent fall!”

In the aftermath of Bloody Week, a swell of letters and information was made available to the Revue. The backlog of correspondence was so great that a prefatory note was placed in the July issue, alerting readers that “the multiplicity of news … by which we would not want to be overwhelmed” required an adjustment of format. To update Spiritist citizens on what transpired during the Paris Commune, the Revue presented two spirit communications: one received from a Spiritist guard, Brigadier Pons, and another from non-Spiritist Archbishop Darboy. Pons, killed by the Communard forces after having been arrested March 18th, assures readers that it was the ideas of Spiritism which “gave me the courage … lacking to many who died by the shooting.”

Of far greater significance, however, is the message received from Paris’s former Archbishop. The message is unique among Siege/Commune-period communications, as it is a vision the medium received, versus writing or speech. The unnamed seer describes “the Archbishop of Paris surrounded by hostages who, like him, were victims of the revolutionary movement.”

Of social revolutions are terrible, but they must inevitably bring about a great moral change, they must shake the thrones to unite the peoples: they must persecute the

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23 Pons and Desliens, “Spiritual Dissertations,” 129.
clergy to bring it back to a sound doctrine. The rich will suffer failures in their ambitious plans and considerable losses in their financial calculations, which will lead them to understand more easily the worries and privations of the working class. He will no longer regard the people as something for his use.\textsuperscript{24} 

Anomalous when compared with the Revue’s general, if indirect, stance on the Commune and the Communards, this message offers strong evidence that there were Spiritists in support of, if not also active agents in, the Commune movement. During those fated months, Desliens addressed this division between Parisian Spiritists; some were “called by law or by their political convictions in either camp,” and the gathering of a unified Spiritist community during such polarization was an insurmountable challenge.\textsuperscript{25}

Amidst the revitalized exchange with the rest of Paris, an article by Charles Monselet, noted journalist and gastronomist writing for the magazine \textit{Illustrated World}, was brought to the Revue’s attention. Written in the midst of May, it was a sardonic sally of Spiritism—with rhetorical inquiries deemed offensive enough by the Revue’s editors to be reprinted in their entirety:

Where did the Spiritists go? We have heard nothing of it since the beginning of the war. However, it would be a good time for them to come forward and make some communications about events. There must be in the air, presently, a multitude of spirits who want no better than to talk. What do we question them as before? It would be infinitely interesting to have the opinion of Monsieur de Talleyrand on Monsieur de Bismarck for example, or that of Frederick the Great on Monsieur Thiers, or that of the painter [Jacques-Louis] David on the painter Courbet.\textsuperscript{26}

Normally dispassionate in their condescension of the non-Spiritist, secular world, this particular incident strikes a noticeable change in the Revue’s tone. The review which follows Monselet’s comments was vicious and angry, deriding \textit{Illustrated World} as a mess of “fools and jugglers!” The greatest criticism aimed at Monselet, however, was that he failed to understand the crux of Spiritism, and that thorough study was required before he should dare make light of Kardec’s philosophy. “Perhaps then,” the Revue retorts, “M. Ch. Monselet [will] think that there is something better to do than ask the great men of the past their opinion of the men of today.”\textsuperscript{27}

By the end of the Siege and the Commune, Armand Desliens had worked himself into an irreparable fatigue. Resuming communication with the provinces, coupled with the vast backlog of correspondence still unsorted, was too daunting a task for the man who had, in his own words, been “writing monthly the articles necessary for the regular publication of the Spiritual Review.”\textsuperscript{28} In late June of 1871, Armand withdrew from his position as editor. His letter of resignation, published in the September issue of the Revue, detailed the struggle of his work:

During the vicissitudes of the siege of Paris and later during the Communal insurrection, in spite of the difficulties of the moment, I insisted on accomplishing my duty to the end ... I was very seriously indisposed from the beginning of March last, and soon had to abstain from long walks, because of a general weakening which obliged me to keep the room for more than six weeks. Nevertheless, with much effort,

\textsuperscript{24} Pons and Desliens, “Spiritual Dissertations,” 129.  
\textsuperscript{25} Kardec and Desliens, “Second anniversary,” 80.  
\textsuperscript{27} Pis, “Variety,” 117.  
\textsuperscript{28} Editors and Armand Theodore Desliens, “Retirement of Mr. Desliens,” \textit{Revue Spirite – Journal D’Etudes Psychologiques} (September 1871), 166.
I still managed to meet the task I had imposed myself after the master’s [Kardec’s] departure.29

Subscribers had nothing to worry about, though, as a replacement had been procured in August: Pierre-Gaetan Leymarie. Immediately following Desliens’s printed farewell, the new editor wrote to remind the Revue’s subscribers that, in his wisdom, Kardec had admonished successors not to be mere imitations of his fully rounded spirit—Leymarie’s intention being to nullify any semblance of loss in Armand’s retirement. A report appended to this notice, produced by the Revue Spirite’s administrators, reinforces the new editor’s sentiment in so many words, stating: “The existence and the future of society do not rest especially on the head of any individual; one of us can die, disappear, change our way of seeing, without the society suffering from it, since the group that composes it replaces as and when is needed.”30 Leymarie waved off his predecessor with an assurance that, “Like him we must remain impersonal, we are part of a group of administrators, disinterested and above all spiritualists in the meaning of the word.”31

Leymarie, in contradistinction of the “essentially cosmopolitan” character of Kardec’s Spiritism, charged the Revue with political vehemence, professing an elitism which until now had subtly simmered between the lines of the siege and Commune.32 His first contribution to the Revue was an analysis of one Baron d’Holbach’s writings—the selection of which includes the following observation: “a good education, above all, must teach the rich, the noble, the powerful, that they must make themselves loved by their inferiors.”33 These sentiments were in rapport with the hierarchical thought of returning Versaillais. Leymarie then opened his analysis of d’Holbach with the following sentiment, that “this high lesson comes from the eighteenth century. Can we really say that society has changed?”34

After the devastation and slaughter of Parisians, the letter of the day for the Spiritists of Paris became forgive and forget; to try and unify the country under the winners, Thiers & his high society camp, rather than allow further divisiveness between the classes. A correspondent, whose name is given discreetly as E.M., wrote the Revue, “Our thought must be summed up in a community of action, obeying this divine motto: Unity is strength.”35 Glowingly, the new editor Leymarie responded in kind, speaking on behalf of the Revue and its readers in saying, “we cannot better advocate a better cause.”36 In an earlier article as well Pierre-Gaetan writes, “Disunity must be a forgotten word.”37 Such lofty statements, however, did little in stopping Leymarie and other contributors to the Revue from dredging the past; recollecting to recuse proponents of the Commune and its ideals.

29 Editors and Desliens, “Retirement,” 166.
36 E.M. and Leymarie, “Correspondence,” 142.
In the November issue of 1871 a story was printed about Henri Sarcy, described in the article as “a victim of our civil discord.” Sarcy, a young man of fifteen, had been called by his merchant parents to witness the bloodbath on the boulevard near Rue Drouot, from a friends’ mezzanine, and the author of the article describes their desire to watch as an “irresistible need.” Though Henri did not want to, he felt his refusal would upset his mother, so he went, “climbing very fast,” to them. As he asked for forgiveness, “a bullet, coming from the barricade of the Montmartre street, ricocheted … and cut the jugular vein of Henri Sarcy who, drowned in his blood, died a few minutes later.”

The story reveals in the despair of tragedy, only later revealing the purpose in its submission to the Revue; Henri’s father, worrying over an unrelated legal dilemma, was visited by the spirit of his son, who provided useful guidance to him. The Revue found the story of Henri one which needed to be heard—not only because he was a victim of the violence surrounding the Commune, but because, in their own words, he was “a serious Spirit having lived long enough, having finished the last cycle of his earthly existences.”

With this, observations of the Revue moved toward the future. The years following the Paris Commune featured no reflection or retrospection, instead focusing on the alienation of Spiritists by the Spiritualist community at large, leading to such declarative & reactionary statements as, “Spiritualism must die!” The last echo of the Commune/Siege era appears in the October 1873 issue, in which a medium communicated a spirit-dissertation by Henri Sarcy regarding Kardec and Truth. The message itself is obscure and irrelevant to the boy’s life, and its significance was primarily an appended note reminding readers who Sarcy was.

A particularly fascinating feature of the late-1870 to early-1871 issues of the Revue are their struggle to maintain some degree of objectivity in spite of being stuck amidst intensely passionate social and political upheaval. Try as Armand and the many correspondents did to avoid discussing the “fratricidal and impious struggle” and the “deplorable infighting” by its very choice of phrase, the Revue Spirite proclaimed its stance often and ever louder. It was undoubtedly made easier during the Commune for Armand to remain unaffected by the fires of revolution, for the majority of March up to the middle of April he had become a reclusive writer in poor health. If he had much knowledge of the goings on of Paris, it would have been from his window, or through the notice of fellow Parisian Spiritists. Upon the second anniversary of Allan Kardec’s death, it was felt that “in the midst of all these conflicts, it was impossible for us, as in previous years, to think of bringing together the Paris Spiritists.”

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46 Editors and Desliens, “Retirement,” 166.
The main reason Kardec’s spirit and the *Revue Spirite* distanced themselves from promoting or highlighting the Commune and its ideals was quite simple: Spiritism identified itself as a philosophy bridging the gap between religious faith of a blatantly Catholic foundation and scientific reason. The Paris Commune, in contrast, was organized by materialists and anticlerical thinkers. Though the progress made toward greater social equality was in line with Spiritist thought, the advocacy of the Commune in removing religion, and more specifically Catholicism, from its controlling stance on public life was simply out of line.

The mode of the siege/Commune-era *Revue* then was to endorse the petty bourgeois and the more religiously-inclined stance of Spiritism’s benefactors. The best way to do this was to utilize spirit communication, with the understanding that such otherworldly observers’ disinterestedness in worldly affairs would make their condemnation of the Communards and the Paris Commune all the more powerful. Victims of the Commune’s destruction and Bloody Week, along with their dearly departed founder, became posthumous mouthpieces for the *Revue*. Through their voice, the *Revue* furthered the belief that the secular foundation of this popular demand for social justice was but the lesser work of ambitious and selfish individuals, wholly apathetic to the plight of the poor.
References


Yahoo. “Por que Allan Kardec se suicidou, se era um espírito em alto grau de evolução.” Accessed November 28th, 2018.
Appendix

An 1891 Parisian electoral roll lists an Armand Desliens as having been born the 3rd of November 1843, in the Parisian commune of Villeneuve-le-Roi. This mutually supports a Yahoo forum post online, where an anonymous individual includes a purported transcription of Allan Kardec’s death certificate, which made note of “a twenty-five-year-old employee at Boulevard du Prince-Eugene No. 110” by the name Armand Theodore Desliens signing the death certificate as a witness. Kardec’s death having occurred in 1869, this would put the birth year of Desliens as near the same as on the electoral roll. He also makes an appearance on the website Casa de Recuperacao e Beneficios Bezerra de Menezes, where he is described as Allan Kardec’s secretary.

49 “Por que Allan Kardec se suicidou, se era um espirito em alto grau de evolucao,” Yahoo Answers, Yahoo.
50 “Artigos – Museu Roustaing,” Casa de Recuperacao e Beneficios Bezerra de Menezes, CRBBM.
NATION-BUILDING AND LINGUISTIC UNIFICATION IN NINETEENTH-CENTURY FRAGMENTED SPAIN AND FRANCE

Andreas Bonnet

Whilst French elites successfully managed to unify their country around a common culture and language in the nineteenth century, Spain has remained a culturally and linguistically fragmented country throughout its history as a nation, despite elites’ desire to achieve a similar linguistic unification in both countries. Following essential elements of Wright, Gellner, and Anderson’s theories, this essay will consider the central role that state elites have played throughout these top-down nation-building processes and try to identify and detail the elements that can explain how these different outcomes came about, despite the two countries having rather similar situations in 1800. Three means are the central foci of this comparative study: territorial integration, industrialization and economic integration, and education. This comparative paper shows that none of these three means can be designated as the central factor behind the different linguistic and national situations of the two countries in the late nineteenth century, but rather that nation-building and linguistic unification were holistic processes which required a strong implication of the state in the development of each of these three means in order to be successful.

The 1992 Olympic Games in Barcelona exhibited Catalonia’s unique regional identity. A band played the region’s official anthem, “Els Segadors,” dancers performed the traditional Catalan sardana, and the Spanish king delivered a speech in Catalan.¹ In Spain’s neighboring country, France, such regional rather than national celebrations are hardly imaginable. This ceremony highlights a fundamental difference between France and Spain: France has managed relative success in unification of the country around French culture and language, while Spain has remained a culturally and linguistically fragmented country throughout its history as a nation. However, the two countries once had very similar linguistic situations. France was once a territory with various linguistic forms of Germanic dialects, Flemish, Artesien, Picard, Catalan, Basque, Breton, or various forms of langue d’oc and Spain has long contained linguistic minorities of Catalan, Basque, or Galician.² Although many debates remain concerning the origin of nations, scholars have identified the nineteenth century as a crucial moment in nation-building: according to Kedourie, nationalism was invented in Europe at the beginning of the century, and, for Humlebaek, the nineteenth century “saw a process of nation-building … by which

is meant nationalizing the pre-existing political community.”³ In Spain and France, this century was crucial in terms of nation-building and elites in each country hoped to build a culturally and linguistically unified nation.⁴ To an extent, both countries pursued Rousseau’s ideal of a political nation, and for Barnard, this meant that “to become patriots and citizens … people had first to become members: instead of being independent entities they had to become interdependent parts within a larger whole.”⁵ Crucially, this process implied linguistic unification both in France and in Spain. However, despite a similar objective, this process resulted in contrasting outcomes for the two countries. By the twentieth century, France had a largely unified language across its territory and gradually became the “one and indivisible” nation that its 1791 Constitution had called for.⁶ In Spain, strong “non-Castilian speaking linguistic communities” remained, and “the creation of a confident unchallenged Spanish national identity had not been achieved.”⁷ This essay attempts to identify and detail elements to explain how these different outcomes occurred, despite similar situations in the two countries in 1800. Following essential elements of Wright, Gellner, and Anderson’s theories, it will mostly consider the central role that state elites have played throughout these top-down nation-building processes, and will focus on how the two countries’ central states have pursued their nation-building and linguistic unification objectives. Three means seem to have been of major importance in attempting to reach these objectives: territorial integration, industrialization and economic integration, and education—these elements will be central to this comparative analysis.⁸ This essay will argue that none of these can be designated as the central factor behind the different linguistic and national situations of the two countries in the late nineteenth century, but rather that nation-building and linguistic unification were holistic processes which required a strong implication of the state in the development of each of these three means in order to be successful. This paper will thus begin by a thorough assessment of the situation of the countries at the beginning of the nineteenth century and of the objectives that their respective nation-builders wanted to achieve throughout that century. It will then compare nineteenth-century Spain and France’s territorial integration, their industrialization and economic integration processes, and their national education efforts in order to determine how these elements can explain the differences in outcomes that have been identified. Finally, it will discuss the implications of the findings resulting from this comparison and will, more specifically, analyze the crucial role of the state and public investments in top-down nation-building processes.

At the turn of the nineteenth century, Spain and France were in similar situations. In Spain, state elites sought to create a Spanish nation around the Castilian

⁶ La constitution française; présentée au Roi par L’Assemblée Nationale, le 3 septembre 1791 (Paris, 1791), 8.
identity. For instance, in 1841, Maria Cristina de Borbón started with the explicit phrase of “to the nation” as she addressed her fellow Spaniards.\(^9\) The early nineteenth century coincided with the period during which the plural “las Españas” was no longer used to describe the country and was progressively replaced with the singular “España.”\(^10\) For hundreds of years, the Iberian peninsula was known to host various proto-national groups, such as the Basques, the Catalans, the Castilians, the Valencians, and the Muslim people of Granada.\(^11\) According to Beramendi, Spanish state elites who were heavily influenced by notions of nationalism stemming from the American and French revolutions were determined to build a unified and homogeneous nation.\(^12\) In fact, this move towards a unified culture had already started in the late eighteenth century with the “Castilianisation” process marked by royal ordinances such as Charles III’s 1768 decree stating that “throughout the kingdom the Castilian language [should] be used in the administration and education.”\(^13\) For Mar-Molinero, this will was taken from theory to practice as soon as the early eighteenth century with the creation of the Real Academia de la Lengua Española in 1713 which first created norms of language in Spain, an “essential part of the process of linguistic nationalism.”\(^14\) In order to complete the unification process, remaining regional identities and languages which represented threats to the process had to be suppressed, or at least weakened.\(^15\) Among the regions with a strong non-Castilian identity at the time, Catalonia and the Basque Country were the only two which contained a sizeable share of the country’s population and had distinct and widespread languages, although strong movements for self-government only appeared there in the last years of the nineteenth century.\(^16\) For Beramendi, Catalonia, the Basque Country and Galicia “had a specific ethnicity, and the first two also had their own institutions of corporate self-government.”\(^17\) As early as 1710, Spain appeared to be a nationally fragmented territorial unit, and elites began to consider linguistic unification as a means for nation-building.

As mentioned earlier, France’s situation was very similar to that of Spain in the early nineteenth century. The 1789 French Revolution led to an “upsurge in French nationalism,” and was exemplified by the 1791 Constitution’s civic oath which began: “I swear to be loyal to the Nation, the Law, and the King.”\(^18\) According to Seton-Watson, in France, “the main instrument of centralization and of national greatness was the French language.”\(^19\) Indeed, as in Spain, the necessity to linguistically unify the country quickly became one of the French elites’ main objectives, independent

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\(^12\) Beramendi, “Identity, Ethnicity and State in Spain,” 80.


\(^17\) Beramendi, “Identity, Ethnicity and State in Spain,” 82.


from the nature of the regime under whom they served. For instance, Talleyrand—an influential civil servant who served under the Republic, the Empire, and the Monarchy published a Report on Public Education in 1791 in which he asserted that French language should be taught to every single French citizen and that local “corrupted dialects” should be “forced to disappear.” However, linguistic unification around French was far from being achieved in the early years of the nineteenth century. Hobsbawm estimates that only 12 to 13 percent of the country’s population spoke French at the time of the Revolution, and even later in 1863, 8,381 of France’s 37,510 communes spoke no French according to official figures. Non-French-speaking communes spoke numerous languages or patois, among which Provençal in the South, Breton in Brittany, and Flemish in the North-East were the most widely spoken. Even though the revolutionaries failed to linguistically unify the country immediately, according to Eugen Weber, “what survived from the shipwreck was the principle.”

Linguistic unification as a prerequisite for successful nation-building became a constant state objective throughout the century, especially after the establishment of the Third Republic in 1870. Therefore, Spain and France shared two main characteristics in the nineteenth century: a linguistically fragmented population, but, more importantly, a drive to fight this fragmentation and unify the country under the same language and culture in order to finally build a strong and homogeneous nation.

The construction of new transportation infrastructure appears to have been a crucial means of linguistic unification in nineteenth-century Western Europe. Indeed, the Industrial Revolution of the late eighteenth century and early nineteenth century led to the advent of new technologies such as the steam machine and railroads which considerably reduced the amount of time needed for long-distance travels. As highlighted by Beck with the example of France, the connection of numerous villages due to these technologies led to a greater opening of previously autarkic villages to the rest of the country. Similarly, for Weber, roads also broke French villages’ autarky as illustrated by the break of Finistère’s isolation after the construction of a wide-reaching vicinal road system in the last third of the nineteenth century. Indeed, “there could be no national unity before there was national circulation.” In France, national circulation was permitted by a consequent and high-quality road system, and France had around 45,000 kilometers of paved roads by 1855. This was bolstered by very high levels of public investments in the development of roads and railroads, especially in the latter part of the nineteenth century: the 1879 Freycinet Plan consisted of nine billion francs of investment which permitted the creation of over

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22 Weber, Peasants into Frenchmen, 80-84.
27 Weber, Peasants into Frenchmen, 204.
16,000 kilometers of railroads. In Spain, transportation infrastructures were also built “for the purposes of nation-building.” However, it took place on a magnitude nowhere comparable with that of France’s efforts, as illustrated by the accounts offered by Sarrasi, a French traveler in Spain in 1904:

So, I said to myself, it takes thirty-one animals and one man to bring thirty hectolitres of wheat to the city. In France, two chariots and two pairs of oxen would have been enough; but in our country, we have excellent roads both in the plain and in the mountains, and in Spain, they have only paths that are accessible only to mules and donkeys.

Indeed, the Spanish state lacked the economic resources to make large investment plans and build roads and railroads that would unify the entire country into a single unit: according to a report written by the Spanish General Directorate of Public Works in 1856, road-building in the country was hindered by “insufficient funds” and “the lack of qualified personnel.” Therefore, the country’s operating railway network consisted of only 11,040 kilometers by 1900, whereas France’s network was approximately 46,000 kilometers long as early as 1882 according to Lesguillier, a French Member of Parliament in the late nineteenth-century. Unlike France where regions were progressively unified over the course of the century thanks to roads and railways, Spain remained a territorially fragmented country. The already-peripheral regions of Catalonia and the Basque Country remained geographically isolated from the rest of the Peninsula throughout the century. As a result, Spanish citizens who only spoke their region’s language hardly ever met Castilian speakers and had little incentive to learn Castilian. On the contrary, the progressive opening of France’s most isolated regions, Pyrenees, Brittany, and Flanders, to the rest of the country through roads and railways blended speakers of various languages together and pushed non-French speakers to learn French in order to remain involved in social and economic activities. As such, elites’ nation-building and linguistic unification efforts seem to have an important explanatory power to understand the success or failure of territorial integration in previously isolated regions.

Alongside territorial integration, economic integration and industrialization also were crucial state levers for nation-building and language unification. Gellner has highlighted the central role that nineteenth-century industrialization and economic integration played in the unification of a nation and its language. In practice, as demonstrated by Weber, the expansion of industry makes the use of a common language necessary among workers, and fosters economic migration, another factor

33 Dirección General de las Obras Publicas, Memoria sobre el estado de las obras publicas en España en 1856, (Madrid, 1856), 28; Gabriel Tortella, “Patterns of Economic Retardation and Recovery in South-Western Europe in the Nineteenth and Twentieth Centuries,” The Economic History Review, 47 (1994), 10.
of linguistic unification. In the nineteenth century, France was an epitome of the success of these factors in practice. As industry developed in France, economic migration became increasingly widespread. According to Weber, “in France as a whole, the percentage of the population born in one department and living in another, 11.3 in 1861 and 15 in 1881, climbed to 19.6 in 1901”—a phenomenon favored by the development of a wide-reaching transportation network. As a result, in workshops and factories, immigrants from other French provinces had to use French as a lingua franca. For instance, in Vosges, where German dialects were spoken by the local population, the development of the cotton industry in the 1870s “all but wiped out the local dialect” as the “mixture of patois” favored a common language of French. On the other side of the Pyrenees, this phenomenon was hindered by Spain’s economic “backwardness”: industrialization was lagging in the Iberian country. Despite the rapid development of the industrial sector in Western Europe, the percentage of Spaniards working in the agricultural sector among the total labor force rose from 69.9 percent to 72.2 percent between 1860 and 1900. According to de Guérin du Cayla, a French traveler in Spain, Spain’s economy was “impooverished, annihilated, [and] no longer resembled the glorious Castile of the old days” in 1866. As a result of this lagging industrial sector, Castilian was not spread as a lingua franca like the French idiom had been. However, the economic factor that truly hindered linguistic unification in the Iberian country was the fact that Catalonia and the Basque Country, regions with a strong national identity and a distinct language, were “the two most industrialized regions of the Peninsula.” Catalonia, for instance, produced nearly 40 percent of the industrial value added to the country in the late nineteenth century with only 10 percent of its population. Thus, instead of pushing Basques and Catalans to move from their home regions and learn the state’s official language like the Bretons or the Alsatians, these regions’ strong economic development reinforced their isolation and their internal interconnection. Thus, different industrialization patterns and economic integration in the nineteenth century can also explain the two countries’ different levels of success building a nation and unifying its language.

Education is another area in which the state’s top-down nation-building and linguistic unification processes were especially significant in nineteenth-century Western Europe. In order to build the unified political nation theorized by Rousseau, states needed more than laws: education was also essential as a means to unify the nation culturally as well as linguistically. In France, the central role of schooling as a nation-building tool was already recognized by the revolutionaries in the late eighteenth century: between 1791 and 1799, twenty-five projects on public schooling—projects which systematically advocated for the diffusion of French in lieu

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45 Tirado, Paluzie, Pons, “Economic Integration and Industrial Location,” 343.
46 Smith, The Origins of Catalan Nationalism, 23.
of local languages—were presented to the legislative assemblies. In France, the various regimes of the nineteenth century all shared this objective to unify the language through schooling, but true unification through education was only made possible by the Third Republic’s reforms of primary education. Influenced by French thinkers such as Talleyrand, Spanish elites pursued similar objectives as illustrated by the Informe Quintana of 1813, which for the first time asserted that only Spanish should be used in primary and secondary schools. In fact, free and compulsory schooling was introduced earlier in Spain than in France: whereas France introduced it with the 1880-1881 Lois Ferry, Spain passed its own piece of legislation on the matter, the Ley Moyano, as early as 1857. However, de facto, France managed to effectively fight linguistic fragmentation through the education system much earlier and more effectively than Spain. Spain was hindered by several factors when it came to establishing an effective national schooling system. First, the state was heavily in debt after a series of unsuccessful wars abroad, devastated by civil wars, and because of its own elites’ greed, was financially “unable to provide the country with a public educational system, ... a crucial tool for the nationalizing effort.” Moreover, the state’s efforts were also hindered by its own political and social structure. On one side, the Church—which largely dominated the educational system before the intervention of the state—was reluctant to abandon its religious priorities for the secular elites’ nationalizing agenda. According to Sarrasi who visited Catalonia in 1904, the clergy was more interested in maintaining the use of Catalan among peasants rather than teaching them Spanish. On the other side, the caciques, influential dignitaries who were mostly driven by their personal interests, were widely opposed to widespread schooling as the illiteracy of peasants reinforced their social and economic roles at the local level. As described in 1887 by Manuel Panero, an inspector of primary education, “the caciques sought to extinguish the light of education.” In France, even though there were oppositions to national education, the state’s efforts received sufficient funding to be effective and did not face the same hindrances as Spain. The French state built an impressive number of schools all over the country in the mid-nineteenth century. In 1833, France had 31,420 schools and 1.2 million children attended school daily; by 1847 the number of schools had doubled and the number of schooled children had tripled. Alongside that, growing anticlericalism—which culminated under Gambetta and in the latter part of the century—strongly diminished the power of the Church in France, and Charles Péguy’s black-frocked hussards of the Republic progressively replaced clergymen in France’s

50 Vick, “Language and Nation,” 158.
51 Natividad Araque Hontangas, Manuel José Quintana y la Instrucción Pública (Madrid, 2013), 55.
54 Humlebaek, Spain: Inventing the Nation, 14.
55 Sarrasi, L’Espagne d’Aujourd’hui, 83.
villages.\textsuperscript{59} As a result of these sharp disparities between the two countries, their respective literacy rates in French and Spanish were incomparable at the end of the nineteenth century: whereas France’s literacy rate reached 83 percent in 1900, Spain’s was only at 44 percent.\textsuperscript{60} Thus, the development of schooling systems also seems to have played a role in the patterns of nation-building and linguistic unification in France and Spain.

So far, this discussion of the two case studies has only highlighted differences between the two countries. Two elements can explain this fact. First, the three means treated are interdependent: the presence of one increases the necessity for and the probability of the presence of another, which in turn favors linguistic unification and nation-building. For instance, as highlighted by Weber, “it needed personal experience to persuade people of the usefulness of education”: industrialization alongside economic and territorial integration alone cannot linguistically unify a country, however they create incentives for people to learn the new national language and therefore blend themselves into the nation’s culture.\textsuperscript{61} Similarly, building schools and recruiting school teachers remained pointless as long as the rural inhabitants were unable to reach them, and roads not only created an incentive to go to school, but also a means without which large-scale schooling in previously autarkic villages would have been impossible.\textsuperscript{62} Thus, the state’s three means of nation-building and linguistic unification mentioned reinforced each other while poor investments and lack of commitment in one of these three elements hindered the development of the two others. Therefore, it seems difficult to highlight one of the three means mentioned as the central factor behind the different linguistic situations of the two countries at the turn of the twentieth century. In fact, nation-building and linguistic unification appear to be holistic processes within which each component is essential and reinforces the impact of the others. The other element which can explain the major differences between Spain and France is the level of public investment and, more generally, the state’s dedication to the achievement of its nation-building objectives. There exists a huge gap between the desire to unify a nation and effective nation-building as made evident in the case of Spain. As highlighted by many nineteenth-century writers, the Spanish state lacked the discipline and the funds to effectively pursue nation-building policies.\textsuperscript{63} Pierre-Léonce Imbert, a French traveler in late nineteenth-century Spain, described the Spanish state as being dependent on lotteries to avoid bankruptcy, and compared the state’s finances to the Danaids’ sieve as he stated, “no sooner are they a quarter full that they are emptied … into the ministers’ pockets” (see Appendix C for the original text).\textsuperscript{64} Despite an undeniable ambition to unify the nation around Castilian language and culture, Spanish statesmen lacked the funds to pursue their policies—a want of funds which can, in part, be explained by their own greed. Even though no specific difference alone regarding the three means mentioned can explain the different outcomes in the two countries’ linguistic situation at the end of the nineteenth century, it seems clear that an effective and economically powerful state is


\textsuperscript{60} Tortella, “Patterns of Economic Retardation,” 11.

\textsuperscript{61} Weber, Peasants into Frenchmen, 328.

\textsuperscript{62} Weber, Peasants into Frenchmen, 320.

\textsuperscript{63} Alvarez Junco, “Spanish National Identity,” 311.

\textsuperscript{64} Pierre-Léonce Imbert, L’Espagne, splendeurs et misères: voyage artistique et pittoresque (Paris, 1875), 310.
a necessary condition in order to pursue efficacious nation-building and linguistic unification policies.

At first glance, this essay seems to raise more questions than it brings answers. All three of the state’s means analyzed seem to have been of central importance for nation-building and linguistic unification, and none of them can be discarded as irrelevant. In France, successful territorial integration broke the autarky of rural villages where French was not yet in use, whereas the State’s failure to connect the various regions of Spain hindered the diffusion of Spanish in the Iberian country. The rise of industrialization and the subsequent economic integration of the country created strong incentives for non-French speakers to learn the central state’s language, whereas economic isolation of non-Spanish-speaking provinces in Spain reinforced their linguistic isolation. Finally, consequent investments in schooling enabled the French state to spread its language everywhere on its territory, whereas in Spain, numerous political and institutional hindrances slowed down the diffusion of Spanish through schooling. As a result of this unequal development between the two countries, France was progressively becoming a more unified country in the early twentieth century, whereas the Spanish state had to face the revival of regional-nationalist claims such as the Renaixença movement in Catalonia or the movement led by Sabino Arana in the Basque Country. Nevertheless, the fact that all three of the means analyzed appeared to have been essential to linguistic unification and nation-building in France highlights a crucial element about these processes: they are holistic processes which require strong public investments in the various fields of economy, education, and transportation infrastructures in order to be successful. These three fields appear to have been interdependent throughout the French nation-building process and the central state successfully understood that none of them was to be neglected. In Spain, the state’s lack of investments and dedication seem to have deeply hindered nation-building, despite the strong will of many elites to unify the country’s culture and language around Castilian identity. Thus, this essay has shown that, in the context of top-down nineteenth-century western European nation-building and language uniformization, the elites’ will is sometimes insufficient to achieve tangible objectives: the multifariousness and the artificial nature of the process called for consequent state investments in various interrelated domains which were possible in France, but structurally impossible in Spain.

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La constitution française; présentée au Roi par L’Assemblée Nationale, le 3 septembre 1791, (Paris, 1791).


Appendix A: Talleyrand on French and regional languages

“Une singularité frappante de l'état dont nous nous sommes affranchis, est sans doute que la langue nationale, qui chaque jour étendait ses conquêtes au-delà des limites de la France, soit restée au milieu de nous comme inaccessible à un si grand nombre de ses habitants, et que le premier lien de communication ait pu paraître pour plusieurs de nos contrées une barrière insurmontable. […] Les Écoles primaires vont mettre fin à cette étrange inégalité: la langue de la Constitution et des lois y sera enseignée à tous; et cette foule de dialectes corrompus, derniers restes de la féodalité sera contrainte de disparaître: la force des choses le commande. Pour parvenir à ce but, à peine est-il besoin d'indiquer des méthodes: la meilleure de toutes pour enseigner une langue dans le premier âge de la raison […]”

Appendix B: Sarrasi on roads in Spain

“It faut donc, me suis-je dit, trente et un animaux et un homme pour amener en ville trente hectolitres de blé. En France, il eût suffi de deux chars et de deux paires de bœufs; mais dans notre pays, nous avons des routes excellentes aussi bien en plain qu’en montagne, et en Espagne, ils n’ont que des sentiers qui ne sont accessibles qu’aux mules et aux ânes.”

Appendix C: Imbert on the Spanish state’s finances

“Chaque loterie rapporte 25 pour 100 au budget. Certes, l’Espagne, qui se débat entre la banqueroute et le cours forcé du papier-monnaie a grand besoin de telles sommes; mais elle devrait les puiser à des sources moins impures. On a dit de ses finances qu’elles étaient la bouteille à l’encre. Il eût été plus juste de comparer les caisses de son Trésor au tonneau des Danaïdes. A peine sont-elles au quart remplies, qu’elles se vident… dans la poche des ministres.”

THE INFRASTRUCTURE OF INFANTICIDE:
Illegitimate Punishment in Early Modern Britain
Jack Lucas

‘The Infrastructure of Infanticide’ analyzes the forgotten “infanticide craze” that plagued the early modern British court system. With hundreds of women executed on infanticide charges throughout this period, punishments for bastardy coupled with extremely low standards of evidence created a series of shockingly unjust legal proceedings. The paper explores the many legislative actions and social taboos that birthed this precarious legal dilemma, as well as early media representation of infanticide cases that shaped public opinion on the matter.

Introduction
Ann Hurlock found herself in a desperate situation. The 23-year-old orphan was pregnant after her co-worker seduced her, and her status as a servant left her with few options. Ann held to her claim that the father had no knowledge of the child, and while this may have been a selfless act to protect her lover from the harsh shame and punishment of bastardy, the absence of a male figure in her life drastically worsened her chances at a bearable post-partum reality. Poor and single, Anne moved in with her mistress with a little over a month left in her pregnancy, and in the early morning on the 8th of April, gave birth to a baby girl on the cold floor of her kitchen. Suddenly, she was overcome with emotion. Ann stared at her child, and her child stared back. When the baby began to cry uncontrollably, a wave of fear rushed through Ann’s mind. As she held her baby in the middle of her kitchen, she eyed a knife sitting just a few feet away. Grabbing the blade by its handle, Ann looked at her child.1

When they woke up, the other members of the household found a great deal of blood and began to clean. After examining the young servant’s body, a midwife named Susannah Derwood concluded that Ann had given birth. Entering the cellar, Susannah discovered a horrid sight. There lay the corpse of a baby girl, its head nearly severed from its body.2 Rushing back into the kitchen, the midwife noticed a knife covered in blood. Susannah went to Ann, inquiring about the newly discovered evidence. Ann immediately confessed. “I did not know what to do with it!” she pleaded.3

We know about Ann’s horrific infanticide case because it went to trial in a British court system in 1759, and its grim details represent the legal, social, and political phenomena that worsened the position of illegitimate mothers throughout the previous 200 years. While remarkably intense and violent, her story is not unique. Instead, British society had become equally plagued by and fascinated by infanticide cases. Ann’s situation was complicated by several pieces of legislation passed at various points throughout the early modern period, one criminalizing bastardy and

another raising the penalty for infanticide of bastard children. The former, as we will see, may have encouraged the incidence of child murder, and the latter ensured capital punishment for the crime.

The system had no sympathy for mothers like Ann Hurlock. The London Chronicle and Public Advertiser immediately covered Ann’s story in the local papers, detailing the murder for all to see. Their depictions of this “Murderous Mother” had been circulating for a month before Ann’s trial began. During the trial, she desperately attempted to recant her previous confessions, instead claiming that the child had a deformity so extreme that she “could not bear to look upon it herself, or let it be seen by others in that detestable view.” Despite this new narrative, it only took one week for Ann to be found guilty. When her fate was announced on May 22nd, Ann appeared “confounded and thunderstruck.” In her final days, Ann cried in a Newgate Chapel. She was forced to read the ninth chapter of Genesis which begins, “And God blessed Noah and his sons, and said unto them, ‘Be fruitful, and multiply, and replenish the earth.’” It was reported that Ann repented in the final hours of her life, but penitence could not alter her fate. Ann Hurlock was executed on May 24th.

This paper is not relitigating the issue of Ann’s guilt or innocence. It instead explains the many facets to her journey, shaped by laws that inadvertently promoted infanticide and by media coverage that sought to profit from news of such a crime. While not unique, Ann’s case serves as an intriguing example through which to explore the various systems and ideas with century-old roots and far-reaching ramifications. Legislation, media coverage, and judicial procedure each had a hand in Ann’s story, and they all played an equally large role in the stories of other British women.

The position of illegitimate mothers in early modern Britain, who were already ostracized due to underlying societal perception of illicit sexuality, was drastically worsened due to the emergence of the popular press and the significant legal developments surrounding bastard infanticide. This paper discusses the development and interconnectedness of these factors by moving through (1) the advent of bastardy laws in Britain, (2) the subsequent prosecution of bastard infanticide, (3) early media depictions of infanticide, and (4) the eventual reform which ended this strange era in British law and society. All of these were essential components of infanticide cases in Britain. A newly formed popular press echoed, reinforced, and even exaggerated societal fears of the connection between promiscuity and infanticide, while an underlying legal infrastructure severely punished illegitimate mothers under an unjust, unequal application of the law. Together, they shed light on an overall phenomenon that ended the lives of hundreds of women, transcending misogyny in a deadly fashion. While the guilt or innocence of individual infanticide defendants will always remain impossible to determine, this paper will shed light on the underlying infrastructure that unfairly stacked the deck against the illegitimate mothers of early modern Britain.

5 Ordinary of Newgate Prison, Ordinary’s Accounts: Biographies of Executed Convicts (London: 1760).
The Infrastructure of Infanticide

In the late sixteenth century, Britain, under Queen Elizabeth I, implemented various laws intended to uphold Protestantism and morality. As part of this effort, she passed a statute in 1576 enabling Justices of the Peace to decide on punishments for unwed mothers.\(^7\) Bastardy invariably attracted shame regardless of legal consequences, but the government’s newfound stake in bastardy cases came from an economic and moral standpoint. The economic stake was rooted in the belief that the government might have to provide for children when these children lacked the financial stability of a married family. Thus, a bastard child was a crime against society. The moral stake is even easier to understand, as it comes from the biblical belief in the fundamental immorality of intercourse out of wedlock. This dually pronged foundation for the condemnation of bastardy as an illegal act created a dangerous system that would be applied only to certain defendants. The courts saw two possible justifications for a bastardy conviction, and they often treated women much differently than they treated men. Regarding an illegitimate child, any judgment of an unwed father came from an economic perspective, making sure that the father could financially support the mother and the child despite the absence of wedlock. This economic focus thrust poor fathers of illegitimate children into a tough position, yet it provided somewhat of an exit strategy for wealthy fathers (and mothers) of bastard children. Instead of an economic focus, Justices of the Peace emphasized the moral fault with illegitimate conception in cases concerning women, completely shifting the narrative from a salvageable financial position to an unsalvageable moral dilemma.\(^8\)

For parents of illegitimate children, this situation left an inverted pyramid of options, with the number of solutions decreasing in every downward step of the social hierarchy. In their position at the top of this inverted pyramid, wealthy men were able to pay the costs associated with raising a child, as such an act mitigated any argument that the child would be an economic burden on society. In addition, marriage was an attractive option in certain circumstances, as was abandonment. In a basic display of logic, men, when compared to women, had an exponentially easier route in claiming their lack of association with a pregnancy. Less wealthy men generally had a more difficult route. An analysis of four counties in early sixteenth-century Britain found that 75 percent of men incarcerated for bastardy were convicted as a result of their failure to provide sureties, demonstrating the economic focus in the prosecution of men in bastardy trials.\(^9\) Further, because marriage marked social adulthood and provided certain societal privileges, poor men could be refused a marriage license.\(^10\) That being said, unwealthy men had an easier route than did wealthy women, or especially poor women, in dodging the consequences of an illegitimate pregnancy.

Illegitimate mothers had very few options. First, if the father of an illegitimate child was wealthier than the mother, he could refuse to marry the woman due to the economic benefits of staying single. If the father of an illegitimate child was too poor, he could be refused a marriage license. Each of these possibilities left the pregnant mother in a troubling situation. If the father was already married to another woman, or if he simply abandoned the child, this situation further worsened. Wealthier mothers had more options than poor mothers due to the incentives for a man to marry into a

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\(^8\) King, “Punishment for Bastardy in Early Seventeenth-Century England,” 133.

\(^9\) King, “Punishment for Bastardy in Early Seventeenth-Century England,” 133.

wealthy family and the preexisting resources for child-rearing, yet social and legal punishment for bastardy still loomed large. On the other hand, a poor single mother could even be reduced to begging or prostitution, a situation worsened by the societal shame and legal ramifications of an illegitimate child. For these reasons, illegitimate mothers in early modern Britain had a logical reason to celebrate stillbirths, or even reason to murder their newborns, a motive that the courts quickly became aware of. Proving motive represents a key element in prosecuting murder under British law, and as illegitimate infanticide cases came packaged with a clear motive, 90 percent of Britain’s infanticide defendants from 1558-1623 were women. Of those same cases, only 12 percent of victims were known to be legitimate children, with 73 percent of victims being illegitimate and 15 percent being unknown. Societal and legal constraints made economic factors a clear component of infanticide prosecution, yet due to a sheer lack of data regarding the socioeconomic status of infanticide defendants, it remains impossible to objectively measure how these constraints played out in the courtroom. Thus, the economic status of such defendants will not be a core component of this paper’s outcome-based research.

Indeed, the 1576 statute may have even resulted in consequences beyond the lives of the accused, as the rate of infanticide in Britain, specifically the murder of bastard children, began to climb. For example, infanticide cases in Essex, London, Middlesex, and Sussex rose 225 percent in the years following 1576. These districts saw three times the number of cases in the second half of the 1570s compared to the first half. While this trend plateaued for the remainder of the sixteenth century, the consistently high volume of infanticide cases undoubtedly caused concern. While a causal relationship cannot be determined between 1576 bastardy legislation and the sudden increase in infanticide cases that immediately followed, the clear correlation illuminates the first building block by which infanticide was pushed to the forefront of British society.

To deal with this growing problem, Britain passed similar statutes over the next few decades, each refining the punishment for bastardy or related crimes but failing to affect the number of infanticide cases seen by the courts. Chiefly, a new statute was passed in 1609 under James I that specified punishment for unwed mothers to ensure its enforcement. The statute mandated the one-year imprisonment of all mothers of bastards supported by welfare. This punishment increased the burden on the poor while deepening the sense that children born out of wedlock posed an economic strain on society. This new law also resulted in the imprisonment of women even after they had been acquitted of infanticide; many receiving whippings in addition to a prison sentence. Following the 1609 statute, punishment for bastardy became more regularized and more severe, as the law intended. Justices of the Peace were further held accountable by clergymen who advocated the prosecution of the parents of bastards to the fullest extent of the law. When considering accusations of bastard infanticide, courts ultimately decided between the execution or imprisonment

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12 Hoffer & Hull, Murdering Mothers, 98.
13 Hoffer & Hull, Murdering Mothers, 15.
of the defendant, putting the defendant in a lose-lose situation. Fear of this situation prompted the concealment of pregnancy, and once concealment had begun, an entrapment of horrid logic and shame sometimes resulted in infanticide.19

This period in Britain, generally between 1600 and 1640, has been frequently termed as an “infanticide craze” amongst scholars such as Mark Jackson, Peter C. Hoffer, and N.E.H. Hull, who have each contributed substantially to infanticide research over the past several decades. British society became increasingly aware of the crime, sometimes even prosecuting infanticide charges based on just minimal evidence of pregnancy concealment.20 Further, British Parliament passed incredibly strict laws to prevent not only bastard infanticide but also sexual promiscuity which was attributed to sparking such an act.

To understand the impact of such a social phenomenon on the trials of individual women, one must first recognize the role of court officials within British society. Judges, prosecutors, and witnesses alike were not exempt from social sentiment, as these individuals interacted within the public sphere like to that any other British citizen. For this reason, media portrayal of infanticide (which will soon be discussed in-depth) becomes important not simply to examine its effect on public sentiment, but rather to gauge common rhetoric and attitude toward bastard infanticide. Although legislation, much of which stemmed from social concern regarding bastard infanticide, created a system of laws that disadvantaged illegitimate mothers within the judicial system, the individuals who comprised the judicial system were subject to this same sentiment in a much less direct fashion. Amongst scholars, this infanticide craze draws many comparisons to the vastly similar, yet longer societal “witch craze” which plagued Europe during this same century. These crimes had the same defendants in some instances, as 62 percent of defendants accused of witchcraft were also suspected of harming infants in some fashion.21 Beyond any similarity in accused populations, both infanticide and witchcraft accusations resulted in longstanding legal systems built to prosecute their incidences, and each was widely covered in the newly formed popular press.

By the time the 1609 bastardy statute became British law, the foundation for media’s framing of bastard infanticide had already become active within British society. The birth of the popular press during the sixteenth century coincided with a British infanticide scare, which created a newfound platform for stories of these crimes. Such reports unquestionably impacted how people viewed crime. When the means of delivering these stories changed from town gossip to the written word, the messages themselves began to evolve. A new form of short writings, the pamphlet, began to circulate throughout the mid-sixteenth century. Distributors of such material soon became associated with stereotypes akin to entrepreneurs in tabloid press; they exploited vulgar stories for profit.22

The first British pamphleteers started by detailing monstrous births before moving into fictionalized stories of urban crime.23 For many pamphleteers and their readers, no crime was more salacious and repugnant than that of a sexually immoral woman who murdered her child, with the possible exception of witches engaging in satanic activity. Indeed, pamphleteers in the late 16th and early 17th centuries wrote extensively about witches, as Britain was amid its infamous witch-craze. Pamphlets

19 Jackson, Infanticide, 49.
20 Hoffer & Hull, Murdering Mothers, 31.
21 Hoffer & Hull, Murdering Mothers, 28.
23 Raymond, Pamphlets and Pamphleteering, 16-17.
similarly described infanticide and witchcraft, as they saw the crimes as sharing many characteristics.\textsuperscript{24} Despite the rampant nature of witchcraft prosecutions, historian J.A. Sharpe estimates that more people may have been hanged for infanticide than for witchcraft throughout the early modern period, and examples of pamphlets demonstrate the underlying motivations for such extensive indictment.\textsuperscript{25}

Pamphlets detailed infanticide cases while emphasizing the suspects’ perceived lack of morality, often illustrating the mother’s aforementioned decision between shame and murder. One account, in a pamphlet by Thomas Brewer in 1609, detailed the life, trial, and execution of Jane Hattersely. Brewer’s very title outlines the story, reeling in a reader by writing “The bloudy mother, or The most inhumane murthers, committed by Jane Hattersley vpon diuers infants, the issue of her owne bodie: & the priuate burying of them in an orchard with her asinessnt and execution.”\textsuperscript{26} This dramatized account, referred to as “The Bloody Mother,” claims to rely on ten eyewitness accounts. It mainly focuses on the sinful nature of the account’s subject. In such pamphlets, the sexual promiscuity of the perpetrator is often characterized as more sinful than the act of infanticide itself, leading to a wide variety of assumptions made about the pamphlet’s subject. In Brewer’s account, Jane is depicted as a vile character from the beginning. He frames the introduction to her story by highlighting her infidelity, in tandem with other acts of sexual immorality deemed repulsive by many, which circulated through Jane’s life.

After presenting Jane as an inherently sinful being, Brewer begins to discuss the factors which contributed to her crime. Brewer writes that Jane and her lover “reapt the most wicked pleasures of their vn\textsuperscript{\textsection}godly lust. In which time, the ful number of the babes they haue had, cannot be knowne.” The sinful nature of Jane’s initial act not only encourages speculation regarding other crimes that she may have committed, but it further focuses on Jane’s evil nature as a cause with multiple infanticides as the effect. He does not include any mitigating factors or other explanations such as legal, economic, or societal pressures. Ultimately, Brewer rejoices in Jane’s eventual hanging, writing “This willful murdering of innocents is judged a most asines iniquitie in the sight of God, and amongst all good men counted principall of those sinnes, whose lamentable clamours ascend vp bfore the maiestie of God, & incessantly yell out, greedily thirsting for reuenge.”

While some elements of such pamphlet accounts seem realistic, others are best understood as dramatized depictions of reality.\textsuperscript{27} Accounts such as Brewer’s were almost definitely embellished, but they provide us with an example of the information consumed by British commoners in these early stages of public discussion of infanticide cases. An account of Marth Scambler’s case of 1615 reveals thematic similarities between pamphlets. The pamphlet details that Martha’s “lusty body, strong nature, and feare of shame brought an asiness to her deliuery,” adding that the devil forced her into wickedness.\textsuperscript{28} Just as with the account of Jane’s crime, the author sees Martha as inherently sinful before describing the shame-filled murder she committed. The account of Martha’s case undoubtedly dives deeper into the

\textsuperscript{26} Thomas Brewer, \textit{The Bloudy Mother} (Sussex, 1609).
\textsuperscript{27} Raymond, \textit{Pamphlets and Pamphleteering}, 17
\textsuperscript{28} Edward Wright, \textit{Deeds against nature, and monsters by kinde tried at the goale deliuerie of Newgate, at the sessions in the Old Bayly} (London: 1615).
precarious position that prospective illegitimate mothers were placed into, but the account is no more sympathetic to the perpetrator’s case.

The account of Martha’s crime demonstrates another important dimension of seventeenth-century infanticide discussion by asserting the devil’s role in promoting pregnancy concealment, a charge that directly ties discussions of infanticide to witchcraft pamphlets. Throughout the early 1600s, the activities of the devil were advanced as a valid explanation for infanticide, especially the infanticide of legitimate children. Satanic temptation explained murders that otherwise seemed to have no clear motive such as legal repercussions, as evidenced in the account of Margaret Vincent’s case. One pamphlet states that Margaret killed her children (all of whom were legitimate) due to an argument with her husband over her conversion to Catholicism, a decision due to the devil’s influence. After Elizabeth Barns murdered her legitimate 8-year-old daughter, another pamphlet explained that the devil had tempted her to drown herself in a lake after she committed the act. Without any evidence of the sexual promiscuity of these married murderous mothers, the pamphleteers lacked an adequate explanation for the vile character of the perpetrators. Further lacking the ability to resort to a default narrative of covering up a shameful act, pamphleteers instead turned to a story that emphasized the role of satanic temptation. Illegitimate mothers were instead depicted as so sinful that child-murder became inevitable to cover their shame. Although bits of satanic influence still seeped into these stories, such influence was made a tangential cause for infanticide as opposed to the central theme of such a horrific act.

While pamphlets spread far and wide throughout early modern Britain, the seventeenth century brought another somewhat more reliable source of news to cities in Europe—the daily newspaper. Newspapers provided a more consistent and reliable source of information about infanticide cases, however their commitment to factual reporting initially decreased as they responded to demands for fast-paced information and widespread accessibility. The extraordinary and fresh nature of news became its main selling point, as organizations immediately reported stories.

But as news organizations grew throughout the 17th and 18th centuries, newspaper reporting became more straightforward and fact-based. Newspaper accounts of crime, especially of infanticide, demonstrate a lesser degree of embellishment and romanticization as the publications became more established. For example, in London’s Morning Chronicle in January of 1773, the Country News section simply detailed a few minor facts of one infanticide case. “On Saturday last Sarah Mills was brought to our Castle, charge on the Coroner’s Inquest with the willful murder of a male infant in the parish of Hartpury, in this country.” The article continues by detailing the basic facts of other “country news,” leaving embellishment behind. While newspaper articles spread the news of reported crimes, they did so without using the colorful language of their pamphlet counterpart. Newspapers provided the British people with news of nearby infanticide, and pamphlets simultaneously provided the same population with the vivid imagery needed for newspaper readers to envision the promiscuous perpetrator of such a crime.

29 Fissel, Vernacular Bodies, 76.
30 Fissel, Vernacular Bodies, 77.
31 Weisner-Hanks, Early Modern Europe, 370.
33 Sharpe, Crime in Early Modern England, 3.
The circulation of both pamphlets and newspapers formed an unprecedented new wave of information. These publications quickly spread news about every crime imaginable, often overwhelming their audience. When current-event publications first began to circulate in Britain, it had a unique effect on the first generation of its consumers, prompting Robert Burton to write the following preface to his 1621 book *Anatomy of Melancholy*:

I heare new newes every day, & those ordinary rumors of War, Plagues, Fires, Inundations, Thefts, Murders, Massacres, Meteors, Comets, Spectrums, Prodigies, Apparitions, of townes take, cities besieged … Battles fought, so many men slain, Monomachies, Shipwracks, Piracies, and Sea-fights, Peace, Leagues, Stratagems, and fresh Alarums. A vast confusion of Voews, Wishes, Actions, Edicts, Peticions, Lawsuits, Pleas, Lawes, Proclamations, Complaints Grievances, are daily brought to our Eares. New books every day, Pamphlets, Currantoes, Stories, whole Catalouges of Volumes of all sorts, new Paradoxes, Opinions, Schismes, Heresies, Controversies in Philosophy, Religion, &c. … Thus I dailey heare, and suchlike, both private and publike newes, amidst the gallantry and misery of the world.  

In the age of news publications, word of the vilest crimes spread within days of their inception, meaning that any media consumer was constantly exposed to crime in an unprecedented fashion. This phenomenon continued through the seventeenth and eighteenth centuries, and pamphleteers had made a living by telling shock-inducing stories full of the vilest of characters. While daily newspapers grew more popular as they became common within Britain, their bland accounts of infanticide provided readers with only the most basic details of each crime. Pamphleteers, on the other hand, did not alter their approach to reporting. After a century of this same approach, their accounts continued to cite the sin of perpetrators while also warning of the satanic temptation from which the crime stemmed. In the early 1690s, the preface of an anonymous pamphlet condemned Mary Goodenough. “In this Letter is wrap’d up most suitable Persuasions to the Youth of these Kingdoms, to consider thoroughly of, and engage themselves heartily in their Baptismal Covenant. It gives an awakening Alarm to negligent Parents, to instruct their Children in, and conduct them diligently into the Paths of Heavenly Wisdom, lest they deeply mourn at last, (as this poor Woman did) their fatal Cruelty to their Childrens Souls.” But most of all, as it puts it, “This Letter suggests a Warning to Adulterers and Adulteresses, to repent of, and forsake their Crimes, lest God bring them to repent by open shame, as he did this poor Creature, or suffer them to go on in a covert way to Hell.”

Acts of infanticide committed by illegitimate mothers such as Mary Goodenough may not have occurred without instances of adultery, yet pamphlets (such as this one) appear to still blame adulterous behavior for these criminal acts. Such behavior was necessary, yet holistically insufficient, in producing the murder of an illegitimate child. To understand this perception, it becomes essential to recall the situation which brought about an infanticide craze. Laws punishing sexual promiscuity evolved into laws relating to bastard infanticide, as this promiscuity, as opposed to any murderous intent, was seen as creating an inherent motive for infanticide to occur. With infanticide being blamed on adultery throughout decades of media coverage, pamphlets about single acts of infanticide spent a significant number of their words condemning even the illegitimate mothers without any murderous history.

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Even with infanticide rates going down, media portrayal of bastard infanticide did not budge. The preface of Mary Goodenough’s case details the wrath of God after an adulterous act, connecting Mary’s eventual fate with her initial act of promiscuity. Just as the pamphlets from the early 1600s connected promiscuity to vile character and infanticidal actions, pamphlets from nearly a century later still exhibit these same conclusions.

When child murder involved legitimate children, the narrative changed, just as it had in the early seventeenth century. Pamphlets often victimized perpetrators of legitimate child murder while villainizing perpetrators of illegitimate child murder, drawing a line in the sand between murderous acts and murderous acts prefaced by promiscuity. Illustrations of sexual immorality peppered accounts of bastard infanticide, provoking little to no sympathy. But with no evidence to accuse women of promiscuity, the stories instead reverted to the same storyline as before, solely emphasizing satanic temptation as impetus for the crime. Pamphleteers circulated the story of Mary Cook in the late seventeenth century. As Cook, a married woman had not engaged in promiscuous behavior, N. Partridge’s narrative of her case warns of the universality of Satan’s temptations “… shew me that man or woman whom the impudence of sin and Satan doth not sometimes charge and assault; but if such a one cannot be found, be convinced of thy need of the Divine breast-plate, which will not only put temptations back, but force the tempter to surcease his assaults;” 37

The passage concludes with a plethora of biblical verses concerning murder, each emphasizing the temptation that Mary Cook faced while additionally comparing her temptation to that the reader might experience. The pamphlet also describes that Mary Cook may have been driven to kill her child for three possible reasons: “1. That the Devil appeared in a personal shape unto her, and told her she must either destroy herself, or her Child. 2. That the day before she went to see one of her other Children at Nurse, and would have sent the Nurse forth, that so she might have killed that Babe. 3. That she was under trouble of mind about Religion, with many other things.” 38

While the pamphlet details the horrific nature of the crime, it withholds from attacking Mary Cook. Instead of labeling her with violent words, the pamphlet describes her largely as an ordinary woman who became tempted by Satan, just as everyone is tempted by Satan.

The stark difference between these two treatments represents the long-lasting legacy of infanticide publication. Early infanticide pamphlets focused mostly on the promiscuity of the mother, developing the character as lewd before detailing the actual crime. A century later, the same story held true. Pamphlets continued to emphasize the promiscuity of the perpetrator when discussing infanticide, and as evidenced by the accounts of Mary Goodenough and Mary Cook. Mothers of legitimate children elicited more sympathy. These habits were engrained within the history of pamphleteering, as even the earliest pamphlets focused on bastard infanticides for their multi-layered shock value. When pamphlets first began to cover the issue of child murder, the narrative immediately shifted away from the loss of human life, instead moving towards the sinful nature of overt sexuality, demonstrating the true extent of an overwhelmingly negative societal perception of sexual immorality. For later bastard infanticide defendants, who lived in a time of relatively low rates of child murder, their legacies were plagued by a writing style of pamphleteers that had been pioneered during a time of high child murder rates. Pamphleteers capitalized on this

37 N. Partridge, Blood for blood, or, Justice executed for innocent blood-shed being a true narrative of that late horrid murder committed by Mary Cook upon her own and only beloved child (1670), 3-4.
38 Partridge, Blood for blood, 33.
infanticide craze by establishing a unique style of attacking “lewd women,” so even decades after the craze had ended, the same patterns remained.

Towards the end of the eighteenth century, this framing of infanticide began to change for the first time in centuries. This alteration can be partially attributed to the British people beginning to take a more humanitarian approach to the prosecution of infanticide, as they recognized the impact of birth on the psyche of mothers. Instead of seeing the perpetrators of infanticide as villains, Brits began to recognize the unfortunate situation of illegitimate mothers, many of whom were labeled under the cutting-edge classification of mental illness. This advancement predictably contradicted the historical theme of pamphlets, one that emphasized the lewd, vile nature of women accused of infanticide while spreading fear. At the end of the early modern period, crime pamphlets finally began to change their framing of illegitimate mothers after nearly two centuries of relentless villainization.

Although publications raised public interest in cases of infanticide, they did not seal the fate of individual defendants. Instead, judges, juries, and legislators spearheaded a more substantive attack against illegitimate infanticide during the same period that pamphlets were so quick to expose the detrimental dangers of promiscuity. By the second decade of the seventeenth century, word of crime was spreading faster than ever due to the advent of pamphlets. Especially in a society so focused on religion, the perceived spread of immorality could not be expected to mesh well with lawful, religious idealists.

Various denominations of Christians had a vested interest in deterring immorality, but the Puritans became especially tough on crime. Puritanism gained converts in the early 1560s and grew for many years, with the group attaining significant legislative power over the subsequent four decades. Puritans, depicted as being intensely devout to morality, used their legislative power to lobby for the passage of strict legislation intended to curb crime. In the early 1600s, the nation became more aware of the crime around them (some of which was undoubtedly embellished), and many of the methods of description, as we saw in the last section, included details of Satan’s temptations or female promiscuity. Pamphlets on the topic of infanticide heavily emphasized each of these points, challenging the Puritans to use their parliamentary authority in cracking down on Satanic and lewd temptations of bastardy, child concealment, and infanticide. The Puritans led a movement against illicit sexuality by passing new legislation specifically concerning this topic of bastard infanticide.

Determining guilt in cases of infanticide proved tricky for a plethora of reasons. Chiefly, suspects claimed to have delivered (or perhaps did deliver) stillborn children when they were accused of infanticide, raising two intriguing questions for legislators and judges: How could the court distinguish between stillbirth and infanticide? And without a bona fide strategy to distinguish between the two, how could the country effectively curb the incidence of bastard murder? Recognizing this pressing issue as a concern, the House of Commons attempted to pass infanticide legislation in 1607 and 1610. While each of these proposals failed to attract adequate support, the governing body reconsidered the issue of bastard infanticide many years later.

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41 Hall, *The Puritans*, 47.
later. In 1624, British lawmakers addressed these two questions simultaneously with a famous piece of legislation, the “Act to prevent the destroying and murthering of bastard children” passed as chapter 27 of the statute of 21 James I.

WHEREAS, many lewd women that have been delivered of bastard children, to avoid their shame, and to escape punishment, do secretly bury or conceal the death of their children and after, if the child be found dead, the said woman to alledge, that the said child was born dead; whereas it falleth out sometimes (although hardly it is to be proved) that the said child or children were murthered by the said women, their lewd mothers, or by their assent or procurement.  

The authors of the 1624 legislation set it up in a problem-solution format, with this first section acting as their identification of a problem. The legislation refers to mothers of illegitimate children as “lewd women,” a phrase that pamphlets and newspapers had frequently used to describe the defendants in infanticide cases. The first section of the law describes the shame associated with their lewd ways, emphasizing the immorality of sexual promiscuity. This emphasis can be attributed to the original supporters of the legislation, which included many known leaders of the Puritan party. This group of Puritans oversaw amendments to the language of the statute, ultimately molding the language into a relentless attack on promiscuous women. For decades to come, this same narrative of “lewd women” perpetrating infanticide would continue to be utilized by authors in their chilling accounts of infanticide. Framing a mother as inherently promiscuous proved to be an effective strategy in fearmongering for sensationalist journalism, as we have seen.

After the problem, of course, comes the solution. Puritan legislators came up with the following policy to curb the aforementioned problem. Its harsh external stipulations should not be taken lightly:

II. For the preventing therefore of this great mischief, be it enacted by the authority of this present parliament, That if any woman after one month next ensuing the end of this session of parliament be delivered of any issue of her body, male or female, which being born alive, should by the laws of this realm be a bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other way, either by herself or the procuring of others, so to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed; in every such case the said mother so offending shall suffer death as in case of murther, except such mother can make proof by one witness at the least, that the child (whose death was by her so intended to be concealed) was born dead.

This new law aimed to fill gaps in previous legislation by making it much more difficult to claim that a dead child had been stillborn: mothers were required to produce witnesses to the birth. Yet by placing a hefty burden of proof onto the unwed mothers, the integrity of infanticide cases became further compromised. Instead of the courts fairly hearing the suspects’ cases, the 1624 statute assumed any single woman who attempted to hide the birth of a deceased or stillborn child had murdered it. The statute overwhelmingly presumed the guilt of infanticide suspects. Consequently, the statute resulted in guilty verdicts based solely on circumstantial evidence of concealment. Even just circumstantial evidence of a woman’s promiscuity suggested a possible illegitimate pregnancy, and thus a potential bastard infanticide.

Consider the position of a pregnant woman with an illegitimate child in a post-1624 Britain. If the pregnancy resulted in a late-term stillbirth, which around 3 percent

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of pregnancies did, the woman would need to provide a witness to the stillbirth. Yet many stillbirths naturally do not have witnesses, and, in that case, ample evidence would exist under the 1624 statute to convict and hang the woman. If the woman buried the stillborn child without telling anyone, specifically to avoid charges of bastardy, she appeared even more guilty to the courts. This new law presented a relatively high probability that women pregnant with illegitimate children could be hanged for giving birth to a dead, illegitimate child.

Courts began to more dramatically emphasize the illegitimacy of infanticide victims while addressing juries, leading to a relationship between illegitimacy and guilty verdicts. In the years following this new standard of evidence, the Essex Courts treated the infanticide of bastard children much differently than that of legitimate children. The court found 72.7 percent of bastard infanticide suspects guilty while convicting just 33.3 percent of other infanticide suspects within the same period.48 When illegitimate mothers came before the court for an infanticide trial, juries automatically knew two things about them: the defendant had a motive to commit the crime (due to the shame and legal consequence of bastardy), and the defendant had engaged in shameful, sexually promiscuous activity (in the process of creating a bastard child).

The tangible long-term effects of the 1624 statute are difficult to ascertain. The English Civil War, fought from 1641-1652, made legal data from this period less complete. It is thus nearly impossible to track the long-term trends in infanticide cases in the decades following the 1624 legislation to the mid-seventeenth century. Data after the civil war, however, demonstrates a general trend of decreasing numbers of infanticide cases throughout the late seventeenth and early eighteenth centuries. In the Court of Great Sessions in Chester from 1650 to 1699, for example, the court heard 63 cases of infanticide and executed 20 suspects. Those numbers substantially decreased to 31 cases and 4 executions from 1700-1749 and, from 1750-1800, the number of cases shrunk to 18 while the number of executions held steady at 3.49 Other courts reported similar declines, marking the beginning of the end for such large-scale infanticide prosecution. There are many reasons for this decrease, including legislative adaption, which will be discussed later. While prosecutions of infanticide steadily decreased throughout the eighteenth century, the legal infrastructure for infanticide cases remained in Britain until the 1803 repeal of the 1624 infanticide statute.

This subsidence of infanticide cases bears the residual effects of the “infanticide craze” that many historical scholars suggest echoed throughout England during the turn of the seventeenth century. Infanticide became numerically less common throughout the late 1600s, a trend that continued through the 1700s and beyond, yet the harsh infrastructure that had been originally constructed to combat infanticide remained in place during the gradual decrease in cases. The Courts of Elizabeth I and James I were long gone, yet their legislation demanding sexual purity remained in place. Actual instances of infanticide decreased, yet pamphleteers persistently made a living off of graphic infanticide stories. Many of the Puritans, who originally authored and lobbied for the 1624 infanticide act, emigrated from Britain in a monumental transatlantic migration just a few years after the passage of their infanticide legislation. Regardless, the legislation remained in place and continued to impact many British women by threatening their lives and substantiating their

48 Hoffer & Hull, Murdering Mothers, 24.
49 Jackson, 38.
ostracization. The world was changing, but the infrastructure left behind by the wake of infanticide prosecutions remained untouched.

These components are even reflected in the introductory story of Ann Hurlock, as it suggests that seventeenth century statutes represent a major piece in this complex puzzle. Although her case was heard in 1760, the existing legislation which intended to prevent bastardy and the murder of bastard children formed a treacherous situation. The laws of Elizabeth I and James I played a major role in sealing the fate of many lower-class women, sparking legal proceedings in which only a narrow category of evidence constituted an acceptable defense.

The actionable language of the 1624 act had profound consequences, essentially mandating a complete shift in the burden of proof for defendants of infanticide. Instead of assuming innocence, the legislation called for the courts to, in the case of an illegitimate pregnancy's concealment, require a witness to any stillbirth or miscarriage. If the defendant could not produce such a witness, she would be convicted of infanticide and thus hanged. Conviction rates initially spiked, before gradually becoming less and less common within Britain, and as British society changed and evolved, members of parliament called the effectiveness of its language into question.

In the late seventeenth century, the 1624 act governed infanticide cases despite eventual attempts at legislative reform, and it led to several convictions based on minimal evidence. In October of 1679, Joan Blackwell was found nearly dead after giving birth to a child. The child had died while still attached to her, and although the death resulted from a lack of proper assistance, the court found Blackwell guilty of infanticide. This guilty verdict, and more just like it, represents a continued, yet fading commitment to enforcing the largely illogical law.

Throughout the eighteenth century, the same held, albeit to a lesser degree. Within the Old Bailey Court of London, Elizabeth Bennett was found guilty of infanticide on May 14th, 1741 despite ample evidence that she had extensively prepared to raise a child by purchasing everything that an infant would need. Bennet claimed that the child suddenly dropped from her while she privately used the toilet, but this defense did not lead to her exoneration. Maria Jankins made a similar claim in her infanticide case in September of 1765, but she produced a variety of witnesses who corroborated her story. Twelve witnesses attested to her character, one testified that Jankins had requested to buy childbed linen for her infant, and a surgeon discovered no signs of violence against the newborn while additionally pointing out lung inflation that may have resulted in death from natural causes. Regardless, the Old Bailey Court found Jankins guilty before executing her on September 23rd.

These cases, however, represent the exception more so than they represent the rule. The British court systems underwent a transformative period that emphasized the importance of proof within their application of justice. Judges and juries began to increasingly value the burden of proving a defendant’s role in a crime before seeking a conviction, which directly contradicted the 1624 infanticide act. Instead of assuming the guilt of infanticide defendants as the act mandated, the courts began enforcing the

50 Hoffer & Hull, Murdering Mothers, 15.
51 Loughnan, Manifest Madness, 209.
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same standard for infanticide cases as that of other murder cases: proof of willful intent. This gradual shift can be classified within a larger transformation of the western court system towards a more modern interpretation of facts based on objective reasoning, one that also influenced the decline in witch trials throughout this same period.

As a result, infanticide cases decreased dramatically over the eighteenth century in total. In one analysis of 220 London infanticide cases, 90 trials of infanticide between 1674 and 1714 resulted in guilty verdicts for 53 percent of defendants while 130 trials between 1715 and 1803 resulted in guilty verdicts for just 15 percent of defendants. Conviction rates were not the only numbers to plummet, as the first period yielded 2.25 cases per year while the second period produced only 1.4 cases per year. Further, zero cases from the Old Bailey Court were found after 1775, another testament to the phasing-out of infanticide cases.\(^56\)

Instead of continuing the large-scale hangings of illegitimate mothers in the early seventeenth century, historical evidence suggests sporadic hangings of women upon little proof of infanticide. The 1624 infanticide act remained in place, and while this law remained firmly etched into the legal code of Britain, the courts’ resistance to the 1624 act hung by only the thread of an unspoken, unwritten commitment to truth and evidence. Laws barring witchcraft received a similar treatment, with many courts beginning to refuse the enforcement of such legislation during an era in which these laws were considered outdated.

Women charged began to claim insanity as the cause of their criminal act and courts began to recognize the emotional and physical toll of birth, as that trauma was understood to lead to subsequent flawed decision-making.\(^57\) Claims of mental incapacity grew dramatically in the eighteenth century. Isabella Buckham, for example, was acquitted in her 1755 bastard infanticide case after testifying “I was not in my senses; I do not know what I said or did. Had I been in my senses I should have been very loth to have parted with it.”\(^58\) This defense became useful in all charges of child murder, proving even more useful and effective for married women indicted on infanticide charges. Without the pressures of an illegitimate child, insanity was often considered the only possible explanation for such a horrid crime.\(^59\)

Another unorthodox defense became prominent in the eighteenth century, called the “child-bed linen defense.” It emphasized the purchase of infant materials as indicating intent to welcome the newborn. Of the 220 trials analyzed by historian Mary Clayton, the “child-bed linen defense” was used in about 38 percent of trials and, significantly, about 75 percent of trials between 1712 and 1735. As the courts moved towards a standard of willful intent, the purchase of linen for a child’s bed demonstrated a commitment to raising the child, and thus of evidence that the infanticide had not been committed by the mother.

In the latter half of the eighteenth century, as courts seem, in light of the number of cases, reluctant to apply the 1624 statute, support grew for a less extreme manner by which to prosecute infanticide cases. Philosopher and statesman Edmund Burke led a campaign against the outdated infanticide legislation, emphasizing that it unfairly ignored the mental state of young women.\(^60\) In 1803, Parliament finally repealed the 1624 law after many attempts, replacing it with Lord Ellenborough’s bill that substantially decreased the penalty of concealment of a stillbirth to a maximum.

\(^{56}\) Clayton, “Changes in Old Bailey Trials,” 338.
\(^{58}\) Loughnan, *Manifest Madness*, 207.
\(^{59}\) Loughnan, *Manifest Madness*, 208.
of two years. Under this new law, prison sentences for those convicted were typically only a few months, relieving those guilty of pregnancy concealment from any assumption of infanticide.

**Conclusion**

Government interest in infanticide did not cease to exist in 1803, and many complex statutory attempts to curb the influence of child murder remain intact today. Instead, the 1803 repeal of 1624 legislation represents a semi-clean break from the infrastructure left in the wake of a dramatic infanticide craze that spanned through the late 16th and early 17th centuries. Even though the late 1700s, courts were legally obligated to continue the enforcement of bastardy and infanticide laws, which originally intended to curb the incidence of rampant bastard infanticide before the crime became increasingly rare. While the application of such infrastructure became increasingly rare by the turn of the nineteenth century, the 1803 repeal formally vindicated illegitimate mothers from the long-lasting presumption of their guilt based on promiscuity.

Yet legislation was not the only piece of this puzzle. Media portrayal of infanticide, rooted originally in the advent of pamphleteering, spread the news across all of Britain concerning the lewd nature of infanticide defendants while additionally drawing undue attention to the crime as a result of its vile details. Newspapers picked up on the individual stories within days of an arrest, and pamphlets spread colorful depictions of the defendants in the years following their trials. These same media depictions remained relevant well into the eighteenth century, yet their depictions of promiscuous murderers eventually faded along with the decline of infanticide prosecutions.

A dearth of wholistic evidence exists to tie together the narrative of early modern infanticide. Despite its monumental impact and longstanding implications, no modern analysis has attempted to analyze the full extent of an infanticide craze within Britain, meaning that researchers are unable to measure the impact of fearmongering and subsequent executions within seventeenth-century Britain. Recent analyses have pulled from the limited data of individual court systems of Britain, but in the absence of wholistic data, a truly complete analysis of early modern infanticide remains impossible. Therefore, for this field of research to be fully realized, further numerical data must be collected within the physical archives of British judicial districts.

Infanticide prosecution has thus become a sort of forgotten injustice. Due to the lack of mainstream attention directed towards these tragic events, the extreme misfortune of Britain’s illegitimate mothers can often be absent from the memories of even those who are steeped in British history. Painfully few scholarly sources describe the details of this saga in-depth, marking a historiographical tragedy due to the usefulness and magnitude of its narrative. Indeed, the perception and creation of bastard infanticide can serve as a uniquely effective manner by which to understand the relationship between morality and law within early modern Britain, with the evolution of such laws providing a clear window into the judicial transformation of western law in eighteenth-century Europe. This story also comes with important lessons through which a greater understanding of contemporary legal and social problems can be achieved, as the legislative and media-based implications of fearmongering and prosecutorial injustice are consistently discussed all around the modern world.

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Many infanticide defendants may very well have been guilty. The evidence certainly suggests so. Nonetheless, the deck was undeniably stacked against these defendants. Courts were tasked with assuming their guilt. Media organizations drummed up fear and anger through vivid descriptions of all that brutal bastard infanticide entailed. Women who became pregnant with illegitimate children, while sinful by societal standards, were thrust into an unjustly hopeless position during this period of legal and literary infanticidal infrastructure. While it cannot be determined how many of these women were guilty of infanticidal murder, the mass injustice of this infrastructure’s existence represents a tragedy in and of itself—a tragedy that ought to be remembered and explored.
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THE CHANGING NATURE OF SLAVERY AT THE UNIVERSITY OF ALABAMA, 1828-1865

Ford Mozingo

Slavery played a critical role in the early history of the state of Alabama. The study of history in the state is most often connected to agriculture but it played just as a serious role in the state’s flagship university. For thirty-seven years, the University of Alabama benefited in some way from enslaved people.

However, this relationship with slavery did not remain unchanged. Slavery at the University of Alabama changed in important ways such as the scope of work of the enslaved people, the amount of enslaved people on campus, and how students and faculty interacted with the enslaved. Keeping these and other developments in mind, this essay follows the transformation and evolution of slavery at the University of Alabama, contending that these developments can be viewed as three distinct periods of slavery at the university.

When examining the role of chattel slavery in the American South prior to 1865, the relationship between universities and the labor of enslaved people is not an area that receives significant attention. Slave labor is most commonly associated with agriculture as the vast majority of enslaved people worked in agriculture, which provided for the economic advancement of the southern slaveholding states (and the political clout which often accompanies economic success) before the Civil War. While slave labor was indeed the impetus for the economic boon in America’s agricultural regions, it was also critical to the functioning of universities. In the twenty-first century, scholars and students have paid increasing attention to an important yet relatively ignored facet of slavery: slavery at American institutions of higher learning.

In 2004, the faculty of the University of Alabama made national news when they passed a resolution formally acknowledging the school’s history with slavery and apologizing for it. Two other southern institutions, the University of North Carolina and Emory University, took measures to raise awareness for the role of slavery at their schools the following year. In the ensuing decade and a half, multiple schools, like Harvard University, Georgetown University, and the University of Maryland, have conducted studies and forums to bring attention to their respective schools’ past relationships with slavery.\(^1\) The research, seminars, and tours conducted by both the students and faculty of these various schools have elucidated the historical relationship between American institutions of higher learning and slavery.

The practice of universities and colleges benefiting from the labor of enslaved people was neither confined to the southern states nor to the period immediately preceding the Civil War. Historical records show that enslaved men and women served the faculty and students at Harvard University in Massachusetts as early as 1828.

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Harvard had multiple presidents in the seventeenth and eighteenth centuries who owned enslaved people and the university greatly profited from donations made by wealthy families from the plantation colonies of the British West Indies. Likewise, Princeton University in New Jersey thrived off of large donations from wealthy New England families who had made their wealth in the textile industry off of cotton from plantations in the South. Like their counterparts at southern universities, enslaved people worked for Princeton students while the school’s presidents and professors owned enslaved people during their time at the university. Princeton University educated young men from wealthy planter families in the South just like the University of Alabama.

However, as legislatures in northern states outlawed slavery, and universities in these states hosted debates on the morality of enslaving other people, university leaders in the Antebellum South continued their institutional dependence on slavery. The University of Alabama epitomized this dependence. Rather than gradually distancing itself from the practice of employing slave labor like Harvard, slavery became an ever more relevant factor for the function of the University of Alabama. For the first thirty-four years of the university’s existence, trustees and faculty continued to devote more and more resources to acquiring and managing slave labor while educating a student body that mostly came from Alabama’s major slave holding counties.

Enslaved people provided a critical source of labor for the operation of the university and its physical expansion. From menial daily tasks, like brining water, to the student dormitories, to skilled work, like serving as carpenters in the construction of campus buildings, slave labor was a crucial component to the early decades of the university. The university consistently utilized slave labor for nearly forty years. However, slave labor underwent important developments and changes throughout its decades of use by the school; the function of slavery at the University of Alabama was not the same in 1831 as it was in 1861.

The subject of chattel slavery in the United States (and specifically in the Antebellum South) has been studied extensively. Two historians in particular have made important contributions to the study which are useful in understanding the scope of slavery at the University of Alabama. The published works of James Benson Sellers, former Professor of History at the University of Alabama, covers a variety of historical topics such as slavery, the prohibition movement, and religion in the state of Alabama. Sellers’s History of the University of Alabama: Volume One, 1818-1902 details the university in the nineteenth century including how the university utilized slavery in a variety of roles from construction to maintaining campus grounds. Another one of his works examined student life at the university before 1860 which dealt with the ways the enslaved served the university’s students. His works reflect a common historiographical approach toward slavery in the 1940s and 1950s, as he does

2 Sven Beckert, Balraj Gill, Jim Henle, and Katherine May Stevens, “Harvard and Slavery: A Short History” in Slavery and the University, 228.
4 Craig B. Hollander and Martha A. Sandweiss, “Princeton and Slavery: Holding the Center” in Slavery and the University, 48.
5 Hollander and Sandweiss, “Princeton and Slavery,” 47-52.
not give significant attention to the enslaved people nor how slavery developed over time at the university.

Recent scholarship has been more instrumental in explaining the social relationships of slavery. Jennifer Bridges Oast is a contemporary historian whose works have focused on the study of slavery in Virginia. She has written extensively on the ways schools like the University of Virginia and the College of William & Mary utilized enslaved labor in *Institutional Slavery: Slaveholding Churches, Schools, Colleges, and Businesses in Virginia, 1680-1860.* Oast’s works have been instrumental in demonstrating how societal norms and the backgrounds that students came from impacted the relationship between college students and enslaved people. Following Oast’s scholarship, this essay covers the social facets and relationships of slavery rather than only equating enslaved people to agents of labor.

Sellers and Oast have made impressive contributions to their own respective areas of history. Sellers offers one of the most comprehensive depictions of the University of Alabama in the nineteenth century that any historian has published. Oast’s evaluation of slavery at colleges in Virginia sheds light on how the social dynamic of slavery developed at the University of Alabama. Like the university in Charlottesville, the university in Tuscaloosa was intended to educate the state’s elite so Oast’s analysis can in many ways be extrapolated and applied to Alabama.

This paper is unique in that it seeks to evaluate what is known about the nature of slavery at the University of Alabama and demonstrate how slavery changed at the university. To do so, this paper references a variety of primary sources including the letters of faculty members, resolutions from the Board of Trustees and university records. Included are diary entries and correspondence from two presidents of the university who served during this period. These primary sources come from the perspective of people who were at the top of the university hierarchy and who often directly participated in the punishment and selling of enslaved people. There are scant primary sources from the perspective of the enslaved although this trend extends beyond the university. For instance, the primary sources utilized by Oast in her study of slave holding colleges in Virginia also heavily relies on primary sources that come from university leadership rather than the enslaved. Nonetheless, these primary sources are useful in demonstrating the meaningful alterations of slavery at the University of Alabama from 1828 to 1865.

**The Early Years, 1828-1841**

Slavery impacted the University of Alabama years before the first students ever stepped on campus. Enslaved people labored in the construction of the university, which began in 1828. Although white men worked in skilled positions like stoneworking, enslaved people provided the majority of the labor for the construction of the campus. When the university began its initial academic year in 1831, the campus consisted of a two-story laboratory and a three-story tall rotunda which housed the university’s library. The faculty and their families lived in the two faculty buildings. Two student dormitories and a university hotel which served as the dining hall for students made up the rest of the original campus. Slave labor provided the source of the arduous labor necessary in the creation of these buildings. As Oast...
succinctly noted, the enslaved were there, “To do the grueling, hard labor that no one else wanted to do.”

Following the completion of the campus in the early 1830s, the university’s demand for slave labor dropped significantly. The university had to cover the costs of feeding, clothing, and housing enslaved people. With no major construction projects and a relatively small campus, the university was reluctant to devote significant resources for slave labor. There are records that indicate that the university purchased enslaved people; the state of Alabama ordered Isaac Winston of Franklin County to sell Lawrence, his enslaved man, to the university trustees to pay off debt in 1831. However, the university mainly resorted to paying locals for the temporary employment of their enslaved people. This practice of “hiring” the enslaved equated to renting enslaved people and was a common form of acquiring slave labor throughout the South. For the university, paying slave owners for the use of their people was the main method of procuring slave labor in the 1830s.

The university faculty finalized their by-laws which included rules and expectations for the enslaved on campus in October of 1831. The initial expectations for the enslaved were mainly focused on domestic chores. An entry from the Faculty Minutes of that month established the work expected of the enslaved: “Make fires every morning, sweep the private rooms, make beds, carry out dirty water from the bed chambers and furnish the students with clean water,” along with cleaning the students’ shoes twice a week and scouring the floors. Stewards, White men hired by the university, took care of the physical upkeep of the university and campus grounds. Compared to records from the subsequent decades, purchases and agreements to rent enslaved people were not as common. While enslaved people did toil at the university in the 1830s, their labor was mainly to supplement the stewards in working on a campus that only consisted of seven buildings. Oast found the same pattern during the early years of the College of William and Mary, which like the University of Alabama, initially used a combination of white employees along with enslaved Black people before later shifting towards a near total reliance on enslaved people. The university did not yet consist of a campus nor student body large enough to warrant a sizable enslaved presence.

The shift towards reliance on slave labor became palpable towards the end of the 1830s. University President Basil Manly designated Benjamin Whitfield, a university steward, as superintendent of all the enslaved on campus on behalf of the university trustees in 1838. The university faculty also codified the expectations for the university’s enslaved people in 1839; President Manly, in his Annual Report to the Board of Trustees, wrote, “The duties of all college servants were defined.” This solidification of their duties preceded an increase of university purchases of enslaved people.

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12 University of Alabama Special Libraries Special Collections (UALSC), Early University of Alabama Administrative Records, Financial Records, Court order for sale of slave belonging to Isaac Winston to the University of Alabama, September 20, 1831, Image number u006_0000001_0000003_0001.
13 Sellers, *History of the University of Alabama*, 38.
14 UALSC, Faculty Minutes, 1831-1854, Volume 3, 1838-1841, December 31, 1838.
18 UALSC, Manly Family Papers, Diary Number 2, Basil Manly Sr., image number u0003_000900_0000378_0167.
people. The university authorized the hire of two enslaved men for $400 in 1839. The following year, the university granted the faculty the ability to hire enslaved people and allotted them $300 for two enslaved men for the academic year. University President Basil Manly wrote directly to Governor Arthur Bagby in 1840 about securing state funding for the university’s slave purchases, describing the “necessity” of more slave labor for the university. These examples demonstrate how university leadership increased their attention to slave labor as the decade drew to a close.

The 1840s would bring a new phase of campus expansion and with it a new era of slavery at the university. Although the university had initially used enslaved labor to support its employees, the faculty and trustees were beginning to recognize the potential value of enslaved labor for the university. The final years of the first era of slavery at the university exhibited an increase in the purchases and investments by the university into slavery. This trend would only increase as the university evolved into a society centered around slavery.

**Height of the Slave Society, 1841-1861**

Historian Ira Berlin, one of the most respected and acclaimed experts on slavery in North America, made the important distinction that societies with slavery were different from slave societies. In the former, slavery is one of many methods of labor that exists alongside wage labor, indentured servitude, or other systems to drive the economy. According to Berlin, a slave society differs in that, “Slavery being the dominant form of labor shapes every other social relationship in that society…relationships between workers and bosses, relationships between rulers and rules.” Harvard University in 1630s Massachusetts was a part of a society with slavery. The state of Alabama in the 1850s, politically controlled by the slave holding elite and with nearly half of its population enslaved, was a slave society. The university became a microcosm of this slave society where all social relationships and labor methods were influenced by slavery.

For the university, construction of new buildings in 1841 marked a new phase where slave labor became imperative. This new phase of expansion included the construction of the President’s Mansion in 1841, the Observatory in 1844, and a new dormitory in 1854 along with various smaller buildings like the stables and carriage houses. With the size of campus effectively doubling in the early 1840s, the university needed to expand its labor force. Slave labor became a major part of the university budget as enslaved people facilitated the growth of the campus. The scope of slave labor expanded as enslaved people took on skilled work and duties that had traditionally been left to white employees. This growth in the significance of slavery

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19 UALSC, Early University of Alabama Administrative Letters, Slave Labor Documents, Order for payments for two servants for hire at the University of Alabama, 1839, image number u0006_0000001_0000020_0001.
20 UALSC, Early University of Alabama Administrative Records, Slave Labor Documents, Resolution to authorize servant hire for faculty at the University of Alabama, 1840, image number u0006_0000001_0000059_0001.
21 UALSC, Manly Family Papers, Diary Number 2, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000378_0181.
23 Berlin, “Societies with Slaves vs. Slave Societies.”
at the university mirrored the growing significance of slavery for the state. In the decades leading up to the Civil War, the slave population in Alabama increased dramatically as slave labor had become the paramount factor underpinning the state’s agricultural economy. By 1860, taxes derived in some way from slavery provided most of the state of Alabama’s revenue. Asserting that the state’s main university would also become dependent on slavery is a natural evolution.

Besides the construction of new buildings on campus, the maintenance of the original campus buildings became a major focus for the university. President Manly and the trustees looked to enslaved men with skills like carpentry to address this issue, highlighting an expansion of roles for the enslaved as well as a confidence in their craftsmanship. The university hired William and Anderson in 1841 and 1843, respectively, and both enslaved men used their carpentry experience in projects around campus. Manly wrote of William in 1841, “His ready use of tools has been turned to good account.” In July of 1846, William and Willis, another enslaved carpenter, replaced the shingles on the roofs of the dormitories amounting to the installation of 30,750 shingles.

Analyzing how much money the trustees invested into slave labor for issues like repairs is also an effective tool to understanding the degree to which the university depended on slavery. The university undertook multiple repair projects across campus in 1846 such as fixing fire damage and repainting buildings in addition to replacing the shingles on dormitory roofs. The university heavily relied on slave labor for these projects; Manly’s records indicate that more than a quarter of all the money the university spent on the repairs in 1846 was solely for slave labor.

Two examples of labor procurement explain why the university strengthened its ties to slavery. In 1838, towards the end of the first period of slavery at the university, the faculty decided to replace a white laborer who worked under the stewards because at, “$35 a month, it was found impractical to pay a man to their duties for that sum.” In contrast, the university could rent an enslaved laborer for an entire year at the cost of $150 in 1858, at the end of the slave society period. While there was a significant difference in financial cost ($420 versus $150 per year), faculty and students could exercise much more authority and scrutiny with the enslaved laborer than they could with the free and compensated laborer. Manly had the ability to whip an enslaved man for not properly doing a job; he could not do the same to a white laborer. The university continued to use slave labor because it allowed projects to be accomplished, “in a manner as thorough and as cheap as possible.”

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26 Atkins, Alabama, 112.
27 Atkins, Alabama, 112.
28 UALSC, Manly Family Papers, Diary Number 3, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000379_0016.; UALSC, Manly Family Papers, Diary Number 3, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000379_0087.
29 UALSC, Manly Family Papers, Diary Number 2, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000378_0268.
30 UALSC, Manly Family Papers, Diary Number 3, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000379_0087.
31 University of Alabama Libraries Special Collections (UALSC), Manly Family Papers, Diary Number 3, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000379_0093.
32 UALSC, Manly Family Papers, Diary Number 2, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000378_0422.
33 UALSC, Manly Family Papers, Diary Number 2, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000378_0152.
34 UALSC, Manly Family Papers, Diary Number 2, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000378_0420.
growing slave population of the region only made finding enslaved laborers easier; by 1860, enslaved people made up forty-four percent of Tuscaloosa County and multiple neighboring counties had majority slave populations.35

In 1840, the university granted the faculty the authority to purchase enslaved people and thereafter the faculty played a more active role in the management of the enslaved people at the university.36 A July 1848 resolution from the faculty endorsed the sale of a university-owned slave for another slave demonstrating the professors’ participation in the exchange of slaves on campus.37 Entries from the Faculty Minutes from the 1840s and 1850s also indicate that the faculty had to approve the sale of the university slaves.38 The trustees even assigned modern language professor George Benagh to travel to Virginia and spend $7,000 on purchasing more enslaved people for the university in 1853.39

Enslaved people had to carry out all the essential tasks vital to the operation of a plantation, and this rule extended to the university. Every morning, enslaved people swept the dormitories, made the beds of the students and faculty, exchanged dirty water for clean water, and made the fires which warmed every building on campus.40 The university hired enslaved people solely for service in the dormitories and serving meals to students.41 Slaves were necessary for the university’s operation throughout the year as evident from an order for a domestic slave which stipulated, “Their service during meals and also during vacations.”42 Without the convenience of indoor heating and plumbing, routine tasks had to be done by human labor. Records from the university as well as historians show that these routine yet essential tasks always fell to the enslaved.43

The enslaved also performed essential tasks outside the scope of domestic work or hard labor. Professor A. P. Barnard, who taught mathematics and natural philosophy, used an enslaved man named Sam for assistance in conducting experiments on multiple occasions when he could not hire other assistants.44 Sam also operated a barber shop for students in the cellar of the Washington dormitory.45 A faculty regulation passed in 1846 granted students the authority to command enslaved

36 UALSC, Early University of Alabama Administrative Letters, Slave Labor Documents, Resolution to authorize servant hire for faculty at the University of Alabama, 1840, Image number u0006_0000001_0000059_0001.
37 UALSC, Early University of Alabama Administrative Records, Resolution to authorize sale of slave, University of Alabama, July 14, 1848 image number u0006_0000001_0000061_0001.
38 UALSC, Faculty Minutes, 1831-1854, Volume 3, 1838-1841, January 1, 1841; Volume 4, 1842-1854, February, 17, 1851.
39 Sellers, History of the University of Alabama, 38.
40 Sellers, “Student Life at the University of Alabama Before 1860,” 280.
41 UALSC, Early University of Alabama Administrative Letters, Order for servant hire and boarding, Board of Trustees at the University of Alabama, 1842, image number u0006_0000001_0000053_001.
42 UALSC, Early University of Alabama Administrative Letters, Order for servant hire and boarding, Board of Trustees at the University of Alabama, 1842, image number u0006_0000001_0000053_001.
43 UALSC, Manly Family Papers, Diary Number 2, Basil Manly Sr., 1834-1846, image number u0003_0000900_0000378_0157.
44 Sellers, History of the University of Alabama, 69-70.
45 Sellers, History of the University of Alabama, 41.
people to carry out tasks and errands for them as long as these commands did not conflict with university rules. The services rendered by the enslaved to the students even existed outside the scope of domestic chores: an enslaved man named Morgan was known to pimp out Professor Barnard’s enslaved women to students.

The relationship between the enslaved and the whites on campus was another aspect of the slave society of the 1840s and 1850s. Both students and faculty asserted their dominance over the enslaved, as the utter subservience of the enslaved was a major element of a slave society. While the university faculty had authority over the students, every white person on campus had inherent authority over the university’s enslaved people. Like most young men who attended college in the Antebellum South, the students at the University of Alabama often came from slave owning families and were accustomed to the subservience of the enslaved. Students often exercised their authority over the enslaved even if their demands countered the demands of the faculty.

The idea of the mastery of students over the enslaved people on campus was not new during the height of the slave society; this dynamic had existed since the inception of the university. However, the period from 1841 up until the beginning of the Civil War is noteworthy in illustrating this dynamic for two reasons. First, as Sellers pointed out, the increasing number of enslaved people at the university meant more opportunities for students to demonstrate their dominance over the enslaved. The other key reason is that the proportion of the student body which came from the major slave holding counties in the state increased over the years, which meant more of the student body came from backgrounds where they were accustomed (and expected) to demand obedience from enslaved people. In 1833, thirty-seven percent of the student body hailed from the Black Belt, the Central Alabama counties with the highest proportion of enslaved people where most of the state’s cotton farming took place due to the dark, rich soil. By 1860, forty-seven percent of the student body came from these major slave holding counties in addition to students who came from counties in Mississippi and Texas with a majority enslaved population.

In regard to Virginia institutions of higher learning before the Civil War, Oast contended the University of Virginia and the College of William and Mary were the most similar in that they educated the men of elite families who were trying to establish their place in society, “Through the careful perseveration of their honor and exhibitions of their mastery over their inferior.” The University of Alabama served the same purpose and its student demographic trends reflected the growing importance of slave-driven agriculture in the state. As more of Alabama’s economy came from the regions with a large slave population, so too did the university’s student body and thus a student body with a background in subjugating enslaved people.

These factors culminated in an increase in the recorded incidents between students and the enslaved on campus. A major motivator for the students’

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46 Sellers, *History of the University of Alabama*, 236.
47 UALSC, Manly Family Papers, Diary Number 4, Basil Manly Sr., 1848-1855, image number u0003_000090_0000380_0087.
49 Oast, “Negotiating the Honor Culture,” in *Slavery and the University*, 91-93.
50 Sellers, *History of the University of Alabama*, 234.
51 UALSC, Catalogue of the officers and students of the University of Alabama, January 1833, image number u0002_0000024_0000001_009.
52 UALSC, Catalogue of the officers and students of the University of Alabama, 1860-1861, image number u0002_0000024_0000027_009.
mistratment of the enslaved comes from the concept of honor which played a very important role in southern society in the nineteenth century.\textsuperscript{54} While honor influenced all levels of society in the Antebellum South, it was especially important for the young men of the upper class which made up much of the university’s student body during this era. In addition to receiving an education, the college experience for boys in the Antebellum South was the time to learn the skills and behavior expected of men of the upper class, notably honor and prestige.\textsuperscript{55} For these boys, establishing one’s superiority over those beneath him and in the context of the university, this meant exerting a racialized superiority over the enslaved people on campus.\textsuperscript{56}

This concept necessitated the use of violence in order to enforce one’s will. Students often resorted to violence on the university’s enslaved people to establish their own personal sense of honor as well as to display this honor to their peers.\textsuperscript{57} Despite the faculty’s warnings against wanton abuse, students continuously harassed and attacked the enslaved people on campus.\textsuperscript{58} For example, in 1845, a bedridden student broke the arm of a enslaved man with a crutch because he deemed the man to be incapable of following his commands.\textsuperscript{59}

However, the students were not alone in employing barbaric punishment under the guise of honor. Manly whipped Sam because he had not cooperated with a man who had brought a shipment of coal to the university.\textsuperscript{60} Believing Sam’s misbehavior to be potentially disparaging for the university and himself, Manly punished Sam in front of the other faculty members in order to demonstrate his dominance over the enslaved man and to reconcile the damage to his reputation. Manly brought Sam in for a second set round of whippings as he believed the initial whippings had not served their purpose in breaking Sam down.\textsuperscript{61} The relationship between the master and the enslaved was a crucial component of the slave society and these examples illustrate the conduct and actions that students and faculty of the university thought appropriate in their society.\textsuperscript{62}

The Final Years, 1861-1865

Despite the destruction and upheaval of the Civil War, the faculty attempted to carry on the normal operations of the university to the best of their ability. The university assumed the role of the state’s military academy with Confederate officers serving on the faculty as members of the “Military Department” alongside the chairs of the academic departments.\textsuperscript{63} The student population (now referred to as the “Corps of Cadets”) swelled to 137 in 1861, the largest number since the school’s establishment.\textsuperscript{64} The university continued to use slave labor and insuring ample slave labor remained a priority for the faculty, though this became more of a problem as the


\textsuperscript{55} Oast, \textit{Slavery and the University}, 90.

\textsuperscript{56} Fuller, \textit{Slavery and the University}, 118.

\textsuperscript{57} Oast, \textit{Slavery and the University}, 91-96.

\textsuperscript{58} Sellers, “Student Life at the University of Alabama Before 1860,” 290-291.

\textsuperscript{59} Sellers, “Student Life at the University of Alabama Before 1860,” 290-291.

\textsuperscript{60} Fuller, \textit{Slavery and the University}, 114-118.

\textsuperscript{61} Fuller, \textit{Slavery and the University}, 114-118.

\textsuperscript{62} Berlin, “Societies with Slaves vs. Slave Societies.”

\textsuperscript{63} UALSC, Catalogue of the officers and students of the University of Alabama, 1860-1861, image number u0002_0000024_0000027_005.

\textsuperscript{64} UALSC, Catalogue of the officers and students of the University of Alabama, 1860-1861, image number u0002_0000024_0000027_009.
war dragged on. The final years of slavery at the University of Alabama resembled the previous periods in some regards but the period was also marked by immense pressure caused by the war’s attrition. Slave labor continued at the university until the day Union forces took Tuscaloosa on April 4, 1865, but cracks in the foundation of slavery were beginning to show well before the war concluded.

Correspondence from Manly’s successor in 1855, President Landon Garland, and faculty showed that the hiring of slave labor continued throughout the war. On New Year’s Day in 1863, the faculty approved a resolution to rent York, Wash, Lewis, Dan, and Sally from a woman named Mrs. Comegys. The rental terms would not seem out of the ordinary for a slave contract before the war: the resolution contains the details for the price and living arrangements for the enslaved people. Like a typical agreement for renting enslaved people, the resolution states these enslaved people would begin work at the university in January and then would return to Mrs. Comegys in December of the same year. By the fall of 1863, the circumstances regarding hiring slaves had changed. Garland cited, “The great difficulty and expense of feeding and clothing slaves,” along with the university’s inability to withdraw money from the bank for contract payments in a letter to a Mrs. Watson in October 1863. Between the times of the January resolution and Garland’s letter in October, the Confederacy had suffered two critical blows: the defeat at Gettysburg had eliminated the Confederacy’s offensive capabilities and the capitulation at Vicksburg left the Union with total control of the Mississippi River. These defeats along with the continuous attrition of the Union blockade and mounting casualties only compounded the stress on the southern states.

The labor shortage situation would only worsen as the war progressed. With the Union Army threatening northern Mississippi, Garland wanted to build defensive fortifications for the university but found this to be infeasible due to the inability to find adequate labor. In a January 1864, letter to Alabama Governor T. H. Watts about this project, Garland explained that the impressment of laborers had been unsuccessful and that the university’s only option was to hire enslaved men. However, Garland did not believe this to be an effective plan, bluntly writing, “As it was difficult to procure the labor by impressment—there is not the slightest hope of being able to procure it by hiring.” Just as trends with slavery at the university mirrored larger trends in the state, the inability to find enslaved people to hire late in the war was not unique to the university. Even at twice the daily rate the university was paying, the Confederate States government could not find any available enslaved people to hire in the area.

The labor shortage directly impacted the students as well. The university’s shoemaker had been conscripted to military service, which left a crucial vacancy that could not be filled. Garland lamented in a letter to Governor Watts in March of 1864: “For a shoemaker. I have tried to procure one in this community, but one of neither color is to be hired. Our necessities are very great.” As demonstrated by the previous letter to the governor about constructing defenses for the university, the inability to hire enslaved people (both as laborers and for skilled work like shoemaking) was causing significant problems for the school. A letter from Garland to Confederate

65 UALSC, University of Alabama Board of Trustees, Resolutions 1863, Records Box: 19809824-001, Folder: 27.
66 UALSC, University of Alabama Board of Trustees, Resolutions 1863, Records Box: 19809824-001, Folder: 27.
States officials a year later, in March 1865, revealed that much of the cadets were destitute, a stark contrast of the circumstances from the zenith of the slave society a decade earlier. The end of slavery at the University of Alabama came when Union soldiers took the city of Tuscaloosa on April 4, 1865. Despite the knowledge that Union forces were in the area, the university faculty continued to utilize slave labor as they ordered their enslaved people to hide silver, jewels, and family heirlooms. As the Union Army advanced into Tuscaloosa, President Garland ordered the drum corps, comprised of enslaved boys, to play the cadences to wake the students and notify them to prepare for battle. President Garland’s final command to the university’s enslaved people was to pack food and supplies for the student cadets as they prepared to meet the advancing Union soldiers. A battle between the Union Army and the University of Alabama cadets would never take place as President Garland later ordered the cadets to stand down. With the Union’s capture of Tuscaloosa, the school’s decades long practice of slavery was over.

Conclusion

Slavery was a constant presence on the campus of the University of Alabama for over three decades, but it did not exist as a stagnant monolith. Slavery changed at the University of Alabama because it emulated changes in the state of Alabama. As agriculture driven by slavery began to dominate the state’s economy, more of the state’s elite and the university’s student body came from the major slave holding counties of Central Alabama. These young men were from backgrounds where they expected subservience from enslaved people and they expected the same from the enslaved people at the university.

Slave labor originally supplemented wage labor but the state’s growing enslaved population made acquiring slave labor easier and cheaper, which ultimately led to it becoming the primary labor source for the work that was necessary for the function of the university. Because enslaved people were becoming more prevalent in the area and could be held to harsher standards, the school reached a point where it could decrease its reliance on paid White laborers in favor of utilizing slave labor. The state’s enslaved population grew at an enormous rate: from 1830 to 1860, Alabama’s enslaved population grew 270 percent and comprised nearly half of the state’s total population by 1860. This cheaper form of labor became increasingly useful for a growing campus. The university consisted of six professors and ninety-three students in 1833 but had grown to thirteen professors and cadet instructors with 137 students at the onset of the Civil War. Even as the Confederacy collapsed in 1865, the University of Alabama utilized slave labor in some form with enslaved people working for the university in the final hours before Union troops seized Tuscaloosa. The participation of

72 Sellers, History of the University of Alabama, 283-286.
73 Sellers, History of the University of Alabama, 283-286.
74 Oast, Slavery and the University, 89.
75 UALSC, Manly Family Papers, Diary Number 2, Basil Manly Sr., 1834-1846, image number u0002_0000024_0000001_0004 and u0002_0000024_0000001_0009; UALSC, Catalogue of the officers and students of the University for Alabama, 1860-1861, image numbers u0002_0000024_00000027_0005 and u0002_0000024_00000027_0009.
76 Atkins, Alabama, 112.
77 UALSC, Catalogue of the officers and students of the University for Alabama, 1833, image numbers u0002_0000024_0000001_0004 and u0002_0000024_0000001_0009; UALSC, Catalogue of the officers and students of the University for Alabama, 1860-1861, image numbers u0002_0000024_00000027_0005 and u0002_0000024_00000027_0009.
78 Sellers, History of the University of Alabama, 283-286.
American institutions of higher learning in the practice of slavery had been a continuous issue for academics of the time. Just as the Methodist Church was divided along regional boundaries over the issue of slavery, universities and colleges in the North and South disagreed over whether their respective schools should participate in the institution of slavery.  

The defeat of the Confederacy and the ratification of the Thirteenth Amendment in 1865 answered this question that had begun at the nation’s oldest universities in the seventeenth century. For the University of Alabama, the relationship between school and the enslaved was substantial both for the operation and expansion of the university, as well as being an important factor that influenced the decision-making of the university’s trustees and faculty. However, this relationship underwent important developments and alterations that were brought on by external factors and a changing university.

THE CHANGING NATURE OF SLAVERY

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“NANA KOROBI YA OKI”:
Japanese Resistance during the Japanese Internment

Sarah Hess

During the Japanese internment of World War II, the United States government orchestrated a myth that the Japanese meekly and blindly submitted to the camps in order to quell the appearance of opposition. However, through interviews, documents, and camp records, we will uncover that contrary to the popular narrative of compliance, there was in fact a significant wave of resistance in protest of this immoral and unlawful detention. These disobedient acts manifested themselves in Supreme Court cases, draft dodging, protests, and strikes. Based on these findings, this paper aims to prove a counter-narrative to the Japanese American experience in the 1940s, a narrative of civil disobedience.

Introduction

For decades, the Japanese internment has remained a stain on the United States’ history, a shameful reminder that America succumbed to blind fear and hatred in the throes of World War II. In 1942, President Franklin Delano Roosevelt issued Executive Order 9066, and forced approximately 120,000 Japanese people and Japanese Americans into internment camps.1 In defending such an unjust act, Lieutenant General John L. DeWitt painted the Japanese as an unassimilated, alien, “Emperor-worshipping” people capable of large-scale, intelligently strategized attacks such as the surprise bombing of Pearl Harbor. To this threat, General DeWitt argued that such drastic action was a military necessity. The blanket internment of all those of Japanese descent was a far cry from American values of life, liberty, and due process of the law, and it was something that many politicians grappled with and debated in the weeks to follow. How could the United States, the supposed land of the free, possibly justify such blatant racial discrimination? Perhaps to cope with the cognitive dissonance of America locking up its own citizens without due process of law, the government (through propaganda, media, and political hearings) forced upon society a larger stereotype that Japanese people were acquiescent, even willing, to relocate to the internment camps for the overall benefit of a society at war. To quash opposition to the internment, the War Relocation Authority (WRA) was motivated to bury any negative coverage of the camps to make the operation seem smooth, orderly, and ethically sound. In war, the government reasoned we must all make sacrifices, and for the Japanese community in particular, this sacrifice entailed the uprooting of their entire lives. This birthed a paradoxical perception of the Japanese people: on one hand, they were viewed by society as conniving, backstabbing, power-hungry warmongers, but on the other side of the coin they were thought to be submissive and weak-willed. In essence, the government’s position was that while Japanese Americans were not American enough to live without surveillance, they were conveniently still “citizens” in the sense that they could be drafted to fight in war for

1 “Japanese-American Internment During World War II,” United States National Archives and Records Administration.
America and against Japan. In order to reconcile these inconsistent views, internment advocates and politicians orchestrated the enduring memory of the Japanese experience during World War II to be one of resignation, acceptance, and overwhelming compliance. While this is a symptom of the greater societal disease of stereotyping Asian people as passive or submissive, we will uncover newspaper articles, court proceedings, and acts of resistance that suggest the opposite.

**Historiography**

In the government’s efforts to quell dissent to the internment, the Japanese internees during this time period are often depicted and still remembered as resolved, meek, and subservient, silently acquiescing to the U.S. government’s demands without question.² These stereotypical notions have been advanced through recent scholarship; one such historian, Elliott Barkan, asserts that “the voices of protest were too few, the ethnic group too small, the hostility too deep, the desire for revenge (or a scapegoat) too strong. And so the trauma and upheaval continued for nearly four more years.”³ Here, Barkan suggests that any resistance by the Japanese was futile in changing the overarching current of the internment. Furthermore, by stating that “the trauma and upheaval continued” as a result of low levels of protest, Barkan shifts the blame more towards Japanese ineptitude rather than the forces against them in their wartime oppression. Other historians explain these tendencies by citing the Japanese values of *shikata ga tai* (it cannot be helped) and *gaman* (endure; persevere): “Within camp and redress studies, seemingly passive cultural concepts such as *shikata ga nai* and *gaman* are continuously offered as reasons why more incarcerated either did not protest or rebel against the entire project of incarceration or did not talk about the experience afterwards (Muller 2001; Takezawa 1995; Nagata 1993; Ina 1998; J. Hirabayashi 1975; Kikumura and Tanaka 1981; Nakano 1990; Ishizuka 2006; Matsumoto 1984; Nagata 1994).”⁴ Eric Muller, a legal scholar who utilized these two concepts in his critically acclaimed chronicle of the internment, states that most *nikkei* (people of Japanese descent living abroad, often as immigrants) felt powerless in the face of the United States government and that any resistance would be fruitless: “It was thus a virtue, or at least a feature, of Japanese culture to accept what could not be changed.” Gil Asakawa bolsters this argument, offering that both *shikata ga nai* and *gaman* “still have a powerful hold over many [Japanese].”⁵

The Japanese reaction to the internment cannot be solely attributed to these two cultural phenomena. As Fujitani has argued, such regard reduces Japanese culture to a ‘‘culture of resignation that encourages subservience or compliance to authority,’ despite the fact that many *Nikkei* in both Japan and the United States have, throughout history, regularly ‘chosen to shape their own futures,’ assuming an ethos of *ganbaru* (perseverance in struggle) just as often as any of the presumed passive concepts noted above.”⁶ These impressions of Japanese culture stem from both orientalist perspectives within the United States of America as well as more recent, invented traditions promulgated during the Meiji Era of Japan. This era, spurred by political agendas including nation-building and imperialism, necessitated an obedient

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⁵ Shimabukuro, “Recollected Tapestries,” 72-73.
⁶ Shimabukuro, “Recollected Tapestries,” 73.
population like all budding empires. As this shift was more politically motivated than culturally, Fujitani concludes that there is nothing fundamentally Japanese about the acceptance of or compliance with oppression. In actuality, Japanese American resistance left an indelible impact on the course of liberation and future treatment by the United States.

Starting in the 1970s, more researchers began to uncover and bring light to the acts of Japanese Americans that rejected the idea of internment. First, Japanese Americans brought their frustrations to the judicial sphere, arguing their cases all the way to the Supreme Court. While this defiance occurred outside the camps, there was significant resistance on the other side of the fences as well that was silenced by the government and popular memory thereafter. Wayne Maeda states that within the camps, there were instances of draft resistance in which 315 Japanese men refused to fight for America so long as they and their families were wrongfully imprisoned. In addition to the draft refusal, Maeda continues, “There were protests and demonstrations over food, living conditions, wage scales—all those things were left out of traditional accounts of the Japanese American internment experience. Any time you leave out aspects of what went on, it’s skewed.”

Based on these findings, this paper contends that, contrary to the popular narrative that the Japanese compliantly obeyed the United States government in their internment camp relocation, coupled with military conscription, during World War II, there was in fact a significant wave of resistance in protest of this immoral and unlawful detention without due process of the law. Through studies of Supreme Court proceedings, internment camp resisters, and draft dodgers, I will be examining a counter-narrative to the Japanese American experience in the 1940s, a narrative of civil disobedience.

**Narrative of Submissiveness**

To encourage the perception that the Japanese were all eagerly willing to submit to internment camps for the protection of the American people, the government hired photographers to attempt to gain and circulate media depicting Japanese people as happy and willing to go to clean, livable camps. In 1942, the War Relocation Authority hired famous documentary photographer Dorothea Lange to photograph the Japanese internment with the intention of “depict[ing] the process as orderly and humane.” Lange, however, found the opposite in her documentation: she uncovered confused and chaotic scenes, stress and heartbreak, unclean and packed conditions in repurposed horse stables, and the loss of businesses, dignity, and entire livelihoods. In response to this discovery, the government seized the photos, clearly attempting to shroud the truth in the propaganda they wanted to promote. The government also forbade the use of personal cameras by the internees, suggesting that they did not want camp conditions documented. Despite not allowing Lange to publish her photos, the government allowed others such as Ansel Adams (who was not a social activist to the extent that Lange was) to publish photos that depicted the internment in a more positive light, peppered with smiling people and little evidence of disharmony. Adams’ photos depict scenes from baseball games, church services, and kids walking to school: “In Adams’ vision, Manzanar [one of the camps] comes off as a place where Japanese Americans, dignified, resilient, and optimistic in spite of their circumstances,

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7 Shimabukuro, “Recollected Tapestries,” 74.
built a temporary community in the desert.” Photographers were also forbidden from capturing pictures of the guard towers or barbed wire, which contributed to the perception that the Japanese were not being held against their will but simply relocating their lives voluntarily and temporarily around the United States during the wartime. Other photos that survived depicted the internees in positive spirits. A photograph from April 1, 1942 taken by Clem Albers, a photographer for the War Relocation Authority, shows three smartly dressed women boarding a train on their way to an assembly center. In the photo, they are grinning from ear to ear, their body language is relaxed, and their arms are extending out of a raised train window to wave goodbye, as if they are embarking on nothing more than a vacation or casual day trip. Overall, the tone of the photo belies the cramped and dehumanizing conditions that these women are about to enter, and further the government’s desired agenda that the internment was a smooth, ethical process that was not met with much friction.

The cooperation of the Japanese American Citizens League with the United States government was another aspect that contributed to the idea of Japanese subservience. The JACL, founded in 1929, is a national organization dedicated to protecting the civil rights of Asian and Pacific Islander Americans. During the war, the JACL should have stood in staunch opposition to the internment for its egregious violation of constitutional rights; however, starting in 1941, JACL President Saburo Kido and Executive Secretary Mike Masaoka initiated a campaign to increase membership and bolster public perception of the Japanese as being loyal American citizens. In “Let’s Obey Order Loyally,” an article written by the JACL and published in *The Japanese American Courier*, the JACL expressed their position on the internment:

> A basic tenet of loyalty is to obey the orders of the government to which one owes his allegiance. In this case, for Japanese here, that government is the United States of America. Its will must prevail. Loyal and cheerful obedience is the best way. There will be hardships and sacrifices. But all Americans will be called on along that line. While others contribute in their way, we can assist by loyal and cheerful obedience as our contribution.

Clearly, the JACL did not want to openly contradict government policy due to the potential ramifications on their community. In the context of the racial hatred of the Japanese, the JACL made a decision as an influential organization to encourage its members to take the path of least resistance and convey loyalty. In their minds, this was the “best way” to ensure the vindication of Japanese Americans suspected to be traitors. Later that year, the JACL released the “Japanese American Creed,” which was a statement written by Masaoka intended to assert American patriotism amongst Japanese citizens. Sections of the creed read:

> I am proud that I am an American citizen of Japanese ancestry. I believe in her institutions, ideals, and traditions … Although some individuals may discriminate against me, I shall never become bitter or lose faith, for I know that such persons are not representative of the majority of the American people. True, I shall do all in my power to discourage such practices, but I shall do it in the American way. Because I believe in America and I trust she believes in me … I pledge myself to do honor to her at all times … cheerfully and without any reservations whatsoever, in the hope

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10 Florido, “Photos,” 1.
12 See Appendix A.
13 “The United States in World War II: Historical Debates About America At War,” Oberlin Staff (Omeka).
that I may become a better American in a greater America.\(^{14}\)

This notion of utter respect and admiration was read into the Congressional Record on May 9th, 1941 by Senator Elbert Thomas of Utah, a mentor and friend of Masaoka. The JACL also adopted it as its official creed. Over the next several years, this document was often referenced in magazines, at JACL events to affirm their patriotism, and by white community leaders seeking to praise Japanese American “loyalty.” Despite its adoption by many, this position was not universally adopted. Some Japanese members expressed their disgust in op-eds and speeches: “Activist William Hohri called the creed an ‘apologetic self-declaration of imagined racial or ethnic inferiority and a promise of complete submission to and utter trust in the white majority.’”\(^{15}\) Another activist, Henry Miyatake, blithely paraphrased the creed as “You can treat us like crap, but we’re still going to be loyal.”\(^{16}\) This disapproval highlights the internal conflict that existed within the Japanese community, one far from homogeneously accepting their fate of internment. However, the JACL viewed resisters as liabilities who undermined their agenda of compromising with the government to attain freedom, and so they worked hard to stifle the voices of dissent. During the war, JACL leaders cooperated and even collaborated with the government to advance this idea of loyalty. For the duration of the war, the organization assisted the military in identifying potential disloyal men and women, encouraged President Roosevelt to let Japanese American men fight in the war to prove themselves, initially stood opposed to citizens taking their cases to court, and even published propaganda that the Japanese were “quiet Americans.” Based on these undertakings, many internees accused the JACL of not properly representing the best interests of the people, which led to fragmentation within the community.

Despite the JACL promoting this idea of the Japanese Americans eagerly entering the camps in the name of loyalty and sacrifice for the United States, second-generation Japanese American Bill Hosokawa sheds light on the true mindsets of many Japanese Americans as they entered the camps as one of resignation, fear, and anger.

Interviewer: “No question there’s a lot of hysteria, a lot of prejudice. The JACL and yourself just keep going back to it, it was either/or. We had to cooperate willingly and cheerfully, or there would be bloodshed. What about cooperation under protest?”

Hosokawa: “I think that would have been a good thing. I don’t think that there was a lot of cheerful cooperation. There might have been a lot of putting on a cheerful front. Now, there were pictures of young kids waving goodbye to their friends as they ride out on the train to the concentration camps. What are they supposed to do? Cry? You put on a face. There was not a lot of cheerfulness. There was anger and frustration and bitterness and despair, a tremendous amount of that. But there was the feeling that, ‘By God, if this is what we are called on to do, we will do it.’”\(^{17}\)

Hosokawa’s account reveals that the decision to cooperate with internment camp coercion was not so much willingness, passivity, or blind obedience, but rather an “overwhelming sense of Hopelessness felt throughout the community.”\(^{18}\) As the Japanese funneled into the camps, they experienced a wave of *shikata ga nai*. This Japanese phrase translates to “it cannot be helped,” and it is used to express situations beyond one’s control. So, while evidence of resolved compliance within the Japanese community existed, it does not represent a one-dimensional sentiment of the entire

\(^{14}\) Brian Niiya, “Japanese American Creed,” in *Densho Encyclopedia*.

\(^{15}\) Niiya, “Japanese American Creed,” 1.


\(^{17}\) “The United States in World War II,” 1.

\(^{18}\) “The United States in World War II,” 1.
community. To the contrary, there was significant complexity and nuance among the Japanese. Surely enough, despite shikata ga nai inevitably permeating the camp, these feelings were met with negativity from the proportion of the Japanese community who opposed the government’s grievances. To the resisters, the lack of urgency among their peers served as a hindrance to liberation, and in spite of the United States government and the overwhelming weight of shikata ga nai, several Japanese Americans were still able to manifest sparks of resistance in various ways across the country.

**Supreme Court Cases**

The resisters who challenged the internment in the most structural, legitimate way were the Japanese Americans who challenged Executive Order 9066 through cases that went all the way to the Supreme Court of the United States. The most well-known court case is that of Fred Korematsu, who deliberately defied the military orders to relocate from his home in San Leandro, California.\(^\text{19}\) Despite being compelled to report to an assembly center, Korematsu subverted the orders to carry on his life as an American citizen. He was born in the United States and therefore had birthright citizenship. To appear less visually identifiable, Korematsu solicited minor plastic surgery to alter his eye shape to look “less Japanese.” In addition, he changed his name to Clyde Sarah and began to claim that he was mixed and of Spanish and Hawaiian descent. On May 30, 1942, he was eventually caught and held in county jail in San Francisco to await trial. During his detention, he was approached by Ernest Besig, the Northern California director of the American Civil Liberties Union, where the two agreed that Korematsu would represent the plight of all Japanese people forcibly interned in the United States in court. To Korematsu, “people should have a fair trial and a chance to defend their loyalty at court in a democratic way, because in this situation, people were placed in imprisonment without any fair trial.”\(^\text{20}\) Here, Korematsu demonstrated a fundamental understanding of the rights afforded to United States citizens. The Constitution guarantees liberty, property, and due process, three elements of which Japanese Americans were being robbed during this period. Americans are not allowed to be detained without probable cause, and Korematsu pointed out that one’s ethnicity was neither just nor probable cause. Furthermore, Korematsu understood that the judicial branch of the United States cannot hear cases unless they are real “cases and controversies,” i.e. live, concrete disputes between parties with adverse interests. This means Americans cannot take cases to court based solely on theory or on principle; a case needs a “person” that has suffered a direct injury from a policy or action and stands to gain an effective remedy. Therefore, Korematsu was necessary for both the ACLU and the Japanese population to serve as the lead figurehead in fighting the case all the way up to the Supreme Court. In taking the case up to the highest court in the country, Korematsu was directly challenging the President of the United States’ wide latitude in making executive, military decisions. Notably, his leadership position was a far cry from the submissive role that the government insisted the Japanese internees played for the duration of the war.

Fred Korematsu’s valiant effort was not met without tribulations: the Supreme Court’s decision fell short of justice in their 6-3 ruling against Korematsu, but the dissents by the three justices are still widely cited today in civil rights cases, including Justice Robert Jackson’s. In a condemning dissent, Jackson writes, “The Court for all time has validated the principle of racial discrimination … The principle then lies

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\(^{19}\) Karen Korematsu, “Fred Korematsu’s Story,” Fred T. Korematsu Institute.

about like a loaded weapon, ready for the hand of any authority that can bring forward a plausible claim of an urgent need.”

While Korematsu did not win his case during the war, his effort to bring his argument to court brought attention to Japanese resistance to the idea of internment.

Another case that exposed the controversy of internment was *Hirabayashi v. United States*. Gordon Hirabayashi was a United States citizen who challenged the idea of internment based on his pacifist religious ideals and liberal university upbringing. After enrolling at the University of Washington and attending a leadership conference at Columbia University in 1940, Hirabayashi became involved in the pacifist movement and registered as a conscientious objector with the Selective Service. When President Roosevelt signed Executive Order 9066, Hirabayashi dropped out of college and began volunteering with the American Friends Service Committee to coordinate the storage of Japanese families’ belongings and arrange for their transition to internment camps. Hirabayashi recognized that he too would soon be subjected to the Order, but he made the conscious decision to defy the laws that did not align with his constitutional freedoms. He began his sequence of resistance by breaking curfew and traveling where he pleased as a free citizen. When he was compelled to register for “relocation,” he subsequently turned himself in to the Federal Bureau of Investigation so that his trial would serve as the test case for determining the constitutionality of Roosevelt’s actions. Again, because courts can only hear “cases and controversy” and cannot rule solely on principle, Hirabayashi was risking his freedom to be the live case subject that would represent all other Japanese citizens who had been interned. In a New York Times interview, he stated, “I want vindication not only for myself. I also want the cloud removed from over the heads of 120,000 others. My citizenship didn’t protect me one bit. Our Constitution was reduced to a scrap of paper.”

Hirabayashi’s case eventually made its way to the Supreme Court, which chose not to rule on the constitutionality of the internment as Hirabayashi had hoped but rather his smaller charge of disobeying curfew, to which the Court unanimously affirmed his guilty verdict. Despite a ruling against his favor, Hirabayashi later stated that he had turned himself into the FBI with the knowledge that he would probably lose his case. This is significant because it indicates that he essentially sacrificed himself to spark a legitimate judicial debate over the government’s wartime ethics. “Surprisingly, even though I lost, I did not abandon my beliefs and my values,” he said. “And I never look at my case as just my own, or just as a Japanese American case. It is an American case, with principles that affect the fundamental human rights of all Americans.”

Without such figureheads in these cases, the Japanese could have never hoped to receive relief from the courts. Therefore, in his bravery, Hirabayashi accepted a martyr-like role for the benefit of the 120,000 Japanese people who were interned.

A third Supreme Court case also challenged the country’s internment executive order centered around appellant Minoru Yasui, who, like Gordon Hirabayashi, offered himself as a test case to challenge the constitutionality of the government’s actions towards the Japanese. On March 28, 1942, Yasui deliberately defied the curfew imposed on Japanese people by taking a walk through downtown Portland at night: “When no one noticed his lawbreaking, he approached a policeman and demanded to be arrested. He was only told to go home. So he marched into the

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21 "Fred Korematsu’s Story,” 1.
23 Goldstein, “Gordon Hirabayashi.”
police station and demanded to be arrested, where the officer on duty obliged.”24 His case eventually rose to the Supreme Court, where only a fraction of eligible cases are heard. Although Yasui lost on appeal, his story is significant because it is here that we see a deliberate, repeated, and even strangely voluntary effort to be arrested in order to have his case tested against the courts. Regardless of the Court’s ruling, Yasui lived on as one of the many symbols of the fiery motivation and action within the Japanese community to stand up against their treatment.

Finally, perhaps the most significant and yet overlooked woman involved in the Japanese internment is Mitsuye Endo, who was the chief plaintiff in the landmark Supreme Court case that led to the dissolution of the entire internment camp operation. While Korematsu’s, Hirabayashi’s, and Yasui’s cases all failed, Endo’s trial was the only case to successfully challenge Japanese incarceration. Despite this enormous achievement, she was largely ignored by the press, which the New York Times later acknowledged in 2019 by featuring her in a series called Overlooked, a collection of obituaries about extraordinary people whose deaths failed to be reported by The Times. Her story being disregarded by the press at the time is evidence of the repeated dismissal of stories that contradicted the popular, demeaning narratives of Asian Americans.

Mitsuye Endo was born in California and therefore a United States citizen by birth. At the age of twenty-two, she was fired from her job as a typist and sent with her family to Tule Lake Segregation Center. Soon after her family resettled in the camp, Tule Lake was visited by a prominent San Francisco attorney James Purcell, who had been hired by the Japanese American Citizens League to create a case intended to shut down the internment camps on constitutional grounds. In order to do so, however, he needed an ideal plaintiff who would be palatable to both the court system and the American public. Mitsuye Endo immediately stood out to him as that symbolic, “loyal” American: she “had never visited Japan, had attended a Sacramento public school, and was Protestant. To top it off, her brother had served in the Army. On paper, she was perfect.”25 Endo accepted Purcell’s proposition, and on July 13, 1942, Purcell filed a writ of habeas corpus, which is a legal document protesting an unlawful detainment. The Sacramento Bee’s July 15, 1942 edition highlights a stinging section of Purcell’s writ: “If you can abrogate certain sections of the Constitution and incarcerate any person without trial or charges just because you do not like his nationality, what is to prevent from abrogating any or all of the Constitution?”26 In federal district court, the judge ruled against Endo, but the government, expecting her to appeal, offered her release from prison on the condition that she would not return home to Sacramento. To this, Endo refused. If she had accepted, she would have been granted conditional freedom, but the case would have never made its way further up the ladder to the Supreme Court. Therefore, by pressing on with her case that was rapidly gaining momentum, Endo reached the Court in October of 1944. That December, the bench unanimously ruled for Endo, calling her “concededly loyal” citizen. “The majority opinion said the government had no legal right to confine people who had been screened and found to be loyal … a concurring opinion by Justice Frank Murphy referred to the detention of Japanese Americans as ‘racial discrimination.’”27 On January 1, 1945, the Roosevelt Administration began allowing the release of Japanese Americans, effectively shutting down the internment

26 Buck, “Overlooked No More.”
27 Buck, “Overlooked No More.”
camps. To this day, the Endo case remains heavily cited in many matters pertaining to the detention of American citizens. Clearly, throughout the entire war, the Japanese did not smoothly funnel into camps; there were in fact puncture points of resistance that attempted to deflate the government’s authority in multiple areas: in the courts, lobbying at legislative bodies, and at the sites of the camps themselves when the drafting of Japanese American citizens was announced.

**Intra-camp Protesters and Draft Dodgers**

Some of the earliest incidents of resistance within the camps themselves stemmed from answers to government-issued questionnaires. To determine levels of loyalty to the United States, camp authorities circulated an arbitrary questionnaire around the sites. Question 27 asked, “Are you willing to serve in the Armed Forces of the United States on combat duty wherever ordered?” and Question 28 asked, “Will you swear unqualified allegiance to the United States … and forswear any form of allegiance or obedience to the Japanese emperor …?” These two questions seemed to subjectively decide whether one was a loyal citizen or not, which posed a strict binary to each internee: would they answer affirmatively in a way that satisfied the United States and could possibly lead to their freedom, or would they answer negatively and protest this egregious infringement of their rights? Questions 28 and 29 also catalyzed a huge controversy amongst the Japanese. For first-generation Japanese **Issei**, forswearing their allegiance to Japan meant that they would be stateless, as they were ineligible for United States citizenship. For others, they were compelled to respond “no” because they were furious at their unfair treatment. “Though the vast majority eventually answered the key loyalty questions affirmatively, a significant minority either refused to answer, gave qualified answers, or answered negatively—about 12,000 out of the 78,000 people over the age of seventeen whom the questionnaire was distributed to.”

Dubbed the “no-no boys,” those who said no to those two particular questions were branded “suspicious” and sent to Tule Lake, which in 1943 was converted to an authoritarian segregation center for alleged “disloyal” Japanese Americans.

At the height of the internment operations, Tule Lake was the largest of all ten internment camps, holding 18,700 inmates. Because of the “disobedient” attitudes of most of its inmates, Tule Lake was converted into a maximum-security camp in 1943 with extremely strict rules. Penalties for disobedience included acute psychological trauma. At a 2015 UCLA community forum for internment camp survivors, Mamoru and James Tanimoto recounted how they were rounded up for failing to respond to a Selective Service questionnaire, which is not illegal, and forced into a separate jail, where they were harshly interrogated under bright lights. To exacerbate the situation, guards purposefully loaded their rifles around them, giving the men the impression that they would be executed point blank if they did not comply. Another camp survivor, Ben Takeshita, offered a similar traumatic experience: his brother Spencer “had been put before a firing squad [and] offered a blindfold as the soldiers were given the commands ‘ready, aim, fire,’ as blanks were fired.”

Despite a camp culture of extreme emotional duress, the resisters at Tule Lake obstinately stood their ground against the war authorities. On November 4, 1943, the Tule Lake Reporter’s headline reads “JAPS RIOT; ARMY MOVES IN,” detailing a warehouse incident in which the internees confronted the War Relocation Authority leaders about their stealing of food meant for camp members. The article states that an angry mob swelled into a riot, but that “U.S. soldiers in steel helmets armed with

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28 “Japanese-American Internment.”
29 Brian Niiya, “No-No Boys,” in *Densho Encyclopedia*.
30 “The Untold Stories.”
rifles and bayonets went into action” before the Japanese could be successful.  

In a frantic attempt to reinstate order, the WRA arrested various internees, including innocent bystander Brother Tokio. For an entire night, Brother Tokio was relentlessly interrogated and then physically beaten when the questioning proved fruitless. Afterwards, not only was he denied medical treatment for his injuries, but he was held in the “Bull Pen” of the Tule Lake stockade, the area designated for the “highest offenders.” Following this disturbance, Army troops took control of camp operations, and martial law was established at Tule Lake.

Nearing the end of 1943, national military officials began debating whether to reinstate the draft for eligible Japanese internees after yielding less volunteers than anticipated for their racially segregated combat team. In December, they decided to conscript Japanese Americans. Upon learning of mandatory service, Mits Koshiyama says his thoughts immediately turned to the irony of fighting for a country that would not fight for him and his people: “From the very beginning, I thought it was wrong that they would draft us without giving us our rights. I mean, why were we in this concentration camp when we didn’t do anything wrong? If the government does you wrong, you should protest.”  

After graduating high school in the Santa Anita internment camp, Koshiyama rejected the military draft at the age of nineteen on the basis that his incarceration violated his constitutional rights. Subsequent to his induction refusal, he was arrested and forced to serve two years at McNeil Island Federal Penitentiary in Washington. Koshiyama was not alone in his endeavor but a component in the wider draft dodging movement, a movement that spread like wildfire in the camps through “leaflets and circulars that articulated legal and moral arguments against incarceration, conscription, and the racial segregation of Nisei soldiers in the army.” In total, 315 Japanese American conscientious objectors were convicted of draft evasion, including sixty-three who were tried together and found guilty in the largest trial of draft resisters in United States history. These numbers stand in stark juxtaposition with the popularly accepted, government-orchestrated myth of the obedient Japanese being willing and honored to fight for America. In reality, the Japanese were not a uniform group, and draft resistance extended beyond isolated incidents to a considerable movement of over 300 men.

As the Japanese people were not a monolithic group; naturally there were disagreements within the camps in terms of the manner in which they should protest. Some internalized their defeat, and others reacted in outrage: “They had lost almost everything, even modest control of their own lives. And their deepening sense of loss and frustration had virtually no outlet.” As time went on, this discontent revealed itself in multiple shades of resistance: in strikes, riots, and the renouncing of citizenship. At Santa Anita Assembly center, internees staged a sit-down strike in June of 1942 to protest laborious working conditions of the administration to meet net quotas. The strike proved successful, and the Santa Anita administration quickly agreed to both better working conditions and food quality for the internees. Internees

32 Nakao, “Japanese Americans’ Internment.”
34 Eric Muller, “Draft Resistance,” in Densho Encyclopedia.
36 “Japanese-American Internment.”
at Santa Ana also resorted to violence to resist. Two months after the strike, in reaction to internal police invading private areas and seizing hidden items of contraband, a restless crowd grew and culminated in the beating of a suspected informant. As a result of the commotion, 200 military police were sent to dispel the crowd and martial law was declared across the camps. Finally, further up north at Tule Lake, some men discovered a loophole in which they would be absolved of military duty if they renounced their US citizenship. Over the duration of the internment, 5,589 American citizens ended up taking this course of action to cut ties to the United States.\textsuperscript{37} In summation, all of these defiant actions exhibit the concerted effort taken by the Japanese in camps to exploit every possible avenue of resistance.

Another source of disharmony within the camps was a deep distrust of the Japanese American Citizens League. In response to the pressure from the government and the desire to maintain peace across the camps, many JACL leaders began collaborating with the government to report suspicious internees, discourage resistance, and promote loyalty and military service to the United States.\textsuperscript{38} This angered a proportion of the internees, who felt betrayed by the organization that was supposed to represent their best interests. In December 1942, this tension between the JACL and other internees culminated in a riot at Manzanar Relocation Center that resulted in two deaths and eight wounded. The incident began when Harry Ueno, an internee who worked as a cook’s assistant, noticed that the camp’s sugar supply was suspiciously low. Upon investigation, Nikkei police reports found that the camp’s white assistant director Ned Campbell was stealing and selling the kitchen’s 100-pound sugar sacks on the black market, taking food out of the mouths of the internees. In reaction to this, Ueno formed the Mess Hall Workers Union without permission of the JACL, which the League resented because of its air of defiance that could anger camp directors. A growing division between the Citizens League and the rest of the internees began to permeate the community. The camp evacuees were further offended when Fred Tayama was chosen to be one of Manzanar delegates at the JACL National Convention held in Salt Lake City, Utah. To the camp population, “no more unrepresentative person [than Tayama] could be chosen to present the views of Manzanar at the convention,” as Tayama was seen as pandering to the camp administration and did not accurately reflect the people’s views.\textsuperscript{39} Surely enough, to the horror of the internees, Tayama went against camp consensus to advocate for the conscription of Japanese Americans into the army at the convention. Upon Tayama’s return to Manzanar, six unidentified men attacked him and severely beat him to the point of hospitalization. Camp officials arrested three suspected internees, and eventually released two but kept one, Harry Ueno. Four thousand camp members erupted in protest as they cried out that Ueno was innocent and unfairly singled out because of his role in exposing the sugar scandal. They also demanded that traitors such as Fred Tayama be killed. The mob then set out with two goals: to sacrifice Tayama and rescue Ueno. As the group’s hunt gained momentum, Manzanar’s camp director authorized military police to enter the camp and barricade the jail from the bloodthirsty crowd. For two and a half hours, the administration attempted to negotiate with the leaders of the uprising, but the inmates refused to comply, hurling objects at the officials. In response, the military police captain ordered that his men discharge

\textsuperscript{38} Arthur Hansen, “Harry Ueno,” in Densho Encyclopedia.
their tear gas canisters, but for a reason unknown, several soldiers instead fired guns into the crowd, murdering two internees and wounding eight.

Evolution of Societal Perception towards Resisters

By asserting their constitutional freedoms in direct contradiction with the government’s actions, the resisters’ efforts served as a basis for revolutionary progress in civil rights victories that persisted for decades following World War II. After the war, Fred Korematsu went on to advocate for a re-examination of the internment to reconcile the ethical debates behind race-based imprisonment. Finally, in 1980, President Jimmy Carter commissioned an investigation into the motivations surrounding the Japanese internment, citing the dubious conviction of Fred Korematsu. Three years later, the Commission on Wartime Relocation and Internment published their conclusion that the process of the Japanese wartime relocation occurred due to “race prejudice, war hysteria, and a failure of political leadership.”

That same year, Korematsu’s district court conviction was overturned by Judge Marilyn Patel, to whom he gave this statement: “I would like to see the government admit that they were wrong and do something about it so this will never happen again to any American citizen of any race, creed, or color.” Despite his Supreme Court case still standing today, the overturning of his district court conviction was a symbolic vindication of Korematsu’s wartime conduct. After his conviction was overturned, Korematsu traveled to Washington D.C. to lobby for the passage of a policy that would serve as an official apology to the Japanese. Surely enough, his efforts proved fruitful and helped spur the passage of the Civil Liberties Act of 1988, in which the United States government issued a formal apology as well as $1.6 billion in reparations to all the Japanese Americans who had been interned. On August 10, 1988, President Ronald Reagan officially signed both the redress and reparations legislation into law. Ten years later, in 1998, President Clinton awarded Mr. Korematsu the Medal of Freedom, the highest civilian honor, stating, “In the long history of our country’s constant search for justice, some names of ordinary citizens stand for millions of souls. Plessy, Brown, Parks … to that distinguished list, today we add the name of Fred Korematsu.” This gesture was significant because it uplifted a Japanese name to the same degree of heroism as iconic resisters such as Rosa Parks. This helped dispel the myth that Japanese people are incapable of civil disobedience, and it transformed the stigma of being disloyal to America into one of a heroic, commendable act for the greater good.

Not only did the resisters have to withstand the torment of the United States, but they also had to grapple with the stigma of disloyalty that existed towards them in their own Japanese communities. Immediately after the war, many resisters were shunned by the Japanese population in America. In an interview, Teruo Nobori of Berkeley, who fought with the illustrious Japanese American 442nd Regimental Combat Team, saw avoiding war as a coward’s way out: “Here my friends who gave their lives so willingly are long dead and forgotten. I don’t think that’s quite right. The resisters had the right to make that choice. But to me, they were not heroes.” Many other Japanese American veterans aligned with this ideology at the time; they believed that shedding their blood for America was the utmost demonstration of loyalty to vindicate them in the eyes of the public.

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40 “Fred Korematsu’s Story,” 1.
41 Kiran Ahuja, “Honoring the Legacy of Fred Korematsu,” National Archives and Records Administration.
42 Kiran Ahuja, “Honoring the Legacy.”
43 Nakao, “Japanese Americans’ Internment.”
The resisters, however, did have support from one outspoken military veteran, Dr. Eji Suyama, whose public support for the resisters positively influenced how they were viewed by the public. For decades, Suyama contributed countless brash, opinionated articles to numerous Japanese American newspapers advocating for the resisters. In response to a 1992 column in the Rafu Shimpo newspaper that criticized the disloyalty of draft resisters, Suyama responded in “Letters to the Editor”:

I was appalled to read the deathless and graceless prose of a Mr. Yoshinaga column (“A Hush-Hush Issue,” Rafu Shimpo, Sept. 8, 1992) concerning the 1942 draft resisters. Some elected to resist the draft until constitutional rights were restored … an imperative [that] took the load off the rest of us. Those who did not have the “privilege” of going to war with its grotesque and obscene landscape should realize that some of us of the 442nd Combat Team became aware of courage’s multi-faceted asymmetrics that extended beyond the battlefields to the camps.

Here, Suyama acknowledges that the resisters were anything but passive or idle in refusing to fight in the war; in fact, their actions led to the dissolution of Executive Order 9066 and the liberation of the Japanese people. Further, he challenges the idea that resistance was “cowardly” in his assertion that courage manifested itself in ways that extended beyond fighting at the front lines; there is value and bravery in refusing to participate in acts that contradict fundamental values. In another article for the same paper written in 1993, he analyzed the motivations behind some Japanese fighting in the war and others resisting:

The values of Americanism and loyalty were commonly cited by most of the [Japanese] men who served despite their awareness of the fallibility of the Constitution and the government. I have a different view. I suspect we [the men who served] took these values and principles from our dormant Japanese side, a collection of values such as giri [duty], way of the samurai, and Japanese metaphysics of loyalty, harmony between the individual, family, public, and government, and death. We in the 442nd fought by these idealistic bytes from a distant and medieval world, and at the end, acquired a tragic sense of America. The draft resisters stood fast on constitutional principles and not on old world canons or formulas, thus were more “American” but are now having hot flashes of existential despair.

In just a few sentences, Suyama effectively encapsulated the conflicting values that divided the Japanese community towards resistance. In the eyes of the Japanese veterans who fought in the 442nd, the best way to exemplify loyalty was to willingly and honorably fight for America. In complying with executive orders despite the racially charged circumstances, they aimed to prove to the government that they were not a threat but in fact Americans themselves and essential to the prosperity of their country. They proved successful in this endeavor; the 442nd Regiment of predominantly Japanese Americans lived on as the most decorated unit in United States history. With all due respect to the bravery and sacrifice that these veterans made, Suyama went on to point out that this mindset of unconditional allegiance to one’s country was not inherently American but more closely aligned with historic Japanese values such as duty to one’s country, honor, and community harmony. In contrast, in consideration of intrinsic American constitutional values such as due process of the law, free speech, and the right to petition the government, we find that it was the resisters whose actions more closely aligned with the spirit of the American constitution. The intent of Suyama’s argument was not to denounce Japanese values or the veterans, as he himself fought during the war, but rather to uplift the resisters and their actions as heroic in their own right. In total, Suyama’s efforts contributed to

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44 Eji Suyama to Rafu Shimpo, October 1, 1992, in The Suyama Project.
45 Eji Suyama to Rafu Shimpo.
the exoneration of Japanese resisters in the court of public opinion. It was incredibly validating to have support from a person like Suyama. Largely due to his reputable character, Suyama’s work heavily impacted public perception: “Because Eji Suyama was one of the few 442nd soldiers to survive the bloody battle to rescue the ‘Texas Lost Battalion,’ his support of the Japanese American World War II draft resisters and other protesters carried that much more weight.”

Indeed, thanks to public support by people like Suyama, we began to see the shift of popular perspective on how Japanese citizens perceived the draft resisters by the turn of the century. Before this shift, the Japanese American Citizens League had expressed disdain and even contempt for the resisters, shunning even Korematsu, Hirabayashi, and Yasui during their challenges in federal courts. Resisters were essentially social pariahs within their own Japanese communities. However, by the turn of the century, popular opinion towards the resisters had changed. At the 2000 JACL convention, the JACL body reversed their condemnation of the resisters to a more positive light and voted to formally recognize the draft resisters as “Resisters of Conscience.” Despite some opposition at the conference, the majority concluded that these resisters were not primarily motivated by frivolous, selfish whims but by a deeper moral reckoning that compelled them to resist. Resister Frank Emi of San Gabriel said he would not hesitate to take the same course of action: “When you actually sit down and think coolly on the subject, what the government did was so unjust and unfair that a reasonable, fair-minded person wouldn’t be able to take any other course.” To Emi, the issue wasn’t about heroism but about correcting a flagrantly immoral governmental action.

Legacy of Resisters

As history came to show, these court plaintiffs, draft resisters, and camp rebels triumphed in advancing civil liberties: they spawned bills, policy, and a wide-reaching societal understanding that history cannot repeat itself with the blind stereotyping of groups. For example, when the aftermath of 9/11 negatively affected America’s perception of Muslims, Fred Korematsu repeatedly spoke out on behalf of followers of Islam by filing amicus briefs to protect the rights of Muslim inmates being held on suspicion of terrorism at Guantanamo Bay: *Shaﬁq Rasul, v. George W. Bush* and *Khaled A.F. Al Odah v. United States of America.* Another instance of Japanese American activism stemming from the injustices of the internment was the heavy backlash to Donald Trump’s Muslim ban. In 2015, Trump introduced a plan to target and ban people from Muslim-majority nations from entering the United States under the suspicion that they could potentially terrorize America, citing “the internment of the Japanese during World War II by Franklin D. Roosevelt—a highly respected president.” In response to this proposal, Japanese American activists swiftly spoke out against this action, drawing direct parallels between the treatment of the Japanese during World War II and Muslims in the present day. Outside the Supreme Court, the JACL, which by that time had fully backed the resisters, and the National Council of Asian-Pacific American members protested with signs that read “SCOTUS repeats disgraced history,” and “Presidential power doesn’t always protect.”

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46 Eji Suyama to Rafu Shimpo.
48 Nakao, “Japanese Americans’ Internment.”
49 “Fred Korematsu’s Story,” 1.
executive director for the JACL, stated that it was important for the organization to help others stand up to discrimination: “What happened to us should never happen again,” he told CNN in an interview, “And the sad thing is with this decision today, is they are affirming that it is OK to happen again.”

In addition to the protestors’ connection, Supreme Court Justices Ruth Bader Ginsburg and Sonya Sotomayor specifically referenced the Korematsu case in equating the injustices against Japanese Americans to the injustices being committed against Muslims in contemporary times. In 2020, the backlash won and the United States House of Representatives approved a bill reversing the ban. As demonstrated in the connection between these two political phenomena, the defiant actions taken by Korematsu and other resisters in the context of World War II did not just occur in a vacuum; they had a ripple effect that set the standard for US policy thereafter in mass applications of laws based on an inherent quality such as race or religion.

It is dangerous to remember the Japanese as simply submissive victims who resigned themselves to internment because this framing takes away their agency and diversity of approaches to the internment. Despite how the US government attempted to paint them, Japanese Americans were far from a homogenous group in their sentiments surrounding internment. Some acquiesced and entered the camps due to feelings of resignation, pressure from the government, or fear for the lives of their families. Others decided to circumvent the internment by volunteering for the draft, risking their lives to prove their loyalty to a country that had rejected them. But besides entering the camps or joining the military, the third course of action that this paper seeks to highlight is the pathway of resistance, renunciation, and/or repatriation. While it is true that many Japanese people complied with the government’s orders, it is equally important to acknowledge the counter-narrative to this enduring memory so that society can strive towards a more acute, accurate portrait of the truth. Under the counter-memory, we arrive at a situation not as frictionless as the government airbrushed it to be but one of complexity and conflict. We see people challenging policies in courtrooms, internees protesting, rioting, and demanding justice. We also see young men risking their freedom and reputations by evading the draft. While these actions may be perceived as undermining and disrespecting America, many supporters of the resistance movement point out that in their subversive actions, the resisters were not protesting America itself. In fact, several resisters frequently honored and referenced foundational American tenets that contradict racism and tyranny. Fred Korematsu offers, “Every day in school, we said the pledge to the flag, ‘with liberty and justice for all,’ and I believed that … I was an American citizen, and I had as many rights as anyone else.”

Paralleling Korematsu’s mindset, Mits Koshiyama concurs, “I really believed in the Constitution, and I believed they should protect me when I needed it the most. The belief in that Constitution kind of pulled me through all this difficulty that I had during the war years.” Here, Korematsu and Koshiyami display their steadfast belief in the ideals of the nation, and how they were compelled to act to make sure those same ideals were actualized and properly administered in society. Thus, resistance was not a rejection of American values, but instead a rejection of the oppression that the Constitution claims to protect. Arguably, it is inherently American and anything but “alien” to risk one’s life striving for these principles. Therefore, these efforts of Asian men and women to actively resist the racist decisions of the United States government on a national level—efforts which

51 Saba Hamedy, “‘What Happened to Us Should Never Happen Again’: Japanese-American Protesters Weigh in on Travel Ban Ruling,” CNN, June 26, 2018,
52 “Fred Korematsu’s Story,” 1.
53 “Mits Koshiyama.”
have had an indelible effect on social justice attitudes and policy today—must not be swept under the rug or trivialized. We as a society must acknowledge and uplift the true Japanese experience during the World War II internment for its nuances, accounts that had long been buried, and absolute disobedience.
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Appendix A

Waving good-bye as the train pulls away from the station. Department of the Interior, War Relocation Authority. Photo by Clem Albers.

Appendix B

Headline, “JAPS RIOT; ARMY MOVES IN.” Tulelake Reporter, Volume IX, Number 49. 4 November, 1943.