

A Crescendo of Violence: A Biohistorical Assessment of Violence as a Form of Social Control Involving the African Population of New York City During the 18<sup>th</sup> Century

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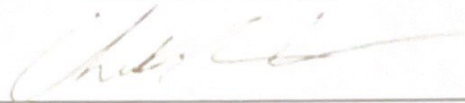
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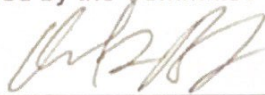
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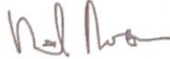
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## ABSTRACT

During the 18<sup>th</sup> century, New York City was developing rapidly, and it required a significant source of labor to keep pace. The solution, like the century before, was to increase the forced migration of enslaved Africans. The growth in this population, as one would expect, needed a system of control that would maintain the status of the growing English mercantile class. An intricate system of violence evolved various physical, structural, and cultural components to accomplish this goal.

This research sheds light on this system of control. Using Galtung's theoretical construct, the *Triangle of Violence*, this research revisits the fracture data from the African Burial Ground pathology database along with available historical documentation of New York colonial statutes, Common Council ordinances, and newspaper advertisements. The goal was to determine how the three types of evidence reflected the changing level of violence directed towards the city's enslaved African population. All four of these sources provided information about the interplay between the physical, structural, and cultural forms of violence and how they reflected the growing tensions and hostility of free colonists after the century's significant historical events.

The evidence suggests that structural and cultural violence reached its peak during the middle of the century, and physical violence culminated towards the end (post-1776). This phase accounts for the highest overall fracture and perimortem fracture rates for the population. It also includes the most individuals exhibiting three or more perimortem fractures. Strong evidence that interpersonal violence increased for the African Burial Ground population after 1776. This evidence is collaborated by the targeted analyses of evidence regarding mechanical stress, non-specific infection, and nutritional inadequacy. While exhibiting variation through the century, all generally increase in severity in the later phase. All indicators that environmental insults, physical, political, social, and cultural, increased over the century for the African Burial Ground population.

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I dedicate this Ph.D. to my Mother for her inquisitive nature and whose voice I still hear in echoes of the wind. My Father, still one of my heroes and the anchor of the reason I have needed over the years. And finally, to my Airborne brethren, a more perfect union is still worth the fight.

## Chapter One

### Introduction

Sometime during the middle of the 18<sup>th</sup> century, a young African woman (Burial #25), most likely enslaved, was severely beaten and shot in the back in the city of New York. We do not know her name, but skeletal analysis suggests that she did not die but may have lived for a few days after the crime. She suffered fractures to her maxilla and mandible, a shattered left radius, a distal fracture of the left ulna, and a greenstick fracture to her right radius. The musket ball entered through her left scapula and lodged in her left ribs (Wilczak et al., 2009). This is one of the clearest examples of intentional interpersonal violence on a member of this marginalized community and a *cold case* that is 300 years old.

Like this young woman, 58 other New York African Burial Ground individuals exhibit one or more fractures. Some have several fractures, but whether these result from an accident or intent is sometimes unclear since the mechanism of skeletal fracturing can be similar no matter the outcome.

This difficulty is the main issue with studying violence, especially systematic violence, in populations. Violence, even that committed today, is analyzed as a critical and static phenomenon (McNulty, 2016; Pope, 2000) related to specific social, environmental, psychological, biological, or evolutionary conditions (Agnew, 1991, 1992a, 1992b, 1995; Agnew and Whit, 1995; Guo et al., 2008; Spidel et al., 2013; Thorpe, 2005; Wu, 2003). While

many researchers have expanded their views and searched for more endemic factors, the subject is still elusive (Alonso and Hita, 2013; Demmers, 2014; Husso et al., 2017; McDonald et al., 2017; Parault et al., 2007; Steinberg, 2015; Tambiah, 1988). By its nature, violence is highly contextualized according to societal and cultural guidelines (Alvarez and Bachman 2016; Arendt, 1969; Scheper-Hughes, 1992; Scheper-Hughes and Bourgois, 2005; Whitehead, 2004).

From this perspective, violence in the context of American slavery has rarely been documented in archaeological populations. Historically, bioarchaeological investigations were primarily interested in only descriptive analyses involving physical forms of evidence. The research of these investigators centered solely upon the location, types, and number of fractures and other pathological conditions for individuals and populations. There was rarely any attempt to infer their relationship with larger historical and socio-cultural contexts (Buxton et al., 1938; Mann et al., 1987; Stewart and Groome, 1968; Ubelaker and Angel, 1976).

Today, multidisciplinary studies in bioarcheology have shifted from the simple descriptive research of the past to include multiple sources of evidence in their research designs. Such a perspective is necessary to understand violence as a system in colonial New York. New York City in the 18<sup>th</sup> century was central to British imperialism in the North American colonies. The city was a regional hub for England's political power and to protect its

commodity chain against the other competing European forces. Because of this, the city's labor needs outpaced the capacity for its merchant's class to provide, and a command economy centered upon a growing enslaved servile class was their answer. Too few individuals sold themselves into indentured servitude, requiring the city's landholders and merchants to increase the number of enslaved Africans imported from the Caribbean and Africa to fill the shortfall. Throughout the century, an already diverse community became genuinely cosmopolitan, and as expected, various forms of competition and hostility followed suit.

In this dissertation I will use a multi-pronged research framework to explain the changes in the manifestation and intensity of violence used to subjugate the very population the city needed to thrive.

The African Burial Ground Project is a prime example of a multilateral, multidisciplinary approach to investigating a once forgotten archaeological population. Various scholars in the project brought their specific talents to develop a multifaceted understanding of the lives, aspirations, and hardships of the city's enslaved African and freedman population of the 18<sup>th</sup> century. Among the many research trajectories were the bioarchaeological analyses of the paleodemographic and paleopathological evidence. Such evidence provided insight into various environmental impacts surrounding mortality, morbidity, infection, physical labor, and nutritional inadequacy.

This research also recorded 59 individuals who exhibited various types of fractures.

Of the adults with fractures present, 117 were present in males (n=34) and 81, present in females (n=18), with most perimortem fractures, those occurring around the time of death, concentrated in a few individuals. The cranial elements and ribs were the most affected in males, while fractures among women are more broadly distributed. Because of the high number of cranial fractures and their perimortem condition, the consensus was that a good proportion resulted from intentional violence (Blakey and Rankin-Hill, 2009; Wilczak et al., 2009). While this is a logical conclusion, questions remained about the number of fractures related to intentional physical violence and how patterns of intentional physical violence changed over the century with other forms of violence.

The purpose of this dissertation study is to answer these questions. Using Galtung's theoretical construct, the *Triangle of Violence*, this research project revisits the fracture data from the African Burial Ground pathology database with the available historical documentation of New York colonial statutes, Common Council ordinances, and newspaper advertisements. The goal is to determine what the documentary evidence reveals about the changing nature and level of violence directed towards the city's enslaved African population. Each of these sources provides information about the interplay between the physical, structural, and cultural forms of violence and

how they reflected the growing tensions and hostility of free colonists after significant historical events throughout the century.

### *Organization of the Dissertation*

In this section, I describe the structure of the dissertation and the significant components of each chapter.

Chapter 2 introduces the framework of the study and introduces a brief historical overview of colonial New York City in the 17<sup>th</sup> and 18<sup>th</sup> centuries. This chapter presents a working definition of violence and introduces Galtung's *Triangle of Violence* and its physical, structural, and cultural components. Here I also consider the main critique of Galtung's model and introduce the concepts of *mens rea* and *actus reus* to establish the necessary legal components of a violent act and issues of its justification. The chapter then ends with a review of two forms of systematic violence that entail all three of Galtung's elements, domestic partner violence and the process of genocide.

Chapter 3 introduces the bioarcheology and biohistory of the African Diaspora, emphasizing its transition into a multidisciplinary field and its shift to one that involves public engagement with affected populations and descendant communities. I present a critical overview of investigations from the early 20<sup>th</sup> century interested in simple diagnostics and racial identification to those of the latter part of the century and the beginning of the 21<sup>st</sup> that embrace the importance of multilinear evidence to infer more accurate

interpretations of the past. The chapter also reviews previous fracture analyses from several earlier investigations of African and African American archaeological populations.

Chapter 4 expands on the discussion of systematic violence from Chapter 2. In this chapter, I develop an operational model of violence that clarifies the relationship between the three interwoven corners of Galtung's *triangle*, the physical, structural, and cultural. I then highlight the interplay of all three forms of violence and their temporal relation in achieving a set of goals. I then briefly use American Intelligence operations and their repercussions in 1980s Nicaragua as a modern example of how they allow for achieving specific goals.

Chapter 5 reviews the study's methodology. Here, I explain the methods employed to develop the appropriate data and sub-datasets to assess physical violence changes against the African Burial Ground population during the 18<sup>th</sup> century, including selecting if injuries resulted from an intentional or unintentional mechanism.

Chapter 6 reveals the qualitative and quantitative results of the previously mentioned data sets. The chapter will give detailed results from the generated fracture frequencies and fracture rates for the assigned demographic categories and archaeologically determined temporal phases. Following these analyses, the results generated for mechanical stress

markers, non-specific infection, and nutritional inadequacy are presented to determine if any observable changes correlate with the fracture evidence.

Chapter 7 begins with a comparative review of the physical evidence concerning the corresponding temporal phases. This review includes evidence regarding fracture frequency, fracture rates, injury recidivism, and the determination of intent and possible injury mechanism. This evidence is supported by a temporal review of the evidence surrounding mechanical stress, non-specific infection, and nutritional inadequacy. The chapter reviews the evidence of structural violence as revealed in the laws and slave codes passed by the New York Colonial Assembly and the Common Council of New York City. I then move to critical court cases involving the enslaved population with a focus on recorded executions that reveal a discrepancy in the application of the death penalty during the 18<sup>th</sup> century.

The chapter continues with a review of the use of language as a form of cultural violence in legal documentation and other forms of written media as a tool for the growing dehumanization of New York's African population after the century's key historical events passed. The ending of the chapter brings all three types of evidence, physical, structural, and cultural, to show that the multifaceted systematic violence used against the African population of 18th century New York is comparable to that experienced in domestic violence situations and equitable to the stages of genocide.

In Chapter 8, I draw together and summarize all the lines of evidence, physical, structural, and cultural, into a collated conclusion regarding the changes in the manifestation of violence towards the African population of 18<sup>th</sup> century New York. I then reinforce the point that the systematic violence directed towards the marginalized community of that century is similar to other cyclic forms we acknowledge today [domestic violence and genocide]. Finally, I conclude that today's racialized systematic inequality is a continuation of the process that began over three centuries ago.

## Chapter Two

### The Framework of the Study

Traditionally, the study of violence has focused on aberrant, short term behavior. Following this, most investigations have centered on prevention and not the origin, or function, of violent behavior itself (Martin et al., 2010). However, in recent years a growing trend in the study of violence has involved investigations into just these issues. These investigations have ranged from culturally-based questions of group identity and dehumanization of the *other*, through more biocultural and evolutionary questions of the origins of such behaviors (Goodman and Leatherman, 1998; Martin et al., 2010; Pope, 2000; Strickland and Shetty, 1998; Walker, 2001). While both spheres of research have utility, the biocultural approach is most valuable for investigating how bodies and biologies intersect with and reflect the social, political, and cultural dimensions that comprise human societies. Such research into violence falls in line with the developing fields of both biocultural and biohistorical studies that have been conducted by various scholars, including Alan Goodman (2001), Thomas Leatherman (2001), Lesley Rankin-Hill (1997), and Michael Blakey (2009), which has developed more standardized, yet comprehensive, forms of forensic and human rights investigations (Connor and Scott, 2001; Koff, 2005; Semlin, 2007; Skinner et al., 2003; Snow, 2001; Snow et al., 1984, 1992; Stover and Ryan, 2001; Vanezis, 1999).

It is from this perspective that I developed this study in order to help refine a biocultural approach to the study of violence. The investigation of violent events must be placed within the broader historical/cultural context in which they occur, especially when these events involve the organized, collective subjugation of one group by another, yet also must provide for an understanding of how individuals function as the tools of such subjugation. It is because of these requirements that this investigation relies upon a political economy framework to understand the broader social-historical context and symbolic interactionism to explain the conduct of the actors involved.

### *Burgeoning British Imperialism*

British imperialist expansion and the solidification of its capitalist economy during the 17<sup>th</sup> and 18<sup>th</sup> centuries created a rapid replacement of not only the adaptive strategies of its subjects but forced similar changes upon the cultures with which it collided. While there were variations in the commodities traded, the purpose of colonization was the enrichment and further expansion of the Crown's interests over that of the other Western European powers. The transition of the means of production from agrarianism to capitalism required a more stratified social system that reorganized and solidified the social hierarchy. No matter if the colony's economic production was diversified or based upon industrialized monoculture, the colony was required to feed the homeland (Amussen, 2007; Bush, 1990; Chan, 2007; Galleon, D 1979; Mintz, 1985; Moitt, 2004; Wallerstein, 1996; Williams,

1994[1944]). The natural wealth and labor of countless cultures flowed towards Britain.

This burgeoning economic structure, and the growing command economy it created generated a commodity chain never seen before in human history. As the systems' labor requirements increased, old systems had to become anew. For example, while indentured servitude was the primary source of labor in the early British colonies, the institution was plagued by revolts, escapes, and mass emigration post service (Beckles, 1990; Smedley, 1999). While many colonial administrations tried to stem this tide, even to making the indenture permanent, the problem continued. The first answer to this dilemma was the importation of more enslaved Africans to fulfill the growing labor shortages. This source of labor became of such importance that by 1680 the enslaved and early freedman African population of New York comprised 12.2% of the population (Burgess, 1960).

The nature of English capitalism and its heavy reliance upon the institution of slavery eventually required an extensive system for control. This system and its violent nature promoted a carceral state that relied upon an extreme form of Marx's four aspects of alienation. In the pursuit of free labor, the laws and the nature of chattel slavery maximized the estrangement of the enslaved from the product of their labor, their lack of control of the production process, their species- essence, and finally their very human nature. This socio-political system, by its very nature, generated a growing number of

historical antithetical responses that have ramifications to this day (Blumer, 1990; Foucault, 1995; Marx and Engels, 1972 [1845]; Marx, 1994 [1857]; Hegel, 1997 [1837]; Sayers, 2011; Wendling, 2009; West, 1969).

While the ideological and structural components of the capitalist system restructured the overall *world* view (Smedley, 1999), individual and group agency is required for it to function. The hierarchical structure of the colonial period's growing global capitalist system generated an international military-industrial race never seen before among the Western European colonial powers. Because of the needs of such a system, the agency of all participants went to its satisfaction. As the means of production shifted for the competing nation-states, political-economic authority became stricter. It is in this environment that all participants, administrators, merchants, farmers, freedmen, and enslaved found themselves navigating. The decisions and actions taken by them reflected the conflicting social paradigm of the time. According to Mead (1938) and Blumer (1969) individuals act towards things based upon the meanings those things have for them, and that these meanings are derived from social interaction and modified through all of the involved parties' interpretations ( see also, Athens, 1989, 1997). The process of this interpretation determines the individual's perceived acceptance of the action they intend to commit. This acceptance, even in the case of a violent act, includes the actor themselves, the individuals in their immediate environment, the society at large, and the victim (Athens, 1989, 1997). Such

social calculations must remain within the socio-cultural parameters of society. It is because of this that the investigatory framework of this study requires that the structural and cultural context of New York City in the 17<sup>th</sup> and 18<sup>th</sup> centuries enter the discussion. Violent acts, even in self-defense, require socially based justification for their initiation, duration, and eventual outcome (Athens, 1989, 1997; Bonger, 1969; McGuire, 2004).

### *A Brief Summary of the Historical Context*

Historians generally hold that the first eleven enslaved Africans arrived in New York, then known as New Amsterdam, with the Dutch in 1626, followed by three women two years later (Hirsch 1931; Medford et al., 2009). As the need for labor continued to grow, most of the enslaved continued to be acquired by warfare and raids in West-central Africa (Heywood and Thornton, 2009). The institution of slavery was never genuinely profitable for the Dutch colony, so it grew very slowly. The enslaved in New Amsterdam had “almost full freedom of motion and assembly,” legal protection against cruelty from their masters, and they could acquire and own property. Even manumission was attainable. In 1644 eleven of the enslaved were freed (Hirsch 1931; Johnson, 1991 [1930]). While slavery in New Amsterdam may not have been as harsh as would be the case under the English, Africans still suffered under a regime that saw them as being inferior and well regulated. For example, of eight enslaved men who pleaded guilty to murdering one of their fellows, only one was executed so the other’s labor would not be lost (Medford et al.,

2009). This response was logical in the eyes of the Dutch, since not only did the enslaved Africans provide the raw energy for much of the settlement's needs, they were often assigned the most "...distasteful tasks associated with town living" (Medford et al., 2009: 15). This practice continued and grew worse under the English.

The English seized the colony in 1664 and renamed both it and its largest town, "New York." During the next fifty years, Africans in New York would witness sweeping changes in their world, including not only significant increases in their population but much stricter codes for their behavior and control. That year, along with the legalization of slavery, the Duke of York made it illegal to hold Christians as slaves, except for a criminal offense. However, it provided that the baptizing of Native Americans or enslaved Africans did not make manumission mandatory (Hirsch, 1931). Due to England's slave trade and economy, by 1700, the African population of New York was *genuinely diversified*. It included members that were African born and domestic, as well as those who had spent time in the Caribbean (Medford et al., 2009). Initially, when the enslaved numbered only a few, much of their regulation was up to individual slaveholders, but as the population increased, that began to change (Hirsch, 1931; Olson, 1944). During this period, various legal codes solidified the system of slavery. In 1664, the Articles of Capitulation recognized the property rights of Dutch slaveholders and legalized the long-held custom of limiting slavery to people of color. Also, just

like other colonial ports such as Bridgetown, several codes were developed to not only control the behavior of enslaved people but also to minimize their ability as economic competitors for the English merchants (Medford et al., 2009; Welch, 2002, 2003).

As the needs of the growing port city increased during the 1700s, the population of Africans did as well. By the early 18<sup>th</sup> century, 42% of the city's households held someone in bondage. Through increased importations from both Africa and the Caribbean, the population reached its highest number by the mid-eighteenth century, becoming twenty percent of the city's total. This population was desperately needed for the growing port/trade center and fulfilled the requirements of the empowered mercantile class (Kolchin, 1993; Medford et al., 2009). Along with this, as can be expected, resistance towards their inhumane treatment grew. In response, additional legal codes were enacted to curb such opposition and to bely the growing fears of the city's European population. In 1702, the "Act of Regulating Slaves" was passed to codify corporeal punishments, this law prevented the enslaved from giving evidence in court and made it illegal for them to meet in groups larger than three. Also, it further strengthened the restrictions upon the African population's economic activities (Olson, 1944; Medford and Brown, 2009).

During these times, resistance flared, and while the punishments may have varied, they were often sure and swift. Two well-known historical examples of social control through punishment are seen in response to the

1712 Uprising and the Great Conspiracy of 1741. In 1712, a group of enslaved laborers took up arms in revenge for the hardships and brutality visited upon them by their slaveholders. The individuals set fire to an outbuilding and then ambushed and killed nine slaveholders as they arrived to extinguish the flames. The governor responded by dispatching a militia unit that captured all but six of the group, who chose suicide over the brutal *justice* they knew they would receive. The remaining individuals faced charges of murder, attempted murder, and assault. Twenty-seven of these individuals were hanged, hung in chains, burned, or broken by the wheel. Of these, two were women, one of which received a reprieve until she gave birth to her child (Medford and Brown, 2009). Immediately after this, the New York Assembly passed the “An Act for the Suppressing and Punishing the Conspiracy and Insurrection of Negroes and other Slaves,” which authorized slave owners to punish for crimes at their discretion but prevented them from taking the enslaved person’s life or body member. It also set the requirement that those found guilty of the crimes of murder, rape, arson, assault, or conspiracy to do so, would suffer a most horrific execution. Also, the act prevented freedmen from owning real property and virtually ended manumission by charging a governmental fee and annuity to the individual (Hirsh, 1931; Olson, 1944). Also, further regulation on the ownership of weapons, public gatherings, movement after dark, and economic opportunities soon followed in 1730, 1737, and 1740.

Later that century, in 1741, a conspiracy was reported by Mary Burton, a teenage servant girl indentured to the tavern keeper John Hughson. Burton implicated her employer as a fencer of stolen goods and co-conspirator with several African men who were responsible for several fires. She reported that they intended to burn the city, murder its white residents, and make her employer the ruler of the ashes. The implications of this case led to further tightening of the control and behavior of Africans within the city, and the execution or banishment of at least one hundred of the “conspirators” (Medford and Brown, 2009; Weiner, 2004). These specific acts, as well as other daily forms of resistance undoubtedly reinforced the perception that the policies of subjugation and segregation, and the inherent violence they foster, were necessary to maintain the *proper* sense of order.

During the years leading up to the Revolutionary War, New York City and its surrounding area were a hotbed of political intrigue. Following the defeat of the French in 1763 and the Stamp Act of 1765, anti-colonial settlement began to grow. It was during this time that the Sons of Liberty started raising their liberty poles in both protests of colonial rule and the repeal of the Stamp Act. Numerous times members of this group and British loyalists clashed, with the most famous being the Battle of Golden Hill on January 19<sup>th</sup>, 1770. Although New York was central in the developing resistance, the city still had a large portion of crown loyalists. It was during this time that the abolitionist movement was starting to develop though it

would abruptly stall due to the beginning of more formal hostilities with the advent of the war (Champagne, 1967; Hirsch, 1931; Nash, 1990). When the Continental Army entered the city in 1776 to prepare for the impending British campaign, a population of over 20,000 remained in the town. In the late summer of that same year, the five battles for New York occurred around the city. All but the Battle of Harlem Heights were defeats for the Continental Army, and after the fall of Fort Mifflin and Fort Mifflin on September 26<sup>th</sup>, the British held the city until the end of the war. While the city was under military occupation, the population surged with incoming loyalists, runaways, and enslaved people. Because of this, it grew to excess, and by 1780, the number of the enslaved reached around 10,000. With such a population, the British never managed to develop a functional civil government during their occupation, and high levels of criminal activity, violence, and social unrest remained (Buskirk, 1998; Mann, 2013).

New York City remained central to the British war effort and garrisoned several regular and irregular forces that included the former enslaved Africans. Lured by the Lord Dunmore's Proclamation in 1775 and the Phillipsburg Proclamation of 1779, which the numbers continued to increase until the end of the war. After the signing of the Treaty of Paris in 1783, which required that the British leave all confiscated or liberated property, General Guy Carlton took 3000 freedmen from the city to Nova Scotia (Buskirk, 1998; Genovese, 1979; Mann, 2013; Wilson, 2019).

After the war, the abolitionist movement started gaining momentum in the North as many began to reassess the existence of slavery against the ideals of the new nation. New York City was no different, though it still relied on the labor of those who remained in bondage. For example, the New York Manumission Society, founded in 1785, established the first formal educational institution, the African Free School in New York City in 1787. But not until 1827, was the final emancipation brought to New York (Hirsch, 1931; Olson, 1944; Robinson, 197; Rury, 1985).

#### *A Working Definition of Violence*

Europeans were no strangers to the concept of forced labor, so its transition to the colonial world occurred quickly. After a short period, indenture servitude gave way to legalized slavery, a system that was the pinnacle of the alienation of labor from the means of production (Carr, 1997) and the perception of maximum capital-based profits (Carr, 1997; Foner, 1941; Genovese, 1965; Kolchin, 1987, 1997; Marx and Engels, 1972 [1845]; Marx, 1994 [1857]). The residents of New York were no different. Both the Dutch and English increased the forced migration of enslaved Africans to meet their increasing economic and domestic needs. This policy generated growing resentment, fear, alienation, and competition among the various populations inhabiting the city. So, to maintain the privileged status of the mercantile class, control was vital. Violence, in its multiple manifestations, was the tool for that goal.

Violence, and the ability to enact violence, is about power. It is even more so when sanctioned by a society's legal or cultural norms (Cohen, 1974; Das, 1987; Fry, 2006; Menjivar and Rodriguez, 2005; Riches, 1986; Ross, 1993; Taylor, 2001; Scheper-Hughes and Bourgois, 2004). The ability of one group to enact any form of violence upon another is a direct indication of the political and social stratification that exists within that society. Therefore, violence is a methodology. It involves various tools to identify, define, and reinforce boundaries of social, economic, and political control. Such devices are varied and function at the physical, structural, and cultural levels. The importance of the relationship between these three areas should not be dismissed. As explained by Galtung (1969, 1985, and 1990) in his theory of the *Triangle of Violence*, each one of these forms has not only their direct effects but also reinforce each other for the purpose of subjugating the *other*. For example, an act or series of actions involving physical violence receive sanction and justification through structural and cultural means. This relationship is of primary importance when violence, especially physical abuse, is used by one group against another.

Furthermore, the violence, even when performed by a single individual, is often collective, and its intensity defined by the social distance and status of those involved (Athens, 1989, 1997; Blumer, 1969; Senechal de la Roche, 1996, 2001). This situation allows the actor to successfully navigate what Randall Collins (2009) describes as the confrontational tension/fear barrier.

This barrier needs to be overcome for an aggressor to deliver violence. This navigation can result from specific conditions such as the availability of a weaker or outnumbered victim or micro and macro social conditioning involving gender roles or expectations. Crossing this barrier enables the execution of the violent act in order to achieve its intended effect.

### *Physical Violence*

Unfortunately, cases of physical violence are too readily available both historically and in our everyday lives. One has but to turn on the television, click on the radio, or look at some other form of media, and he or she will be bombarded by acts and expressions of physical violence. Mass shootings, robberies, assaults, and mass riots are incidents in which an individual aggressor or group has successfully navigated the confrontational/fear tension barrier. Because of this, a violent act takes place and often inspires further actions in the future.

While physical violence, and what it entails, may seem to be evident to most, it is often too narrowly defined. Physical violence can be direct, indirect, or symbolic. Direct forms are the most obvious. These often entail the actions and activities that most people readily identify as violence, such as fighting, stabbings, and shootings. Indirect violence can be a little different and can include interpersonal forms of intimidation, incarceration, and verbal abuse. Symbolic forms, on the other hand, may entail similar elements as the two mentioned above but are also composed of an aspect of expectation.

Examples of this are the classic “finger gun” or implied threat of parental punishment (Bourdieu, 1977; Pourgouris, 2010).

### *Structural Violence*

Structural violence, according to Galtung, is “.... harm inflicted on people through large- scale social, political, and economic institutions or systems” (Bernbeck, 2008:393). In other words, it operates within what Marx identified as being part of the infrastructure of society. Such systems and institutions operate as physical and mental representations of the more powerful elements of society. They also grow in complexity and reach as society transforms from more traditional forms to the nation-states and global order of today. Also, they are often intertwined, and mutually support the missions of one another. For example, economic institutions directly support the political and legal institutions of society, and vice versa. They operate in tangent to generate, normalize, and naturalize a stratified order through forms of justification (Galtung and Holvik, 1971).

Legal systems provide some of the most recognizable forms of structural violence. These systems are often used by more powerful elements of a society to enforce and justify inequality through legal codes and discrimination through practice. A situation observed in the differential sentencing rates between racial categories, gender, and social classes within the United States (Gibson, 1977; Zatz, 1984). Also, the legal protections for the private ownership of production, emphasize the relationship between the

true symbiotic nature of the political and economic spheres. This relationship helps maintain the regional and global divisions of labor and the command economy we have today. For example, the labor forces of the United States and China face division by various ideological constructs of systematic stratification. Still, they are both under the assault of the modern capitalist (bourgeoisie) and the drive towards the maximization of free labor (Harvey, 2007; Pramono, 2011).

### *Cultural Violence*

Though directly integrated with the institutions that represent, initiate, and maintain forms of structural violence, cultural violence manifests primarily within “.... the symbolic sphere of our existence, exemplified by religion and ideology, language and art, and....science” (Galtung, 1990: 291). Because of its broad nature, cultural violence exists in both overt and subversive forms and often leads to other types of abuse in its execution.

As a hegemonic force, cultural violence is also the most difficult to identify and analyze. It often is seen as harmless and can usually be accepted by even those elements of a population that it directly impacts. At other times, cultural violence may be easily ascertained as such. Historically, racially and ethnically charged propaganda was used in the dehumanization of the *other* to justify violence. Wartime propaganda for the last two centuries has taken this to the extreme. In both its official and commercial forms, it has not only generated a general visceral reaction towards the *other* but has

successfully divided national communities themselves. The reasoning for the American and German internment camps of WWII may be different. Still, they represent deeply acculturated fears of the *other*, which had its roots in the imperialist traditions of the West (Blakely, 1993; Davies, 1982; Edwards, 2013; Noakes, 2010; Taylor, 2001).

Today many forms of cultural expression not only reinforce stereotypes but often receive praise and reward doing so. Modern forms of media, including ethnic jokes, literature, music, and film, do the same today as they did in the past. For example, the movie *Training Day*, starring Denzel Washington and Ethan Hawke, exhibits many stereotypical characteristics of both African American and European American males. Some are obvious; for example, Washington, a thuggish gangster/bad cop and Hawke's character, is honest and duty oriented. It even is more evident in the movie poster for the film, while Hawke appears to be standing straight, Washington is hulking, intimidating, and bestial. This film, with its racist stereotypes, resulted in Denzel Washington's second of two Academy awards.

#### *The legal concepts of mens rea and actus reus*

One of the primary criticisms of Galtung's definition of violence is that it is too general, and because of this, any act could potentially be deemed violent (Cravo, 2017; Grewal, 2003). This study will use the legal standards of *mens rea* and *actus reus* to counter such an issue. These two main components of both the English and United States legal systems determine if

an act is criminal (Boyce and Perkins, 1989). Within this framework, harmful intent is required for an act, or acts, to be considered as violent. For example, if an individual were to knock accidentally or unintentionally another down a flight of stairs and the fall resulted in injury, the first individual would be responsible for the harm caused. Still, it would not be considered an act of violence. On the other hand, if the first individual intentionally pushed the second individual, then, even without injury, it would be considered a violent act. This aspect relates to the legal concept of direct or indirect *malicious intent*, which is one of the primary requirements for many higher corporal and capital offenses under the law (Boyce and Perkins, 1989).

In a broader sense, a sports analogy may help. Both golf and boxing require physical action of a traumatic nature; one involves an object and the other, another human. While the golfer competes with other players, they are not directly trying to enforce their will upon them. A boxer, on the other hand, is doing just that, they are explicitly causing trauma to impose their will and subjugate their opponent. Therefore, boxing is a violent sport, while golf is not.

That is why the concepts of *mens rea* and *actus reus* (intent and act) are so important. For something to be considered violent, there must be both the *intent* and the actual *deed* to commit harm. If both elements are not present, then no violent act has been committed. For example, if we return to the situation of two individuals on a stairway, if the primary actor, only

fantasizes about pushing the second individual down the stairs, yet never does, then no actual act of violence has occurred.

### *The Justifiable use of Violence and its Continuum*

There are times when violence is socially or legally sanctioned and, therefore, deemed justifiable or even expected. A primary example of this is in cases of self-defense. Both civilians and police can use force in defense of themselves or others to prevent death or significant bodily injury. But there are restrictions. The actions taken must be in response to an actual threat and can only be escalated to an appropriate level to deter, or stop, the real danger. This escalation is represented by what is known as the *continuum of violence*. This continuum has various *levels*. For example, in case of law enforcement, these levels range from the simple presence of an officer through the use of deadly force.

The critical aspect to remember here is that sanctioning involves certain expectations, which are the result of socio-cultural norms generated primarily by the most powerful sections of that society (Paes-Machado and Noronha, 2002; Weitzer and Tuch, 2006). For example, today many states in the U.S. have enacted *stand -your- ground* laws, and there is an apathy towards the use of force by law enforcement. Both show a continuing trend towards the *lowering* of the threshold for deadly force. In the case of stand-your-ground, which is an extension in most states of the *castle doctrine*, an individual no longer must exhaust all avenues to deescalate or retreat from a

situation before they can use force. The standard is that if you are in a place where you are legally allowed to be, you can act under the same rights as if you were in your home (Lave, 2012; Randolph, 2014).

This easement in justification parallels the increasing acceptance of police shootings and the growing laxity or enforcement of regulations in the use of deadly force. Not only have levels of appropriate violence become blurred, but the speed of escalation has also increased. Furthermore, the difficulty in investigating and prosecuting such incidents has increased due to either apathy or lack of public will. Both phenomena are representations of American culture, and its English origins involving popular sovereignty, that developed historically during the formation of the colonies in North America. Their abusive applications are not new (Kaufman, 2010; Rodin, 2004).

#### *The Process of Domestic Violence and Genocide as a Means of Control*

As stated before, violence and the ability to execute force are about power (Cohen, 1974; Das, 1987; Fry, 2006; Menjivar and Rodriguez 2005; Riches 1986; Ross, 1993; Taylor, 2001; Scheper-Hughes and Bourgois, 2004). The relationship is even more evident when violence is used in the long-term subjugation of an individual or group. Such violence, mainly that used to separate and alienate the target, follows a cyclic process as seen in the case of domestic violence and genocide. Both domestic violence and genocide are specific social/criminal phenomena that integrate all three angles of Galtung's triangle and represent how physical, structural, and

cultural forms of violence coincide to generate, initiate, and justify such violent phenomena. Like the expected changes involving systematic violence towards the 18<sup>th</sup> century New York African community, domestic violence and genocide fluctuate and adapt to their dialectical opposites over time.

Both domestic violence and genocide follow a similar process in the alienation of their victims. Like Marx's concept of industrial alienation, they purposely remove their victim's connection to both their essence and social nature. In the case of domestic violence, it is not uncommon for the perpetrator to use an abusive household gender regime (AHGR) to generate a web-like multifaceted violent scheme to isolate the victim from both outside and familial support networks. While specifics can vary, the multiple layers of abuse use gendered constructions to demean the victim while empowering the abuser (Harman et al., 2018; Lundy, 1993; Morris, 2009; Saunders et al., 2013; Thompson and Norris, 1992).

The process of genocide is similar. In 1948 the United Nations identified several acts that could be considered as genocide. These include killings, causing serious bodily and mental harm, the deliberate infliction of conditions of life calculated to destroy a group in its whole or part, and the forcible controls of birth or removal of children from one group to another (Elmslie and Webb-Gannon, 2013; Jones, 2006; Kuper, 1981; Pramono, 2011; Shaw, 2015). While genocide is thought of as occurring on a large scale over a short time, there can be *slow-motion genocides* like the one

taking place with the West Papuan people by the Indonesian military since 1962 (Elmslie and Webb-Gannon, 2013; Rosenberg 2012). While the culmination of the genocidal process typically involves a rapid explosion of physical violence over a relatively short period, for example, Rwanda and the Holocaust. The final phase can punctuate throughout the entire process and achieve a similar effect. The West Papuan people have been under military occupation since 1962. Various genocidal acts, including mass killings, have been perpetrated by the Indonesian government to prevent, or subvert, the growing West Papuan nationalism that continues to gain support in the area.

Like domestic violence, genocide exists in a *manufactured universe*, which places the act outside the responsibility of the perpetrators, and usually places the blame on the victims. Since 1945, most genocides have been the result of economic development, social revolution, or threats of internal conflict that defy institutional power structures. The ten-step process of genocide (Stanton, 2016) includes all the elements of Galtung's triangle in its execution. While many of these processes can happen quickly or even simultaneously, many can take years or even decades to develop. Yet, the progression has a consistent rhythm. The first step involves the simple, often binary classification of a population. Second, the development of additional symbols and meanings for those symbols to identify the marginalized community. Third, discrimination begins with the marginalized population through institutions of power. Fourth, dehumanization occurs involving the

marginalized community. The fifth step consists of the organization of a plan and units to facilitate the genocide. Step six is the polarization of the groups involved, often by the most powerful of agents in the majority. Step seven is when the group in power makes final preparations for the final stages of the process of genocide. The eighth is when formalized persecution begins with the separation and standardized identification of the marginalized group. During this time, the members of the marginalized group are deprived of property and cut off from necessary resources. The ninth step involves the actual extermination of the *other*. It is considered extermination by the perpetrators because they have already determined that the victims are not fully human. And number ten is the denial of the commission of the crimes, and often an attempt to shift the blame upon the victims (Pramono, 2011; Shaw, 2015; Stanton, 2016). Both the cyclic natures of these phenomena, especially when the genocide is *slow-moving*, follow a pattern that builds into a crescendo of violence that illuminates the very physical and symbolic nature of violence itself.

It is through this theoretical framework and its various components that this study will analyze the skeletal evidence of trauma within the African Burial Ground population and the historical evidence from that period. This study will determine if the intentional violence directed towards the enslaved and freedman populations was deliberate and methodological. This investigation will provide a more accurate understanding of the dialectical competition

between the European and enslaved/freedman populations of colonial New York City in the 18<sup>th</sup> century.

## **Chapter Three**

### **Bioarchaeology, Biohistory, and the African Diaspora**

The purpose of this chapter is to provide a selective history of African diasporic bioarcheology and biohistory. It will cover some of the earlier research designs that consisted merely of descriptive analyses and racial identification through today's more recent multilateral approaches. The chapter then culminates with a short discussion of the African Burial Ground research project. With its critical analysis of skeletal, archaeological, and historical evidence, this project allowed for a more informed understanding of the environment of the African population of 18<sup>th</sup> century New York.

Archaeologists once saw skeletal material recovery as a hindrance to their research and not beneficial. Skeletal remains are now an invaluable source of information. Many archaeologists now incorporate skeletal studies into their research designs (Larsen, 1997). Skeletal and dental tissues from archaeological settings can reveal information about individuals' life histories and their encompassing populations (Larsen, 1997). The analysis of such materials can provide useful demographic information, as well as indicators of nutritional stress (Larsen, 1987, 1997; Lovell, 1997; Martin, 1997, 1998; Martin et al., 2012), other health issues (Kelly, 1989), and various environmental stressors (Kennedy, 1989). Unfortunately, initial bioarchaeological investigations into the African Diaspora did not use the information to its fullest extent. Most investigators were only descriptive of

what they observed upon the remains and did not attempt to use the information to infer anything about the population's environment or lifeways (Armelagos 2003).

### *Early Bioarchaeological Research*

Much of the earlier work in the 20<sup>th</sup> century was greatly affected by anthropologists' misguided methodologies like Morton, Hrdlicka, and Hooton. All of which, one way or another, were participants in scientific racist efforts to place European people at the top of a pyramid of humanity. Many, like L. H. Buxton, J. C. Trevor, and Alvarez H. Julien, continued upon a course of investigation in which the primary focus was upon the racial identification of the individuals discovered (Blakey, 2001; Buxton et al., 1938). This pattern was maintained for almost 40 more years, and was so dominant, that if there was any interest in the interaction of an individual's biology and their cultural practices, such as dental modification, it was for the confirmation of ancestral/racial identity (Stewart and Groome, 1968). For example, Buxton et al. (1938) investigated the remains of approximately eight individuals recovered from a beach in the Virgin Islands. While Buxton and colleagues mentioned the recovered archaeological material's context, their primary analyses concentrated on the remains' simple racial identification. A research design similar to Stewart and Groome's (1968) analysis of an African male recovered in Grenada. While T.D. Stewart and J. R. Groome did relate their analysis of the individual's remains and evidence of cultural dental

modification with the island's historical information; it was more for racial classification and not exploring the social or environmental conditions of the interred individual.

Even into the seventies and early eighties, most of the work conducted on African diasporic populations was primarily descriptive. Ubelaker and Angel's analysis of two African males interred upon the island of St. Thomas exemplifies this. The investigation merely identified the basic paleodemographic and paleopathological information one would expect. Still, it failed to interpret environmental and socio/cultural conditions that may have affected these men. The only additional information produced by this research concerned the issues of context and mishandled carbon date testing (Ubelaker and Angel, 1976), obscure situations that began a short but intensive debate/exchange about the possibility of pre-Columbian contact between the Caribbean and African worlds (Ubelaker and Angel, 1976).

Also, around this time, Robert Mann, William Bass, and colleagues conducted a skeletal analysis upon seventeen individuals of African ancestry excavated from a construction site from Montserrat's western coast. The authors claim the site represented a Black slave cemetery dating from the 18<sup>th</sup> century. Due to the various populations from the West Indies at the time of this study, this group of individuals represented an opportunity to learn more about the diet, dentition, health conditions, stature, and other characteristics of enslaved peoples from this period. Sadly, the researchers

did not explore these possibilities. Like other studies of its time, this one presents its findings in a very descriptive and methodological manner. The research centers on the histologic reaction of bone to disease, including cases of bone resorption, bone apposition, and severity of the activity. Also, the specific diagnosis was applied when possible for lesions with detailed epidemiology. As with many other bioarchaeological investigations conducted at this time, the researchers failed to move beyond the simply descriptive and did not attempt to reconstruct the possible socio/cultural or environmental conditions in which these individuals lived (Mann et al., 1987).

#### *A Transition Towards a more Inclusive Approach*

In the 1980s, bioarcheology, along with several fields, began to develop more processual research models. These models were much more interested in the relationships between skeletal evidence and their contributing environmental conditions (Buikstra, 1977; Buikstra and Cook, 1980; Martin et al., 2012). These models greatly benefited from developing biocultural models in understanding human adaptability as a response to critical environmental stressors (Goodman and Leatherman, 2001; Rankin-Hill, 1997). Multiple analyses were conducted in association with historical and archaeological evidence to better understand early African and African American populations within the more extensive historical development in the United States and other parts of the Western hemisphere. The 1980s and 90s saw more studies in this vein (Blakey et al., 1994; Corruccini et al., 1982,

1987; Handler and Corruccini, 1983; Handler et al., 1986; Hutchinson, 1987; Jacobi et al., 1992; Kelly and Angel, 1987; Khudabux, 1999; Mann et al., 1987; Martin et al., 1987; Owsley et al., 1987; Rathburn, 1987).

For example, Aufderhide et al. (1985) studied lead content in the remains of four separate but temporally similar African/American and European/American Colonial populations to determine cultural practices and differential access to material goods and economic opportunity. The investigation looked at the institution of slavery from multiple angles, including changes in community demographics, labor transformation, pathological infections, dietary deficiencies, and even cortical bone maintenance.

Bioarcheologists began to investigate processes of power, class, and gender. For example, Angel (1987) led a group of researchers to investigate individuals who were members of one of the nation's first free black communities. The research questions involving this study included the usual paleodemographic and paleopathological profiles. They involved what the authors identified as inferences of known *lifestyles*. The components of lifestyles included the data concerning dietary deficiencies, genetic and pathological disorders, and occupational stress indicators—providing a well-rounded analysis with an equal emphasis on historical and cultural factors that affected free Africans and their lives during the 18<sup>th</sup> century (Angel et al., 1987).

Owsley (1987) investigated another urban population of twenty-nine skeletons from the first cemetery in New Orleans. This cemetery was in use from 1720 thru 1810 and provided an identifiable sample of individuals of diverse biogeographic backgrounds, two European ancestry individuals, thirteen individuals of African ancestry, one individual of possible Indian-European origin, and two likely *mulatto* individuals. The investigators analyzed the skeletal remains in conjunction with historical information to conclude mortality rates and patterns for the population they represented. Pathological changes observed across several skeletal elements in the population indicated that the cemetery contained individuals representing two enslaved occupational groups, possibly house servants and laborers. The authors found evidence of periostitis, osteomyelitis, and ossified connective tissue. Also, they noted cases of degenerative joint disease along with hypertrophic bone formation. Due to pronounced ante-and postmortem tooth loss, a populational dental analysis was impossible. The cranial material exhibited thickening due to porotic hyperostosis. Men exhibited a high degree of postcranial changes, including hypertrophy of the deltoid tuberosities of the humeri and supinator crests of the ulnae. Hypertrophied muscle attachment points on the arms mirrored those found on the legs indicating lives filled with hard labor. Both males and females also exhibited arthritic changes of various elements ranging from the slight to moderate range. Any difference observed between multiple individuals has been attributed to occupational classes, age,

and sex confirmed in historical documentation. Because of this multifaceted approach, the article provides some excellent historical background to the St Peter Street cemetery itself and the social-cultural conditions during the time that the cemetery was in use. (Owsley et al., 1987).

In addition to more comprehensive bioarchaeological studies involving single populations, researchers began to commit to cross-population studies. Many researchers began expanding their inquiries to involve separate and multiple sites in order to develop a clearer picture of people's environmental life conditions from different geographical locations. L. Kelley and J. Angel (1987) reviewed the skeletal evidence of life stress for one hundred and twenty individuals of African ancestry from twenty-five sites located in Maryland, Virginia, and the Carolinas. The researchers studied the remains of individuals interred between the late 17<sup>th</sup> and mid-19<sup>th</sup> centuries in a cross-population investigation of the prevalence of dental lesions and hypoplasias. The researchers also took measurements for stature, skull base height, and pelvic brim indices whenever possible. Observed occupational stress markers upon these individuals included exaggerated development of lifting muscles attachment points and early vertebral/shoulder degeneration. The authors also reported that signs of anemia, parietal depressions, and "parry" fractures were prevalent in all the comparative groups indicating a life of hardship and violence. These were findings that easily correlated with the

historical evidence of these people's environment and living conditions (Kelley and Angel, 1987).

*Public Archaeology and the Subaltern Voice*

. While governments enacted legal protection of archaeological sources, the National Historic Preservation Act of 1966 significantly changed how to conduct an archaeological investigation. The NHPA and its legislative siblings helped create an archaeological process that involved much more interaction between its practitioners and the public they served. Through both responsible CRM agencies and academics, this process generated research projects that not only exceeded the merely descriptive but began to take into account both the concerns and questions of the descendant communities directly involved.

Since the mid-eighties, there has been a transition from academic-centered archaeology and bioarchaeology to something that impacts people's lives. While some bioarchaeological projects remained descriptive by choice or design (Watters, 1994), others expanded to meet the challenges. Such projects incorporated into their research designs various conditions that involved both the general public and specific descendant communities in their conception, operation, and presentation. In the 80s, a construction project led to the discovery of the First African Baptist Church (FABC) cemetery. Like many other African American bioarchaeological sites, the individuals interred here were not members of an elite group; they were people who lived like

most, just trying to survive in an environment often hostile to blacks. Because of the time they lived and the social politics that followed, they were forgotten in death and hidden from shared memory by both time and asphalt (Rankin-Hill, 1997).

Unlike the early bioarchaeological investigations of the twentieth century, this research, like others in the eighties, focused on various forms of evidence. Researchers conducted an osteological analysis of the individuals themselves and analyzed material culture, historical documents, maps, drawings, and personal accounts to gain a clearer picture of the quality of life in 19<sup>th</sup> century Philadelphia. This investigative model provided a unique window onto African Americans' lives during the antebellum period that was not part of the plantation system. Through a bio-cultural/bio-historical model, this study gave its researchers a rare perspective onto the health, lifestyles, living conditions, and constraints of an urban-based population, aspects of free African Americans' lives that were previously unknown (Rankin-Hill, 1997).

A research team led by Michael Blakey used a similarly multifaceted research design for the African Burial Ground Project during the 1990s. When the United States General Services Administration (GSA) contracted for the construction of an office building on Broadway Street in New York, on a site that was identified historically as a "Negro Burying Ground" during the 18<sup>th</sup> century, it did not anticipate the storm of controversy that the future held.

Renamed in 1993, the African Burial Ground dated between 1712 and 1794 was the nation's earliest and largest African burial ground. As can be expected, the rediscovery of the burial ground struck deeply into the emotions of the public, and more specifically, members of the African descendant community (La Roche and Blakey, 1997). The government's original project design projected an excavation of fifty individuals as a cursory attempt to mitigate the damages to the archaeological record that the construction project would cause. This design, seen as immoral by many, was stopped by a collaborative effort led by influential and determined African American descendants, scholars, and politicians. Due to their efforts, a more responsible team of researchers took the lead on this project and, with the help of those mentioned, developed a research plan that was morally responsible, respectable to the deceased, and cooperative with the affected communities. Eventually, over four hundred individuals were recovered and underwent analyses that provided an unprecedented wealth of information on African American diets, health, and genetic affiliations from the 18<sup>th</sup> century (La Roche and Blakey, 1997).

Perhaps one of the most important benefits that the African Burial Ground Project provided was to increase awareness that many problematic issues in bioarcheology were still in existence. It revealed many of the methodological, philosophical, and interpretative biases including that many of the bioarcheologists profiting from the excavation and analysis of African

populations were white, middle-class academics who had only a superficial understanding of African American history and culture at best. Often these researchers exhibited little, if any, empathy for the descent communities involved. Due to this impropriety and the undeniable spiritual, historical, anthropological, and scientific importance that the African Burial Ground represented, the African descendant community took extraordinary measures to seize the project's intellectual control. They guaranteed that these once forgotten individuals would not remain silent (Blakey, 2020; La Roche and Blakey, 1997).

The African Burial Ground Project's multilateral investigation developed the largest collections of microscopic and macroscopic data of any bioarchaeological population to date. The determination of macroethnic affiliation was accomplished through craniometrics, dental morphology, and genetic analyses. Investigators used isotopic and elementary chemical analyses of the population's dentition to determine geographic origins, forced migration patterns, nutritional stress, and evidence for environmental pollution. This research confirmed the population was ethnically associated with known people in west, central, and southern Africa and that the population consisted of both foreign and domestically born individuals. The macroanalyses of the dentition and skeletal remains revealed that the people suffered multiple insults involving nutritional inadequacy, infection, disease, mechanical stress, and injury (Blakey et al., 2009).

### *Past investigations of Fracture Evidence*

The more complex and inclusive research models discussed above also led to more comprehensive analyses of fracture evidence. Discussed below, these data shed further light on the processes of intentional versus unintentional trauma. Kelly and Angel's (1987) investigation of the remains associated with the historic location of Catoctin Furnace found that 19.4% of individuals exhibited evidence of some form of fracturing involving skeletal elements. Their analysis found that most of the fractures involved the radii, ulnae, vertebra, clavicles, and distal extremities. While some fractures associated with radii and ulnae are often related to interpersonal violence, the researchers, in this case, were convinced that the nature of the specialized labor was most likely the cause (Brooks, 2005; Shuler, 2004; Wilczak et al., 2009). The investigations of the St. Peter Street Cemetery sample from New Orleans had three African males with fractures involving the cranial material and distal ulnae, the *classic parry fracture* indicating at least some level of interpersonal violence (Owsley et al., 1987). A second urban population of congregants of the First African Baptist Church in Philadelphia had twenty fractures among its individuals. While most were determined to be accidental, two individuals had injuries related to interpersonal violence. The two individuals included a middle-aged woman with a depression fracture of the left parietal and a middle-aged male with a well-healed fracture of the right

clavicle (Rankin-Hill, 1997). Both injuries could be the result of overhanded strikes to those regions of the body.

Similar investigations involving human remains and appropriate contextual/historical evidence have taken place in the Caribbean. The excavations at the cotton Plantation Waterloo, Suriname, recovered the remains of 27 individuals. Three of the individuals had fractures. One of the individuals, a middle-aged woman, showed healed evidence upon her left elbow, which perhaps may not have been the result of violence but would have certainly affected her economic output on the site (Khudabux, 1999). Armstrong and Fleischman (2003) reported on four enslaved Africans located within a house-yard area on Seville Plantation in Jamaica. Three of the four individuals, two males and one female, exhibit skeletal trauma associated with injuries, though only the male aged 40 years or older has a fracture of an ambiguous nature. The original bioarchaeological investigations of Newton Plantation, Barbados, concentrated on cranial material and dental analysis (Corruccini et al., 1982). The second excavation at Newton Plantation had several individuals with evidence of periostitis associated with their tibiae. While Shuler's (2005) assessment regards the evidence of infections from injuries related to sugar cane cultivation, she only identified two fractures associated with intentional violence.

The 419 individuals of the New York African Burial Ground are the largest recovered population of enslaved and early freedmen of the 18<sup>th</sup>

century. Their skeletal analyses generated a detailed assessment involving the population's demographic makeup, exposure to pathological conditions, dietary inadequacies, mechanical stress, and other environmental hardships. Also, the investigation identified the diversity and frequency of fractures for 59 individuals who exhibited 261 total fractures. Of the adults with fractures present, 117 were among 23 males and 81, among 18 females with most perimortem fractures concentrated in a few individuals. The cranial elements and ribs were the most affected in males, while fractures are more widely distributed throughout the bodies of women. Because of the high number of cranial fractures and their perimortem condition, the consensus was that a good proportion resulted from intentional violence. While this is quite possible, intentional violence was confirmed for only one individual: Burial 25, a 20-24-year-old woman who suffered injuries to multiple skeletal elements and was also found with a musket ball lodged within her rib cage that had entered through her upper left back, shattering the scapula (Blakey and Rankin-Hill, 2009; Wilczak et al., 2009). This study extends the project researchers' analysis of violence and its effects on the African Burial Ground population from this foundation. In particular, this study will further reveal the interrelationships of violence with political, structural, and cultural systems (Klaus, 2012; Nystrom, 2014; Perez, 2012) and how these changed in response to significant historical events of 18<sup>th</sup>-century New York.

## Chapter Four

### Violence: An Operational Model

The purpose of this chapter is to review some variations in types of violence that occur and develop an operational model of violence for this study. Too often, violence is analyzed as a critical and static phenomenon (McNulty, 2016; Pope, 2000) related to specific social, environmental, psychological, biological, or evolutionary conditions (Agnew, 1991, 1992, 1995; Agnew and Whit, 1992; Guo et al., 2008; Spidel et al., 2013; Thorpe, 2005; Wu, 2003). While some other researchers concentrate solely on its prevention (Martin et al., 2010; McNulty, 2016; Semelin, 2007), many have expanded the narrative to include endemic influences that affect the behavior of individuals and communities (Alonso and Hita, 2013; Demmers, 2014; Husso et al., 2017; McDonald et al., 2017; Parault et al., 2007; Steinberg, 2015; Tambiah, 1988).

The issue with both perspectives is that violence defies a simple, all-encompassing definition and is highly contextualized due to societal and cultural guidelines (Alvarez and Bachman 2016; Arendt, 1969; Scheper-Hughes, 1992; Scheper-Hughes and Bourgois, 2005; Whitehead, 2004). How violence is defined or justified within one society or culture can be abstractly different from another (Alvarez and Bachman 2016; Collins, 2009; Freilich et al., 1991; Seff et al., 2008; Strathern et al., 2006; Weizman, 2011; Whitehead, 2004). But most scholars do agree that violence is about power and is

associated in various ways and at various levels with the development of more complex societies. While an ideology can become violent, all ideological constructs are not necessarily violent. This is because violence is primarily a methodology, or tool, to achieve some goal (Carp, 2002; Cohen, 1974; Das, 1987; Fry, 2006; Hechter, 1995; Hill, 1996; Hutchinson, 2010; Menjivar and Rodriguez, 2005; Taylor, 2001; Riches, 1986; Ross, 1993; Scheper-Hughes and Bourgois, 2004; Trautsch, 2016; Hechter, 1995). One group's ability to enact any form of violence upon another is a direct indication of the political and social stratification that exists within that society. Violence involves various tools to identify, define, and reinforce social, economic, and political boundaries, and such devices are varied and include physical, structural, and cultural forms. As explained by Galtung (1969, 1985, 1990) in his theory of the *Triangle of Violence*, each of these forms has not only direct effects but also reinforces each other to subjugate the "other." The three forms of violence should not be ranked hierarchically or seen as independent forms of aggression. All three forms coexist, interdependent, and are necessary for the others to operate in a systematic or apparent individualistic capacity. Justification of the overall methodology is the goal (Athens 1989, 1997; Blumer 1969; McNulty, 2016; Senechal de la Roche 1996, 2001; Weber, 1978 [1921])

### *Galtung's Triangle of Violence*

Galtung defined violence as "...present when human beings are being influenced, so their actual and somatic realizations are below their potential realizations." While problematic, he believed that, if the identification of violence only relied upon the idea of human action with intent, then highly unacceptable authoritarian governments would still be compatible with peace, and this situation makes a broader, more extensive concept of violence essential (1969: 168). Violence also increases the distance between the actual and potential; for example, if a patient died from tuberculosis in the 18<sup>th</sup> century, it is reasonable to expect it was unavoidable, but in the modern context of germ theory and vaccines, the same event connotes that some form of violence likely played a part. So, not only physical violence, but differential access to resources may be considered in the instance of this disease (Galtung, 1969:169).

Following this construct, violence has six distinct characteristics:

- Violence can be physical, like that observed due to physically inflicted wounds or other harm to the victim's body.
- Violence can be psychological; this covers the acts of violence that are symbolic and often achieve the same results as the physical forms.
- Violence can be direct; there is no question regarding the results of the mechanism used, physical or structural.

- Violence can be indirect; the act, or acts, can seem to be passive or not violent at all. Cultural forms of violence usually exhibit this characteristic.
- Violence requires someone, or some group, to be injured. The injuries can be direct, indirect, physical, or psychological.
- Violence requires some party to take action to cause the injury.

All of these characteristics and distinctions, in one capacity or another, are reflected in not only physical or direct violence but structural and cultural as well (Galtung, 1969).

According to Galtung (1964), physical or direct violence is physical harm enacted by an individual/group upon another. It involves what most people would consider violence involving some form, or scale, of physical conflict (Bourgois, 2001; McNulty, 2016). This form of violence, and the rules governing it, are culturally determined (Athens 1989, 1997; Blumer 1969; Collins, 2009; McNulty, 2016) and thus affect its scope, damage, and propensity in people's lives. For example, in societies with a large-scale intergroup rivalry that involves armed conflict, the injury patterns will be correlated. Moreover, the level of violence in a community and its main participants can have a cascading effect on other members and the forms they may encounter. The violence can also be indirect or symbolic in nature and achieve their goals, not through actual physical harm but also its expectation or possibility. Scholars should also understand that direct or

physical violence levels often fluctuate with various environmental conditions or structural and cultural factors, such as ecological, social, political, or economic upheaval (Bourdieu, 1977, 2005; Galtung, 1969; McNulty, 2016; Pougouris, 2010).

Structural violence, according to Galtung, is "...harm inflicted on people through large scale social, political, and economic institutions, or social systems" (Bernbeck, 2008: 393; Galtung, 1964, 1969). It often fulfills what Marx identified as society's infrastructure to help maintain the control of production and separate man from his essence, humanity, and egalitarian justice (Daly, 2010; Galtung, 1964, 1969). Forms of structural violence grow in complexity and relationship as a society grows and develops, leading to a hierarchical social order (Galtung and Holvik, 1971). Structural forms of violence affect members of society every day. Since these manifestations exist in a society's legal codes, economic policies, and educational systems, they constantly support disparities in power, wealth, and economic opportunity for those that consistently find themselves part of the more marginalized classes of a community. Structural violence's effect, unlike direct violence, is "slow and undramatic" but in the long run, may prove at least as effective in establishing and policing social hierarchies" (Galtung and Holvik, 1971: 73).

Cultural violence refers to "...those aspects of culture, the symbolic sphere of our existence exemplified by religion and ideology, language and

art, empirical science and formal science-that can justify or legitimize direct or structural violence" (Galtung, 1990:291). This form of violence is often the most difficult to identify because it is experienced as *natural* and it makes the other forms, look, or feel *right*. It causes a condition of internalization that renders what is typically seen as unacceptable to something that is or at least tolerable. It is most effective when it makes the "world opaque." The act does not even register as violence (Galtung, 1990: 292). This achievement happens through daily processes, including the news media, art such as music and film, or everyday conversation.

What is essential to understand is that these three corners of Galtung's triangle, direct/physical, structural, and cultural violence are not separate but flow into each other as the triangle gets *flipped* throughout the performance or act of violence. Again, violence is primarily a methodology, and because of this, it is a process that takes time to achieve its goal. The particular form in use at a given time results from the specific socio-economic and political conditions the users are navigating. Even with this symmetry, there is a fundamental temporal relationship to their independent longevity. Direct violence is an event and usually brief compared to the others. Structural violence is a process with ups and downs that slowly alters its effectiveness and form. Meanwhile, cultural violence is somewhat invariant and remains so for a long time because of the slow pace of cultural transformation. Because of this, it is of primary concern in any attempts to deter violence. While any

form of violence can be the initial act, cultural violence initiates the entire mechanism's process or flow. "It preaches, teaches, admonishes, eggs on, and dulls us into seeing exploitation and or repression as normal, or not to seeing them at all" (Galtung, 1990; 295).

To understand the implications and effectiveness of the three forms of violence toward achieving an objective, one needs only to review the United States' actions in Nicaragua during the early 1980s in specific relation to the greater political and economic goals for controlling the Western Hemisphere.

These goals were spelled out in President James Monroe's annual message to Congress on December 2<sup>nd</sup>, 1823. This message contained what would later become known as the Monroe Doctrine, the United States policy's foundation towards any further interference in the Western Hemisphere by extraneous powers. In effect, and through its invocation over the next two centuries, the doctrine justified the dominance of the United States in the region's political and economic affairs.

What happened in Nicaragua in the late 20<sup>th</sup> century exemplified this strategic goal. From 1979 onto the early 1990s, US-backed guerillas and contractors operated to overthrow the Sandinista National Liberation Front (FSLN). Over the decade-long conflict, the US-supported guerillas carried out numerous *low-intensity* operations by attacking civilians, elected officials, hospitals, and other non-military targets. The Nicaraguan government could in no way directly respond against the United States. Hence, they petitioned the

World Court and United Nations Security Council to force an end to the insurgency. The court agreed with the premise of their argument and condemned the United States' actions as *unlawful use of force and* ordered the termination of the criminal behavior and restitution for damages for loss of life. After the US's abject dismissal of the court, Nicaragua went to the Security Council and General Assembly, where they also met mixed results and no satisfaction. In retaliation, US-led guerilla operations intensified, and weak opposition in the United States, both politically and publicly, was quickly drowned out by favorable messaging and doctored news reporting. By the time the conflict had ended in 1990, tens of thousands of civilians had died, and the country's infrastructure was in ruins, an economic condition that hinders the nation until this day (Asleson, 2004; Belli, 1985; Brown, 1985; Chomsky, 2005).

The US-backed insurgency and its domestic and international fallout are good examples of how Galtung's Triangle of Violence operates to justify and maintain itself even when an overwhelming majority see the activities as illegitimate. The US-backed guerillas' terroristic activities satisfy the general concept of what violence entails, both directly and indirectly. Still, it is the structural and cultural components that justified this particular situation and similar policies before and since the 1980s. The political and economic clout of the United States and its influence with the United Nations and outward defiance of the World Court is an example of how the structural forms of

violence enable certain parties to defy international law. In conjunction with this, it was the cultural violence, or the preaching of American exceptionalism that made the American public accept and rejoice in the *interference* occurring in the small Latin American nation.

This operational model is the foundation for analyzing these various forms of violence and the changes in their manifestation involving the enslaved African and freedman population as a process directly linked to the historical events in 18<sup>th</sup> century New York.

## Chapter Five

### Expectations and Methods Involving the ABG Database

#### *Bioarchaeological Evidence*

The purpose of this dissertation is to continue and expand the study of the fractures and fracture patterns present within the 419 individuals belonging to the African Burial Ground population (Wilczak et al., 2009). The intention is to identify the quantities, trends, and changes by the temporal phases identified by the grave goods and coffin architecture recovered during the archaeological investigations (Howson et al., 2009). The purpose is to identify changes associated with an increase in violence against the enslaved and early freedman population of New York City during the 18<sup>th</sup> century. To this end, primary data from the African Burial Ground database will be analyzed to generate individual trauma profiles, which will then be vital in developing more significant demographic categories to compare frequency differences, fracture types and locations among those interred in the burial ground. Also, in a supportive role, additional analyses involving specific observable pathological conditions will be conducted. Specifically, these will include evidence of work-related changes in the skeleton, evidence of non-specific infection, and signs of nutritional inadequacy. These findings will then be compared to available documentary sources in order to identify manifestations of structural and cultural violence to help develop a more

accurate understanding of the social, cultural, and political environment that contributed to the skeletal changes observed among the interred population.

### *Hypotheses*

From the previous bioarchaeological and historical research conducted, five main hypothetical expectations were formulated that could be tested by using the African Burial Ground database. The expectations center around changes in intentional injury, work stress, and nutritional status. Also, there is the expectation that the differences among the female members will be higher than their male counterparts.

### *Expectation One: Fractures*

The fracturing of bone is the result of the application of enough force to cause a discontinuity or break. While fractures are usually the result of disease or physical activity, some are the result of more acute traumatic events. The nature of these breaks often allows investigators to determine the direction, speed, and focus of the energy applied to the skeletal element involved (Bass, 1995; Buikstra and Ubelaker, 1994; Byers, 2002; Cohen et al., 2017; Larsen, 1997; McNulty, 2016; Ortner and Putschar, 1981; White 2000).

The physical abuses inflicted upon the enslaved and freedman populations of the New World during the colonial period are well documented with evidence of trauma observed in most of the communities studied. However, determination of intent can be challenging (Angel et al., 1987;

Blakey and Rankin-Hill, 2006; Handler and Lange, 1978; Kelley and Angel; 1987; Owsley et al., 1987; Rankin- Hill, 1997; Rathburn, 1987; Shuler, 2005). For example, while there were several fractures among those interred at the First African Baptist Church, only two individuals had fractures attributable to interpersonal violence (Rankin-Hill, 1997). Interestingly, interred individuals with the Free African American Regiment, the 54<sup>th</sup> Massachusetts Volunteers cemetery, had no evidence of battle wounds (Rathbun and Smith, 1997; Shuler, 2005).

Earlier investigations of the African Burial Ground determined that there was a total of 198 fractures among the adults in the population, and most of the fractures were perimortem. The majority of these were associated among several individuals (Wilczak et al., 2009). While specific trends in the skeletal elements affected were noted, such as the high rate of cranial fractures in males, the ability to confirm they were the result of interpersonal violence was sometimes questionable.

Because of this, the second round of analyses of the evidence for trauma was conducted. While all fracturing can be the result of either work stress, accident, or interpersonal violence, the type, number and location of a fracture may indicate a specific cause. For example, in both bioarchaeological analyses and forensic investigations, the cranium, radii, and ulnae have been of primary importance in the determination of interpersonal violence (Ambade and Godbole, 2006; Brink et al., 1998; Byers, 2002; Cantos et al. 1994;

Flieger et al., 2016, Jurmain, 1999; Larsen, 1997; Lovell, 1997; Martin, et al., 2012; Mays, 1998; Murphy, 1991; Stewart, 1979; Teifel and Rothschild; 2019; Ubelaker, 1999; White, 2000). While fractures affecting these areas can be the result of an accident, when disproportionate amounts to these areas of the body are recorded for various populations, it is usually determined to be most likely the result of interpersonal violence. Thus, this investigation will analyze the distribution and rates of fractures at the individual and population levels for a clinical determination of intent.

Since all fractures of osteological material are the result of similar bone-energy interaction which exceeds the tensile strength of the bone involved, A more refined method for interpreting fractures data was developed for this study (Bilo et al., 2010; Cohen et al., 2016; Love, et al., 2011; and Lovell, 1997), more detailed distinctions needed to be made to assess the causes of fractures for this population. Since 18<sup>th</sup> century New York was an environment that provided ample opportunity for injury, the original investigation assessed pre-mortem, perimortem, and postmortem fractures. This study expands upon this original research, particularly perimortem fractures to determine injury patterns, causation, and recidivism (Larsen, 2000; Judd, 2002, 2004, 2006; Milner, 1995; Santure, 1990).

In order to develop this new interpretative framework, it was essential to determine clinically the most prevalent mechanism of non-intentional injury for human populations. In modern clinical studies, falls are the second leading

cause of unintentional injury, exceeded only by motor vehicle collisions (Granhed et al., 2017; Gulati et al., 2012; Helling et al., 1999; Richter et al. 1996; Sawyer et al., 2000; Yoshida, 2007). Like all other causes, bone fracturing is the outcome of several factors. The frequency and pattern of bone fractures from falls involves the height, body weight, elasticity/viscosity of the tissues involved, and any underlying physiological conditions of the individual injured, as well as the distance, velocity, contact surface, and orientation of the body during the incident (Granhed et al., 2017; Gulati et al., 2012; Kumar and Srivastava, 2013; Mitchell et al., 2013). The location and frequency of injuries are varied and dependent upon the specific socio-cultural and environmental conditions for the individuals involved. Most injuries (20-50%) due to falls occur in the lower limbs, upper limbs, spine, and pelvis (Demetriades et al., 2005; Granhed et al., 2017; Gulati et al., 2012; Kumar and Srivastava, 2013; Prathapan and Umadethan, 2015; Richter et al., 1996; Vausdeva-Murthy et al., 2012). The frequency of head injuries is more varied between different studies. Kumar and Srivastava (2013) found that in their sample of individuals who fell from a height, 46.6% had head injuries, while in contrast, Gulati et al. (2012) had 8.7% head injuries.

Among studies that specifically look at differences in fracture frequencies and their locations (Kumar and Srivastava, 2013, Mitchell et al., 2013, Richter et al., 1996), one study takes it a step further. In their research regarding skeletal injuries from unintentional falls from a height, Gulati et al.,

(2012) not only tabulate the recorded injuries, but generate fracture rates (total fracture number/total number of individuals) for the specific demographic categories present in their sample. The study reviewed 101 clinical cases of falls greater than three meters onto surfaces that included concrete, wooden planking, and bare ground. The sample was composed of 73 males and 28 females divided into four age cohorts: children (n=19), adolescents/young adults (n=20), adults (n=49), and the elderly (n=13). The sample had 126 fractures, with 19 (18.8%) patients exhibiting more than one fracture, for an overall fracture rate of 1.25. Adults suffered the highest fracture rate with 1.29 (n=63), though there was no significance when compared with the other cohorts ( $p>0.05$ ). Of the skeletal elements involved, the upper limbs were the most affected (n=50, 39.6%), with the radii and ulnae accounting for most. The sample also suffered 11 skull fractures and recorded 11 (10.8%) deaths. Of particular interest for this research is observation that the overall fracture rate, and those for the individual cohorts, never exceeded two, generating an arbitrary threshold for mechanistic determination.

It is this methodology, slightly modified for the temporal variable involving the African Burial Ground population, that will determine if individuals and demographic groups sustained injuries linked to intentional violence. For this, the trauma profiles created for the 59 individuals who exhibited fractures will assist in the assignment of each fracture to a specified

region of the body. These tabulations will then generate a fracture rate and skeletal distribution profile for individuals, demographic categories and temporal phases. The review of the clinical research regarding the fracture frequencies and fracture rates from falls report that neither exceeds two in their analyses. Thus, this study assigns a fracture rate of two ( $FR \leq 2$ ) as the mechanistic threshold for an unintentional mechanism of injury and three ( $FR \geq 3$ ) as the threshold for intentional. This process will allow for the overall assessment of intentional violence as well as changes over time.

*The expectation is that the types of fractures, their frequencies, specific locations, and associated individual/group fracture rates will change and increase following each temporal phase and their major historical events through the 18<sup>th</sup> century.*

#### *Expectation Two: Work/Mechanical Stress Markers*

Hypertrophied muscle attachment points on the skeleton are a result of either traumatic or habitually excessive muscle activity. The specific location, size, and associated muscles, or muscle groups, can provide insight into the types of activities in which a person and population were involved (Buikstra and Ubelaker, 1994; Larsen, 1996; McNulty, 2016; Ortner and Putschar, 1981; White, 2000). While they can be associated with other indicators of mechanical stress, like degenerative joint disease, hypertrophy is not necessarily related to age-related osteological changes (Ubelaker, 1999).

Like trauma, the bioarchaeological evidence for work-related stress is extensively documented. While the forms of labor may have been somewhat variable to the specific social and economic context of the individuals involved, skeletal indicators inform us that heavy, strenuous labor was a constant (Angel et al., 1987; Corruccini et al., 1982; Handler and Lange, 1978; Handler and Corruccini, 1983; Kelly and Angel, 1987; Owsley et al., 1987; Rathbun, 1987).

Of the 187 individuals suitable for this type of analysis from the African Burial Ground, the average percentage of musculoskeletal stress markers per individual were 25.1 for males and 19.6 for females indicating that the population was involved in prolonged strenuous activity (Wilczak et al. 2009).

In conjunction with the secondary analysis of fractures in the population and to generate a complete understanding of the temporally based changes occurring in the broader social environment, a reanalysis of certain MSMs will take place. The two areas identified are the *linea aspera* of the femora and the supinator and intermemberous crest of the ulnae. These locations are the attachment points for specific muscles used in heavy physical labor. The *linea aspera* of the femur is the insertion point for abductors like the *pectineus* and *gluteus maximus*, as well as the flexor *iliacus*. The area of the ulna is the location of the supinator and intermemberous crest that are anchor points for the supinator muscle and the radio-ulnar syndesmosis of the forearm. These areas and their corresponding

muscular units are heavily involved in repetitive labor that requires heavy lifting, stabilization, carrying, or pulling of weight (McKinley and O'Loughlin, 2006).

*Because of the labor, the African Burial Ground population would have found itself involved in, and the increasing possibility for work becoming punitive measures, it is expected that the severity of specific MSMs will increase progressively across the temporal phases and following specific historical events.*

#### *Expectation Three: Non-Specific Infection*

Skeletal lesions of infection are indicators of various environmental stressors. The extent to which lesions manifest is often attributable to the nature, intensity, and continuity of the pathological condition that initiated them. For example, periostitis is an inflammatory response that can be the result of bacterial infection or trauma. The insult leads to an increase of osteoblast activity near the subperiosteum of the bone. The osteological lesions, when unhealed, can appear to be “woven” in nature or only as an “inflated” area when healed (Kelly, 1989; Larsen, 1997; Ortner and Putschar, 1981; White 2000). Due to its multiple possible etiologies, periostitis is considered a nonspecific indicator of environmental stress. While periostitis can be related to unique elements in the case of trauma when multiple elements are involved, the cause is more likely to be the result of systemic infection.

Periostitis has been instrumental in determining the overall health of past populations. While many bioarchaeological studies have concentrated on shifts in adaptation strategies (Buikstra, 1977; Cockburn 1971; Kelly 1989; Larsen, 1997; Ortner and Putschar, 1981,) others have concentrated on issues surrounding status and social stratification. Various studies have shown that different classes, especially in more complex societies, tend to have differential access to resources and often exhibit differences for disease stress (Kelly, 1991; Kilgore and Jurmain, 1988).

While evidence of infection varies in severity between North America and the Caribbean for enslaved populations, it is quite prevalent in most bioarchaeological samples from the colonial period (Angel et al., 1987; Handler and Courruccini, 1983; Kelly and Angel, 1987; Kiple, 1984; Owsley et al., 1987; Rankin-Hill, 1997; Shuler, 1995). According to previous research, over half (n=200, 55.9%) of the African Burial Ground population shows evidence of non-specific infection in the form periostitis, with all but fifteen exhibiting multiple infection loci. There was a common trend involving the femora, humeri, and tibiae, of sub-adults and tibiae, femora, and fibulae of the adults. The activity of the lesions among the population ranged from those healed (63%), partially active (17%) and active only (9%), indicating that at least some of the population was exposed to chronic conditions (Null et al. 2009).

Following the previous analysis, this investigation reanalyzed the assigned severity scores of lamellar surface reactions located on the femora. The femora were chosen for this analysis because it was the most frequent element with bilaterally scored data. The purpose of this part of the study is to identify changes in the severity of periostitis by temporal phase and if the changes reflect femoral fracture frequencies.

*The expectation is that the severity of the periosteal reaction will increase progressively across the temporal phases and following specific historical events.*

*Expectation Four: Nutritional Inadequacy*

Nutritional inadequacy often leaves discernable characteristics upon the skeleton. Evidence associated with iron-deficiency anemia can be the result of many nondietary factors, including various genetic disorders, parasitic infection, and physical ailments, including hemorrhaging and dysentery. Dietary causes are related to the absorption of available iron from available food sources. There are two sources of iron in food. The first is heme protein available in meat, which is easier for the body to absorb since it does not require processing in the digestive system. The second, nonheme, is plant-based which generally is poorly digestible although rates vary and are highly dependent upon the specific source consumed (Martin et al., 1985; Kelly, 1989; Ortner and Putschar, 1981; Stuart-Macadam 1989; White, 2000).

The etiology of porotic hyperostosis can be complex. These lesions are the direct result of the increased production of red blood cells in response to some form of anemia (Kelly, 1989; Ortner and Putschar, 1981). It can have a genetic origin (hemolytic or megaloblastic), or it can be induced by an environmental condition involving nutritional inadequacies, bacterial infections, or parasitic diseases, though often it is most likely a combination of all of these (Martin et al., 1985; Ortner and Putschar, 1981; Oxenham and Cavill, 2010; Stuart-Macadam, 1989; Walker et al., 2009; White, 2000). While the disease can affect postcranial elements, including the long bones, the primary areas affected are cranial bones. Porotic hyperostosis, and the more specific cribra orbitalia, tend to primarily manifest in sub-adults less than five years in age. However, adults can exhibit healed, partially active, or active lesions depending on the environmental stressors involved (Kelly, 1989; Larsen, 1996; Ortner and Putschar, 1981).

While the evidence for porotic hyperostosis does not always correlate with historical records concerning food scarcity and rampant infectious disease, its prevalence among enslaved and freedman populations is quite relevant (Angel et al., 1987; Kelly and Angel, 1987; Owsley et al., 1987; Rathburn, 1987; Shuler, 2005). The previous analysis conducted on the African Burial Ground population, one of the first to use the more descriptive standards generated by Buikstra and Ubelaker (1994), revealed that almost half, 130 (47.3%) of the 275 crania observed exhibited one occurrence of

porotic hyperostosis. The adults had a higher intensity (50.5%), though not statistically significant, incidence of this pathology than the sub-adults (39.8%), with males expressing the lesions more than females (57.9% vs. 43.8%) (Null et al., 2009).

*For this study, a reassessment of the evidence of porotic hyperostosis, involving the thickened diploe and healed lesions of the occipital and frontal bones was conducted. The expectation is that the severity levels of evidence for nutritional inadequacy will increase over the course of the temporal phases and their major historical events.*

#### *Expectation Five: Specific Changes Involving Women*

*Due to the specific social and historical context facing the enslaved African population of colonial New York City, and especially the enslaved women, during the 18<sup>th</sup> century, it is expected that the pathology indicators discussed above will show an even greater increase for the females among the African Burial Ground population.*

#### *Statistical Analysis and Procedures*

The primary database used for this investigation was the African Burial Ground Pathology Database (2007) archived at the Institute for Historical Biology at the College of William & Mary, Williamsburg, VA. All samples and subsamples were generated from the same primary database. All statistical analyses were conducted using SPSS Statistical Package 24 (IBM Inc. 2017). When appropriate, each variable corresponding to specific pathological traits

of interest were tested for frequency differences by sex, age, and temporal period using the cross-tabulation routine in SPSS 24. When testing demographic categories and fracture rates, the Fisher Exact Test of significance was employed, and results are reported at the  $p \leq .05$  level of probability as significant.

The next chapter presents the fracture profiles of the African Burial Ground individuals associated with the pathological conditions discussed above, and the statistical results from the appropriate frequency distributions, contingency table analyses, and Fisher Exact Tests.

## Chapter Six

### Results

#### *Qualitative and Statistical Analyses of Fractures*

In this chapter, the descriptive data and statistical analyses regarding the 59 individuals exhibiting fractures from the African Burial Ground population are presented. These descriptive data include information regarding sex, age-at-death, fracture types, fracture locations, and frequencies. Individuals are organized by their identified burial/temporal phases, which include, Early (before 1735), Middle (1735-1760), Late-Middle (post-1760), and the Late Period (post-1776). Fracture types are only described and assigned the following identifiers from the African Burial Ground database:

- Dislocation (DISL) is a traumatic injury involving a joint resulting in either complete or partial luxation.
- Fracture Comminuted (FCMI) is a bone fracture comprised of multiple pieces and is sometimes *T* or *Y* shaped.
- Fracture Complete (FCP) is a fracture that affects the entire diaphyses of a bone.
- Compression (FCPR) is a crushing fracture that includes both sides of a bone.
- Fracture Depressed, Outer Table (FDOT) is a crushing fracture that involves only the outer bone/table.

- Fracture Partial/Greenstick (FPAR) is a fracture caused by the bending or buckling of a bone when stress is applied.
- Fracture Healed (FRAC) indicates the evidence of a healed fracture.
- Fracture Perimortem Ambiguous (FRPA) is an ambiguous perimortem fracture.
- Fracture Perimortem (FRPM), a perimortem fracture.
- A Spiral Fracture (FSPI) is a fracture that transcends the longitudinal axis of the diaphyses of a long bone.

The statistical analyses presented concentrate upon the fracture frequency and fracture types for the entire sub-population of 59 individuals, as well as the generation of fracture rates for groups based upon sex, age category, and temporal phase.

#### *Trauma Profiles by Burial/Temporal Periods*

##### *Non-Applicable*

Only one individual, burial 420.20, is a member of this group. The individual was not assigned a temporal phase due to a lack of datable artifacts. This adult of undetermined sex and age exhibited a possible compression fracture (FCPR), involving a cervical vertebra.

##### *Early Phase (before 1735)*

*Two burials* compromise this Group. Burial 200 is a male adult of undetermined age, who exhibits a possible healed fracture (FRAC) along the

middle 1/3 diaphysis of the right humerus. Burial 221, a male between 30-60 years, exhibited three fractures. One is a possible healed fracture (FRAC) involving the right metacarpals. The other two are perimortem fractures of an ambiguous nature (FRPA) with his cranium and left mandible.

### Middle Phase (1735-1760)

#### *Burial 25*

Burial 25 is a female between 20- 24 years of age. She exhibits perimortem fractures (FRPM) of the mandible, both sides of the maxilla, and a spiral fracture located along the distal 2/3<sup>rd</sup> of the diaphysis of the right radius. Also, there is evidence of ambiguous perimortem fractures (FRPA) involving the left radius, a left rib (posterior side), left scapula, and distal 1/3<sup>rd</sup> of the left ulna.

#### *Burial 32*

Burial 32 is a 50-60-year, male. He exhibits a possible healed fracture (FRAC) involving one or more of his left ribs.

#### *Burial 47*

Burial 47 is a male between 35-45 years of age. He has a possible healed fracture (FRAC) along the proximal 2/3<sup>rd</sup> diaphysis of the left radius.

#### *Burial 70*

Burial 70 is a male between 35-45 years of age. He has a possible healed fracture (FRAC) involving his left foot phalanges.

*Burial 104*

Burial 104 is a female between 30-40 years of age. She exhibits a perimortem fracture (FRPM) along the posterior portion of a cervical vertebra.

*Burial 154*

Burial 154 is a female between 25-29 years of age with a healed fracture (FRAC) involving her right metacarpals.

*Burial 271*

Burial 271 is a male between 45-57 years of age. He exhibits evidence of two healed fractures (FRAC), one possible involving the distal 1/3<sup>rd</sup> diaphysis of his left radius and one involving the distal 1/3<sup>rd</sup> diaphysis of his left ulna. Also, this individual has four perimortem fractures of ambiguous natures (FRPA) involving the endocranial side of the frontal bone, another portion of the frontal bone, the occipital bone, and both parietal bones.

*Burial 379*

Burial 379 is a male between 30-40 years of age. The individual exhibits evidence of a healed fracture (FRAC) involving the posterior portion of a cervical vertebra. Also, there is evidence of healed fractures (FRAC) involving both sets of foot phalanges, and the fusion of phalanges in both hands.

*Burial 380*

Burial 380 is a male aged between 40-60 years of age. The individual exhibits evidence of three healed fractures (FRAC) involving the distal 1/3<sup>rd</sup> of

the diaphysis of the left fibula, of the left metatarsals, and possibly the articular surface of the right ulna.

#### *Burial 415*

Burial 415 is a male between 35-55 years of age. There is possible evidence of a compression fracture (FCPR) involving a cervical vertebra.

#### *Late-Middle Phase (post-1760)*

#### *Burial 11*

Burial 11 is a male aged between 30-40 years of age. He exhibits evidence of a possible healed fracture along the 1/3<sup>rd</sup> distal diaphysis of his right radius.

#### *Burial 89*

Burial 89 is a female aged 50-60 years. She exhibits evidence of both antemortem and perimortem fractures. She has two healed fractures (FRAC); one is in the right foot phalanges, and the other involves the right metatarsals. She also has two ambiguous perimortem fractures (FRPA) involving the total diaphysis of her right humerus and a cervical vertebra. She also has evidence of seven perimortem fractures (FRPM) involving the proximal 2/3<sup>rd</sup> diaphysis of the right femur (comminuted), distal 2/3<sup>rd</sup> diaphysis (medial) of the right fibula, a comminuted fracture of the right ox coxae, proximal 1/3<sup>rd</sup> and distal 1/3<sup>rd</sup> of the diaphysis (comminuted) of the right radius, proximal 2/3<sup>rd</sup>

diaphysis of the right tibia, proximal 2/3 diaphysis (comminuted) of the right ulna, and distal 2/3<sup>rd</sup> diaphysis (complete) of the right ulna.

*Burial 107*

Burial 107 is a female between 35-40 years of age who exhibits a perimortem fracture (FRPM) of the occipital bone.

*Burial 119*

Burial 119 is a male aged between 35-45 years of age who exhibits a possible healed fracture (FARC) involving the distal 2/3<sup>rd</sup> diaphysis of the right ulna.

*Burial 238*

Burial 238 is a male between 40-50 years of age who has an ambiguous perimortem fracture (FRPA) of the cranium.

*Burial 251*

Burial 251 is an individual of indeterminate sex and aged approximately 12-14 years, who exhibits comminuted fractures of both right femurs along the proximal 1/3<sup>rd</sup> diaphyses.

*Burial 253*

While the preservation of this individual is very poor, this individual's age was identified to be 13-15 years of age that exhibited evidence of two ambiguous perimortem fractures (FRPA) involving their occipital bone and left temporal bone.

### *Burial 332*

Burial 332 is a male between 35-40 years of age. The individual exhibits evidence of an ambiguous perimortem fracture (FRPA) located on the inferior surface of the occipital bone.

### *Late Phase (post-1776)*

#### *Burial 37*

Burial 37 is a male 45-55 year of age. Though poorly preserved, he exhibits evidence of three healed fractures (FRAC), the fractures involve the middle 1/3<sup>rd</sup> diaphysis of the right fibula, the left foot phalanges, and a possible fracture involving the right metacarpals.

#### *Burial 51*

Burial 51 is a female between 24-32 years of age who has a possible depressed fracture of the outer table (FDOT) of her frontal bone.

#### *Burial 63*

Burial 63 is a male between 35-45 years of age who has a possible partial fracture (FPAR) (greenstick) along the distal 2/3 diaphysis, ventral aspect, of the right radius and a possible healed fracture (FRAC) of the distal 2/3 diaphysis of the right ulna.

#### *Burial 76*

Burial 76 is a male 25-55 years of age. Though there is poor preservation, especially of the upper skeletal elements, there is evidence of

possible partial fractures (greenstick) (FPAR) along the distal 1/3<sup>rd</sup> diaphyses of the fibulae.

#### *Burial 97*

Burial 97 is a male 40-50 years of age who shows evidence of both antemortem and perimortem fractures. There is evidence of two possible healed fractures (FRAC) involving the distal 1/3<sup>rd</sup> diaphyses of the right radius and ulna. Also, there is evidence of fusion involving the carpals of the right hand. Perimortem fractures include three of ambiguous natures (FRPA) with the right parietal, the middle 1/3<sup>rd</sup> diaphyses of the right radius, and right ulna. The other three perimortem fractures (FRPM) involve the proximal 1/3<sup>rd</sup> and distal 1/3<sup>rd</sup> diaphysis of the right femur and the right os coxae.

#### *Burial 125*

Burial 125 is poorly preserved, and both sex and age were not determined. The individual does exhibit healed fractures (FRAC) involving the right foot phalanges, and there is evidence of severe osteoarthritis in the area.

#### *Burial 132*

Burial 132 is a male 25-30 years of age with multiple healed fractures. He has evidence of a possible spiral fracture (FSPI) involving the middle 1/3 diaphysis of the right humerus, a fracture (FRAC) of the right foot phalanges, a possible fracture (FRAC) of the middle 1/3<sup>rd</sup> diaphysis of the right radius, and a fracture (FRAC) involving a right rib.

### *Burial 135*

Burial 135 is a male between 30-40 years of age who exhibits both antemortem and perimortem fractures. There is a possible healed fracture (FRAC) of the right mandible and two perimortem fractures (FRPM) of the occipital and right parietal bones.

### *Burial 137*

Burial 137 is an individual of indeterminate sex and was 25-35 years of age at the time of their death. This individual, while poorly preserved, exhibits many fractures. First, there is evidence of a possible compression fracture (FCPR) on the occipital bone. Also, there are perimortem fractures (FRPM) involving both sides of carpals and tarsals, clavicles, cranium, femurs, fibulae, foot and hand phalanges, humeri, meta-carpals and tarsals, os coxae, patellae, radii, ribs, scapulae, tibiae, ulnae. Also, there are perimortem fractures upon the sacrum and vertebrae.

### *Burial 147*

Burial 147 is a male 55-65 years of age who shows evidence of possible healed fractures involving both radii.

### *Burial 150*

Burial 150 is a female between 20-28 years of age who has a healed fracture (FRAC) of the right metacarpals.

### *Burial 151*

Burial 151 is a male between 35-45 years of age who has a dislocation (DISL) of both lateral aspects of the temporal bones (tempo-mandibular joint). Also, the individual has ambiguous perimortem fractures (FRPA) of the occipital bone, both parietals, ribs, and right tibia.

### *Burial 158*

Burial 158 is a male 20-30 years of age with evidence of a possible healed fracture (FRAC) of the cranium and ambiguous perimortem fracture (FRPA) along the proximal 2/3<sup>rd</sup> diaphysis of the left radius.

### *Burial 171*

Burial 171 is a male between 44-60 years of age who exhibits evidence of multiple antemortem and perimortem fractures. The antemortem fractures consist of healed fractures (FRAC) located along the distal 1/3<sup>rd</sup> diaphyses of both radii and ulnae. Perimortem fractures (FRPM) are found on the cervical, thoracic, and lumbar vertebrae, occipital bone, both temporal and parietals, ribs, scapulae, and sphenoid.

### *Burial 174*

Burial 174 is a male between the ages of 17-18 years of age who exhibits evidence of several ambiguous perimortem fractures (FRPA). The elements include the left clavicle, proximal and middle 1/3<sup>rd</sup> diaphyses of the femora, distal 1/3<sup>rd</sup> diaphyses of the right femur, proximal 1/3<sup>rd</sup> diaphyses of the left fibula, distal 1/3 diaphyses of the right fibula, both hand phalanges,

proximal and distal 1/3<sup>rd</sup> diaphyses of the left humerus, ulnae, right metacarpals, occipital bone, os coxae, both parietals, ribs, and scapulae.

#### *Burial 179*

Burial 179 is a male between the ages of 25-30 years who exhibits evidence of several ambiguous perimortem fractures (FRPA). The elements include the distal 1/3<sup>rd</sup> diaphysis of the left femur, the total diaphyses of the left fibula, frontal bone, lumbar vertebrae, left parietal, diaphysis of the left tibia, and the middle 1/3<sup>rd</sup> diaphysis of the left ulna, distal 1/3<sup>rd</sup> diaphysis of the left radius, and right temporal bone.

#### *Burial 180*

Burial 180 is an individual of indeterminate sex and who is approximately 11-13 years. They exhibit evidence of both antemortem and perimortem fractures. The antemortem fractures are a partial or greenstick fracture (FPAR) of the left clavicle and possible healed fractures (FRAC) involving the humeri. Perimortem fractures include those of an ambiguous nature (FRPA) involving the proximal 1/3<sup>rd</sup> diaphyses of the left radius and ulna, and the 1/3<sup>rd</sup> proximal and distal diaphyses of the right ulna. Perimortem fractures (FRPM) include the left cranium, a spiral fracture involving the proximal 1/3<sup>rd</sup> diaphyses of the right femur, a comminuted fracture at the distal 1/3<sup>rd</sup> diaphysis of the right femur, total diaphysis of the left femur, proximal 1/3<sup>rd</sup> and distal 1/3 diaphyses of the right fibula, proximal 2/3<sup>rd</sup> diaphysis of the left humerus, lumbar vertebrae, ilia, left mandible, ribs,

scapulae, comminuted fracture along the total diaphysis of the right tibia, and comminuted fractures with the proximal 1/3<sup>rd</sup> and distal 1/3<sup>rd</sup> diaphyses of the left tibia.

*Burial 181*

Burial 181 is a male between 20-25 years of age who exhibits a complete fracture (FCPL) along the distal 1/3<sup>rd</sup> diaphysis of the right radius, and possible healed fractures of the right clavicle and right metatarsals.

*Burial 191*

Burial 191 is a female between 25-30 years of age with evidence of an ambiguous perimortem fracture (FRPA) of the occipital bone, perimortem fracture (FRPM) of the lumbar vertebrae, and fusion of the carpal bones in both wrists.

*Burial 192*

Burial 192 is a female between 40-60 years of age who exhibits a healed fracture (FRAC) involving the proximal articular surface of the right femur.

*Burial 195*

Burial 195 is a female, 30-40 years who exhibits a perimortem fracture (FRPM) lumbar vertebra and an ambiguous perimortem fracture (FRPA) of the occipital bone.

### *Burial 196*

Burial 196 is an individual of indeterminate sex aged between 20-24 years who exhibits evidence of several ambiguous perimortem fractures (FPMA). The elements involved include the cranium, mandible, left clavicle, scapulae, thoracic vertebrae, ribs, middle 1/3<sup>rd</sup> diaphysis of the right radius, distal 1/3<sup>rd</sup> diaphysis of the left radius, middle and distal 1/3 diaphysis of the right ulna, proximal 1/3<sup>rd</sup> diaphysis of the left ulna, femora, and proximal/middle/distal thirds of the diaphyses of the fibulae.

### *Burial 197*

Burial 197 is a female between 45-55 years of age who exhibits evidence of both antemortem and perimortem fractures. Antemortem fractures include possible healed fractures (FRAC) involving the lumbar vertebrae and left ribs. Perimortem fractures include ambiguous fractures (FRPA) of the right frontal bone, vertebrae, and perimortem fractures (FRPM) of the scapulae.

### *Burial 199.10*

Burial 199.10 is a female between the ages of 30-40 years who exhibits evidence of a possible healed fracture (FRAC) involving the right ribs.

### *Burial 204*

Burial 204 is a poorly preserved adult female of undetermined age who exhibits evidence of a healed fracture involving her cervical vertebrae.

### *Burial 205*

Burial 205 is a female between the ages of 18-20 years of age who exhibits extensive perimortem fracturing (FRPM). The elements involved include cervical, thoracic, and lumbar vertebrae, cranium, both clavicles, os coxae, sacrum, ribs, scapulae, middle 1/3<sup>rd</sup> diaphysis of the right humerus, proximal 1/3<sup>rd</sup> diaphysis of the left humerus, distal 1/3<sup>rd</sup> diaphyses of both humeri, proximal and distal 1/3<sup>rd</sup> diaphysis of the left radius, proximal and middle 1/3<sup>rd</sup> diaphyses of the ulnae, proximal and distal 1/3 diaphyses of the femora, proximal and distal 1/3<sup>rd</sup> diaphysis of the right fibula, and the proximal and distal 1/3<sup>rd</sup> diaphyses of the tibiae.

### *Burial 209*

Burial 209 is a male between the ages of 40-50 years who exhibits evidence of an ambiguous perimortem fracture (FPMA) of the occipital bone.

### *Burial 210*

Burial 210 is a male between 45-45 years of age with evidence of healed fractures (FRAC). The elements involve the right foot phalanges, right metatarsals, and the thoracic vertebrae.

### *Burial 223*

Burial 223 is a female between the ages of 25-35 years with many ambiguous perimortem fractures (FPMA). The elements involved include the posterior aspects of the cervical, thoracic, and lumbar vertebrae, left and right sides of the mandible, ribs, and scapulae.

### *Burial 230*

Burial 230 is a poorly preserved female 55-65 years of age who exhibits evidence of a possible depressed fracture of the outer table (FDOT) involving both parietal bones.

### *Burial 241*

Burial 241 is a female 55-65 years of age with both antemortem and perimortem fractures. There is a healed fracture (FRAC) involving the right ribs. The perimortem fractures include two ambiguous ones (FRPA) involving the occipital bone and posterior portion of the left parietal, and three perimortem ones (FRPM) of the proximal 1/3<sup>rd</sup> diaphysis of the left femur, distal 1/3<sup>rd</sup> diaphyses of the femora, and the distal 1/3<sup>rd</sup> diaphyses of the left tibia.

### *Burial 259*

Burial 259 is a poorly preserved female between 17-19 years of age who has evidence of four perimortem fractures. There are two ambiguous ones (FRPA) involving the distal 1/3 diaphysis of the left femur and the posterior aspect of the left ilium. The two non-ambiguous fractures (FRPM) include the posterior aspects of the 4<sup>th</sup> and 5<sup>th</sup> lumbar vertebrae and the posterior/lateral portion of the right scapula.

### *Burial 278*

Burial 278 is a male between 45-55 years of age who exhibits several perimortem fractures (FRPM). These fractures include the elements of the left

clavicle, cervical, thoracic, and lumbar vertebrae, ribs, sacrum, scapulae, proximal 1/3<sup>rd</sup> diaphysis of the right radius, distal 1/3<sup>rd</sup> diaphysis and proximal articular surface of the left radius, proximal 1/3<sup>rd</sup> diaphysis of the right humerus, the medial ilium, both ischium, the acetabula, proximal 1/3<sup>rd</sup> diaphyses of the femora, and proximal 1/3<sup>rd</sup> diaphysis of the tibiae. There is also evidence of a healed fracture along the lateral aspect of the left clavicle (FRAC).

*Burial 297*

Burial 297 is a poorly preserved male between 30-40 years of age who exhibits evidence of a healed fracture (FRAC) involving the phalanges of the right foot and fusion of the phalanges of both feet.

*Burial 299*

Burial 299 is a male between 40-50 years of age who has evidence of healed fractures (FRAC) involving the ribs and posterior aspects of the lumbar vertebrae.

*Burial 342*

Burial 342 is a female between 25-35 years of age who has evidence of a healed fracture (FRAC) involving the posterior aspects of the cervical vertebrae.

*Burial 354*

Burial 354 is a male between 35-45 years of age with a perimortem fracture (FRPM) involving the occipital bone.

### *Burial 364*

Burial 364 is a male between 25-35 years of age who has healed fractures (FRAC) along the distal 2/3<sup>rd</sup> diaphyses of the fibulae, and distal 2/3 diaphysis of the left tibia.

### *Burial 369*

Burial 369 is a male between 40-50 years of age who has a healed fracture (FRAC) along the thoracic vertebrae and evidence of the fusion of the carpals in both wrists.

### *Overall Fracture Frequency*

Overall Fracture frequency for the entire population (n=419/261 fractures) is skewed towards the Late Phase (post-1776). The Early Phase (before 1735) has 49 individuals with four fractures among the 11 males from the period. The Middle Phase (1735-1760) has the most significant number of burials assigned to it (n=186), with 25 fractures. The fractures are found with the males (n=35/16 fractures) and females (n/38/9 fractures). The Late-Middle Phase (post-1760) has 55 individuals with 20 fractures, with females affected the most (n=13). The Late Phase (post-1776) has the highest fracture frequency (n=211) though it has fewer burials (n=114) than the Middle Phase (Table 1, page 94).

As stated, before 59 individuals exhibited 261 identifiable fractures (Table 2, page 95). The highest frequencies involved those that were either perimortem or healed. Perimortem fractures are the most numerous at 44.8%

(n=117) of the total fractures, followed by those identified as perimortem ambiguous at 29.50% (n=77). Healed fractures were the third most numerous at 20.70% (n=54) of the total. The *highest frequencies* of all three types, perimortem 85% (n=99), perimortem ambiguous 86% (n=66), and healed 67% (n=36) were found with individuals from *the Late Phase* (Table 3, page 96). In total, these three fracture types among the individuals interred during the late period *represent 95% (n=248) of the overall count* of all fracture types for the population.

When tabulated by sex, males exhibit 29% (n=34) of the perimortem fractures, 55% (n=42) of the perimortem ambiguous fractures, and 76% (n=41) of the healed fractures. In total, males exhibited 47% (n=117) of these fractures for the population. The individuals identified as female displayed 41% (n=48) of the perimortem fractures, 18% (n=14) of the perimortem ambiguous fractures, and 20% (n=11) of the healed fractures. Individuals of indeterminate sex displayed 30% (n=35) of the perimortem fractures, 27% (n=21) of the perimortem ambiguous fractures (Table 4, page 97). When divided by temporal phase, most of these individuals are identified with the *Late Phase*, where 62% (n=21) of the males, 72% (n=13) of the females, and 57% (n=4) of indeterminate sex are located (Table 4.1, page 98).

Fracture locations were unevenly distributed across the population. Of all the skeletal elements, the four with the most fractures included the *cranial material, radii, ulnae, and femora*, comprising 44% (n=114) of the fractures

(Table 5, page 98). The tabulation for males for cranial elements was 58% (n=28), radii 58% (n=14), ulnae 45% (n=10), and femora 35% (n=7). Female totals were the following: cranial material 25% (n=12), radii 25% (n=6), ulnae 23% (n=5), and femora 35% (n=7). Those of indeterminate sex accounted for 17% (n=8) of the cranial elements, 17% (n=4) of the radii, 32% (n=7) of the ulnae, and 30% (n=6) of the femora. In total, these grouping of elements totaled 44% (n=114) of the total fractures found within this population. Also, except for female radii and ulnae, most of these fractures were found with individuals interred during the Late Phase.

#### *Perimortem Fracture Frequency*

Perimortem fracture frequency for the entire population (n=419/194 fractures) is also skewed towards the Late Phase (post-1776). In the Early Phase (before-1735), 49 individuals exhibit 2 perimortem fractures overall. The Middle Phase (1735-1760), with the highest individual count (n=186), has 12 perimortem fractures. The 55 individuals assigned to the Late-Middle Phase (post-1760) have 15 fractures. The Late Phase (post-1776) has the highest frequency of perimortem fractures (n=165) among its 114 burials, dominated by the males (n=45/68 fractures) followed by those of indeterminate sex (n=41/54 fractures) (Table 6, page 99).

Perimortem fractures account for the most frequent type in this population. In combination, perimortem and perimortem ambiguous fractures account for 74% (n=194) of the total fractures present (n=261) (Table 7, page

99). They are exhibited *roughly equally across the sexes*, with a small majority among males at 39% (n=76), followed by females at 32% (n=62) and those of indeterminate sex 29% (n= 56) (Table 4, page 97). Temporally, 85% (n=165) are found in the *Late Period* (Table 7). These fractures were mostly located with cranial elements, scapulae, radii, ulnae, ribs, femora, tibiae, and fibulae (Table 8, page 100). These elements have 69% (n=133) of the total number of perimortem fractures in this population with the majority, except for the female radii, ulnae, and fibulae, located in the Late Phase. Of these, most fractures located on cranial material belonged to males at 59% (n=24), while all the other element frequencies are similar.

#### *Fracture Rates Over Time*

Fracture rates were generated for all individuals with fractures (n=59) and for the specific sub-sample of individuals that exhibited only perimortem fractures (n= 28). Table 9 (page 100) shows the overall number of individuals, fracture number, and fracture rates by temporal period for all-inclusive fracture types. As previously discussed, 63% (n=37) of the 59 individuals that exhibit fractures are placed within the *Late Phase*. They exhibit 81% (n=211) of the 261 observable fractures generating a fracture rate of 5.7 for the temporal phase. This is *twice the fracture rate* of the *Middle* and *Late-Middle* phases, with fracture rates of 2.27 and 2.5 accordingly. When all temporal phases are considered, those of *indeterminate sex had the highest overall fracture rate* of 10.17, females 4.17, and males 3.65. Females had the

highest fracture rates during the *Middle and Late-Middle* phases, 3.0 and 6.5, compared to that of males who had 2 and 1. The fracture rates shifted during the *Late Phase* where *males have 5, females 4.08*, and those of indeterminate sex had a fracture rate of *14.5*. This pattern changes as fracture rates increase over time with the addition of age to the demographic categories. For example, during the Middle Phase, the seven males aged 21-55 years of age had a categorical fracture rate of 2.43, and it was not until the Late Phase where one individual aged 11-20 years exhibited 16 fractures and the eighteen individuals who were 21-55 years of age had a fracture rate of 4.61. The three females interred during the Middle Phase that were 21-55 years of age generated a fracture rate of 3.0, while a female who was fifty-five years or older buried during the Late-Middle phase had a fracture rate of 12. Like the males, the females identified with the Late Phase saw an increase in their fracture rates. The two that were 11-20 years of age generated a fracture rate of 13.0, the eight assigned to the 21-55 years category, 2.25, and the two that were fifty-five years or older, 4.0. Three of the four individuals of indeterminate sex in the Late Phase exhibited the highest fracture rates. The single individual aged 11-20 years had a fracture rate of 21, while the two aged 21-55 years generated a fracture rate of 18.

All demographic categories and fracture rates were compared for those that reflected trauma of either an unintentional ( $FR \leq 2$ ) or intentional nature ( $FR \geq 3$ ) according to the temporal divisions assigned of pre-1776 (30%,

15%) and post-1776 (20%, 35%). No statistically significant differences were found ( $p = .185$ , *one-tailed Fisher's Exact Test*).

As noted above, separate fracture rates were generated for the twenty-eight individuals that exhibited perimortem fractures. Table 10 (page 101) shows the overall number of individuals, fracture numbers, and fracture rates by temporal period. *Sixty-one percent* ( $n=19$ ) of the individuals with perimortem fractures were identified with the *Late Phase*, and they account for *85%* ( $n=165$ ) of all perimortem fractures. The individuals of the Late Phase have an overall fracture rate of 8.68, which is almost three times that of the Late-Middle Phase's fracture rate of 3 and four times that of the Early of 2 and twice the Middle of 4. When all temporal phases are considered, those individuals of indeterminate sex still have the highest fracture rate at 14, while females had 6.2, and males 5.43 (Tables 11, page 102). Females again had the highest fracture rates during the Middle and Late-Middle Phases, 4 and 5.5, compared to males who had only 4 and 1. In the Late Phase, the highest fracture rate was found with those of indeterminate sex at 18, while females had 7.17 and males, 6.8. Excessive fracture rates for all the sexes were evident. In the Late Phase, the single male aged between 11-20 years still generated a fracture rate of 16, and the nine who were between 21-55 years had a fracture rate of 5.78. The female from the Late- Middle Phase aged between 55 years or older, had a fracture rate of 10. In the Late Phase, the two females between 11-20 years had a fracture rate of 13, the three that

were 21-55 years, 3.67, and the one individual 55 years or older had 6. The three individuals of indeterminate sex in the Late Phase who had perimortem fractures generated the highest fracture rates. The one individual that was 11-20 years had a fracture rate of 19, while the two who were 21-55 years had 17.5.

When all demographic categories and perimortem fracture rates were tested for a statistical significance between those that reflected trauma of either an unintentional ( $FR \leq 2$ ) or intentional nature ( $FR \geq 3$ ) according to the temporal divisions assigned of pre-1776 (36%, 14%) and post-1776 (0%, 50%), the difference was found to be significant ( $p = .010$ , *one-tailed Fisher's Exact Test*).

#### *Work/Mechanical Stress Markers*

The African Burial Ground pathology database contains 76 individuals with recorded severity scores for hypertrophy involving the posterior diaphysis of both femora. The scoring of hypertrophic severity is one (1) equals well-defined or moderate, and two equals (2) robust. Males make up 53% ( $n=40$ ) of these individuals, with the late temporal phase having most of these with 50% ( $n=20$ ) of the total. Over half of these individuals (65%,  $n=13$ ) had a *severity score of two*, which indicates a distinct robusticity in the area. Females make up 33% ( $n=25$ ) of the group and share similar characteristics. Of the twenty-five, 40% ( $n=10$ ) are identified with the Late Phase and 80% ( $n=8$ ) of those exhibits the same level of robusticity (Table 12, page 103).

When analyzing the proximal third of the lateral diaphysis of the ulnae, 28 individuals could be compared due to their severity scores. Again, males made up half (50%, n=14) of these individuals, with 50% of them (n=7) assigned to the Late Phase. Of these seven Late Phase male individuals, five of them had a severity score of two. Both females (n=7) and those of indeterminate sex (n=7) represented the remaining two-thirds of the individuals. While both of their majorities (86%, n=6 and 43%, n=3 respectively) were in the Late Phase, only the former had an increase in frequency (80%, n=4) of marked severity for that period (Table 13, page 103).

#### *Indicators of Non-Specific Infection and Nutritional Inadequacy*

Twenty-five individuals exhibited some degree of disturbance of the lamellar bone of the femora that was identifiable as a periosteal surface reaction. Of the seventeen individuals rated with a severity score, seven (41%) were from the Middle Phase and six (35%) were identified as being part of the Late. All scored as being barely discernible, except a male with clearly present periostitis from the Middle Phase (Table 14, page 104).

The presence of porotic hyperostosis was analyzed by a review of available data for the frontal and occipital regions of individual crania. There were twenty individuals rated with severity scores for evidence of healed porotic hyperostosis involving the frontal bone. Of these, 70% (n=14) were male and 20% (n=6) were identified as being female. In combination, those from the Late Phase made up 65% (n=13) of the total, followed by the Middle

Phase (20%, n=4). Of the males who had scores from the Late Phase, 60% (n=6) were determined to exhibit barely discernable traits (Table 15, page 104). The thickening of the occipital diploe showed different results. Of the twenty-three scored individuals, the Middle Phase had 30% (n=7) followed by the Early and Late-Middle Phases, who both had 28% (n=5). Males made up most of the individuals scored with 48% (n=11), and 55% (n=6) of those being clearly present, with 50% (n=3) in the Late-Middle Phase (Table 16, page 105).

The bioarchaeological evidence indicates increasing environmental hardships for the African Burial Ground population during the 18<sup>th</sup> century. Overall and perimortem fracture frequencies and fracture rates are heavily skewed towards the Late Phase (post-1776). Also, the same phase has a significant increase in individuals with perimortem fractures resulting from an intentional mechanism. The rise in injury prevalence and violence in the Late Phase corresponds with the evidence of other environmental hardships, including mechanical stress, non-specific infection, and nutritional inadequacy.

Table 1.  
Overall  
Fracture  
Frequency by  
Sex/Temporal  
Phase  
(n=419)

	Total Male	Fracture Frequency	Fracture %	Total Female	Fracture Frequency	Fracture %	Total Ind	Fracture Frequency	Fracture %
Early Phase	11	4	3	9	0	0	29	0	0
Middle Phase	35	16	13	38	9	12	113	0	0
Late-Middle Phase	23	4	3	10	13	17	22	3	5
Late Phase	45	100	81	28	53	71	41	58	93
Not Applicable	1	0	0	2	0	0	12	1	2
Total	115	124	100	87	75	100	217	62	100

Table: 2.

Fracture Type, Frequency and Percentage

Fracture Type	Frequency	Percentage
FRAC (healed)	54	20.70%
FCPL (complete)	1	0.40%
FPAR (partial/greenstick)	3	1.10%
FCMI (comminuted)	1	0.40%
FSPI (spiral)	1	0.40%
FCPR (compression)	3	1.10%
FDOT (depressed, outer table only)	2	0.80%
FRPM {perimortem)	117	44.80%
DISL (dislocation)	2	0.80%
FRPA (perimortem ambiguous)	77	29.50%
Total	261	1

Table 3.

Fracture Type and  
Frequency by Temporal  
Period

Fracture Type	Unknown	Early	Middle	Late Middle	Late	Total
FRAC (healed)	0	2	12	4	36	54
FCPL (complete)	0	0	0	0	1	1
FPAR (partial/greenstick)	0	0	0	0	3	3
FCMI (comminuted)	0	0	0	1	0	1
FSPI (spiral)	0	0	0	0	1	1
FCPR (compression)	1	0	1	0	1	3
FDOT (depressed, outer table only)	0	0	0	0	2	2
FRPM {perimortem}	0	0	8	10	99	117
DISL (dislocation)	0	0	0	0	2	2
FRPA (perimortem ambiguous)	0	2	4	5	66	77
Total	1	4	25	20	211	261

Table 4.

Fracture Type and Frequency by Sex								
Fracture Type	Male	%	Female	%	Unk	%	Total	%
FRAC (healed)	41	0.76	11	0.2	2	0.04	54	0.21
FCPL (complete)	1	1	0	n/a	0		1	0
FPAR (partial/greenstick)	2	0.67	0	n/a	1	0.33	3	0.01
FCMI (comminuted)	0	n/a	0	n/a	1	1	1	0
FSPI (spiral)	1	1	0	n/a	0	n/a	1	0
FCPR (compression)	1	0.33	0	n/a	2	0.67	3	0.01
FDOT (depressed, outer table only)	0	n/a	2	1	0	n/a	2	0.01
FRPM (perimortem)	34	0.29	48	0.41	35	0.3	117	0.45
DISL (dislocation)	2	1	0	n/a	0	n/a	2	0.01
FRPA (perimortem ambiguous)	42	0.55	14	0.18	21	0.27	77	0.33
Total	124	0.48	75	0.29	62	0.24	261	1

Table 4.1.

Distribution of  
Individuals by  
Sex and  
Temporal Period

Temporal Period	Male	Female	Sex?	Total
Early Period	2	0	0	2
Middle Period	7	3	0	10
Late Middle Period	4	2	2	8
Late Period	21	13	4	38
Non-Applicable	0	0	1	1
<b>Total</b>	<b>34</b>	<b>18</b>	<b>7</b>	<b>59</b>

Table 5.

Fracture Frequency for Specific Skeletal Elements	Male	%	Female	%	Ind	%	Total	%
Cranial Material	28	0.6	12	0.3	8	0.2	48	0.4
Radii	14	0.6	6	0.3	4	0.2	24	0.2
Ulnae	10	0.5	5	0.2	7	0.3	22	0.2
Femora	7	0.4	7	0.4	6	0.3	20	0.2
<b>Total</b>	<b>59</b>	<b>0.5</b>	<b>30</b>	<b>0.3</b>	<b>25</b>	<b>0.2</b>	<b>114</b>	<b>1</b>

Table 6.  
Perimortem  
Fracture  
Frequency by  
Sex/Temporal  
Phase  
(n=419)

	Total Male	Fracture Frequency	Fracture %	Total Female	Fracture Frequency	Fracture %	Total Ind	Fracture Frequency	Fracture %
Early Phase	11	2	3	9	0	0	29	0	0
Middle Phase	35	4	5	38	8	13	113	0	0
Late-Middle Phase	23	2	3	10	11	18	22	2	4
Late Phase	45	68	89	28	43	69	41	54	96
Not Applicable	1	0	0	2	0	0	12	0	0
Total	115	76	100	87	62	100	217	56	100

Table 7.

Perimortem Fracture Frequency by Temporal Period	Early	Middle	Late Middle	Late	Total
FRPM (perimortem)	0	8	10	99	117
FRPA (perimortem ambiguous)	2	4	5	66	77
Total	2	12	15	165	194

Table 8.

Perimortem Fracture Frequency for Specific Skeletal Elements	Male	%	Female	%	Ind	%	Total	%
Cranial Material	24	0.6	10	0.2	7	0.2	41	0.3
Scapulae	3	0.3	5	0.5	3	0.3	11	0.1
Radii	5	0.3	6	0.4	4	0.3	15	0.1
Ulnae	4	0.3	5	0.3	7	0.4	16	0.1
Ribs	4	0.4	3	0.3	3	0.3	10	0.1
Femora	7	0.4	6	0.3	5	0.3	18	0.1
Fibula	3	0.3	3	0.3	6	0.5	12	0.1
Tibiae	3	0.3	3	0.3	4	0.4	10	0.1
Scapulae								
Total	53	0.4	41	0.3	39	0.3	133	1

Table 9.

Overall Fracture Rates by  
Temporal Period

Temporal Period	Individual #	Fracture #	Overall Fracture Rate
Early	2	4	2
Middle	11	25	2.27
Late Middle	8	20	2.5
Late	37	211	5.7
Unidentified	1	1	1
Total	59	261	4.42

Table 10.

Perimortem Fracture Rates by  
Temporal Period

Temporal Period	Individual #	Fracture #	Overall Fracture Rate
Early	1	2	2
Middle	3	12	4
Late Middle	5	15	3
Late	19	165	8.68
Total	28	194	6.93

Table 11.

Perimortem  
Fracture Rates  
by Temporal  
Period/ Age/Sex

Temporal Period and Age Category	Male #	Fx#	FR	Female #	Fx#	FR	Ind #	Fx#	FR
Early Period									
11-20 years	1	2	2	n/a	n/a	n/a	n/a	n/a	n/a
21-55 years	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ years	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age?	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Middle Period									
11-20 years	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 years	1	4	4	2	8	4	n/a	n/a	n/a
55+ years	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age?	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Late Middle Period									
11-20 years	n/a	n/a	n/a	n/a	n/a	n/a	1	2	2
21-55 years	2	2	1	1	1	1	n/a	n/a	n/a
55+ years	n/a	n/a	n/a	1	10	10	n/a	n/a	n/a
Age?	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Late Period									
11-20 years	1	16	16	2	26	13	1	19	19
21-55 years	9	52	5.78	3	11	3.67	2	35	17.5
55+ years	n/a	n/a	n/a	1	6	6	n/a	n/a	n/a
Age?	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Total	14	76	5.43	10	62	6.2	4	56	14

Table 12.

Indicators of  
Work Stress  
(Hypertrophy) of  
the Femora/  
Sex/Temporal  
Phase

Temporal Period	Male Severity 1	Male Severity 2	Female Severity 1	Female Severity 2	Ind Severity 1	Ind Severity 2	Total
Early Period	1	3	0	2	1	3	10
Middle Period	1	7	5	6	1	1	21
Late Middle Period	1	7	1	1	1	1	12
Late Period	7	13	2	8	2	1	33
Total	10	30	8	17	5	6	76

Table 13.

Indicators of Work  
Stress  
(Hypertrophy) of the  
Ulnae/Sex/Temporal  
Phase

Temporal Period	Male Severity 1	Male Severity 2	Female Severity 1	Female Severity 2	Ind Severity 1	Ind Severity 2	Total
Middle Period	2	2	0	1	0	2	7
Late Middle Period	1	2	0	0	0	2	5
Late Period	2	5	2	4	2	1	16
Total	5	9	2	5	2	5	28

Table 14.

Periosteal Severity  
Scores for the  
Femora/Sex/Temporal  
Phase

Temporal Period	Male	Male	Female	Female	Ind	Ind	Total
	Severity	Severity	Severity	Severity	Severity	Severity	
	1	2	1	2	1	2	
Early Period	0	0	1	0	0	0	1
Middle Period	2	1	1	0	3	0	7
Late Middle Period	0	0	1	0	2	0	3
Late Period	2	0	1	0	3	0	6
Total	4	1	4	0	8	0	17

Table 15.

Severity Scores for  
Healed Porotic  
Hyperostosis  
Frontal  
Bone/Sex/Temporal  
Phase

Temporal Period	Male	Male	Female	Female	Ind	Ind	Total
	Severity	Severity	Severity	Severity	Severity	Severity	
	1	2	1	2	1	2	
Early Period	1	0	0	0	0	0	1
Middle Period	0	1	2	0	1	0	4
Late Middle Period	2	0	0	0	0	0	2
Late Period	6	4	2	0	0	1	13
Total	9	5	4	0	1	1	20

Table 16.

Severity Scores  
for Diploe  
Thickening of the  
Occipital  
Bone/Sex/  
Temporal Phase

Temporal Period	Male Severity 1	Male Severity 2	Female Severity 1	Female Severity 2	Ind Severity 1	Ind Severity 2	Total
Early Period	2	0	1	1	1	0	5
Middle Period	0	2	2	1	0	0	5
Late Middle Period	1	3	0	0	2	1	7
Late Period	2	1	0	0	1	0	4
Not Applicable	0	0	0	0	1	1	2
<b>Total</b>	<b>5</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>23</b>

## Chapter Seven

### Discussion

The primary purpose of this study was to review the known bioarchaeological and historical information surrounding the African Burial Ground population about five expectations involving the manifestation of violence towards the African enslaved and freedmen population of 18<sup>th</sup> century New York City. The investigation required using the African Burial Ground pathology database to recreate fracture profiles, including frequency distributions and rates, according to the four archaeologically based temporal phases. Also, specific recordings of evidence regarding hypertrophied muscle attachment points, periosteal reaction, and porotic hyperostosis developed a more accurate representation of the environmental hazards affecting this population. The next step was comparing this physical evidence to the larger historical theater by discussing relevant historical information. The observed results are discussed in the context of Galtung's *Triangle of Violence's* theoretical construct to determine how physical, structural, and cultural violence influenced fracture rates and other skeletal data increased in intensity due to both the changing socio-political changes and significant historical events of the period.

## *Fracture Evidence*

### Fracture Frequency by Sex

In most clinical samples, males suffer the greater proportion of injury, including skeletal trauma, and the African Burial Ground population is no different (Brink et al., 1998; Goulart et al. 2014; McNulty, 2016, 1998; Judd, 2004; Wilczak et al., 2009). Of the 59 individuals with fractures, males accounted for 58% (n=34) of the sample and 48% of the fractures (n=124). Of these, at least 33% (n= 41) of the fractures exhibited healing and 61% (n=76) were perimortem. Most of the fractures were located among the cranial elements (22%, n=28), radii (11%, n=14), ulnae (8%, n=10), and femora (6%, n=7).

Individuals identified as female represented 31% (n=18) of this sub-sample and were documented as having 29% (n= 75) of the observable fractures. Of these, at least 15% (n= 11) showed evidence of healing while 83% (n=62) were perimortem. When compared to males, most of the fracture's locations involved the cranial material (16%, n=12), radii (8%, n=6), ulnae (7%, n=5), and femora (9%, n=7). The sub-sample also includes seven individuals of indeterminate sex with 24% (n=62) of the observable skeletal fractures with 90% (n= 56) of those being determined to be perimortem. Their fracture locations included, 13% (n=8) involved cranial elements, 6% (n=4) the radii, 11% (n=7) the ulnae, and 10% (n=6) the femora.

Other enslaved and freedman Africans and African Americans show similar element distributions, but direct comparison is difficult. Due to issues surrounding disproportionate sample size, skeletal preservation, and socio-environmental conditions of the populations themselves, problems exist. Nonetheless, some comparison is possible. Kelly and Angel's (1987) investigation of the remains associated with the historic location of *Catoctin Furnace* found that *19.4% of individuals* exhibited evidence of trauma related to occupational hazards. These included fractures of the radii, ulnae, vertebra, clavicles, and distal extremities (Brooks, 2005; Shuler, 2004; Wilczak et al., 2009). *The St. Peter Street Cemetery* in New Orleans had *three males* who exhibited healed or healing fractures involving cranial material, one who had a compression fracture of a thoracic vertebra, and two males with evidence of healed fractures along their distal ulnae. While accidents could cause these issues, the cranial material and ulnae strongly suggest some form of interpersonal violence (Owsley et al., 1987). The ulnae are of particular importance because in clinical practice, isolated distal ulnar fractures are often the result of direct impacts resulting from an individual raising their arm to ward off a blow to the head (Byers, 2002; Judd, 2004; White, 2000).

The sample from the *First African Baptist Church* in Philadelphia had *20 fractures*, and most were associated with *occupational accidents*. However, two individuals exhibited fractures that were related to interpersonal

violence. One was a female aged between 40-45 years who had a *depression fracture* of the left parietal and a male, 40-45 years, with a well-healed fracture of the right clavicle (Rankin-Hill, 1997).

#### Fracture Frequency by Temporal Phase

When divided temporally, the individuals in the Late Phase (post-1776) exhibit the most fractures. While the number of burials placed with this phase only represents 27% ( $n=114$ ) of the entire population (Perry et al., 2009), it contains 66% ( $n=39$ ) of the total number of individuals who exhibit evidence of fractures, including 62% ( $n=21$ ) of the males, 72% ( $n=13$ ) of the females, and 57% ( $n=4$ ) of those of indeterminate sex. Of the specific fractured elements mentioned above, 75% ( $n=86$ ) belong in this phase. Like all males with evidence of fractures, males in this period have the majority of the cranial, radial, and femora fractures for this temporally based sub-sample. In contrast, those of indeterminate sex and males categorically exhibit seven fractures, each involving the ulnae.

When one analyzes perimortem fractures only, the distribution becomes more even. Males still accounted for 50% ( $n=14$ ) of this specific subsample; they exhibited 39% ( $n=76$ ) of the fractures. The skeletal elements affected are still dominated by cranial material 32% ( $n=24$ ), and equal distribution among others, scapulae 4% ( $n=3$ ), radii 7% ( $n=5$ ), ulnae and ribs both 5% ( $n=4$ ), femora 9% ( $n=7$ ), and the fibula and tibiae both 4% ( $n=3$ ). Those identified as female, 36% of the sample ( $n=10$ ), exhibited 32% ( $n=62$ )

of the fractures. The largest portion was still involved in the cranial material at 16% (n=10), but other elements were closer to or exceeded the males' frequency. For example, the scapulae 8% (n=5), radii 10% (n=6), ulnae 8% (n=5), femora 10% (n=6) and ribs/fibula/tibiae each 5% (n=3). This pattern continues when one looks at the four (14%, n=4) individuals of undetermined sex. With 20% (n=39) of the overall fractures, these four exhibits the same trend as females compared to males. This evidence includes 13% (n=7) among their recorded cranial material, 5% (n=3) with the scapulae and ribs, 7% (n=4) among radii, 13% (n=7) among ulnae, 9% (n=5) with the femora, 11% (n=6) with the fibula, and 7% (n=4) identified with the tibiae.

As with the larger sub-sample above, most individuals with perimortem fractures are in the Late Phase (post-1776). It contains 69% (n=19) of the individuals with perimortem fractures, including 59% (n=10) of the males, 60% (n=6) of the females, and 75% (n=3) of indeterminate sex. This phase contains 52% (n=69) of the fractures located on the elements mentioned earlier, with *males having* a higher fracture frequency with their cranial material, ribs, radii, and femora. As for the other elements, females have more fractures associated with the scapulae and radii, and those of indeterminate sex have more fractures of the ulnae, tibiae, and fibulae (Table 8, page 100).

Individuals with multiple fractures are prevalent in this population. Skeletal trauma, including fractures, once regarded as acute results of a

negative interaction between an individual and the environment, especially in the case of multiple incidents, are seen as similar to a chronic pathological condition (Judd, 2002; Sims et al., 1989). These individuals, clinically identified as injury recidivists, accumulate a collection of injuries over a lifetime and are the direct result of specific environmental and behavioral factors (Hedges et al., 1995; Kaufman et al., 1998; Poole et al., 1993). *Fifty-three percent (n=31)* of the individuals with fractures have more than one, and the majority of these (*77%, n=24*) belong to the *Late Phase (post-1776)*. *Twenty-two percent (n=13)* of the individuals with skeletal fractures exhibit evidence of at least *two separate injury events* (evidence of healed fractures and perimortem), and 77% (n=10) of them belong to the Late Phase (post-1776). Among these individuals, *four (2 males, one female, and one of indeterminate sex)* had evidence of *repetitive injury to the same elements*. While most of the individuals with fracture recidivism are older, the unequal distribution of fractures, their perimortem nature, and the age of burial 180 (12-12.9 years) seems to imply that the mechanisms of injury exceed that which would be associated with environmental conditions and typical life processes.

#### *Intentional vs. Unintentional*

Previous trauma research involving the African Burial Ground population implied that many cranial and perimortem fractures were most likely indicators of interpersonal violence (Shuler, 2005; Wilczak et al., 2009).

While similar evidence is associated with such behavior in other archaeological populations, including those of the African Diaspora, there was still some uncertainty. A new methodology was employed. As stated previously, osteological material fractures when energy exceeds the material's tensile strength (Bilo et al. 2010; Cohen et al. 2017; Love et al. 2011; Lovell 1997), and the types of fractures generated, and their locations are dependent upon specific conditions involved. Clinically, falls are the second leading cause for bone fracturing in modern populations, and this mechanism determines the necessary threshold for individual and group fracture generators (Granhed et al., 2017; Gulati et al., 2012; Helling et al., 1999; Richter et al., 1996; Sawyer et al., 2000; Yoshida, 2007). Specifically, the study by Gulati et al. (2012) went beyond simple fracture frequency to develop fracture rates for various age cohorts to assess specific risk assessments for their sample population. This particular methodology was employed to assign a threshold for determining accident ( $\geq 2$ ) or intentional ( $\leq 3$ ) fracture rates for this study.

In the following sections, I assess the five main expectations of the study.

*Expectation One: Fracture Rates of the African Burial Ground Population*

Generated from the African Burial Ground pathology database were two sub-samples. The first included all fracture evidence, and the second was for perimortem fractures only. The individuals' assignment to their

appropriate temporal phase and demographic categories resulted from their age and sex assessments from the pathology database. Fracture data was then generated for each element and assigned to specific body locations to determine the fracture rates for all individuals belonging to the demographic categories. This information allowed not only for analyses of specific anatomical areas but overall fracture rates as well.

When one looks at the overall fracture evidence, the total sample (n=59) has an overall fracture rate of 4.42. When separated by sexual designation, males (n=34) generate a fracture rate of 3.65, females (n=18) 4.16, and those of indeterminate sex (n=7) 8.86.

Temporally, fracture rates increase as a whole as well as for specific demographic cohorts. For the *two males* with identified fractures assigned to the *Early Phase* (before-1735), there is a fracture rate of 2 (Table 17, page 200). While the eight males and three females in the Middle Phase (1735-1760) generate fracture rates of 2 and 3, respectively, and an overall fracture rate of 2.27 for the temporal phase (Table 18, page 201). For those assigned to the Late-Middle Phase (post-1760), the four males have a fracture rate of only 1, but the two females and two individuals of indeterminate sex have fracture rates of 6.5 and 1.5 respectively, for a temporal phase rate of 2.5 (Table 19, page 202). Like overall fracture frequency, the *Late Phase (post-1776)* shows the most dramatic increase in fracture rates across most demographic cohorts. Males (n=20) have an overall fracture rate of 5,

including the single individual who makes up the 11-20 years cohort with a fracture rate of 16 and the eighteen found in the 21-55 years cohort 4.61.

There are thirteen females assigned to the period, and they have a combined fracture rate of 4.07. Including individuals in 11-20 years cohort with a fracture rate of 13, eight 21-55 years cohorts with 2.25, and two 55+years with a fracture rate of 4. Both male and female fracture rates are exceeded by that of four individuals of indeterminate sex who have an overall fracture rate of 14.5.

When one only reviews perimortem fractures, the overall fracture rates increase. Individuals that belong to this sub-sample (n=28) have an overall fracture rate of 6.93, the males (n=14) generating 5.42, females (n=10) 6.2, and 14 for those that are undetermined.

The trend in increasing fracture rates by temporal phase is true for perimortem fractures as well. There is *only one individual* from the Early Phase (before-1735), a male in the 21-55 years cohort with a fracture rate of 2 (Table 21, page 204). The Middle Phase (1735-1760) has one male in the 21-55 years cohort with a fracture rate of 4, two females of the same age group with a fracture rate of 4 for a final fracture rate of 4 (Table 22, page 205). In the Late-Middle Phase (post-1760), two males belonging to the 21-55 years group have a fracture rate of 1. There are two females, one assigned to the 21-55 years category and one in the 55+years group with fracture rates of 1 and 10, respectively, for an overall fracture rate of 5.5. The final individual

assigned to this temporal phase is indeterminate sex, 11-20 years of age with a fracture rate of 2. This period has an overall perimortem fracture rate of 3 (Table 23, page 206). The Late Phase (post-1776) again has the highest fracture rates for this sample. The ten males from this period have an overall fracture rate of 6.8, calculated from one individual of 11-20 years who had a fracture rate of 16 and the nine males assigned to the 21-55 years cohort with a fracture rate of 5.78. The period has six females, two of 11-20 years with a fracture rate of 13, three of 21-55 years with a fracture rate of 3.67, and one at 55+ years with a fracture rate of 6, for an overall fracture rate of 7.17. The period's fracture distribution concludes with three individuals of indeterminate sex with a fracture rate of 18, resulting from one individual of 11-20 years with a fracture rate of 19 and two placed in the 21-55 years category, 17.5. Overall, the Late Phase has an overall fracture rate of 8.68 (Table 24, page 207).

As stated before, in both bioarchaeological analyses and modern forensic investigations, the cranium, radii, and ulnae have been of primary importance in the determination of interpersonal violence (Ambade and Godbole, 2006; Brink et al., 1998; Byers, 2002; Cantos et al. 1994; Flieger et al., 2016; Jurmain, 1999; Larsen, 1997; Lovell 1997; Martin, 2012; Mays 1998; Murphy, 1991; Stewart, 1979; Teifel and Rothschild, 2019; Tollefson and Strong, 2009; Ubelaker, 1999; White, 2000). While fractures affecting these areas can result from an accident, when disproportionate amounts to

these areas of the body are recorded for various populations; it is usually determined to most likely result from interpersonal violence. For example, while fractures to cranial material can result from a fall, multiple cranial fractures, especially those involving craniomaxillofacial trauma, are often the result of some form of a face-to-face altercation. Also, numerous fractures to various skeletal elements, including the radii, ulnae (parry fractures), and elements of the hands, are usually the result of violence as well (Ambade and Godbole 2006; Austin 2015; Bilo et al., 2010; Brink et al., 1998; Gasser et al. 2003; Goulart et al., 2014; Kenny 2006; Laski et al., 2004; Love et al., 2011; McNulty 2016; O'Hara 2019; Saliba et al., 2012; Slaus et al., 2012).

The evidence from this sample, because of their number, predominantly perimortem nature, elemental distribution, and concentration in specific burials, indicate that intentional violence was a mechanism in their creation. When combined, fractures involving the *cranial material, radii, and ulnae represent 36% (n=94) and 37% (n=72) of this population's overall and perimortem fractures*. With respect to fracture rates for these combined skeletal elements, the former is 1.59 (94 fractures/59 individuals) and 2.57 (72 fractures/ 28 individuals). While the first fracture rate falls below the study's threshold for accident determination ( $\geq 2$ ), the second exceeds it. In particular, when you add the perimortem fractures involving the *femora, fibulae, and tibiae*, the fracture rate *increases to 4* (112 fractures/28

individuals), which is double the accidental threshold ( $\geq 2$ ) and exceeds the intentional threshold ( $\leq 3$ ).

As stated before, the fracturing of skeletal material results from biomechanical forces that many conditions can generate. While individual fracture frequency for specific elements can be problematic in determining injury mechanisms, for example, the ambiguous nature of radii and ulnae fractures, relative elemental frequencies involving individuals and demographic cohorts can help. As previously discussed, clinical studies have shown that accidental falls are among the leading causes of bone fracturing in modern populations. While there is some variation between the fracture rates of various age cohorts and their specific socio/geo-cultural environments, the average fracture rates for clinical samples does not exceed two (Berry and Miller 2008; Chari et al., 2013; Demetriades et al. 2005; Gulati et al., 2012; Granhed et al., 2017; Helling et al., 1999; Judd 2002; Kumar and Srivastava, 2013; Mitchell et al., 2013; Morrison et al., 2013; Prathapan and Umadethan 2015; Richter et al., 1996; Roccia et al., 2014; Sawyer et al., 2000; Sterling et al., 2001; Vasudeva Murthy et al., 2012; Williams et al., 1997).

This analytical threshold allows for a more precise determination for physical violence changes to the African Burial Ground population over the 18<sup>th</sup> century. When considering the rates of all fractures (n=261) or those of only perimortem nature (n=194), the Early Phase (before-1735) generates a fracture rate of 2 (Tables 17 & 21, pages 200, 204) suggesting that the

fractures observed are of a questionable mechanism. However, violence as a mechanism is possible with Burial 221, a male between 30-60 years. Burial 221 has two perimortem fractures involving cranial material and left mandible, fractures often associated with direct interpersonal violence.

The Middle Phase (1735-1760) shows a slight increase in fracture rates. When considering all fracture evidence (n=261), the temporal phase's overall fracture rate is 2.27. The eight males associated with this phase have an overall fracture rate of 2, and the three females generate a fracture rate of 3 (Table 18, page 201). This changes when only considering the perimortem fractures for this phase. The one male included in the sub-sample exhibits four cranial fractures giving him an individual, and thus the male demographic category a fracture rate of 4 for the phase (Table 22, page 205). The subsample's two females also increase their fracture rate due to their overall fracture number of 8, which generates 4 (Table 22, page 205). While seven of the males associated with this phase generate an overall fracture rate that falls under the accidental determination threshold ( $\leq 2$ ), the other male, Burial 271 45-57 years and the female, Burial 25 with their combined fractures (n=11) exceed the intentional threshold ( $\geq 3$ ) and are most likely from violence.

The Late-Middle Phase (post-1760) exhibits an increase in overall fracture rate involving *all fracture types*, 2.5 and *perimortem fractures*, 3. When reviewing the evidence of all fractures for the phase, males (n=4) have

an overall fracture rate of *one*, females (n=2) a fracture rate of 6.5, and the two of undetermined sex, 1.5 (Table 19, page 202). When analyzing only perimortem fractures, males (n=2) still have a fracture rate of 1, females (n=2) 5.5, and the one individual of indeterminate sex has a fracture rate of 2 (Table 23, page 206). Only the females associated with phase generate an overall fracture rate that exceeds the intentional threshold ( $\geq 3$ ).

The Late Phase (post-1776) has the highest level of fractures, and consequently, fracture rates associated with it. When analyzing the evidence related to all fractures (n=261), the *overall phase fracture rate is 5.7*, combining both sexes. This data includes the fracture rate for males (n=20) at 5, females (n=13) at 4.07, and those who were undetermined (n=4) at 14.5 (Table 20, page 203). This temporal increase is even more significant for perimortem fractures (n=194) by themselves. The Late Phase's fracture rate then becomes 8.68, with the males (n=10) generating a fracture rate of 6.6, females (n=6) 7.17, and the individuals of undetermined sex, one a juvenile, (n=3) 18, which all firmly exceed the threshold of intent ( $\leq 3$ ) designated in this study (Table 24, page 207). It is this increase that warrants further analysis. The fractures' diverse location, their excessive fracture rates, and the concentration of the injuries in specific individuals strongly indicate that the level of violence for the African Burial Ground population increased significantly during this time. For several, the incidents were beyond simple face-to-face altercations.

With respect to males in this period, nine are between the ages of 21 and 55, and one was determined to be in the 11-20 years cohort. While the overall fracture rate for the nine is 5.78, five of the individuals, Burials 97, 151, 171, 179, and 180, have 4 to 19 fractures. The one burial placed within the 11-20 years cohort, Burial 174, a male aged 17-18 years, has 16 fractures himself. The same is observable with those identified as female for the period. The two individuals within the 11-20-year cohort have an overall fracture rate of 13, with Burial 205 having 22 of the combined fractures. The three women of the 21-55 years cohort are a little more evenly distributed, with Burial 223, aged 25-35 years, having six fractures and an overall fracture rate of 3.67. While Burial 241, a woman aged 55-65 years, has six fractures concentrated with her cranial material and lower body. The three individuals that are of undetermined sex have the highest overall fracture rate for the entire period at 18. Burial 180, who is between 11-13 years in age, has 19 fractures in all, and they are distributed mainly among their cranial material and *throughout the body*. The same is true for Burials 137 and 196, individuals aged 25-35 and 20-24 years who exhibit 20 and 15 fractures. These two individuals show perimortem fractures across similar elements, though primarily in the extremities and core anatomical regions (Table 24, page 207).

Overall, perimortem fractures *determined to be the result of intentional violence* (three fractures or more) were significantly more frequent for the Late Phase (post-1776) ( $p = .010$ , *one-tailed Fisher's Exact Test*). For women

and individuals of indeterminate sex, the expression of violence increased almost three-fold. A majority of the individuals in this sub-sample, 57% (n=16), have exceeded the threshold of intent ( $\leq 3$ ) and are most likely the result of multiple or more extreme violent interactions *involving more than one attacker or other specific circumstances*.

Clinically, most victims of violence suffer soft tissue injuries. If there is the fracturing of skeletal elements, it affects two or less, involving the head, body, and extremities (Brink et al., 1998; Flieger et al., 2016; Greer and Williams, 1999; Murphy, 1991; Teifel and Rothschild, 2019). While this is observed in this Late Phase sub-population as well, 29% (48 of 165 fractures, FR 2.53) involve skeletal elements that are part of the anatomical core (scapulae, clavicles, sternum, ribs, and innominates) (Table 24, page 207). Many of these fractures are either *traverse or comminuted* in nature. Traverse fractures are usually the result of a small striking surface perpendicular to a small area of bone. Those that are comminuted are usually the result of a larger surface over a greater area of the bone (Byers, 2002; Cohen et al., 2017; Lovell, 1997). While such fractures can result from a single attacker, a more complicated or formal procedure must be considered when multiple elements are involved. While violent incidents occur at or around the same time, such injury patterns involving diverse skeletal elements in singular individuals are most likely due to incidents involving multiple armed attackers or other public torture or execution forms. While

armed assailants are a genuine possibility, such injuries are associated with methods of execution as well.

The Catherine Wheel, the Breaking Wheel, or sometimes just the Wheel, was a torture device used from the 6<sup>th</sup> through the 19<sup>th</sup> centuries throughout Europe and its colonies. While there was some variation in techniques, it generally involved securing the condemned to the device and then striking various locations of their body with an iron rod, cudgel, or mallet. Sometimes the executioner would use a second wheel to press down on the individual. A visiting Irishman reported an execution on the Wheel in Paris in 1787 where:

“...the multitude beheld the executioner take up an iron bar, and begin the tragedy, by striking his victim on the forearm, which being placed immediately over one of the notches, was by the blow of the bar, smashed and crushed down into it. He next struck one of the legs in the like manner and crushed the bones and flesh at one blow into the notch. He then broke the forearm in the same manner; then a thigh next an arm, after that the other thigh, and concluded by breaking the remaining arm.”

After some time, the executioners ended the event by,

“...[dislocating] the vertebrae of the prisoner’s neck. During this transaction, the other executioner on the scaffold again took up the iron bar and gave the prisoner three most violent blows upon the belly

and stomach, such as must-have burst the heart, arteries, stomach, diaphragm, and intestines, and confounded them into one mass of blood and wounds.” (James St. John, Esquire, Letter of July 23<sup>rd</sup>, 1787)

Sometimes the condemned was left alive, *and in either case* remained a public spectacle for some time afterward for all to see (Mannix, 1983; Scott, 1994; Wasserstrom et al., 2007). The use of the wheel was documented in North America as well. After the New York Slave Revolt of 1712, Governor Robert Hunter reported to the Lords of Trade describing the executions:

“Some were burnt, others hanged, one broke on the wheel, and one hung alive in chains in the town so that there has been the most exemplary punishment inflicted that could be possibly thought of.” (Governor Robert Hunter, June 23<sup>rd</sup>, 1712)

Such public spectacles of cruelty represent the apparent rage that the event had engendered in public. A condition mirrored in 1730 by the same style of execution in Louisiana for enslaved Africans that were most likely part of the Natchez Revolt of 1729, and four men, one black and three white convicted of murder between 1748 and 1754, after a slave revolt in 1730 (ESPY File, 2002). Coincidentally, if these were public executions, they may have been extra-judicial because there is no record of such acts involving a civil authority in New York between April 1<sup>st</sup>, 1782, and 1784. The gravesites for most of these individuals are in a general location of the burial ground.

The city was also subject to alternating control between the British and American forces during the Revolutionary War, a chaotic situation that disrupted the legal process, civil records, and strained social power. Conditions exacerbated by the population increase due to loyalist refugees and the liberated enslaved (ESPY File, 2002; Espy and Smykla 1987; Howson et al., 2009; Perry et al., 2009).

*When it comes to the expected evidence of fracture increasing over the 18<sup>th</sup> century, the expectation is confirmed.*

#### *Expectation Two: Work and Mechanical Stress*

As stated before, hypertrophied muscle attachments on the skeleton result from either traumatic or habitually excessive muscle activity. Their location, size, and associated muscles, or muscle groups, can provide insight into the types of activities a person performed. Such skeletal changes, unlike some others, are not necessarily related to the age of the individual or population examined (Buikstra and Ubelaker, 1994; Larsen, 1996; McNulty, 2016; Ortner and Putschar, 1981; Ubelaker 1999; White 2000). In conjunction with fracture evidence, a targeted study of specific MSMs took place. The two areas chosen were the posterior diaphysis of the femora and lateral aspect of the proximal third diaphysis of the ulnae because both are areas associated with muscles that are used in the lifting, carrying, and supporting of weight, as well as support for other forms of strenuous activity (McKinley and O'Loughlin, 2006).

Of the 76 individuals in the African Burial Ground Population that have recorded severity scores for the *linea aspera* of both of their femora, 53% (n=40) are males, 33% (n=25) are females, and 14% (n=11) are undetermined. With the males, 75% (n=30) have a severity score of 2 (clearly present), and 43% (n=13) belong to the Late Phase (post-1776), and 23% (n=7) are with the Middle Phase (1735-1760) and Late- Middle Phase (post-1760) each. Sixty-eight percent (n=17) of the females had a severity score of two, and 47% (n=8) are in the Late Phase, which is followed closely by the Middle Phase with 35% (n=6). Of those that are of undetermined sex, 55% (n=6) have a severity score of 2, but 50% (n=3) of them are assigned to the Early Phase (before-1735). Overall, males show the same level of hypertrophic severity during the Middle and Late- Middle phases and then a substantial increase in the Late Phase (Figure 1. Page 208). On the other hand, females are rather similar during both the Middle and Late phases, with a shift to increased severity in the latter (Figure 2, page 208). When all three groups are combined, the Late Phase has the most individuals exhibiting hypertrophy in 43% (n=33) of this sample, followed by the Middle Phase with 28% (n=21).

The ulnae reveal comparable results. Males make up 50% (n=14) of those recorded with a severity score, followed by females and undetermined sex with 25% (n=7). Among the males, 64% (n=9) have a severity score of 2, with 56% (n=5) in the Late Phase and 44% (n=4) in the Middle Phase (Figure

3, page 209). As for females, 71% (n=5) have a severity score of 2, and 80% (n=4) are from the Late Phase (Figure 4, page 209). Those of indeterminate sex have 71% (n=5) assigned a severity score of 2, and 40% assigned to the Middle and Late-Middle phases. Overall, males are relatively similar in recorded severity until the Late Phase, when there is a marked increase in the individuals' scores as clearly present (2). The majority of females in this sample belong to the Late Phase. Those individuals that fall within the undetermined category in this sample show similar severity throughout the Middle to Late Phases.

The observed changes in the severity of hypertrophy for these muscle attachment areas suggest some increase in labor intensity over time and a substantial shift in labor practices during the Late Phase for both males and females. Colonial New York's urban economy required many labor roles to be filled by the enslaved and freedmen populations. The increasing need for both skilled and unskilled labor in the city both commercially and domestically is reflected by the evidence of hypertrophied muscle attachments found among males during the Middle and Late Middle Phases and increased frequency among females in the Middle Phase. Both are most likely reflections of the city's African population's growth during that period and the increased physical labor stress of their economic roles surrounding the *French and Indian War (1754-1763)*. This trend that reached its pinnacle with the British occupation of New York from 1776 until 1783 (Late Phase, post-1776) and

the increase in construction, sanitation, and other wartime logistics it generated (Medford et al. 2009; Perry et al. 2009a, 2009b and 2009c).

This determination is similar to recent research conducted by Michael Blakey, Olanrewaju Lasisi, and Jessica Bittner (2019) investigating hypertrophy and enthesopathy formation involving the *linea aspera*. They determined that these two, but linked, skeletal indicators reveal a general trend of excessive work for the overall population during the 18<sup>th</sup> century. While men generally seem to lead in work stress throughout the temporal phases, the evidence of women's workload closes the difference in the Late Phase (post-1776) (Blakey, 2020; Blakey et al., 2019).

This temporally based evidence of mechanical stress in the African Burial Ground population is directly related to the changing political-economic dynamics of the century. The transition from an economy centered on male labor to one more oriented towards domestic work is not straightforward. Such a transition was not solely the result of a changing economy but was in response to growing fears of revolt after the events of 1741. Such changes in the bioarchaeological evidence reflect the attempt by European colonists to maintain social control over the increasing African enslaved community (Blakey, 2020; Blakey et al., 2009; Blakey et al., 2019).

While investigating the Catoctin Furnace sample, Kelly and Angel (1987) found similar development of the supinator crest involving the ulnae. They linked hypertrophy of the supinator crest to a precise grip used in certain

skilled activities and stress generated by the sudden and repeated shock created by hammering, throwing, and other upper body activities. Rathburn (1987) observed similar differences between males and females (2:1) in his analyses of a South Carolina plantation sample from the mid-to-late 19<sup>th</sup> century. These changes in the ulna supinator crest were broadly similar to those observed bilaterally with many individuals in the African Burial Ground Population (Wilczak et al., 2009). Due to the small sample size, Rathburn did not add any possible temporal distinctions within the sample. In the First African Baptist Church population, Rankin-Hill (1997) looked at the supinator crest of the radii and found that many of the males and females in that group had bilateral development, indicating that both groups were involved in labor that required the carrying of heavy loads and rotational movement of the shoulder and arm.

*When it comes to the expected evidence of mechanical stress increasing over the 18<sup>th</sup> century, the expectation is confirmed.*

#### *Expectation Three: Nonspecific Infection*

Skeletal lesions of infection are indicators of various environmental stress. The extent to which they manifest is often attributable to the nature, intensity, and continuity of the pathological condition that initiated them. Periostitis is an inflammatory response observed in archaeological examples that can indicate bacterial infection or trauma. The insult leads to an increase of osteoblast activity near the subperiosteum of the bone, which often leaves

osteological lesions that appear to be *woven* or *inflated*. While periostitis observed for single elements may result from trauma, multiple elements indicate a systematic infection (Kelly, 1989; Larsen, 1997; Ortner and Putschar, 1981; White, 2000). This study conducted a second analysis of femoral periosteal reaction to enhance the skeletal fractures' reassessment in the African Burial Ground population. This main purpose of this analysis was to determine if there was some correlation between the frequencies of recorded fractures and the severity of periostitis over time.

Overall, 17 individuals were included in this assessment, with 41% (n=7) of them assigned to the Middle Phase (1735-1760) closely followed by 35% (n=6) in the Late Phase (post-1776). In this situation, those of undetermined sex had the highest frequency, 47% (n=8) of the sample, followed by males with 29% (n=5) and females 24% (n=4). Ninety-four percent of this sample is rated to have a severity score of 1 (barely discernable) except for one male from the Middle Phase, rated at 2 (clearly present). Thirty-eight percent (n=3) of the undetermined group are in both the Middle and Late phases, and 25% (n=2) are in the Late-Middle Phase. As for males and females, 60% (n=3) versus 40% (n=2) in the Middle and Late phases for the former, and the latter found evenly (25%, n=1) for all four temporal periods. When viewed in its entirety, one male from the Middle Phase has a severity score of 2 (clearly present) for periostitis. Still, collectively the Middle and Late Phases have the highest frequency of cases.

As stated above, a periosteal reaction can result from either trauma, injuries that may or may not fracture the bone, or some form of more generalized infection. The higher portion found within the Middle Phase may result from environmental assault since the number of femora fractures is low.

Simultaneously, those in the Late Phase could be either due to the increased number of fractures found in this temporal period and the Revolutionary War and British occupation's environmental conditions after the city's capture.

Owsley et al. (1987) reported a minor periosteal reaction with two right femora in the St Peter's sample from New Orleans. Rankin- Hill (1997) reported higher than expected nonspecific disease rates among the First African Baptist Church population despite the historical evidence of acute epidemics in 19<sup>th</sup>-century Philadelphia. Among those recovered from 38CH778, the femora's linea aspera and medial shaft were the primary sites of periosteal reaction. Rathburn (1987) did not report any differential diagnosis for the observations but noted that they were most likely of a hematogenous origin. When comparing males and females, 38CH778 seems to exhibit the condition equally, like those in the femora sample analyzed here, while those from the First African Baptist Church are most frequent in males, suggesting that all of these environments had conditions that influenced these populations' health that were not necessarily acute. Still, much more systematic, unlike that observed with the Newton Plantation

population's specific infections involving the lower body, attributed to injuries suffered from working in sugar cane production (Shuler, 2005).

When it comes to the expected evidence of non-specific infection increasing over the 18<sup>th</sup> century, the expectation is only *partially confirmed*. This conclusion is due to the similarities in frequencies associated between the Middle Phase (n=7) and Late phase (n=6). The temporal periods include the Conspiracy of 1741 and the Revolutionary War.

#### *Expectation Four: Nutritional Inadequacy*

Nutritional inadequacy often leaves observable characteristics upon the skeleton, and evidence associated with iron-deficiency anemia can result from many non-dietary factors, but often includes those of diet (Martin et al., 1985; Kelly 1989; Ortner, 1981; Stuart-Macadam 1989; White, 2000).

Populations that suffer from inadequate sources of iron exhibit specific skeletal changes, which are lesions termed porotic hyperostosis (Angel, 1966; Cohen and Armelagos, 1984; Ortner, 1981; White, 2000), and are the result of the marrow expanding to increase the production of red blood cells in response to anemia. While the disease can affect postcranial elements, the primary areas affected are cranial bones. Porotic hyperostosis and cribra orbitalia primarily manifest in sub-adults less than five years of age though adults often exhibit healed, partially active, or active lesions depending on the environmental stressors involved (Kelly, 1989; Larsen, 1996; Ortner, 1981). This work concerns the evidence of porotic hyperostosis involving the

thickened diploe and healed lesions of the occipital and frontal bones to see if the prevalence of these conditions increased over the course of the 18<sup>th</sup> century.

Of the 20 *individuals* with evidence of healed porotic hyperostosis involving the *frontal bone*, 65% (n=13) were in the *Late Phase* (post-1776) and 20% (n=4) with the *Middle Phase* (1735-1760). Like the original study, 70% (n=14) of males and 20% (n=4) of females in the sample exhibited this condition. Those of indeterminate sex only make up 10% (n=2) of this sub-sample. When looking at the differences in severity for each sex-category by temporal periods, the majority of males, 66% (n=6), scored as barely discernable (1), and those 80% (n=4) scored as clearly present (2) are found within the Late Phase (Figure 5, page 210). Females and those of indeterminate sex within this sub-sample are barely discernable (1), and they split between the Middle and Late phases with 50% (n=2) and 50% (n=1), respectively.

As for the three groups with evidence of thickening of the diploe, the same trend differs temporally. Thirty percent (n=7) of the overall sub-sample are in the Late-Middle Phase (post-1760) followed by the Early (before-1735) and Middle (1735-1760) phases with 28% (n=5). The Late Phase has the least number of individuals with only 17% (n=4) of the overall sub-sample. When analyzed by sex designation, males have 48% (n=11) of the individuals, followed by those that are undetermined with 30% (n=7) and

females with 22% (n=5). When both levels of severity are combined (1=barely discernable and 2= clearly present) temporally, 36% (n=4) of males are found with the Late-Middle Phase, and 27% (n=3) are with the Late Phase (Figure 6, page 210). Females are in the Early and Middle phases with 40% (n=2) for the former and 60% (n=3) for the latter. The individuals of indeterminate sex are mostly found (43%, n=3) with the Late-Middle Phase.

These two narrowly focused sub-samples give *somewhat conflicting information*. When observed temporally, the evidence of healed porotic hyperostosis of the frontal bones suggests that those identified with the Late Phase (post- 1776) experienced more anemic reactions. Meanwhile, the much more even temporal distribution of a thickened diploe, an indicator of severe iron deficiency (Larsen 1997), suggests pathological environmental conditions throughout the 18<sup>th</sup> century. Taken in combination, they both support the former. When both sub-samples are combined, the temporal differences increase over time culminating with the Late Phase with a total of 40% (n=17) of the total cases. This result can represent an increasingly stressful environment in which social and environmental conditions that can cause iron deficiency anemia became compounded. Porotic hyperostosis adds to the many indicators, above, to show that socio-environmental conditions for the enslaved and early freedman African population of colonial New York City continued to deteriorate.

In the enslaved urban population represented by the St. Peter's Cemetery sample, six females (12.5% of that sample) had evidence of porosity probably caused by anemia (Owsley et al., 1987). Fifty-three percent of the First African Baptist Church population exhibited some evidence of porotic hyperostosis, with a relatively even distribution between males and females, unlike the sub-samples in this study, but closer to the initial comprehensive analysis completed with the entire African Burial Ground population (Null et al., 2009; Rankin-Hill, 1997). Rathburn (1987) reported only the expression of slight cribra orbitalia and healed pitting with the individuals from 38CH778, with both sexes represented about equally. Evidence of anemia was observed with the thinning of the cranial material in 60-70% of Catoclin individuals (Kelly and Angel, 1987). While a genetic cause for anemia is always possible, all of these samples faced environmental variations that allowed for the condition to develop due to poor sanitation, dietary inadequacy, or other pathological vectors (Kelly, 1989; Larsen, 1996; Ortner, 1981).

*When it comes to the expected evidence of nutritional inadequacy increasing over the 18<sup>th</sup> century, the expectation is confirmed.*

*Expectation Five: Specific Changes Involving Women*

In colonial New York City during the 18<sup>th</sup> century, enslaved women's population increased substantially due to both the need for domestic services and the male population's intentional degradation for fear of revolt. The trend

changed towards the end of the century because of escapees in the Revolutionary War (Medford and Brown, 2009). Because of this shifting in demographic patterns, the temporal changes observed for the previous four expectations are of particular interest for the enslaved female African population.

*When it comes to the expected increase in fracture evidence involving women over the 18<sup>th</sup> century, the expectation is confirmed.* When all types of fractures are considered, with the exception of a slight increase in the fracture rate during the Late- Middle Phase (post-1760) due to burial 89, a woman of 50-60 years who had 12 fractures, the Late Phase (post-1776) has the highest female fracture frequency (n=43) and fracture rate (4.07). With only perimortem fractures, this trend is even more apparent with women in the Late Phase, with six women having a combined fracture frequency of 43 and an overall fracture rate of 7.17. Also, with this fracture rate exceeding the threshold for intentional violence ( $\geq 3$ ), violence manifestation increased.

The evidence for work/mechanical stress indicates a similar transition. While the sub-sample involving hypertrophy of the *linea aspera* was distributed rather evenly in the Middle and Late phases, 44% (n=11) in the former and 40% (n=10) in the latter, the marked increase of severity (clearly present 80%, n=8) in the Late Phase indicates that the need for physical labor shifted after 1776. The evidence from the ulnae analyses suggests the same because most of the observed hypertrophies (86%/n=7) are in the Late

Phase. This implies an increase in strain on the upper bodies of women accompanied that on the lower body as evidenced by *linea aspera* hypertrophy.

On the other hand, when it comes to nonspecific infection and nutritional inadequacy, the evidence of these targeted analyses suggests *something different*. The evidence of the manifestation of the *periosteal reaction* involving the femora indicates that the *condition was moderate for women during all temporal phases*. The evidence associated with porotic hyperostosis involving the frontal bones and the expansion of the occipital bones (diploe) suggests the same. Both of which indicate that anemia was relatively constant (barely discernable) throughout the 18<sup>th</sup> century for women of the enslaved African and freedman population.

*In summary, these analyses indicate that enslaved women saw an increase in their general injury rates, injuries caused by interpersonal violence, an increase in their occupational labors' intensity, and consistent assaults to their general health and nutritional needs.*

#### *Structural Violence: Slave Codes, Corporal Punishment, and Executions*

Structural violence is the process/methodology in which a marginalized population faces discrimination by the most powerful social institutions of a given society. Because of their nature, these institutions affect such groups every day. These institutions are primarily political, economic, or legal but can include other social institutions or systems. The various forms of structural

violence work hand in hand with cultural forms to justify and legitimize more direct physical forms of violence (Bourgois, 2001; Galtung, 1964; McNulty, 2016; Scheper-Hughes and Bourgois, 2004).

When Western European powers began their imperial expansion into the western hemisphere, they soon discovered that their liberalistic economic endeavors would require large-scale systems of slavery for their completion (Lindsay, 2008; Thomas, 1997; Williams, 1994[1944]). While the Spanish and Portuguese had an acquaintance with contemporary institutions of slavery in the construct of antiquated Roman law, the French and English did not. While the French did develop something like those cultures, the English took a more decentralized approach, allowing their New World colonies to develop such governing laws according to their evolving customs, needs, and practices (Fede et al., 2017).

Slavery came to the English colonies without strict legal definitions or guidelines because it had all but disappeared from legal texts by the 1600s. Initially there was no codified system of colonial laws dealing with the enslaved, only individual laws coexisting with other contextual material property (Fede et al., 2017; Morris 1996). Because of this decentralized system and the fact that the New World colonies were separated from England by an ocean, formal institutional connections were practically non-existent. While the separate colonial administrations did not create laws contrary to those in England, uniformity with the home country or themselves

was murky in the 17<sup>th</sup> century (Preyer, 1982). Because of variation in the regional economic development between the New England, middle, and southern colonies and the dynamic processes that occurred, legal divergence was inherent even in their associated slave populations' early control. But as the 17<sup>th</sup> turned to the 18<sup>th</sup> century and external and domestic threats increased, the various colonial legal systems began to respond more in concert.

The English settlers to the colonies brought a tradition of brutal punishments for any formal social deviance. Criminal, behavioral, or sinful punishment was made public. The reason is that the sentence was to deter future behavior by the offender and dissuade others from doing the same (Navin, 2015). Seventeenth-century New Englanders generally understood crime to be a sin and the court system to be guardian of Biblical values. The punishments were varied but often included the infliction of pain, fines, labor, and humiliation. They often employed the whip, and the number of lashes was varied depending upon the offense. In the case of simple immorality, it was 40 lashes, and a false accusation towards someone's master or mistress would gain the servant up to 100 (Greenberg, 1982; Preyer, 1982). Because of the inherent class bias transported to the colonies, the servile classes tended to receive physical punishment, while the wealthier usually only faced a fine.

Unlike the other English colonies in North America, New York, and the city of the same name, was the only one not initially settled by the English. When the English took over New Amsterdam from the Dutch, they inherited an already cosmopolitan holding. The colony population was complex and had various nationalities and faiths from North America, Europe, and Africa. Partly because of this, the legal system in charge of controlling social behavior was limited in scope and rather inadequate for the task (Greenberg, 1982; Preyer, 1982). This issue continued until several changes culminated in the *Judiciary Act of 1691*, partly in response to Jacob Leisler's Rebellion, restructured the colonies' court system to align significantly with England's (Preyer, 1982). The act helped generate a transition into the 18<sup>th</sup> century, which increased the law's formalization, expanded the list of crimes considered severe, and the harshness of the convict's punishments. Of keynote was the expansion of criminal codes regarding persons and property (Greenberg, 1982; Navin, 2015; Preyer, 1982). At the same time, most colonies followed *William Penn's Great Act of 1682*, stipulating that only treason and murder were punishable by death, but by the end of the 18<sup>th</sup> century, most recognized around ten. These capital offenses included: slave revolt (treason, theft of property), rape/attempted rape, theft, arson (theft of property/personal injury), counterfeiting, burglary, piracy, robbery, and espionage, though many of these disproportionately affected the servile classes, and those identified as *black* in particular (Aguirre and Baker, 1999;

ESPY File, 1987; Navin, 2015). In the 18<sup>th</sup> century New York, 69 of the 109 (63%) known executions were African heritage individuals.

Because of the ever-changing social, political, and economic dynamics involving the colony and New York City from the end of the 17<sup>th</sup> and throughout the 18<sup>th</sup> centuries, many of the legal codes directed at controlling the ever-increasing number of the enslaved and freedman populations intensified. Such regulations came into existence directly due to issues involving the conflict of interests between the marginalized Africans and the free English colonists (Chartouni, 2020; Olson, 1944; Navin, 2015). For a better understanding, this investigation reviewed the slave codes and pertinent court cases in New York to discern any reflections of growing restrictions and punishments associated with key significant historical events of the 18<sup>th</sup> century.

#### *Early Phase (before-1735)*

This phase is characterized by the transition of New York from Dutch to English rule, the early formalization of slave codes, and the effects of the Uprising of 1712. While not free of violence or repression under the Dutch, the enslaved population of New York saw sweeping changes after 1664 when the Dutch ceded the colony (Korbin, 1971; Medford et al., 2009; Olson, 1944). The transition to British rule under the Duke of York's guidance served his economic endeavors, and consequentially those of the British Crown. While shoring up the potential for generating a market for enslaved Africans through

legal codes and market control for his investments in the Royal African Company, the future social conditions for that population became set (Korbin, 1971; Medford et al., 2009; Olson, 1944). While the Articles of Capitulation ensured that the Dutch colonists had rights to their human property, the act—as well as other laws that followed quickly legalized slavery as an institution and stated that no Christian could be a slave, except those sentenced as such (Medford et al., 2009; Olson, 1944). In 1682, the Common Council of New York passed the first laws targeting the colony’s enslaved and freedman populations. The first, a proclamation forbidding the “Harbour Intertain or Countenance any Indian or Neger Slave Whatsoever in their Houses or Otherwise,” also made it illegal to provide them rum or trade any commodity without the knowledge of their owners, under penalty of a fine. The second prohibited enslaved Africans from leaving their owners’ homes or plantations without permission or face the whip and their owners a fine (Chartouni, 2020; Medford, 2009: 26; Minutes of the Common Council, 1905: 92-93). During that same year, three court cases tested the laws, including *Dom Rex ver. Robert Seary and Mingoe*, two escaped slaves from Virginia and Maryland, who received ten lashes of the whip at each corner of the city and were then branded with an “R” on their foreheads (Chartouni, 2020; Catterall, 1936: 335).

In 1683, the Common Council passed two more laws that targeted the enslaved population of New York. The first prohibited the assembly of four or

more enslaved individuals even on a Sunday, and they could not go armed at any time with "...guns, swords, clubs, stones, or any other kind of weapon whatsoever." The courts would punish the offenders with ten whippings in public if their owners did not pay the appropriate fines. The second prohibited enslaved Africans from "driving a cart" within the city, which would lead to a fine payable by their owner (Chartouni, 2020; Medford, 2009; Olson, 1944; Minutes of the Common Council, 1905: 136-137). The following year, 1684, a bill was passed "...against fugitive servants and the entertainers of them." Instead of explicitly targeting enslaved Africans, this legislation targeted colonists who may aid any runaways from the servile class, and anyone convicted would face a hefty fine. A second bill removed other agency from any servants, indentured or enslaved, by making it illegal for them to trade any goods while in service, thus at least for the enslaved, removing any level of economic satisfaction. Another followed them in 1686, which specifically prevented the enslaved from working as porters on any bridge (Chartouni, 2020; Minutes of the Common Council, 1905: 179).

This trend continued with the closing of the 17<sup>th</sup> century. For example, in 1692, the Common Council passed yet another law to limit economic agency and further deter any extended communal solidarity. The law stated "... no black slaves should play or hoot on Sunday..." or "...they would receive twenty lashes." The law also made it illegal for free Africans or English colonists to shelter any male or female enslaved (Chartouni, 2020; Minutes of

the Common Council, 1905:179, 276-277). Court cases punctuated this short period that exemplified the growing disparity before the law that the enslaved Africans of New York were facing. An enslaved African by the name of *Prince* assaulted the mayor of New York by slapping him in the face in 1696. For this, he was committed to jail and upon examination of the "...evil example thereof....that the said negro man slave be tyed to the tale of a cart...be drawn round the city...and at every corner of every street shall receive eleven lashes upon his body." Similar punishments occurred to other enslaved individuals convicted of theft in *Dom Rex ver Joe's* cases in 1697 and *Dom Rex ver Fortune* in 1698. Both enslaved men were "...whipped from the middle up..." and later drawn by cart to the corner of each street and "...receive nine lashes on the bare back until he return to the said whipping post...", upon when completed, they both were placed in jail until they paid their court fees (Chartouni, 2020; Finkleman, 2006:33). The purpose of this very public spectacle was to deter not only any such future behavior from them but as a warning to the increasingly subjugated and marginalized enslaved and freedman population of the city. Other cases centered on limiting the interaction between the enslaved and free colonists. In 1695, John Peterson Mollet was found guilty of "...entertaining sundry negroe slaves..." and was fined five pounds (Chartouni, 2020). Disparities in sentencing dependent upon the status of the convicted continued. In 1695[97], an "Act against the prophanation of the Lords day, called Sunday," was passed. This

act made it illegal to travel, labor, shoot, hunt, fish, play, horse-race, or “...frequent of the tippling house...” on Sundays. If found guilty, the convicted would pay a fine, and if they could not, which was all too much the reality for servants and the enslaved, they would receive “...thirteen lashes upon the naked back for each offense committed...” (Chartouni 2020; The Colonial Laws of New York, 1894: 356-357).

As the 18<sup>th</sup> century began, growing tensions continued as enslaved Africans and early freedmen continued to test and resist the laws to control them. As a response, the laws and punishments grew in intensity. For example, in 1700, the Common Council ordered the inhabitants of the city “... to keep within doors their negro slaves during the times of divine service...” and if more than three of the enslaved were found together on the Sabbath, then “...effectual care shall be taken to punish them as the law directs.” This strengthened the law passed in 1683 and made it more difficult for enslaved individuals to associate. Also, no punishment was stipulated, thus granting the courts substantial discretion in their sentencing (Chartouni, 2020; Minutes of the Common Council, 1905: 102-103).

On November 27<sup>th</sup>, 1702, the New York legislators passed the most comprehensive slave code to date. This law clarified, reinforced, and expanded upon regulating the colony’s enslaved and early freedman population. The law reinforced the violation of trading with the enslaved without their owner’s permission, and any contracts made with the former

were void. It also allowed owners to "... punish their slaves for Crimes and offences at [their] discretion, not extending to life or member." The code further denied the enslaved opportunity to assemble because of growing anxiety over their increasing numbers. The primary reason being "...they have been found oftentimes guilty of confederating together in running away, or other ill practices..." making it illegal for "...above three slaves to meet together..." unless they were working for their owners. The penalty for violating this act was not to exceed 40 lashes of the whip. The act also gave local governments authority to appoint or hire a "common whipper" and set a tax per enslaved individual in their jurisdictions for their salaries. The act went further and stipulated that any enslaved individual that struck a free man or woman could face confinement for fourteen days for the first offense and face corporal punishment up to the loss of life or limb, per additional incident. These regulations capstone the penalty in harboring or the entertainment of another's enslaved servants and made it so enslaved individuals could not give "... good evidence in any matter..." unless against others of the same condition (Chartouni, 2020; Colonial Laws of New York, 1894: 519-521; Olson, 1944).

The ability for enslaved Africans to enact any agency over their condition became *further restricted in 1705*. On August 4<sup>th</sup> of that year, the legislative body of New York passed "An Act to prevent the running away of Negro slaves out of the City and County of Albany to the French at Canada."

The act's primary reason was to counter the growing trend in runaways during the period and any possible military intelligence value that the escaped individuals may provide to the French forces in the north. If any caught traveling "... forty miles above the City of Albany..." and not in the company of their owner, they could "...Suffer the pains of Death as in cases of felony..." and if found guilty, the owner would be allowed to seek compensation for loss of property. To help defray the law's cost, it stipulated for the generation of an appropriate tax for the slave owners in the area to help cover the cost of enforcement and compensation for lost properties (Chartouni,2020; Colonial Laws of New York, 1894: 582-584). While this was for Albany's region, it is not beyond suspicion that any individual determined to be a runaway would face the same penalty.

In 1706 the legislature passed two other laws further separating the enslaved from the rest of the colony's residents. The first passed on October 21<sup>st</sup>, "An Act to Encourage the Baptizing of Negro, Indian, and Mulatto Slaves," clarified, counter to the Duke of York's orders in 1664, that the baptism "...shall not be any Cause or reason for the setting of them or any of them at Liberty." Furthermore, second part of the act established that any living or future child of an enslaved mother shall "...follow ye state and condition of the Mother..." thus making the status of slavery an inheritable condition. The act also expanded the act of 1702 by being denied the ability to witness in any court case against a free colonist (Chartouni, 2020; Colonial Laws of New

York, 1894: 597-598). Two years later, the foundations for the aftermath of 1712 unfolded. After the murder, termed an insurrection by Lord Cornbury in a letter to the Lords of Trade of February 10<sup>th</sup>, 1708, of William Hallet Jr. and his family in Queens County, the legislature passed “An Act for the preventing the Conspiracy of Slaves.” This act made it clear enslaved individuals who “...Kill unless by misadventure or in execution of justice or conspire or attempt the Death of his or her Master or Mistress or any other of her Majesties Liege People not being negroes, mulattos, or slaves...” would “...suffer the Pains of Death in such a manner and with such circumstances as the aggravating and enormity of their crime.” The court executed the individuals convicted of the Hallet murders on February 2<sup>nd</sup> of that same year. The court hanged the two African and Native American males and burned the African woman. The last demonstrates the perspective of the *enormity* of the crime explicitly since it was the first recorded use of the flame in the colony of New York (Chartouni, 2020; Colonial Laws of New York, 1894: 631; ESPY File, 1987).

During the nighttime hours of April 6<sup>th</sup>, 1712, two enslaved Africans set fire to their master’s outhouse and then joined twenty-one of their fellows in John Crooke’s orchard. As the fire grew, they attacked with weapons, and killed nine colonists, and wounded five others who came to extinguish the flames. As the call spread, the enslaved fled into the woods, where they were apprehended the next day by the local militia who searched the area and town. Six of the insurrectionists took their own life before being captured. Of

those who faced the court for charges of murder and assault, 27 were convicted, including two women, with one sentence suspended because she was with child and would not face death until its birth. Their executions were public and brutal "... some were burnt, others hanged, one broke on the wheel, and one hung alive in chains in town, so that there has been the most exemplary punishment inflicted that could possibly be thought of,..." There were several others charged more than once with this incident, but they were never convicted. Because of the vengeful nature of the self-appointed Attorney General, May Bickley, Governor Hunter requested the Lords of Trade to ask a pardon from the Crown to halt Bickley's attempts at their conviction (Chartouni, 2020; EPSY File, 1987; Medford and Brown, 2009; Wright, 2009).

The individual trials and results that occurred immediately after the Uprising of 1712 were directly related to the growing fear and tensions between the free colonists and the colony's enslaved population. The executions were ruthless and in public to deter future acts by the oppressed and appease the free majority's blood rage. In response, on December 10<sup>th</sup> of the same year, the legislature passed "An Act for preventing, Suppressing, and punishing the Conspiracy and Insurrection of Negroes and other Slaves." This act encompassed and reinforced all previous laws and codes used to prevent economic mobility and suppress the enslaved individual and communal agency. It again made any independent trade with the enslaved

illegal and void, reinforced the discretion of punishment for owners or their agents, and limited the enslaved to gather in groups of three or less. The act continued the regulation against sheltering or entertaining an enslaved person of another and set the fine to five pounds for English colonists and ten for any freedman for each night that passed. The act also stipulated any "...Negro, Indian, or Mallatto, that shall hereafter be set free, shall not enjoy, hold or possess any Houses, Lands, Tenements or Hereditaments within this Colony, but the same shall Escheat to her Majesty, Her Heirs, and Successors". The act also mandated that due to the "idle and slothful" nature of freed "negroes of the colony" any owners considering manumission needed to set up a surety for their care. The act of 1712 also confirmed and expanded the lists of capital offenses for the enslaved:

"...shall murder or otherwise kill, unless by misadventure or in Execution of Justice, or Conspire or attempt the Death of any of her Majesty's liege people, not being Slaves, or shall commit or attempt any rape on any said subjects, or shall willfully burn any dwelling house, barn, stable, out-house, stakes of corn or hay, or shall willfully mutilate, mayhem, or dismember any of said Subjects, not being Slaves as aforesaid, or shall willfully murder any Negro, Indian, or Mallatto Slave within this Colony...."

The act further lessened legal requirements for the legal process and conviction. It bypassed any need for the use of a grand jury for indictment or apprehension, and as before, the death penalty would be carried out "...in

such manner and with such circumstances as the aggravation or enormity of their Crimes...”. The final portion of the act limited the possession by the enslaved of any firearm to within the presence of their owners or their agents and structured the appropriate tax revenues to enforce the Act itself (Chartouni, 2020; Colonial Laws of New York, 1894: 761-767).

The growing apprehension of another insurrection by the enslaved grew in 1713. On March 28<sup>th</sup> of that year, the Common Council passed “A Law for Regulation Negro and Indian Slaves in the Night Time,” which in conjunction with a law limiting where the enslaved could “hire” themselves out, regulated their ability for any economic or communal agency, especially after the revolt of 1712. The 1713 act made it illegal for any “...Negro or Indian Slave above the Age of fourteen Years to do, presume to be or Appear in Any of the streets of the city on the south side of the Fresh water in the Night time above one hour above sunset...” if they did not have a lit lantern, they could face apprehension by any colonists and face imprisonment. After the owners paid a fine and before the enslaved individual was released, they could face, at the request of their owner, “40 times save one” lashes of the whip. These restrictions were followed by an additional economic sanction imposed upon the enslaved when it came to the harvesting and marketing of oysters in 1715 (Chartouni, 2020; Colonial Laws of New York, 1894: 845; Minutes of the Common Council, 1905: 30-31).

Restrictions grew in the 1720s as did the enslaved African population in the colony. In October of 1722, The Common Council passed “A Law for Regulating the Burial of Slaves.” The law stipulated “...all Negroes and Indian slaves that shall Die within the Corporation on the South side of the Fresh water be buried by daylight at or before sunset, under the penalty of ten Shillings for every offense to the contrary.” The fine was the responsibility of the owner of the deceased and divided between the “informant” and the treasurer of the city (Minutes of the Common Council, 1905: 296). The effect of this was multi-faceted. It deterred the opportunity for conspiracy at night, founded or not, and gave a monetary incentive for the active *spying* by the free city residents. The council reaffirmed this law in 1725, along with a law making it illegal for any enslaved individuals to gamble for money (Minutes of the Common Council, 1905: 382). To help with the enforcement statutes, the Common Council passed the “Law Giving a Reward to any Person or Persons who Shall Apprehend any Negro or Indian Slave Offending Against any of the Acts of the General Assembly of this Colony” in December of 1726. The legislation superseded the acts of 1713 and 1722 concerning surveillance of “illegal” enslaved activity and increased the penalties for both the owners and the convicted (Chartouni. 2020; Minutes from the Common Council, 1906: 401-402). The decade also saw a significant increase in the use of corporal punishment and in its severity. For example, in 1719, an enslaved woman named Betsy and a Freedman called Frank faced trial

separately for stealing and possessing a stolen brass kettle. While the court recognized their status differences because they were both African, they received similar sentences of “40 lashes save one” on the bareback, divided among the city’s prominent street corners (Chartouni, 2020).

In April of 1730, the Assembly of the Colony passed new legislation. Entitled “An Act for more Effectual Preventing and Punishing the Conspiracy and Insurrection of Negro and other Slaves; for the better regulating them and for repealing the Acts herein Mentioned Relating thereto.” This act aimed to re-establish and expand the previous acts from 1702, 1708, and 1712. To the original offenses, assault against members of the Jewish faith and corporal punishment for any damages to person or property brought by an enslaved individual of “...value of five pounds or under...” were added. This legislative act, as well as an act in 1731 by the Common Council, reaffirmed the regulation of travel for enslaved individuals at night and was meant to restrict any autonomy of the community even further (Chartouni, 2020; Olson, 1944; The Colonial Laws of New York, 1894: 679-688).

The six decades that comprise the Early Phase (before-1735) saw an acceleration of the legal restrictions and punishments applied to the enslaved and freedman African population of New York. The reasons varied but focused on developing racial identity, economic competition, and the increasing resistance towards the enforced inequality placed upon the marginalized community.

*The Middle and Late-Middle Phases (1735-1760 and post-1765)*

The 1740s began with the Common Council of New York City reestablishing all the regulatory codes affecting the city's enslaved and freedman populations. These restrictions affected their ability to sell produce at the markets, fetch water from a non-local well, or ride horses on Sunday or face a fine or whipping of 40 lashes (Minutes of the Common Council, 1905: 6-12, 50). But these would all be overshadowed by the Great Conspiracy of 1741, although there is debate concerning all the facts about the events of that year. The events that passed that winter, as well as the aftermath, are cognizant windows onto the growing resistance to the city and colony's oppressive restrictions by the enslaved and early freedman population, as well as the increasing hysteria and paranoia of the free English colonists themselves (Medford and Brown, 2009; Plaag 2003).

During the last months of 1740 and early 1741, a string of burglaries occurred throughout the city. One of these crimes, a burglary of Rebecca Hogg's Shop by three enslaved male Africans and a series of fires, including Ft. George's destruction, initiated the storm that was fast approaching in March. Mary Burton, a young indentured servant of the tavern owner John Hughson, gave testimony regarding the robbery of Hogg's shop, Cuffee, Caesar, and Prince. She stated:

“that Caesar, Prince, and Mr. Philipe's Negro man (Cuffee) used to meet frequently at her master's house, and that she had heard them (the

negroes) talk frequently of burning the fort; and that they would go down to the fly and burn the whole town; and that her master and mistress said, they would aid and assist them as much as they could...that in their common conservation they used to say, that when all this was down, Caesar should be governor, and Hughson, her master should be King..." (Chartouni, 2020: 18; Davis, 1985,1991)

The testimony of Burton did not only tie Hughson as a receiver of stolen goods but painted him as a leader and co-conspirator with enslaved insurrectionists and helped justify what was to come. Burton's questionable testimony and the growing hysteria of all English colonists about the possibility of large-scale revolts after Antigua's plot in 1736, the Stono Rebellion in South Carolina, and the Jamaican Maroon Rebellion of 1739 led to a wave of anger not easily contained. The fact that various individual testimonies charged both European colonists and enslaved alike struck fear into the hearts of many in the colony that some form of bi-racial plot would completely invert the city's social and economic order. In all, 152 enslaved and freed Africans faced trial (Chartouni, 2020; Davis, 1985,1991; Medford and Brown, 2009; Mullen, 1992). At least 33 were executed, including Caesar, Prince, and Cuffee, with 26 other African males, John Hughson, Sarah Hughson, Kerry Margaret, and John Ury. The mode of execution was hanging, burning, or for the enslaved man, York, hanging in chains until he expired. Those found less culpable in the crimes, seventy-one individuals,

received banishment (ESPY File, 2002; Medford and Brown, 2009). The concern was so great that other conspirators were still free or that an attack from the Spanish was imminent that the colonial legislature on June 13<sup>th</sup> passed an act for more military watches in the city of New York. The reason for the Act was because of the "...utmost Terror and Consternation and rendered it necessary to keep Military Watches, to prevent further Mischief's and Secure the Authors of and Confederates in, so unprecedented and Diabolical a Conspiracy, til they are brought to their Condign punishments." This was continued through November when the legislature passed another act to set up and fund an enhanced "night watch" because "...a good and Sufficient night watch is still necessary to be kept, for the Quiet and Safety of the Inhabitants of the Said City, but the present Military night watches being found to be burdensome to the poor Inhabitants of the Same City..." (The Colonial laws of New York, 1894: 148-150, 158-162). Also, since April of that year, the Common Council officially requested that the Lieutenant Governor of New York issue a proclamation to "...Offer a Reward to any white person, that Shall Discover any person or persons lately concerned in setting fire to any house or storehouse in this City." The requested sum was 100 pounds. The proclamation went further, asking that if the informant were culpable through association with such an act, the government would grant a pardon and be awarded for their evidence. The Act also requested that if any "...Slave that Shall Make Such Discovery to be Manumitted or made free..."

and their owners paid 45 pounds and the freed person to receive 25. A freedman informant's reward would also be 45 pounds and a pardon if necessary (Minutes of the Common Council, 1905: 17-18). Such an application was claimed by Mary Burton herself, as reported by the Mayor to the Common Council on May 8<sup>TH</sup>, 1742, who stated she "...applied: to him in the presence of two witnesses: who were with her for the payment of 100 pounds to her: as being the person that made first Discovery..." (Minutes of the Common Council, 1905: 52). This situation preceded a formal request by the Common Council to the New York Assembly to request restitution for property loss to the enslaved individuals' owners executed for the conspiracy (Minutes of the Common Council, 1905: 67). Perhaps the most telling change in the legal restrictions was the passing of "A Law for Appointing: Establishing and Regulating a Good and Sufficient Night Watch in the City of New York" on the 21<sup>st</sup> of December 1742. The act encompassed the fear and possibility of yet another uprising and the extent of the mode that the ruling elite was ready to go to suppress any future events. Besides, the act went past simply impressing the mandatory service of most of the citizenship for service in the Watch but made it the citizenry's legal obligation to act as a police force. The Act thereby removed the weight of enforcement from owners to that of the public and or state. Also, its opening sections absolved any concept of neglect upon the social hierarchy itself. Finally, the Act enforced the ideological construct that the insurrection and any other form of resistance

was part of the aberrantly deviant nature of those that conspire together. While this had been expressed before in the legal code, it was never said in such strong terms. The act stated:

“Whereas there now is, and of late years hath been by reason of great numbers of people coming into this city from all parts: Some whereof are Suspected to be Convict felons: Transported from Great Britain: and Ireland: and to prevent the Conspiracy insurrection or plotting of Negroes and other slaves, great necessity of a strong and sufficient night watch to be kept every night within the city for the safety security and peace of the said city and the good inhabitants thereof...to keep watch within the said city for the preservation of the King’s peace and for the arresting and apprehending of all Night Walkers, Malefactors, and suspected persons and for apprehending negroes and other slaves and for preventing the Conspiracy and Insurrection of them within the city and the liberties thereof.”

After its reading, there was the ringing of three bells and a proclamation made for silence, like the tradition of the death toll (Minutes of the Common Council, 1905: 75-81).

Over the next three decades, the Common Council and Assembly continued to reinstate old laws and pass new ones for the continued regulating of the enslaved population of New York. Unlike the more extensive, more comprehensive codes in the past, they targeted specific conditions. These conditions either particularly limited enslaved individuals’ ability to

improve their economic situation or others' case. If the violation applied to any offenders, the enslaved were again to face harsher sentencing guidelines in the statute. Some of these prohibitions involved affecting colonial food stores, illegal fishing and hunting, and simple vandalism. Of particular interest in some of the legislation of the time was a law passed by the colonial assembly on March 8<sup>th</sup>, 1773 titled "An Act to prevent aged and decrepit Slaves from becoming burdensome within this Colony." The act existed to deter owners from turning out or under pretenses transferring ownership of enslaved individuals that could no longer work anymore. The legislation found this to be a problem since the activity "...burthens on the Humanity and Charity of others..." and the act's intentions "... prevent such unjust and inhuman practices." So, this act was not genuinely considering the enslaved's inhumane treatment when they were valuable in some perceived economic way, but only when they were "burdensome" upon the society at large after the loss of economic value. This consideration and the practice of setting a taxation value for enslaved human beings underscore the entire system's dehumanization of this marginalized community. For example, the "An Act for more equal taxation of Estates in the County of Orange" passed on April 3<sup>rd</sup>, 1775 set the rate for various *farmstock* at "...Sheep and Hogs upwards of six months old at five shillings: Male Slaves above the age of fifteen and under the age of forty years at thirty pounds..." (Chartouni, 2020; Minutes of the

Common Council, 1905; The Colonial Laws of New York, 1894: 533-534, 858-862).

The four decades that comprise the Middle Phase (1735-1760) and the Late-Middle Phase (post-1760) saw a hardening and refinement of the restrictions and punishments applied to the enslaved and freedman African population of New York. While many of the reasons were similar to the Early Phase (before-1735), a growing fear of their increasing population, economic necessity, and the events surrounding the Conspiracy of 1741 were catalytic.

#### *Late Phase (post-1776)*

During the years leading up to the Revolutionary War, New York City and its surrounding area was a hotbed of political intrigue and growing nationalism. Following the French's defeat in 1763 and the Stamp Act of 1765, anti-colonial sentiment began to grow. During this time, the Sons of Liberty started raising their liberty poles in both protests of colonial rule and the Stamp Act's repeal. Numerous times members of this group and British loyalists clashed, with the most famous being the Battle of Golden Hill on January 19<sup>th</sup>, 1770. Though New York was central in the developing resistance, it still had a large portion of crown loyalists. (Carp, 2002; Champagne, 1967; Hirsch, 1931; Nash, 1990; Trautsch, 2016). When the Continental Army entered the city in 1776, over 20,000 remained in town. In the late summer of that same year, the five battles for New York occurred around the city. All but the Battle of Harlem Heights were defeats for the

Continental Army, and after the fall of Fort Washington and Fort Lee on November 16<sup>th</sup>, the British held the city until the end of the war. With the city under military occupation, the population surged with incoming loyalists and runaway enslaved. Thus, it grew to excess, and by 1780, the number of enslaved reached *around 10,000*. With such a large and diverse population, the British never managed to develop a functional civil government during their occupation. High levels of criminal activity, violence, and social unrest plagued much of the city for the war's remainder (Buskirk, 1998; Mann, 2013). Some of this unrest was the direct result of actions perpetrated by the British forces themselves. For example, as British troops were amassing on Stanton Island in 1775 to take New York City, Francis Rawdon, headquartered, noted that it was common for there to be court-martials daily for rape, petty theft, robbery, and home invasion. These crimes undermined loyalist efforts for much of the war. British military judicial practice did not require a written record for their general court-martial procedures and no actual civil court record for the period; if any of the convicted were to receive execution, their number is unknown (Gilbert, 1979; Mann, 2013). This situation grew worse for many as the population began to swell over the occupation and supplies became more difficult to come by. Conditions that would become more apparent as the population of liberated enslaved people increased dramatically and conflict developed among all the parties involved (Mann, 2013).

While the previous laws and decrees of the provincial and former city commission were most likely in some effect in the city, the same did hold sway in the newly formed state civil authority for the new state of New York. The *first constitution* of the State of New York, ratified on *April 20<sup>th</sup>, 1777*, continued the common law and statute law of England and the provisional legislature as the state's laws. While John Jay proposed a clause to abolish slavery, a cause that Governor Morris presented at the constitutional convention of 1777, it failed to pass several slave owners (Hirsch, 1931). The general idea was these were the laws and a legal system the people were used to, and in the eyes of the creators of the new government, did not violate Article Three of the newly minted constitution concerning laws "...inconsistent with the spirit of this constitution..." (Constitution of New York, 1777; Weintraub, 1964). Any further debate of the matter subsided because the courts and legislature dedicated their time to loyalists' conviction and property confiscations (Buskirk, 1998; Mann, 2013). For example, on October 22<sup>nd</sup>, 1779, the State legislature passed "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of the state." The act named merchants, politicians, British military officers, and other loyalists supporting the "...unjust and cruel war waged by the King of Great Britain..." to be banished from New York and that their property seized for the state. Also, the act further stated that if they were found afterward in the state "...shall be, and adjudged guilty of the felony, and shall suffer death as in

cases of felony, without benefit of clergy.” (New York State Archives, New York State Engineer and Surveyor, 1686-1892). It would not be until the end of the century that abolition’s first slow steps would begin in the state legislature (Medford and Brown, 2009; Hirsch, 1931).

The two decades that comprise the Late Phase (post-1776) saw a continuation of former restrictions and increased targeted regulation. While this legal precedence continued, the political, economic, and social upheaval created by the American Revolution generated previously unknown opportunities and increased dangers for the enslaved and freedman African population of New York.

*Racial Discrepancies in the Use of Capital Punishment in Colonial New York*

Like other forms of violence, executions are about control, and the ability to enact violence is about power, even more so when sanctioned by a society’s legal or cultural norms (Cohen, 1974; Das, 1987; Fry, 2006; Menjivar and Rodriguez, 2005; Riches, 1986; Ross, 1993; Taylor, 2001; Scheper-Hughes and Bourgois, 2004). As a state tool, it is about social control (Aguirre and Baker, 1999). Even against the enslaved, execution in New York after 1702 was solely in the power of the *state*. Like in England, they were both public and brutal because the condemned was not just being punished for their crimes but was to serve as an object lesson for all as to the power and authority of the British Crown (Aguirre and Baker, 1999; Fede et al., 2017; Greenberg, 1982; Morris, 1996; Navin, 2015; Preyer, 1982). During

the colonial period, criminal activity was abundant for all ethnic and social classes. Yet, there was a sizeable disproportionate execution rate for those identified as Africans in New York *between 1641 and 1799*. According to the ESPY file (2002), the first confirmed execution in New York was of an African male named Jan Creoli in 1641. While there is no record of the execution method, it was for the crime of sodomy/buggery/bestiality, which remained a capital offense until the late 18<sup>th</sup> century (Crompton, 1976; Murrin, 1998). After that initial act, 174 individuals would be put to death, culminating with a John Portland, who hung in 1799 for the crime of murder. While there is no known record of Portland's ethnic affiliation, many others provide such demographic information. Of the *175 total* individuals executed in the colony and state of New York, over the 158 years in which there are records, *41% (n=72)* are African/African American, *25% (n=44)* are European/European American, *2% (n=3)* are Native American and *32% (n=56)* list as an unknown ethnic affiliation. The disproportionate number of Africans/African Americans put to death is even more troublesome when compared to their overall population in the colony. According to the historical census data, the *African population's estimates* between 1680 and 1770 *never exceeded 15.5%* of the total population of New York (Historical Statistics of the United States: Colonial Times to 1957). This disproportionality becomes even more apparent when one considers difference across temporal phases. Of the *68* executions

from 1700-1750, Africans make up 87% ( $n=59$ ) of the total, with 85% ( $n=50$ ) of those for the crime of slave revolt.

Contrary to this, in the period from 1751-1770, only 3 African males were recorded as having been executed, two for housebreaking and one for attempted rape, compared to four European males for counterfeiting, piracy, and one unspecified crime. An additional point to consider is that *none were listed as African for the 14 recorded executions in New York during the Revolutionary War* (though there are *two individuals of unknown ethnicity/crime on May 15<sup>th</sup>, 1778*). Of important note, this *only reflects* the record for *civil judicial executions*, not those resulting from military justice or other extra-judicial nature. The means of execution are also problematic. While hanging was the most used method of execution (74%,  $n=129$ ), *burning (100%,  $n=20$ ) was explicit*, in the case of New York, *used to execute only those identified as African*, with 16 of the males convicted of slave revolt, one for murder, and one for arson. As for the *two African women burned*, both were for the crime of *murder*. The only other means of executions recorded for this period was regarding two male Africans that were hung-in-chains, one for the Uprising of 1712 and one for the Conspiracy of 1741, and the “breaking on the wheel” of Clause on April 11<sup>th</sup>, 1712, convicted for being an accessory in the murder of Adrian Hoghlandt during the uprising (Chartouni, 2020). The European colonists used these last three forms of execution intentionally to punish African individuals for what they saw as the most

grievous forms of deviant crime, murder, or revolt. They were never officially used again in the colony or state after 1741.

### *Cultural Violence: Newspaper Adds, Legal Codes and Reports*

Cultural violence is where certain cultural practices, or expressions, justify and reinforce the other two forms and often include various forms of media of informative or artistic expression. The purpose is to generate an emotional or visceral reaction that legitimizes the violent actions taken against the targeted marginalized population. Like other ideologically based processes, it is not easy to detect due to its informal nature. Cultural forms of violence disperse in daily practices; unlike direct or physical violence or structural violence, the cultural conditions are usually a part of everyday life. They spread using symbolic communication, sometimes casual or indirect in action (Galtung, 1990). Its purpose is to help develop, define, and identify the differences between those in power and those who are not. It is often delivered through overt symbols or other cultural constructs but can also be disbursed and absorbed through a simple conversation or other daily communication forms.

### *Religion*

While hierarchical religious systems are highly structured, such systems are usually a focus of morality for most societies. When one or two ethnic groups dominate that particular faith's membership, it becomes a dominant cultural norm for the entire society. No matter if the religious

tradition is fundamental or contextual, its membership sees most, if not all, social, economic, or political interaction shaped by its doctrine (Rees, 2017). Mythological stories of origin and other theological constructs may give credence and justification for real-world forms of social stratification in its believers' eyes. Clifford Geertz defined religion as a *cultural system* composed of myths, rituals, symbols, and beliefs created by humans as a way of giving our individual and collective lives a sense of meaning (Bourdieu, 1977; Woodhead, 2011; Rees, 2017). This perspective, in turn, affects other facets of society and its other ideological and structural components, primarily if it supports a social hierarchy. Thus, when those in power interpret religious doctrine, it should not be surprising that it supports the social hierarchy in which they dominate.

Western European dominated Christian Doctrine, including the more protestant versions practiced by the English, had a real effect on the enslaved and marginalized communities of its colonial empire. Religion did not preclude racism. For those enslaved and early freedman individuals in colonial New York, it was no different. From the late 17<sup>th</sup> through the 18<sup>th</sup> centuries, the enslaved and freedman population of New York followed and practiced multiple religions or faith traditions. While the degrees of variation changed over time and were often dependent upon demographics and social circumstances, those who chose to convert to Christianity found little respite. While the Duke of York proclaimed that no Christian could be in bondage in

1664, most in practice did not see any value in allowing conversion since many doubted they had souls or feared religious instruction would give rise to rebellion (Medford et al., 2009b). This issue was later made moot, to the benefit of the owner class, by the “Act to Encourage the Baptizing of Negro, Indian, and Mulatto Slaves” in 1706. This act clarified that baptism did not automatically grant manumission and that those that allowed their *property* to do so should feel no compunction to give them freedom. The separation of the enslaved and freedman from the *Christian Community* became enforced when the Anglican Church began taking control of the city’s burial grounds. After purchasing the land for their Trinity Parish Church that decided no “...Negroes be buried within the bounds and limitations of the churchyard...” and anyone that tried “...will answer at their peril...” (Medford and Brown, 2009b). Such ecclesiastical values would permeate other violent cultural and structural expressions.

*Language: Legal Documents*

Language and its use are perhaps one of the most telling examples of a society’s world paradigm. The words we use and the context in which they are written, spoken, or demonstrated represents not only an individual’s interpretation of reality but are often windows into what Edward Sapir (1994) identified as a *social unconsciousness* that allows for the referencing and meanings that culture is capable. Its use is perhaps one of the essential tools for socializing and uniformizing a collective reality. Its ability to transfer

cultural values, dominant ones, cannot be ignored (Sapir, 1994) nor its influence on the cultural, social, or personal (Whorf, 1994). It is the foundation of the Sapir-Whorf Hypothesis that language “...powerfully conditions all our thinking about social problems and processes” (Hojjer, 1994). Based upon these foundations, the manner, form, and use of language in various historical formats, especially those with some formal standing, can give us an understanding of the societies’ views. Of particular interest for this research is language and how it altered as those in the higher ranks of the social hierarchy perceived the enslaved and early freedman populations of colonial New York.

Official documents, especially those involving the colony’s governing, are a good source for such information, and they reflect trends that developed over most of the 18<sup>th</sup> century. While the legislative language during the 17<sup>th</sup> century specifically addressed the criminal code and punishments for the enslaved community, the court case involving an enslaved man named *Prince* in 1696 gives some of the first evidence of language to describe a particular immoral value to the marginalized community. Prince was found guilty of assaulting the mayor of New York by slapping him in the face. Because of this, the court order for his sentence described his actions as setting a “...pernicious and evil example...,” and out of concern that this type of behavior may spread, the court ordered him publicly whipped across the city (Chartouni, 2020:5).

In 1706, the legislative act “An Act to Incurage the Baptizing of Negro, Indian, and Mulatto Slaves” did not directly imply some form of moral deviancy but reinforced the general view that enslaved individuals were not *quite* human in the eyes of society. The acts dispelling of the idea that baptism should result in freedom and the inheritable nature of a child’s status to their mother indicates enforcement of the biologically deterministic nature of the colonial social hierarchy, even as it countered its patriarchal tradition of lineage (Chartouni, 2020; Colonial Laws of New York, 1894: 597-598). The language existed in the official correspondence of the time. After the Hallet murder trial in 1708, Governor Lord Cornbury wrote to the Lords of Trade concerning the crimes using the term barbarous to justify the trial and executions. The emphasis on the unnatural condition of the crime was reinforced because the woman was the first known instance of burning in New York, a form of execution repeated only after the Insurrection of 1712 and the Conspiracy trials of 1741 (Chartouni, 2002: 11; ESPY File 2002).

The Insurrection of 1712 and Conspiracy trials of 1741 accelerated the legal and legislative language’s use in promoting the ideas that the marginalized community of enslaved and freedmen was “inherently and morally deviant,” and punishment needed to be quick and resolute.

For example, in the *Case of Dom Regina ver. Dave Furnis, the negro man slave of Ruth Sheppard (1712)*, the court found Furnis guilty of the murder of Henry Brasier and that he “...be burnt with fire until he be dead and

consumed to ashes.” This specific case shows the violent nature of not only this sentence since it had become commonplace for individuals to burn after being strangled, but the fact that one day after his sentencing, he was put to death on the 15<sup>th</sup> of April with seven others (Chartouni, 2020; 12, ESPY File 2002). Such a sentence removes any perception of the inherent humanity of the condemned. Legislation later that year continued the trend, the “Act for preventing, suppressing, and punishing the Conspiracy and Insurrection of Negroes and other slaves” passed on December 10<sup>th</sup>, 1712, made use of language to generate and reinforce the *obvious* differences in morality between the society’s classes. The third paragraph directly limits the number of enslaved individuals that could gather outside an official form of labor to three because they were “...oftentimes guilty of confederating in running away, or other ill practices...,” a phrase that enforced the idea that there was no legitimate reason for such gatherings and the fact that the enslaved were naturally conspiratorial. A common perception shared by the Common Council of the City of New York who made it illegal for the enslaved to travel at night (1713) and required all African burials to be during daylight (1722) (Minutes of the Common Council, 1905). The Assembly’s law further determined through its prohibition against the sheltering or entertaining of someone else’s *slave* that such activity was dangerous to the offender’s morality’s and society’s in general. Also, the legislation went on by stating that “... the free Negroes of this colony are an Idle slothful people...” thereby

instilling the idea that they are, in all practicality, no better than scavengers and other vermin (The Colonial Laws of New York, 1898 (1): 761-768).

Applying specific language to dehumanize and exemplify the general lack of morality by the enslaved continued. On October 29<sup>th</sup>, 1730, the Colonial Assembly passed a new Act "...for the More Effectual Preventing and Punishing the Conspiracy and Insurrection of Negro, and other Slaves: for the better regulating them and for repealing the acts herein Mentioned Relating to." This act replaced its predecessors of 1702, 1708, 1712, and 1717 and placed the same prohibitions into one all-encompassing code. But unlike the code of 1712, instead of using the term *ill practices*, the assembly chose to add to it *dangerous practices*, thus generating a greater perceived threat level for the colony at large (The Colonial Laws of New York, 1898 (2): 669-675). This consensus summed up in the Common Councils legislative journal in 1734, which reads:

"I See with Concern that whilst the neighboring provinces are filled with honest, useful laborious people... the truest riches and Surest Strength of a Country; this province seems regardless of the vast advantage, which such acquisitions might bring them, and of the disadvantages that attend the too great Importation of Negroes and Convicts. These things ...require your Speedy attention, as the greatest good is to be expected from one, and the greatest evil to be apprehended from the other." (Chartouni, 2020: 17)

Again, these statements convey a moralistic binary opposition at play between the free European colonists and the early enslaved and freedman populations of the city, if not the entire colony.

The hysteria surrounding the events and trials during the Great Conspiracy of 1741 seems to be an accumulation of the mixture of legal language and the identification of this sort of natural immoral decay. In the Case of *Dom Rex ver. Quack and Cuffe*, the prosecutor William Smith stated in his closing argument concerning the questionable acquisition of evidence and testimony against the convicted:

“...the negro evidence, in the manner in which it has been produced, is warranted by the act of assembly...the law requires no oath to be administered to them, and indeed it would seem to be a profanation of it, to administer it to a Heathen in the legal form...and if pagan negroes could not be received as witnesses against each other, without an oath in legal form, it is easy to perceive that the greatest villainies would often pass into impunity.”

(Chartouni, 2020: 19; Horsmanden, 1810  
[1744]: 279)

The reference to heathenism and paganism is not simply for effect; this was key in the representative morality that the orchestrators of the colonial social hierarchy had designed to create that objectified *other* that was to be separated and exploited at all costs. Horsmanden’s condemnation of the Hughson’s and Peggy Kern at their sentencing reinforces the sinful nature of

the implied conspiracy's transgressions. He stated, "... [those who] also called themselves Christians, to be guilty of making negro slaves their equals, but even their superiors, drink and lodging, and what is much more amazing, to plot, conspire, consult, abet and encourage these black seed of Cain, to burn the city, and to kill and destroy us all...". Implying that the enslaved and freedman could be equated with perhaps the most significant biblical villain, next to the devil, in Christianity (Chartouni, 2020: 21; Hormanden, 1971:123). A sentiment reflected with the Assembly's language when they quickly passed legislation on the 13<sup>th</sup> of June to pay for military watches in the city of New York. The act stated the purpose of the Watches "... to prevent further Mischief's and Secure the Authors of and Confederates in, so unprecedented and Diabolical a Conspiracy..." thus reinforcing that the conspiracy was indeed Mephistophelian in nature (The Colonial Laws of New York, 1894: 148-150).

*Language: News Media*

While governmental documents, especially those that are legislative or legal, can illustrate the culturally biased use of language to propagate and reinforce specific cultural values, they tend to be punctuated in their application. Thus, it is helpful to review those materials that offer an insight into cultural dispersion and interaction of a more regular nature. Media consumed regularly allows for this type of analysis due to its very content and forms of delivery (Croteau and Hoynes, 2002; Sommier, 2014). In the 18<sup>th</sup>

century, newspapers represented such media. Illiteracy limited initial consumption; secondary consumption would have still disseminated the informational content through regular verbal discourse. Therefore, unlike the more acute periods associated with legal records and proclamations, newspapers and the information they contained allowed for more continuous absorption of dominant cultural values (Bissell-Brown and Shannon, 2015; Bradley, 1987).

New York colonial newspapers, like others, *ran only two kinds of advertisements* involving enslaved individuals and other members of the servile class. The *for sale or runaway* advertisements were located, with those concerning other commercial goods and property listings, towards the edition's last page (Bissell-Brown and Shannon, 2015). Simultaneously, both dealt with human beings, but their content was quite different.

A review of the available digitized copies of the *New York Gazette, between 1735 and 1744*, was conducted, and these two trends were quite apparent. For example, the paper's ads concerning enslaved individuals' sales were direct and straightforward statements similar to a business inventory ledger. For example, an ad running from February 19<sup>th</sup>, 1739- April 14<sup>th</sup>, 1740 advertised for a "...Negro Woman to be sold with a Child about fifteen months old, are to be Sold. The said negro woman is an excellent Cook, can Wash, Iron, and do all manner of House-Work, Enquire of the Printer hereof." (*New York Gazette, 1725-1744*, NYS Historic Newspapers).

What is essential here is that this ad did not give names for either the woman or her child, nor did it indicate any concern for the child's actual age. The only additional information provided was the apparent skills that would attract someone interested in purchasing this woman, most likely for domestic servitude. Another such ad provided similar information, the advertisement on August 13<sup>th</sup>, 1739 read, "To be sold a likely Negro Woman with two children, one a girl about two years old and a boy one-year-old. She is a very good Cook, and Washes, Iron, and do all manner of House Work. She has had the Small-Pox and will be sold at a very Reasonable Price. Enquire with the Printer, hereof" (*New York Gazette, 1725-1744*, NYS Historic Newspapers). Surprisingly, this level of information was rather elaborate compared to other for sale advertisements.

Some advertisements did not provide any information besides the most rudimentary forms. For example, another ad from April 16<sup>th</sup>, 1739 was a sale announcement that read, "On Thursday the 26<sup>th</sup> Instant, at ten o'clock in the forenoon, there will be Sold at Public Venue, to the highest bidder, at the corner of the Old Slip-Marker, Sundry Negro Men, Women, and Girls, They all have had the Small Pox." Besides the general relativity of the information given, the mention of smallpox yet again emphasizes the importance of such immunity due to its constant presence in the city, but also the use of the term *sundry* highlighting, at least to the marketer, no interest or value in their individuality (*New York Gazette, 1725-1744*, NYS Historic Newspapers). In

the case of a plantation or other estate sale, the information concerning enslaved individuals would be listed among the livestock. In the edition of February 21<sup>st</sup>, 1737, an advertisement for a house and some ample property listed with the "... Cattle, Horses, and Utensils of Husbandry... A German Man-Servant, and several Negro Men, Women, and Children...". This pattern is similar to the inventory listings with other properties. Like one concerning an auction of an estate seizure on June 26<sup>th</sup>, 1738, which listed some of the property as "...a large quantity of pipe making clay, Tools for making Pipes, Some Negroes, diverse [sets] of Household Goods and other things...". A completely different emphasis compared to a collection of individuals for sale into indentured servitude, as in the case of those advertised on May 7<sup>th</sup>, 1739, "On Board the Ship Charming Polly, Capt. Edward Bayley, Master, now riding at Anchor in the Harbour of New York, there are several *Palatine* and *Switzer* to be Sold; some are farmers, and others are Trades-men. To be agreed for on Board the Ship and taken off thence by the Buyer" (*New York Gazette, 1725-1744*, NYS Historic Newspapers).

On the other hand, when the advertisements had to do with the servile class's runaways, be they either enslaved or indentured, the description was extensive. Such an ad on February 5<sup>th</sup>, 1739 reads:

"Ran away sometime in August last from Thomas Betts *Esq.* of Flat-Buth, in Kings County, a Negro named Coffey, He understands Playing on the Violin, all sorts of Husbandry Work, he is a black fellow and somewhat Pock-

broken, he hath Thick Lips, and has a scar on one of his legs. He had on when he went away a home-spun coat lined with the same. Whoever can take up said Negro Man or secure him and give notice to his Master shall have *Three Pounds* Reward, and all Reasonable Charges paid by Thomas Betts.”

(*New York Gazette, 1725-1744*, NYS Historic Newspapers)

Interestingly, the varied information provided about specific skills he has could help in his apprehension and not just that related to clothing or physical characteristics but also the musical talent and employable skills to narrow down the search for him.

While the same detail continued in ads after the conspiracy trials of 1741, the ads took on a new element in the information provided. For example, in the October 29<sup>th</sup>, 1744 edition:

“Ran Away from Samuel Willis of Middleton...a well fed *Angola*, Negro Fellow aged about 20 years, a little bow-leg'd, and his toes spread pretty much, he has small Scratches each Side of his Face, sometimes a Bobb in his Ear, and is a good Cook, he carry'd away with him several suits of [illegible] and white Velts, and a brown Holland fly coat an old pair of Pumps a Pair of Worsted Stockins, a Worsted Cap or two, some Silver Money, a Black Velvet Stock, with a Silver Clap, a Pair of Knee Buckles, whoever takes up said Negro, and brings him to his Master, or secures him so that he may be

had again, shall have forty shillings Reward, and all Reasonable Charges paid by Samuel Willis.”

(*New York Gazette, 1725-1744*, NYS Historic Newspapers).

A similar ad in the *New York Evening Post* (formerly the *Gazette*) of December 17<sup>th</sup>, 1744 read:

“RAN away from John Thornton at White-Stone-Ferry in Flushing, a new Negro Fellow named Prince, he can’t scarce speak a Word of English; he is a short Fellow, about 20 Years of Age, had on when he went nothing but an Ozenbrigs Shirt, and a Pair of Tow-Trowsers, and a striped worsted Cap; he also has taken with him a short Gun well mounted with Brass. Whoever takes up the said Negro Fellow an Gun, and brings him to his said Master, shall have Three Pounds Reward and all reasonable Charges paid by me, John Thorn.”

(Library of Congress: Serial and Government Publications Division)

After 1741 and the increased tension and fear surrounding the *enemies* in their midst, those English colonists seeking assistance in the recovery of those they saw as their property began to emphasize the *corrupt nature* of the individuals who had escaped. These ads present information concerning identifiable characteristics and specifically mention additional property that had been “taken up” or stolen. The theft of additional property, especially the firearm, would automatically lead to other corporal punishments for the man named Prince due to the specificity of that violation in the legal

code. Even the enslaved women that escaped faced the same treatment, if not more so in the case of Peg, who ran away from the household of one Rebecca Morehouse reported in *The Weekly Post Boy* (formerly the *Gazette*) on December 13<sup>th</sup>, 1764

“RUN-AWAY, Last night the 12<sup>th</sup> instant. From Rebeccah Morehouse, opposite to Alderman Benson, at the shipyards, New-York, a tall, slim, straight, negro wench, named Pegg, about 40 years of age, of a yellowish complexion, has had the small pox, but is smooth faced, and talks good English, has the middle finger of her left hand crooked and cannot straighten it; was born at Oyster-Bay, but has resided several years in New-York, and formerly belonged to Mr.Pell; is sensible, cunning, and artful, and can wash, iron, and cook; had on a short red cloak, a white hat, and a pair of men’s shoes, and had with her a calico gown and a variety of other clothes. Whoever will bring home the said wench to her mistress or to the subscriber, ship-carpenter at the shipyards shall have 2 dollars reward if taken in town, or three dollars, if taken out of town, beside all reasonable charges, John Leversagel.

All masters of vessels and others are forewarned not to entertain or carry her away as they will answer it at their peril.”

(Library of Congress: Serial and Government Publications Division)

In Peg’s case, the author of the ad mentioned items she had taken with her and used the word *cunning*, which describes some animalistic or instinctive

ability to accomplish one's goals. Such shifts in the use of specific terminology by authors of both the official documentation and newspaper ads show both a hardening of views and systematic dehumanization of the population over time.

### *African Resistance and Agency in Colonial New York*

As the expression of violence towards the African enslaved, and freedman populations increased during the 18<sup>th</sup> century, the resistance to such violence escalated. Like the other forms of systematic violence mentioned in this study, long-term violence between multiple individuals and groups results from the interplay of agencies of all participants.

Evidence of African resistance against the methods of subjugation is observable within the system itself. The statutory laws and ordinances in colonial New York and their revisions reveal their overall inadequacy in completely suppressing any resistance. This abject failure circulates two main areas: the economic and social.

The African enslaved or freedman population, from its beginnings, always represented an economic force in colonial New York. This force was even more apparent in the City due to its importance in regional and international trade. While much of the economic activity was captive to the system itself, the marginalized community consistently tested and improvised its ability to generate wealth. The regulations put in place during the 1680s and 90s attempted to restrict the economic opportunity of the enslaved by

preventing them from being employed or providing services associated with free European colonists. They could no longer drive a cart within the City, work as porters on a bridge, or independently trade in goods. These laws failed to succeed in eliminating such activity because they were renewed and strengthened in 1702, 1712, and 1740 (Chartouni, 2020; Colonial Laws of New York, 1894; Minutes of the Common Council, 1905). This issue had become so prevalent that in 1737, Lieutenant Governor Clarke called for an end to slaves competing for skilled work because he considered it detrimental to the City's economic and social development (Davis, 1985, 1991). Clear evidence that enslaved financial agency was not deterred but grew over the century and most likely fueled some of the hysteria during the events of 1741.

Similar regulation attempted to limit the development of African communal solidarity in 18<sup>th</sup> century New York. Like the regulations regarding economic opportunity, the late 17<sup>th</sup>-century legal codes sought restrictions on the ability of Africans to congregate together. Even as early as 1682, it was illegal to harbor, entertain, or provide alcohol to the enslaved without permission. It was even banned for the enslaved to leave the property of slaveholders or face the whip. A regulation enforced with the convictions of Robert Seary and Mingoe, two escaped slaves, who were captured in New York and punished with the whip and branding (Chartouni, 2020; Catterall, 1936; Colonial laws of New York, 1894; Minutes of the Common Council, 1905). This restriction was expanded in 1692 when it became illegal for the

enslaved to *play or hoot* on Sundays. This restriction most likely led to the assault on the Mayor of New York in 1696 by an enslaved man named *Prince*. The mayor attempted to arrest several enslaved men for making too much noise, and Prince reportedly took offense and struck the mayor in the face; Prince was convicted and punished for the crime (Chartouni, 2020). In 1702 it became illegal for more than three enslaved individuals to assemble at a time. Even the ability to freely move at night or inter their dead became more difficult due to legislation enacted in 1705, 1706, 1712, 1713, and 1725. Such regulation, especially with the restrictions of moving at night and separating husbands and wives, led to conflict between slaveholders and the enslaved. John Roosevelt's Quack was denied visitation to his wife, held by Lieutenant Governor Clarke. Quack tried to enter the kitchen of the governor's house to see his wife and then fought with a sentry. After the scuffle and short stay, he was ejected from the house. Quack later threatened to burn down the governor's house, which occurred in March of 1741, and after his eventual confession, he was executed (Davis, 1985, 1991).

No matter how often regulations were enhanced, such resistance continued to generate opposition from the New York African enslaved and freedman population throughout the 18<sup>th</sup> century. A trajectory culminating during the Revolutionary War when over approximately 10,000 Africans, many escapes from southern colonies, took refuge in the British-controlled City. Because of the promise of freedom, many filled the ranks of loyalist

forces and supported the British war effort until the ending of formal hostilities in 1783. It was a theater that provided the enslaved one of the best opportunities for escape and economic opportunity they ever had under the American colonial system (Buskirk, 1998; Mann, 2013).

*Reflections of Galtung's Triangle in Colonial 18<sup>th</sup> Century New York*

The British imperialist expansion and the solidification of its capitalist economy during the 17<sup>th</sup> and 18<sup>th</sup> centuries created a rapid replacement of its subjects' adaptive strategies. But the expansion forced similar changes upon the cultures with which it collided. While the commodities traded varied, the sole purpose was to enrich and further expand the Crown's interests over that of the other Western European powers. This competition generated constant warfare with the other burgeoning nationalistic powers of Western Europe (Amussen, 2007; Bush, 1990; Chan, 2007; Galleson, D 1979; Mintz, 1985; Moitt, 2004; Wallerstein, 1996; Williams, 1994[1944]). This volatile environment generated between 1609 and 1773 at least 98 known wars, battles, minor engagements, and riots, with at least 69% of them within the same geographical theater as New York. Their cause and range were as diversified as the people and cultures forced into contact. From the Pequot War in New England in 1637 thru Lord Dunmore's War in Virginia in 1773, conflict was endemic in North America. Nor were all of these conflicts solely between the European powers, their colonists, and indigenous cultures. Many of the wars and uprisings were between the colonists themselves, such as

Leisler's Rebellion in New York in 1689 and Cresap's War in 1730. The English colonies and their residents were the product of a "post-Reformation, post-nationalist, and post-capitalist culture" and exhibited much of the cultural anxieties and aspirations" that such a world-view generates (Preyer, 1982: 327; Slotkin, 1973:17). This caused a particular combination of social relations that had specific political, economic, and cultural guidelines. The *world* thesis this generated and its production of such immense inequality spawned a continuous stream of antithetical responses that had ramifications throughout the following centuries (Blumer, 1990; Foucault, 1995; Marx and Engels, 1972[1845]; Marx, 1994[1853]; Hegel, 1997[1837]; Sayers, 2011; Wendling, 2009; West, 1969). This dialectic opposition led to an increasing interplay of the different forms of violence and an increasing *intensity* over time. While physical, structural, and cultural violence changes do not necessarily reflect the same temporal variation, they do coalesce into an overall cyclic pattern of increasing intensity.

The interplay of physical, structural, and cultural violence in New York during the 18<sup>th</sup> century is directly related to the growing exercise of power and control by the members of the upper Colonial hierarchy over the marginalized servile class in society. While early on, much of the regulations applied to the entire lower class community, from the 18<sup>th</sup> century onward, the emphasis became oriented to the enslaved and freedman population of the city as well

as the rest of the Colony (Chartouni, 2020; Hirsch, 1931; Medford et al., 2009; Medford and Brown, 2009; Olson, 1944).

In the Early Phase (before 1735), significant changes occurred. New York (formerly New Amsterdam) changed hands during the wars between the English and Dutch, but other historical events occurred. For this study, the most influential in many ways was the 1712 Uprising. *For this period, most evidence of violence is structural* and involving the legal system's hardening in subjugating the servile class, particularly the enslaved African population of its communal and economic agency. While punctuated by various acts of legislation, the legislative acts of 1702, 1705, and 1706 had a significant effect. These acts began regulating colonists' ability to trade with the enslaved directly, limited their ability to congregate in groups of four or more, and made it a capital offense to be more than forty miles north of Albany. Also, this was the period that saw the creation of the office of the *common whipper*, baptism no longer resulting in manumission, and the status of *slave* become inheritable (Colonial Laws of New York, 1894).

All these restrictions and more followed after the Uprising of 1712. Legislation of the same year clarified and reinforced all of the previous prohibitions and punishments and created more. For example, if an owner of an enslaved individual wished to free them, they now had to set up a bond for their wellbeing and made it illegal for any former slave to hold any real property. The act also expanded the list of capital offenses beyond causing

the death of a colonist but included destroying many other property forms. These new restrictions were quickly followed by the Common Council of New York City, making it illegal for a slave to travel by night. Also, with the number of enslaved individuals arriving directly from Africa increasing, in 1722, legislatures prohibited burials after dark. The period ended with additional acts that increased the enslaved and freedman populations' surveillance and expanded the level of enforcement over violations of the "criminal code" (Colonial Laws of New York, 1894; Minutes of the Common Council, 1905).

Among these legislative acts and the legal documentation surrounding some of the period's court cases, there are subtle changes in language use and how it reinforced a changing collective sense of the enslaved's moral nature. While the judge described Prince's striking of the Mayor of New York in 1696 as *pernicious and evil* (Chartouni, 2020:5), it was not until the 1700s that the actual language showed a trend in limiting the humanity of the enslaved and that they deserve different treatment than other inhabitants of the colony. For example, while the legislative act of 1706 did not use the explicit language as that written later, its denial that baptism correlated with manumission established a difference in the faithful's humanity (Chartouni, 2020; Colonial Laws of New York, 1894). A condition made apparent in the use of the term *barbarous* to describe the murder of the Hallet family in 1708 and lack of mercy before the burning of individuals found guilty in 1712. Much of the legislation hereafter included *ill practices, confederating, slothful, and*

*evil*, denoting a fundamental moral inadequacy for the marginalized community (Chartouni, 2020:11; Colonial Laws of New York, 1894; Minutes of the Common Council, 1905).

While there was substantial evidence involving structural and cultural manifestations, the bioarchaeological evidence was limited and generally indicated that this period was possibly not as harsh as the others. The two individuals identified with this phase, one male between 21-55 years and another of unknown age, had a total of 4 fractures for an overall temporal phase fracture rate of 2, with only the former having perimortem fractures associated with the cranial material. This period was the lowest number in individuals, fracture frequency, and fracture rate for the entire sample.

During the Middle Phase (1735-1760), structural forms of violence, represented by the legal codes for the enslaved' s control and subjugation, continued. However, with reinforcement, there was an expansion of particular elements in its general application. In comparison, there was an expansion in cultural violence and physical/direct violence involving the bioarchaeological evidence. These changes are the direct result of the events and trials surrounding the Conspiracy of 1741 and the growing fear that they helped generate.

The legal codes, regulations, and prohibitions of the previous two decades became revitalized during the late 1730s and 1740, but the events of 1741 would see them both intensified and enhanced. While the hysteria from

the circumstances surrounding the Conspiracy of 1741 was still running its course, the colonial assembly reinterpreted and finalized the main body of regulations in place since 1712. But this was not enough; they also requisitioned and passed statutes to enhance the security for the City of New York and its surrounding area in July and December. They did this first with increased military patrols throughout the city and later with an expanded Watch. The Lieutenant Governor proclaimed to set up a reward system for any informants that may lead to the arrest of any conspirators that may have escaped detection. Shortly after the proclamation, the Common Council promptly passed a law reforming the night watch, which made service practically mandatory and proclaimed it was the moral duty of all to police the city's enslaved and freedman. Again, such legislation was consistently revived through the years, with specific changes often involving increases in a financial or corporal penalty (Chartouni, 2020; Colonial Laws of New York, 1894; Minutes of the Common Council. 1905).

The use of specific terminology continued to denote a negative view of the colony's enslaved and freedmen. A section of the Common Council's minutes specifically used *negro* in association with *convicts* and *evil* in 1734, a theme later reflected in much of the description of the crimes and individuals convicted in 1741. In his closing statement during Quack and Cuffee's trial for arson, William Smith identified their character and the community as *heathen*, *pagan*, and *greatest villainies*. Antithetical responses

with ramifications to this day (Blumer, 1990; Foucault, 1995; Marx and Engels, 1972 [1845]; Marx, 1994 [1857]; Hegel, 1997[1837]; Sayers, 2011, Wendling, 2009; West, 1969). This sentiment continued with Horsmanden's judgment of the Hughson's, where he identified their enslaved conspirators and others like them as "the black seed of Cain." A sentiment that he would repeat in his official account of the trials when he said it was best not to indulge the enslaved with too many liberties since they will use any opportunity for "...caballing and confederating together in mischief..." (Chartouni, 2020: 19-20; Davis, 1985, 1991: 171). Such association with the religious significance would appear in the legislation of 1741, which used the term *diabolical* in the text of the act itself (Colonial Laws of New York, 1894).

The short review of the New York Gazette's electronic editions and its successors show striking differences in the language and descriptive manner in which the enslaved were presented in ads concerning their sale or recovery. While advertisements for the selling of the enslaved took a minimalist approach, including simple references to sex, age, or in the case of singular ads about domestic servants, skill sets, the information in runaway ads was much more detailed. These ads included the individual's name, a detailed description of their appearance, and remarkable attributes, clothing, and skillsets. Of note, after 1741, these advertisements also began to list items stolen. The three cases noted above specifically mentioned the theft of silver money, a firearm, and the woman seen as *cunning*. While not as

deterministic as the changes observed with the terminology in a legal capacity, this change indicates a hardening of negative and dehumanizing cultural representations of the enslaved population during this period (Library of Congress: Serial and Government Publications Division; *New York Gazette, 1725-1744*, NYS Historic Newspapers).

As for the bioarchaeological evidence, the Middle Phase sees an increase in evidence of labor demands and the overall fracture frequency ( $n=25$ ) and fracture rate ( $FR=2.7$ ) for the African Burial Ground population. Both males and females in the 21-55-year age category increase, as do their overall fracture rates; of interest is the increase in fractures involving the cranial material, lower and upper limbs, and the body. This trend continues with fractures of a perimortem nature ( $n=12$ ,  $FR=4$ ). As with the structural and cultural, this evidence indicates that the overall manifestation of violence increased during this period.

This investigation found little evidence of increased manifestations of structural and cultural violence for the Late- Middle Phase (post-1760). Much of the legislation involving the colony's enslaved population was predominantly renewal of the previous legislation from 1741 and 1742. An Act of note was for the punishment of individuals falsely selling enslaved individuals who were too aged and decrepit to work. The main reason for this act was to prevent their being abandoned and becoming a burden on society (Colonial Laws of New York, 1894).

The bioarchaeological evidence for this period gives us a little more information. While evidence for most environmental stressors, except evidence of diploe thickening, trend downwards for this short period, the fracture evidence goes the other way. While the overall fracture frequency and fracture rates increases slightly, one individual, a female in the 55 or older category, reveals not only evidence of injury recidivism but a fracture rate of 10 when you count only her perimortem fractures. This suggests that her injuries were not the result of an accident but were intentional. However, there is no known record of an official execution during this period (ESPY File, 2002). This evidence may very well be the result of the continuation of the trend in the Middle Phase. In her instance, it was an incident of higher magnitude in a constantly growing hostile environment.

During the Late Phase (post-1776), much of the documentary evidence gets somewhat spotty, except involving the African Burial Ground population itself. After New York's first state constitution's ratification, most of the standing, statutory law regarding the enslaved and freedman people continued (Weintraub, 1964). Also, because of the conflict's nature and reflecting the number of loyalists that remained in the state, the courts and legislature's time centered around traitors' conviction and their property's confiscation (Buskirk, 1998; Mann, 2013). It is important to note that no known record exists of an enslaved or freedman individual's execution by the state during the war. Records show the next recorded execution of an African

male did not occur until 1787, a man named Isaac for the crime of theft (ESPY File, 2002).

While this may be accurate, it does not mean that the hysteria and aggression towards the enslaved and freedman populations subsided during the war. In all probability, they escalated. Dunmore's Proclamation in 1775 and General Clinton's Proclamation that any runaway that enlisted in the British forces would gain their freedom terrified the colonists fighting for their freedom (Mann, 2013; Medford and Brown, 2009c). While some enslaved individuals fought with the Colonial Army, many more escaped and joined the British. A number of these runaways joined such units as the Ethiopian Regiment, the Black Pioneers, and Colonel Tye's Black Brigade (Kolchin, 1993; Medford and Brown, 2009c). The latter's guerilla operations in New Jersey filled the colonists with dread and conjured up the rage that had exploded during the uprisings in the earlier part of the century.

With the atrocities committed between the Colonial, British, loyalists, and African forces, a hardening of an American identity began. While the ethnogenesis of an American nationalist identity took decades to happen, the Revolution, with all its competing factions, solidified it. By its exclusive nature, the generation of a nationalist identity requires some *other* for it to flourish (Carp, 2002; Hill, 1996; Trautsch, 2015). While a nationalist movement does not necessarily need to be violent, it often does, especially if it was somehow

born because of it (Hechter, 1995; Hutchinson, 2012). American identity was born of such a process.

The core nature of American culture and national identity centers upon the former English colonies' vulnerabilities and the considerable influence of Puritanism's particular religious orientation. The former generated the potential for violent clashes with alternative political entities, and the latter developed a worldview that emphasized a theological paradigm of binary opposition. While perhaps not racially biased initially as the process played out and a particular social hierarchy took control, it became very much so (Hill, 1996; Slotkin, 1973 & 2000; Qi, 2019; Weiner, 2004). This aggressive binary relationship created a social environment that generated a volitional process punctuated by acts, or potential acts, of intense violence. While the calls for revolution were low, the events surrounding the Great Conspiracy of 1741 set the foundation for what was to come.

Daniel Horsmanden's official account of the events describes the circumstances surrounding Quack and Cuffee's execution that afternoon of May 30<sup>th</sup> in great detail. Of particular note was the crowd that had gathered to view the execution. He described them as:

"The spectators at this execution were very numerous; about three o'clock the criminals were brought to the stake, surrounded with piles of wood ready for setting fire to, which the people were very impatient to have done,

their resentment being raised to the utmost pitch against them, and no wonder.” (Horsmanden, 1810 [1744]: 112).

We know that both of the condemned at that time made recorded confessions among a “... midst of great noise and confusion...” and because they had given information regarding other conspirators, postponement of their deaths was considered. But due to the growing rage observed among the spectators, it was decided:

“...that the carrying the negroes back would be impracticable; and if that was his honor’s order it could not be attempted without a strong guard, which could not be got time enough; and his honor’s directions for the reprieve being conditional and discretionary, for these reasons the execution proceeded.” (Horsmanden, 1810 [1744]: 118).

In other words, the crowd had developed such a desire for revenge; the expectation was they would have murdered the condemned themselves in front of the legal authority. If this level of irrational violence was possible then, it is rational to expect that one of greater magnitude might have developed because of the events, both actual and fictitious, during the Revolutionary War.

Because of the large number of enslaved Africans who escaped their captivity and directly or indirectly supported the British war effort, many consider the Revolutionary War to be the most extensive revolt of the enslaved population in the history of the United States (Buskirk, 1998; Mullin,

1992; Nash, 1990). Because of this perception, the century-long dread of something like this happening, and some real actions by African and Colonial loyalist forces, a “low-degree” form of hyper-nationalism developed and continued into the 19<sup>th</sup> century. It was such a specific socio-political-cultural environment that encapsulated the new nation and the City of New York at the end of the war.

The British officially surrendered New York City on November 25<sup>th</sup>, 1783 and evacuated approximately 3000 freedmen during their exodus. While history suggests that civil control returned quickly with James Duane’s appointment as mayor by the New York Council of Appointment, its civil systems’ rebuilding would have taken some time. While there was no solid civil authority during the British occupancy and various forms of crimes were committed (Buskirk, 1998; Mann, 2013), there is no evidence that any extreme amount was perpetrated upon the enslaved and growing freedman population in the city during the war. But there is evidence for the turmoil and chaos that existed after the British surrender of the town. As American forces reclaimed the city, there was a large amount of activity involving the forced selling and confiscation of loyalist property and the apprehension of members of the African population by profiteers and bounty hunters (Mann, 2013). Conditions that would continue for some length of time and continue until approximately 1785 when the manumission movement began to gain more strength (Hirsch 1931, Olson 1944, Robinson, 1971, Rury, 1985).

The greatest evidence of occupational or workload stress, infectious disease, and nutritional inadequacy is during this phase. But the most profound is the evidence of *bone fracturing*. When considering all fracture types or just those of a perimortem nature, the representative fracture frequencies are 8-11 times more than the next highest temporal phase and the fracture rates are double. Of particular interest are the perimortem fractures. Not one demographic category that has any cases from this phase falls under the threshold for intentional violence (FR $\geq$ 3). Of particular note is that *six individuals have over ten fractures*, each that involves both the elements usually identified with interpersonal violence and others. This evidence indicates violent incidents beyond that typically associated with one-on-one aggression but suggests that something more organized and methodological took place. As stated before, there is no known record of the execution of an African enslaved or freedman individual during the Revolutionary War. While there were two recorded for individuals of unknown ethnic affiliation on May 15<sup>th</sup>, 1778, their mode of execution was hanging, which would not have generated this variation, or numbers, of fractures. The most likely method was either by processes of torture like the *wheel* or *beatings* by multiple attackers with some form of a blunt object (Bass, 1995; Buikstra and Ubelaker, 1994; Byers, 2002; Cohen et al., 2016; Larsen, 1997; McNulty, 2016; Ortner and Putschar, 1981; White 2000). The proximity of the

burials for many of these individuals could indicate that their deaths were related temporally.

The cyclic pattern of increasing violence, physical, structural, and cultural involving the enslaved African and freedman population of 18<sup>th</sup> century New York shows the interplay of these three forms and their mutual justification of each other but also fulfills the requirement outlined in this study of the legal concept of *mens rea* and *actus reus*. These requirements in the context of liability in a criminal act satisfy the substance of collaborating circumstantial evidence. While the structural and cultural evidence support and justify the actions that generated the physical evidence (fracture evidence), they also demonstrate the behavior and thought patterns that infer intent (Boyce and Perkins, 1989; CALCRIM, 2017; Strauss, 2006) and therefore completes the act. While certain violent acts are justifiable in certain circumstances, the ever-increasing restrictions and punishments, both corporal and capital to this population, exceeded that which was deemed necessary or reasonable for any other members of this 18<sup>th</sup>-century society. This fact exceeds any appropriate or legal standards associated with the *continuum of violence*. Instead one observes a developing apathy towards this marginalized community that was reinforced due to the cultural values attributed to them and continuously eroded the threshold for the justification of all forms of violence. Such a lowering of the symbolic threshold of *justification* allowed for more straightforward navigation by actors of the

*confrontational/fear barrier* allowing for the act (Athens, 1989, 1997; Blumer 1969; Collins, 2009; Senechal de la Roche 1996, 2001).

The changes in the application and intensity of all three forms of violence also reflected the cyclic pattern associated with domestic violence and the practices of ethnocide, and it's all too often conclusion: genocide. The interplay of the physical, structural, and cultural applications of violence is similar to domestic violence's progressive nature. It is not uncommon for an abuser to use an abusive household gender regime (AHGR) to generate a web-like multifaceted violent scheme to isolate the victim from both outside and familial support networks. While specifics can vary, the multiple layers of abuse entail gendered constructions that demean the victim while empowering the abuser (Harman et al., 2018; Lundy, 1993; Morris, 2009; Saunders et al., 2013; Thompson and Norris, 1992). The process not only objectifies the victim but further justifies the violence in the eyes of the abuser and dramatically enhances the likelihood of death as the resistance/punishment cycle culminates.

The process of genocide is similar. In 1948 the United Nations identified several acts that could compose genocide. These include killings, causing serious bodily and mental harm, the deliberate infliction of conditions of life calculated to destroy a group in its whole or part, and the forcible controls of birth or removal of children from one group to another, and not in the course of official military action (Chalk and Jonassohn, 1990; Charny,

1994; Dadrian, 1975; Elmslie and Webb-Gannon, 2013; Fein, 1993; Horowitz, 1997; Jones, 2006, Kuper, 1981; Melson, 1992; Pramono, 2011; Shaw 2015). The actions involving the subjugation and control of the enslaved and freedmen of New York did these things. According to the ten stages of the genocidal process generated by Stanton (2016), the statutory laws and court cases regulating the economic agency and communal association between other ethnic groups fulfilled the stages of *classification, symbolization, discrimination, and polarization*. The use of culturally value laden language in the legislation and written forms of media represent the stage of *dehumanization*. The specific provincial laws that transferred the right of capital and amputory punishment to the state and the creation of the “common whipper” and policing units reflect the stage of *organization*. The sentencing and executions carried out, especially those associated with the Revolt of 1712 and the Conspiracy of 1741, conform to the steps of *preparation, persecution, and extermination*. In contrast, Horsmanden’s and other period accounts show the *denial stage* (Elmslie and Webb-Gannon, 2013; Jones, 2006; Kuper, 1981; Pramono, 2011). This system and pattern of activity that existed to justify, protect, and propagate a specific hierarchical world view increased its efforts in response to its dialectical confrontations with its antitheses of resistance that itself created.

Table 17

Distribution of Fractures and Fracture Rates (FR) by Sex and Age, Early Phase (before 1735)	# of Individuals	# of Head Fractures (FR)	# Body Core Fractures (FR)	# of Upper Limb Fractures (FR)	# of Lower Limb of Fractures (FR)	# of Pelvic Fractures	Total # of Fractures	Overall Fracture Rate
<b>Male</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	1	2 (2)	n/a	1 (1)	n/a	n/a	3	3
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	1	n/a	n/a	1 (1)	n/a	n/a	1	n/a
Male Total:	2	2 (1)	n/a	2 (1)	n/a	n/a	4	2
<b>Female</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Female Total:	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Undetermined Sex</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Undetermined Sex Total	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Temporal Period Total:	2	2 (1)	n/a	2 (1)	n/a	n/a	4	2

Table 18

Distribution of Fractures and Fracture Rates (FR) by Sex and Age, Middle Phase (1735-1760)	# of Individuals	# of Head Fractures (FR)	# Body Core Fractures (FR)	# of Upper Limb Fractures (FR)	# of Lower Limb of Fractures (FR)	# of Pelvic Fractures	Total # of Fractures	Overall Fracture Rate
<b>Male</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	7	4 (.57)	2 (.28)	4 (.57)	5 (.71)	n/a	15	2.1429
55+ (Group 3)	1	n/a	1 (1)	n/a	n/a	n/a	1	1
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Male Total:	8	4 (.5)	3 (.375)	4 (.5)	5 (.625)	n/a	16	2
<b>Female</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	3	2 (.67)	3 (1)	4 (1.3)	n/a	n/a	9	3
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Female Total:	3	2 (.67)	3 (1)	4 (1.3)	n/a	n/a	9	3
<b>Undetermined Sex</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Undetermined Sex Total	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Temporal Period Total:	11	6 (.55)	6 (.55)	8 (.72)	5 (.45)	n/a	25	2.27

Table 19

Distribution of Fractures and Fracture Rates (FR) by Sex and Age, Late-Middle Phase (post-1760)	# of Individuals	# of Head Fractures (FR)	# Body Core Fractures (FR)	# of Upper Limb Fractures (FR)	# of Lower Limb of Fractures (FR)	# of Pelvic Fractures	Total # of Fractures	Overall Fracture Rate
<b>Male</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	4	2 (.5)	n/a	2 (.5)	n/a	n/a	4	1
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Male Total:	4	2 (.5)	n/a	2 (.5)	n/a	n/a	4	1
<b>Female</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	1	1 (1)	n/a	n/a	n/a	n/a	1	1
55+ (Group 3)	1	n/a	1 (1)	5 (5)	5 (5)	1 (1)	12	12
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Female Total:	2	1 (.5)	1 (.5)	5 (2.5)	5 (2.5)	1 (.5)	13	6.5
<b>Undetermined Sex</b>								
11-20 yrs (Group 1)	2	2 (1)	n/a	n/a	1 (.5)	n/a	3	1.5
21-55 yrs (Group 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Undetermined Sex Total	2	2 (1)	n/a	n/a	1 (.5)	n/a	3	1.5
<b>Temporal Period</b>								
Total:	8	5 (.63)	1 (.13)	7 (.88)	6 (.75)	1 (.13)	20	2.5

Table 20

Distribution of Fractures and Fracture Rates (FR) by Sex and Age, Late Phase (post- 1776)	# of Individuals	# of Head Fractures (FR)	# Body Core Fractures (FR)	# of Upper Limb Fractures (FR)	# of Lower Limb of Fractures (FR)	# of Pelvic Fractures	Total # of Fractures	Overall Fracture Rate
<b>Male</b>								
11-20 yrs (Group 1)	1	2 (2)	3 (3)	5 (5)	5 (5)	1 (1)	16	16
21-55 yrs (Group 2)	18	20 (1.11)	21 (1.17)	20 (1.11)	17 (.94)	5 (.27)	83	4.61
55+ (Group 3)	1	n/a	n/a	1 (1)	n/a	n/a	1	1
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Male Total:	20	22 (1.1)	24 (1.2)	26 (1.3)	22 (1.1)	6 (.30)	100	5
<b>Female</b>								
11-20 yrs (Group 1)	2	2 (1)	9 (4.5)	7 (3.5)	6 (3)	2 (1)	26	13
21-55 yrs (Group 2)	8	4 (.5)	12 (1.5)	1 (.13)	1 (.13)	n/a	18	2.25
55+ (Group 3)	2	3 (1.5)	1 (.50)	n/a	3 (1.5)	1 (.5)	8	4
Age? (Group 4)	1	n/a	1 (1)	n/a	n/a	n/a	1	1
Female Total:	13	9 (.69)	23 (1.77)	8 (.62)	10 (.77)	3 (.23)	53	4.07
<b>Undetermined Sex</b>								
11-20 yrs (Group 1)	1	2 (2)	4 (4)	6 (6)	8 (8)	1 (1)	21	21
21-55 yrs (Group 2)	2	4 (2)	9 (4.3)	11 (5.5)	11 (5.5)	1 (.5)	36	18
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	1	n/a	n/a	n/a	1 (1)	n/a	1	1
Undetermined Sex Total	4	6 (1.5)	13 (3.25)	17 (4.21)	20 (5)	2 (.5)	58	14.5
Temporal Period Total:	37	37 (1)	60 (1.6)	51 (1.38)	52 (1.41)	11 (.28)	211	5.7

Table 21

Distribution of Perimortem Fractures and Fracture Rates (FR) by Sex and Age, Early Phase (before 1735)	# of Individuals	# of Head Fractures (FR)	# Body Core Fractures (FR)	# of Upper Limb Fractures (FR)	# of Lower Limb of Fractures (FR)	# of Pelvic Fractures	Total # of Fractures	Overall Fracture Rate
<u>Male</u>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	1	2 (2)	n/a	n/a	n/a	n/a	2	2
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Male Total:	1	2 (2)	n/a	n/a	n/a	n/a	2	2
<u>Female</u>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Female Total:	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<u>Undetermined Sex</u>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Undetermined Sex Total	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<u>Temporal Period</u>								
Total:	1	2 (2)	n/a	n/a	n/a	n/a	2	2

Table 22

Distribution of  
PerimortemFractures and  
Fracture Rates (FR)  
by Sex and Age,  
Middle Phase  
(1735-1760)

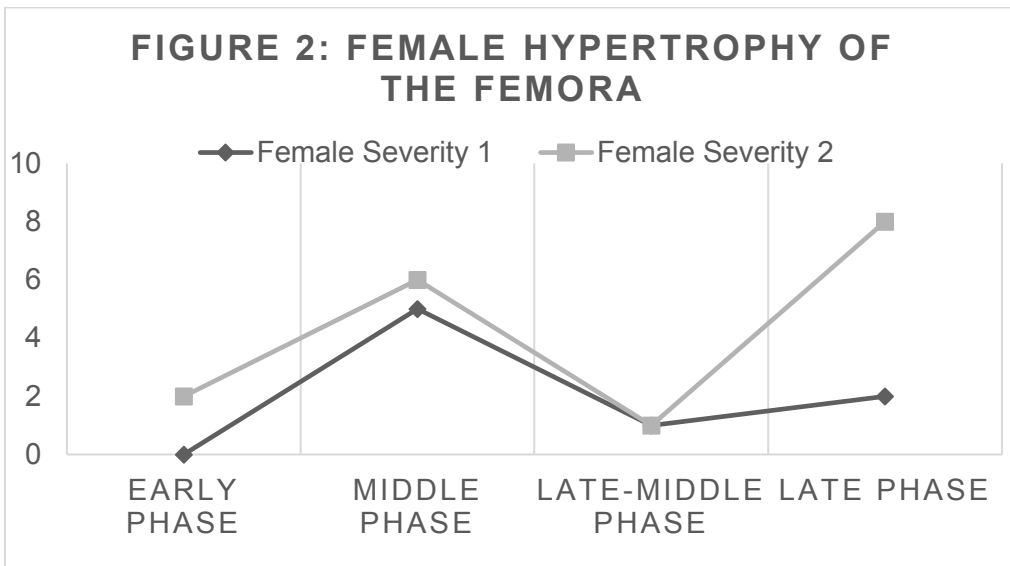
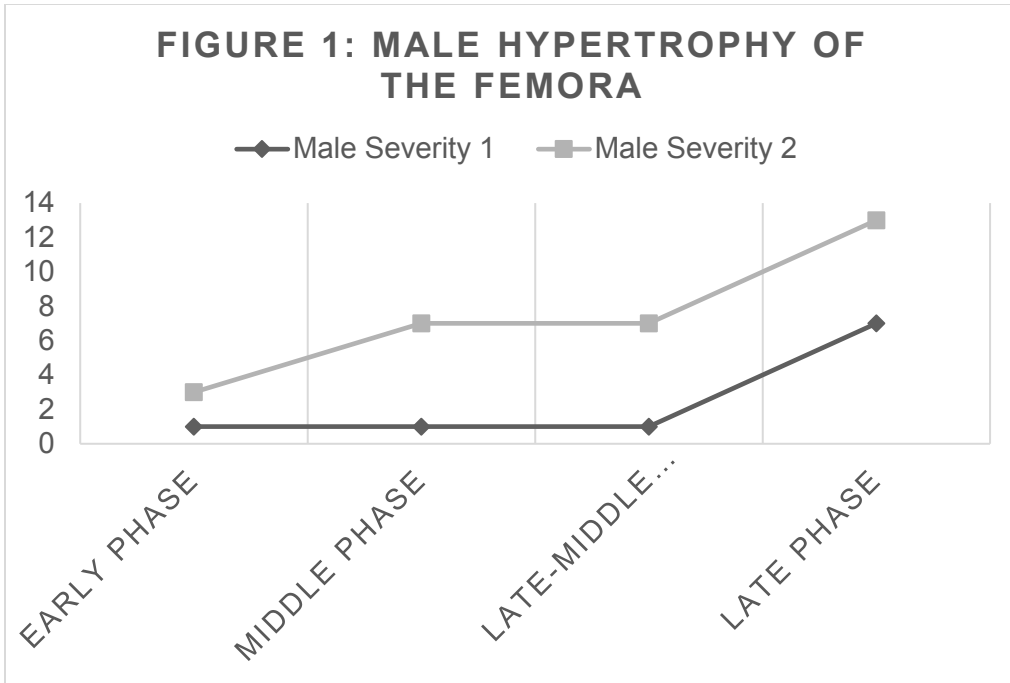
	# of Individuals	# of Head Fractures (FR)	# Body Core Fractures (FR)	# of Upper Limb Fractures (FR)	# of Lower Limb of Fractures (FR)	# of Pelvic Fractures	Total # of Fractures	Overall Fracture Rate
<b>Male</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	1	4 (4)	n/a	n/a	n/a	n/a	4	4
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Male Total:	1	4 (4)	n/a	n/a	n/a	n/a	4	4
<b>Female</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	2	2 (1)	3 (1.5)	3 (1.5)	n/a	n/a	8	4
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Female Total:	2	2 (1)	3 (1.5)	3 (1.5)	n/a	n/a	8	4
<b>Undetermined Sex</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Undetermined Sex Total	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Temporal Period Total:	3	6 (2)	6 (1)	8 (1.3)	n/a	n/a	12	4

Table 23

Distribution of Perimortem Fractures and Fracture Rates (FR) by Sex and Age, Late-Middle Phase (post-1760)	# of Individuals	# of Head Fractures (FR)	# Body Core Fractures (FR)	# of Upper Limb Fractures (FR)	# of Lower Limb of Fractures (FR)	# of Pelvic Fractures	Total # of Fractures	Overall Fracture Rate
<b>Male</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	2	2 (1)	n/a	n/a	n/a	n/a	2	1
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Male Total:	2	2 (1)	n/a	n/a	n/a	n/a	2	1
<b>Female</b>								
11-20 yrs (Group 1)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
21-55 yrs (Group 2)	1	1 (1)	n/a	n/a	n/a	n/a	1	1
55+ (Group 3)	1	n/a	1 (1)	5 (5)	3 (3)	1 (1)	10	10
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Female Total:	2	1 (.5)	1 (.5)	5 (2.5)	3 (1.5)	1 (.5)	11	5.5
<b>Undetermined Sex</b>								
11-20 yrs (Group 1)	1	2 (2.0)	n/a	n/a	n/a	n/a	2	2
21-55 yrs (Group 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Undetermined Sex Total	1	2 (2)	n/a	n/a	1 (.5)	n/a	2	2
Temporal Period Total:	5	5 (1)	1 (.2)	5 (1)	4 (.8)	1 (.2)	15	3

Table 24

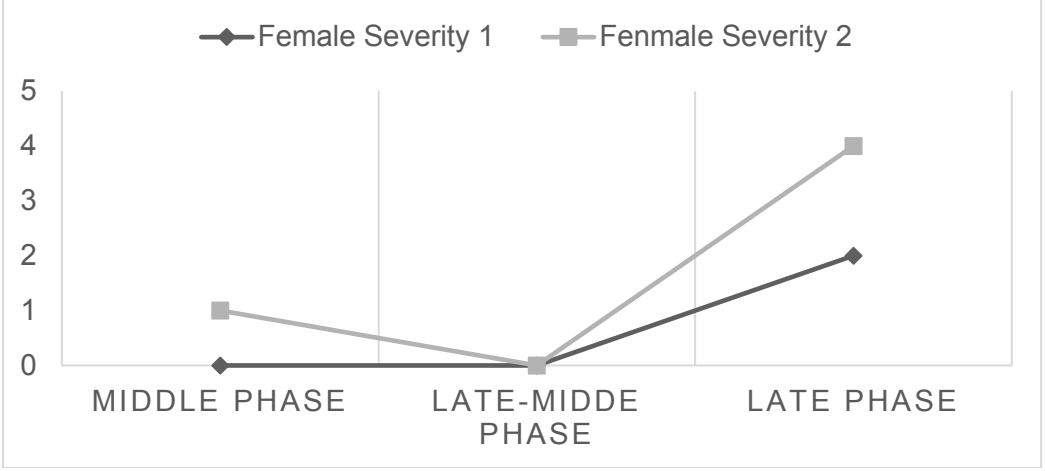
Distribution of Perimortem Fractures and Fracture Rates (FR) by Sex and Age, Late Phase (post- 1776)		# of Individuals	# of Head Fractures (FR)	# Body Core Fractures (FR)	# of Upper Limb Fractures (FR)	# of Lower Limb of Fractures (FR)	# of Pelvic Fractures	Total # of Fractures	Overall Fracture Rate
<u>Male</u>									
11-20 yrs (Group 1)	1	2 (2)	3 (3)	5 (5)	5 (5)	1 (1)	16	16	
21-55 yrs (Group 2)	9	14 (1.56)	16 (1.78)	9 (1.0)	8 (.89)	5 (.56)	52	5.78	
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Male Total:	10	16 (1.6)	19 (1.9)	14 (1.4)	13 (1.3)	6 (.6)	68	6.8	
<u>Female</u>									
11-20 yrs (Group 1)	2	2 (1)	9 (4.5)	7 (3.5)	6 (3)	2 (1)	26	13	
21-55 yrs (Group 2)	3	3 (1)	8 (2.67)	n/a	n/a	n/a	11	3.67	
55+ (Group 3)	1	2 (2)	n/a	n/a	3 (3.0)	1 (1)	6	6	
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Female Total:	6	7 (1.17)	17 (2.83)	7 (1.17)	9 (1.5)	3 (.5)	43	7.17	
<u>Undetermined Sex</u>									
11-20 yrs (Group 1)	1	2 (2)	3 (3)	5 (5)	8 (8)	1 (1)	19	19	
21-55 yrs (Group 2)	2	3 (1.5)	9 (4.5)	11 (5.5)	11 (5.5)	1 (.5)	35	17.5	
55+ (Group 3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Age? (Group 4)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Undetermined Sex Total	3	5 (1.67)	12 (4)	16 (5.33)	19 (6.33)	2 (.67)	54	18	
<u>Temporal Period</u>									
Total:	19	28 (1.47)	48 (2.53)	37 (1.95)	41 (2.16)	11 (.58)	165	8.68	

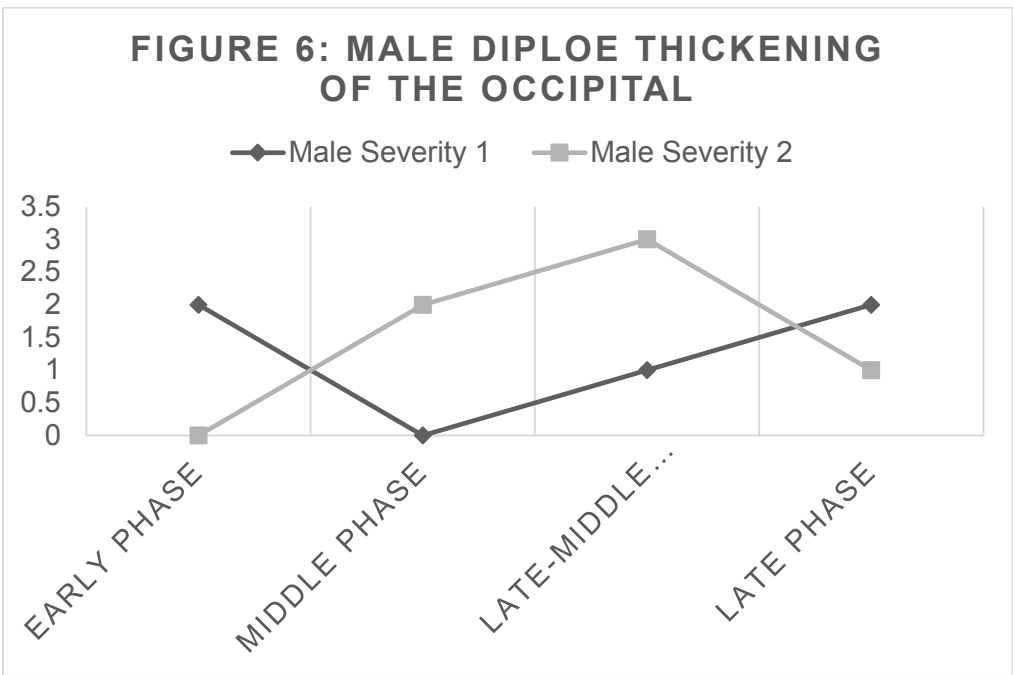
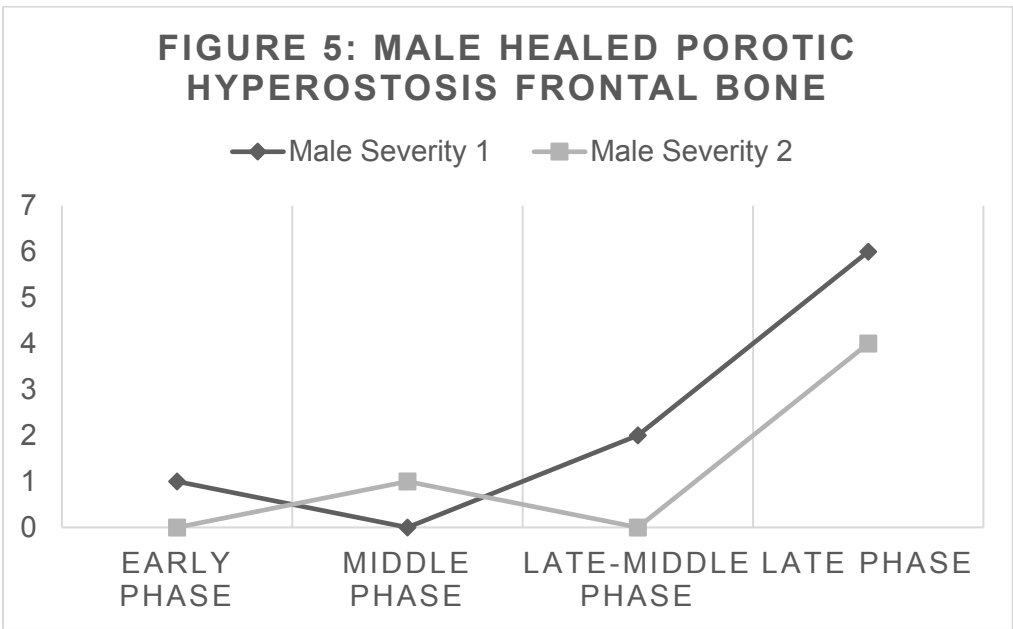


**FIGURE 3: MALE HYPERTROPHY OF THE ULNAE**



**FIGURE 4: FEMALE HYPERTROPHY OF THE ULNAE**





## Chapter Eight

### Conclusion

The expansion of western European imperialism in the 17<sup>th</sup> and 18<sup>th</sup> centuries not only gave birth to what would become the capitalist world economy of the day, but also a militaristic world order whose primary function was to support such economic needs over those that stood in its way. British imperialist expansion and the solidification of its capitalist economy during the 17<sup>th</sup> and 18<sup>th</sup> centuries created a rapid replacement of not only the adaptive strategies of its subjects, but also the cultures in which it collided. No matter the specific regional products and resources, they were prizes in the race between the English Crown and the other western European monarchs. While the commodities varied, the sole purpose was to enrich and further expand the Crown's interests over that of the other Western European powers. The transition of the means of production required a more stratified social system that solidified the industrial stratification of later centuries, all to fill the coffers of the social elites back home (Amussen, 2007; Bush, 1990; Chan, 2007; Galleson, 1979; Mintz, 1985; Moitt, 2004; Wallerstein, 1996; Williams, 1994[1944]).

Eighteenth-century New York City, like Charleston, South Carolina, and Bridgetown, Barbados was a regional center of economic and political power. Because of this, as the city grew, its labor requirements, including that of enslaved laborers, did as well. While New York's enslaved African

population did not reach the level of either Charleston's or Bridgetown's, a similar system of control developed. Because of the dehumanizing basis of this system, violence maintained the social hierarchy. But unlike the acute forms of physical violence that most people easily identify, such a system as this is more integrated within the social system itself and has various forms of expression. The violence of this kind is a complex methodology that uses numerous tools to achieve its goals. In this case, the plans were the dehumanization and isolation of the African enslaved and freedman populations from the benefits of the city's economy and themselves. Systematic, long-term violence, like other social structures, tends to be cyclic and intensifies or changes after resistance and, in this particular case, major historical events. Such historical events as the Uprising of 1712, the Conspiracy of 1741, and the Revolutionary War (1775-1783), and other daily resistance were the catalysts for increased violence toward the city's African population.

Violence, and the ability to enact violence, is about power, and that power receives sanction from legal and cultural norms (Cohen, 1974, Das, 1987, Fry, 2006, Menjivar and Rodriguez 2005, Riches 1986, Ross, 1993, Taylor, 2001, Scheper-Hughes and Bourgois, 2004). The ability of one group to commit violence toward another is a direct indication of political and social stratification. Since violence is primarily a methodology, it involves various tools to identify, define, and reinforce social, economic, and political barriers.

These tools are primarily physical, structural, and cultural and are inseparable. The importance of these interrelated forms of violence explained by Galtung's (1969, 1985, and 1990) *Triangle of Violence*, in which he describes how each category not only yields a specific impact but also reinforces the others through example, legitimization, or justification. It is this associated reinforcement that allows for perpetrators to navigate what Collins (2009) refers to as the *tension/fear barrier* and justifies, especially in the case of direct physical violence, the *symbolic right* to commit the act (Athens, 1989; 1997; Blumer, 1969; Senechal de la Roche 1996, 2001).

The original bioarchaeological investigations of the 419 individuals of the African Burial Ground population uncovered evidence of significant magnitude regarding the population's paleodemographic characteristics and the environmental stressors they faced during their lives. Among the paleopathological evidence, the investigative team discovered through their analyses 59 individuals that exhibited 259 fractures in total. Of the fractures associated with adult males, most were associated with the cranial material, while those displayed by the adult women were related to several skeletal elements. The general determination was that due to the high rate of the cranial material involved and that most of the fractures were perimortem in condition, interpersonal violence most likely was a primary cause (Wilczak et al., 2009: 299).

This dissertation expands upon the original study. This research's primary goal was to clarify if the fracture evidence was an indicator of interpersonal violence and not the result of other environmental factors and how much direct violence may have changed in intensity over the 18<sup>th</sup> century with its parallel structural and cultural forms. The investigation reviewed the bioarchaeological evidence and the period's legal statutes and newspaper ads to identify such changes.

The interplay of physical, structural, and cultural violence in New York during the 18<sup>th</sup> century is directly related to the growing exercise of power and control by the members of the upper Colonial hierarchy over the marginalized servile class in society. While early on, much of the regulations applied to the entire lower class community, from the 18<sup>th</sup> century on, the emphasis became oriented to the enslaved and freedman population of the city as well as the rest of the Colony (Chartouni, 2020; Hirsch, 1931; Medford et al., 2009; Medford and Brown, 2009; Olson, 1944). While the evidence for all three forms altered in quantity due to the nature of the evidence and the surrounding historical events during the different temporal periods, a cyclic increase continued throughout the 18<sup>th</sup> century.

Fracture evidence for the African Burial Ground population generally increased over the four archaeologically based temporal phases, culminating with the Late Phase (post-1776). When one considers all fractures, the Late Phase's fracture frequency was eight times that of the Middle Phase (1735-

1760). Simultaneously, perimortem fractures by themselves are eleven times greater in the Late Phase (post-1776) than that of the Late-Middle Phase (post-1760). An increase reflected in the comparison of fracture rates with the Late Phase, in both cases, is double of the next closest period, indicating that intentional violence increased as the means for the respective sub-population's injuries.

Work-related stress indicators involving the hypertrophy of the *linea aspera* of the femora and the ulnae's proximal third diaphyses follow a similar trend as the fractures' changes over time. The Late Phase has the most significant number of individuals with some severity in hypertrophy followed by the Middle Phase, reflecting changes in work intensity after the Uprising of 1741 and labor needs during the Revolutionary War.

As for periosteal reaction and porotic hyperostosis as indicators of other disease vectors, when compared in their entirety, the Late Phase followed by the Middle Phase are the two temporal periods with the most individuals exhibiting some level of severity. Again, a condition reflecting periodical variation, but overall increasing trend involving environmental hardships through the 18<sup>th</sup> century.

The evidence for structural violence is primarily in the first two assigned temporal periods. The Early Phase (pre-1735) was a time of significant change in early colonial New York. From the Dutch conflicts, the legalization of slavery by the English, and the uprising of 1712, the colonial

legal system responded. The legislation of 1702, 1705, and 1706 had a significant impact on the lives of the colony's enslaved African population and those specifically in the city. This early legislation began to curb the possibility of any independent economic agency, limited the opportunity to congregate in a communal form, limited travel ability, and made the status of *slavery* inheritable (Colonial Laws of New York, 1894). These legal restrictions became even more stringent after the Uprising of 1712, and with an increase in capital offenses, manumission became even more limited, and nighttime movement became practically impossible.

The Middle Phase (1735-1760) saw a continuance of the previous periods growing list of restrictions, but it became worse after the Conspiracy of 1741. While the executions of the convicted were still going on, the Colonial Assembly and Common Council passed a law that not only formalized and enforced the former act of 1712 but increased the city's ability to monitor and implement the code with both an expanded night watch and reward system for *informants*. This culmination of legal regulations would remain in effect for both the Middle-Late Phase (post-1760) and the Late Phase (post-1776) with only slight modification. Occasionally, legislatures would add a new restriction on unique, often economic activities. The legal system as a means of subjugation and justification for direct violence towards the African enslaved and freedmen populations, once formalized by mid-

century, was both constant and consistent in the colony on through the Revolutionary War.

Cultural violence, associated explicitly with the language used to describe enslaved Africans in the colony, intensified as time passed and the significant events occurred in the 18<sup>th</sup> century. In the Early Phase (pre-1735), as early as 1696, with the conviction of the enslaved man *Prince* for striking the mayor of New York as *pernicious and evil*, language altered to engender an image of Africans having some form of moral malfeasance. But it was not until the 1700s that such a use of language became ingrained in both statute and everyday communications. For example, the term *barbarous* to describe the condemned enslaved's actions in the Murder of the Hallet family in 1708, a feeling the burning of the condemned emphasized. Similar language started to find its way into the colony's legal slave codes. After the Uprising of 1712, legislation contained terms like *ill practices*, *confederating*, *slothful*, and *evil* became part of their regulations (Chartouni, 2020:11; Colonial Laws of New York, 1894; Minutes of the Common Council, 1905).

Language of a dehumanizing form continued into the Middle Phase (1735-1760). The official record of the Common Council in 1734 directly associated *negro* with *convicts* and *evil*. Such culturally laden language continued and intensified after the Conspiracy of 1741 both in governmental documentation and newspaper ads. Samples included Smith's closing argument at Quack and Cuffee's trial when he used the terms *heathen*,

*pagan*, and greatest *villainies* and later Horsmanden's labeling of African conspirators as the *Black Seed of Cain* and only capable of *caballing and confederating in mischief*. The religiously significant language would continue in the legislation of 1741 that used the term *diabolical* to describe the events earlier that year. The newspaper ads reflected a hardening of this view towards the enslaved population in the runaway ads after 1741. Unlike before, the language went beyond the merely descriptive but indicated iniquity about the individuals and community. While the lines for this evidence did not continue into the Late-Middle Phase (post-1760) and the Late Phase (post-1776), it is reasonable to suspect that using such language, especially after raising African loyalist forces, continued, if not accelerated in use.

This research *confirms the original assessment regarding violence as the primary mechanism for many of the fractures* found with the African Burial Ground population. Additionally, the current study expands upon our understanding of how such violence changed in intensity over the 18<sup>th</sup> century in response to the major historical events of that period. Eighty-two percent (n=211) of the overall fractures and 85% of perimortem fractures (n=165) are with the individuals (n=37/n=19) from the Late Phase (post-1776). This situation generates the highest fracture rates for the four temporal phases, with 5.7 (overall) and 8.68 (perimortem). Both of which exceed the designated threshold for intent ( $\geq 3$ ). When considering only those individuals with perimortem fractures, the Late Phase accounts for 68% (n=19) of the total

and 82% (n=14) of the individuals with more than three fractures, this is strong evidence that interpersonal violence increased for the African Burial Ground Population after 1776. This evidence is collaborated by the targeted analyses of evidence regarding mechanical stress, non-specific infection, and nutritional inadequacy. While exhibiting variation through the century, all indicators generally increase in severity in the later phase. Thus, environmental insults increased over the century for the African Burial Ground population, reflecting an increasingly hostile society, politically, economically, and culturally.

The cyclic pattern of increasing violence, physical, structural, and cultural involving the enslaved African and freedman population of 18<sup>th</sup> century New York exemplifies how all three forms revolve, reinforce, and justify each other. This entangled process fulfills the common law elements of proof of criminal responsibility. The two aspects of any criminal act, *mens rea* and *actus reus*, are reflected in the direct physical violence and the structural and cultural violence that justified it. Also, as can be expected with systematic violence of this magnitude, it intensifies as it adjusts to its intended victims' growing opposition and resistance. Much like that observed with domestic violence and genocide, the progression of violence and its justification continues to implement more stringent and horrendous conditions that often lead to tragic conclusions because of the terrifying power associated with the ideological constructs of nationalism, racism, and neoliberalist capitalism

today. The extra-judicial executions of so many like George Floyd, Breonna Taylor, and Ahmaud Arbery are historical echoes of the past. It is the resonance of a discordant song yet again confronted by its born antithesis and forced into dialectical contention that must create change. With such reflections of the past today, so should we heed the warnings. For the denial of the most basic and inalienable of liberties can only reap destruction:

“And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with His wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep forever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, it is among possible events: that it may become probable by supernatural interference!”

Thomas Jefferson, Query XVIII, *Manners* (1785[1999])

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