



The James Blair
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Letter From the Editor

Dear Reader,

The Editorial Board of the *James Blair Historical Review* is pleased to present the latest issue of our journal.

On September 30, 1859, Abraham Lincoln gave a speech before the Wisconsin State Agricultural Society in which he reminded listeners of the power of reading. “A capacity, and taste, for reading, gives access to whatever has already been discovered by others. It is the key, or one of the keys, to the already solved problems. And not only so. It gives relish, and facility, for successfully pursuing the [yet] unsolved ones,” he said. Lincoln is one of my idols, so I have the utmost respect for his words. I hope the sentiments of this quotation ring true for you as they do for me. In reading the *JBHR* it is my desire that you enjoy access to the scholarship that has been discovered and developed by our writers this fall.

The Fall 2022 issue of the *JBHR* is unique because all of our authors are students at The College of William & Mary. Author Emma Bury studies the circumstances of the white slave trade in Shanghai as it relates to the rise of anti-prostitution lobbying campaigns in the early 1910s in “‘All the Daughters of Eve are Mad’: The White Slave Trade Panic and Treaty-Port Shanghai.” Aoife Hufford’s “‘Made Right According to the Law’: Free Black Americans and Legal Engagement in Antebellum Virginia” investigates how the Southern civil legal system during the Antebellum period revolved around localization and public trials, allowing free Black Americans to exploit the system in the face of oppression. Situating her work on W&M’s campus, Enya Xiang’s “Indigenous Sovereignty in Eighteenth-Century Virginia: The Brafferton

Indian School as a Political Tool in Anglo-Indian Diplomacy,” answers critical questions about the diplomatic importance of the Brafferton Indian School as well as its place in the history of native resistance. "Situating Adriano de las Cortes' Description of China" by Sam Shen analyzes de las Cortes' view of Chinese society in the context of other accounts produced by European authors in the early modern era.

This issue of the *JBHR* would have been impossible without the hard work of all contributors. First and foremost, I congratulate our authors who have produced incredible articles that have contributed to many aspects of historical scholarship. Thank you for the privilege of publishing your papers. To our peer reviewers, I extend the sincerest gratitude. Our Editorial Board deeply values the time, energy, and work you put in by evaluating the many papers submitted to us this cycle. And to the Editorial Board: Aoife, Grace, Jack, and Sigi, I have enjoyed working with you to continue the success of the journal. Thank you for taking the time to read, discuss, analyze, and edit articles for the *JBHR*. You have made my first semester as the Editor in Chief incredibly enjoyable and surprisingly smooth.

I also want to take the time to recognize the invaluable advice of our faculty advisor, Professor Ayfer Karakaya-Stump as well as members of the Omohundro Institute for Early American History: Professor Catherine Kelly, Professor Joshua Piker, and Professor Nicholas Popper. Thank you all for helping us become more successful peer reviewers and editors of historical scholarship. Finally, a special thanks to W&M's Harrison Ruffin Tyler Department of History as well as to the College's Media Council for their financial support, which is vital to the success of the journal.

I have greatly enjoyed working on the *JBHR* this semester, and I am excited to continue to share student scholarship with all of you. To use

Lincoln's words, I hope that reading this issue "gives relish" to you through the discovery of our writers' knowledge.

And with that, I am delighted to present the *James Blair Historical Review's* Fall 2022 edition.

All my best,

Riley Neubauer

JBHR Editor in Chief, 2022-2023

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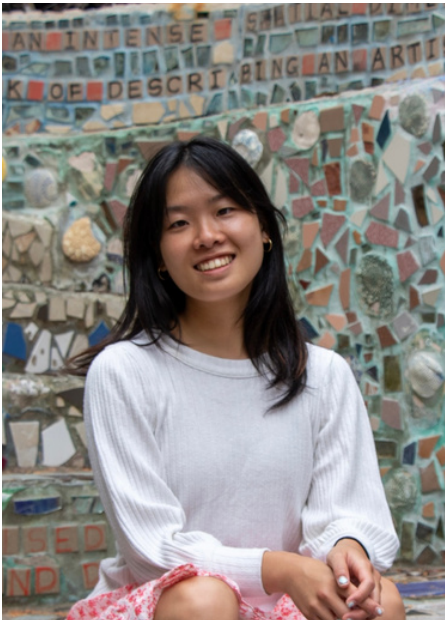


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'All the Daughters of Eve are Mad': The White Slave Trade Panic and Treaty-Port Shanghai.

by Emma Bury

Throughout 1935, the Shanghai Municipal Police built a file on a woman who sometimes went by the name of Mrs. Pola Grey. The file noted that she seemed to be of Polish nationality, but was believed to be American by marriage. Her American husband, she asserted, had passed away and could not be identified. The file accused Mrs. Grey of running a “house of ill-fame”—a brothel—in the western district of the Shanghai International Settlement with the help of her Canadian lover.[1] The house itself was leased by a Frenchman, but all the women working in the house were Russian (except one who was said to be Italian by marriage). Mrs. Grey had previously operated in the Shanghai French Concession, but she moved her business to the International District to escape the jurisdiction of the French Police. Despite being labeled a “house of ill-fame,” the document continued on to note that it “[a]ppears to be conducted in an orderly manner” and “no Chinese are admitted.”[2] The police document continues on to say that even though the brothel was considered orderly, after a complaint was filed with the police the brothel was closed and forced to move elsewhere. After this, the file ends.

The case of Pola Grey sheds light into the position of the white prostitutes of European and American descent that operated in Shanghai up until 1940. Shanghai was a meeting point for multiple empires where people from all over the world mingled, as demonstrated by the plentiful mix of nationalities involved in the case. The concern about the admittance of Chinese to the brothel captures the anxiety over interracial relations that clearly marked the age of empire. Pola Grey’s move between districts to avoid closing her brothel shows the way prostitutes took advantage of loopholes left by competing legal systems of Shanghai. Higher-class white women in the sex industry of settlement-

era Shanghai could move with agency and initiative. Yet, the fact that many of the women working in the brothel were Russian is also demonstrative of the time period and the status of Russian refugees in Shanghai. Lastly, the extensive police surveillance alludes to the marginalized status of white prostitution in Shanghai following prostitution abolition campaigns conducted in the city in the 1920s.

The campaigns against prostitution in Shanghai had their roots in the international social purity movement against the white slave trade that began in the 1880s. The white slave trade was a large scale conspiracy that involved nefarious actors who enslaved women, usually European women, and sexually trafficked them to foreign lands. In the words of scholar Cecily Devereux, the white slave trade was a “condenser of anxieties” regarding the status of colonial powers and their racial superiority.[3] Despite these fears, many of the white prostitutes in Shanghai before 1910 were there willingly, as intentional actors. This would later change with the influx of Russian refugees to the city. Yet regardless of if a white woman was a willing participant or not, the potential sexual availability of white women to non-white men was considered extremely damaging to the status of the white race. Exaggerated narratives about white slaves and campaigns to end prostitution in Shanghai tied into the desire to end the existence of a category of women that threatened the colonial structure.

Previous studies of prostitutes in Shanghai have mostly focused on Chinese prostitutes, who made up the vast majority of prostitutes in Shanghai. Of the few studies on white prostitution in Shanghai, none have explored the connection with and context of the white slave trade, nor the perception in Europe that Shanghai was one of the centers of the white slave trade. This paper seeks to analyze the gap between sensationalist narratives surrounding the white slave trade and the actual situation in Shanghai. Furthermore, this paper will examine the effect that these sensationalist narratives had on the rise of anti-prostitution

lobbying campaigns that occurred in Shanghai beginning in the 1910s. The primary sources used in this paper include files drawn from the archive of the Shanghai Municipal Police; these files date between 1894 to 1945, but the ones used in this paper are from the 1930s. This paper also makes use of newspaper articles from the *North-China Herald* and other newspapers accessed via the ProQuest Chinese Historical Newspapers database. Lastly, this paper also incorporates analysis of several anti-White Slavery texts, most prominently *The Road to Shanghai* by French author Henry Champly.

Part One: The White Slave Trade

Panic over the potential trafficking of women and girls began in Britain with the 1880 publication of *The European Slave Trade in English Girls*. This publication took aim at corruption in the legalized system of sex work in Brussels, in which prostitutes were registered with the government and subject to regular health inspections. The author, Alfred Dyer, a strong Quaker, called said system itself “on the grounds of morality and religion...indefensible.”[4] But Dyer had more serious allegations than just immorality. He accused the Belgian police of knowingly allowing young English girls to be registered under forged papers that falsified their names and ages. Dyer also alleged the police did not provide help to English girls who were attempting to leave the system after being tricked into prostitution.[5]

The publication resulted in a scandal that contained many of the same elements of the later full-blown panic over the white slave trade. The tricking of young girls, specifically “our countrywomen” (Dyer’s emphasis) was on its own considered abominable. But the Brussels scandal also demonstrated to the public in England that it was not enough to condemn those who abused the system of prostitution. The scandal furthered a pre-existing movement that claimed the whole idea of allowing a system of legalized prostitution to exist was wrong. In the

words of Dyer, “the system of regulated debauchery always corrupts.”[6] A fear began to build of a conspiracy of foreigners taking advantage of young girls who would have otherwise remained upright citizens had they not been subject to corrupt influences and spirited away.

This fear continued to build with the distribution of “The Maiden Tribute of Modern Babylon,” a series of articles published in 1885. The author, W.T. Stead, painted a sensationalized picture of pervasive prostitution of children in London. His exposé included vivid imagery of bindings and abuse, recalling narratives about the slavery of Africans. According to Paul Knepper, “no one succeeded more than Stead in arousing popular indignation.”[7] Stead and his article kicked off a widespread social panic in the mid-1880s about this newly discovered phenomenon, which had begun to carry the name of “the white slave trade.”

The term “white slavery” carried a heavy cultural significance in Britain due to previous connotations it had possessed. The Slavery Abolition Act had taken effect in 1834, abolishing the slave trade throughout the British colonies. Slavery came to be viewed as something that could not be tolerated in any form by a nation that prided itself on being a benevolent and enlightened state. Abolitionists and moral reformers had used the example of “the white slave” to rail against the absurdity of a trade that ostensibly only enslaved Africans, yet included many that presented as phenotypically white due to racial mixing. Yet while slavery was considered bad, white slavery in the meaning it later took on was “always far worse.”[8]

White slavery also held another competing meaning before it took on its later form. It was often used by reformers to refer to the harsh industrial and agricultural labor conditions of the British lower class. This use of the term accompanied the rise of socialism in Britain and Europe and was meant to bring an urgent sense of the immorality of working conditions by invoking the sin of slavery. Ultimately, both of

these competing terms were subsumed by the meaning of “white slavery” as prostitution of white European women through deception. The term, to some extent, maintained its tie to the exploitation of the working class: after all, the women most vulnerable to be trafficked were of lower income status. Despite this view that the working class were most vulnerable to the trade, the white slave trade was considered to be a national threat to all Britons.

After the dissemination of “The Maiden Tribute,” British society rallied against the issue of white slavery. The British National Vigilance Society was founded to monitor and address the trade. Numerous ladies’ societies arose to provide support for prostitutes and joined forces with pre-existing anti-prostitution societies. Still more were dedicated to assisting young working girls to prevent them from ever being vulnerable to entering prostitution. Paula Bartley writes that here arose a “nation-wide middle class women’s movement” to prevent prostitution. [9] Bartley further states that many British citizens and reformers “were more sophisticated than to embrace the...myth unreservedly” as the only cause and source of prostitution, but that nevertheless there began a cultural shift that viewed prostitutes as victims.[10] The movement against the white slave trade specifically was more concerned with protecting young girls from being forced into prostitution, but it overlapped heavily with the anti-prostitution movement.

Government response to the new phenomenon of the white slave trade also occurred. Soon after the publication of “The Maiden Tribute,” the British parliament passed the Criminal Law Amendment, which governed criminal sexuality.[11] The bill introduced penalties for procuring women for prostitution via fraud, changed the age of consent to 16 for girls, and contained other provisions for halting the prostitution of underage girls. The bill also banned homosexuality.

The campaign against the white slave trade soon became an international affair in 1899 with the first International Congress on the

White Slave Trade hosted by the National Vigilance Society. This congress was a non-binding unofficial affair, but in 1902 the French government called for an official International Congress. The 1902 conference brought together delegates from fourteen European countries and Brazil. While at the congress, the delegates considered whether to expand their purview beyond just white victims and rename their movement, but ultimately decided that their work would apply to all women anyway without needing to address specifically the trafficking of women of other races. The conference was clear, in the words of Jean Allain, that “the harm which was sought to be addressed was in regard to women of European stock.”[12]

The problem of the white slave trade was defined and remonstrated against, but ultimately no penalties against the practice were laid out, and each country was to determine its own approach. In 1904, an official agreement was signed that gave some teeth to the resolution of the 1902 conference. The agreement established a central system to surveil the white slave trade, made up of monitoring authorities in each of the signatory countries. Further conferences to address the trade were held in 1906 and 1910, each with more fanfare than the last. The white slave trade would later even capture the attention of the League of Nations.

As the concept of the white slave trade expanded in prominence, it became increasingly racialized and sensational. While the movement against the white slave trade had its roots in real events, it soon evolved into a full-blown moral panic over an international trafficking conspiracy that could not be definitively proven. Cecily Devereux writes that the furor over the white slave trade served more as “an index of fears about the condition of dominant races and about gender and mobility within imperial space than as a sign of a real—or at least really widespread—traffic in young white girls.”[13] The idea of the trade itself transformed from the initially held concept of it as mainland European traffickers or depraved British criminals threatening young British girls; instead, it

shifted to the idea that all European women– and by extension white women as a whole– were endangered by racial “others.” These others were villains who could not be allowed into civilized countries. Sometimes the “others” were Jews, sometimes they were Eastern European, and yet other times were African or Asian. What form the villains of the white slave took depended on the narrative, of which there were many.

Stead’s colorful “Maiden Tribute” was the first in a series of shocking and embellished anti-white slave trade tracts. These tracts circulated widely amongst audiences in Britain, North America, Australia, and Europe. According to Hsin-Ying Li, the tracts consistently “follow a formula which highlights socio-cultural concerns.”[14] A white woman or girl is forced into prostitution through dastardly means by a foreigner, whether deception or outright abduction. She is either miraculously rescued before her despoilment, or dies a martyr. Li explains that the white slave needed to be recruited by evil means, as society could not find a proper victim in women who had willingly entered the sex trade, and especially not in women who catered to non-white customers.[15] Li also notes that these narratives usually never allowed for white slave who had been defiled to rejoin society, as it would be damaging to said society to have a fallen woman living amongst them.[16] It was only helpless, victimized yet pure girls that captured the public’s hearts. Bartley writes that it was “important for women to remain chaste and good because they were at the heart of the family life.”[17] If a woman or girl was corrupt, she could not rejoin society and start a family, lest she corrupt her children and thus corrupt the future of the society - and by extension the race.

Anti-White Slave Trade Narratives in Asia

Li writes that sensationalist narratives of white slaves in Asia were “at best supplements or footnotes to white slavery campaigns” and that they

did not receive much attention, at least in the United States.[18] However, the state of white slavery in European colonies was of great concern to European anti-white slave trade activists. Knepper writes that campaigners against the white slave trade had a firm conceptual image of the white slave trade having a western route through South America that led to Buenos Aires, and an eastern route to Asia and Africa that centered around Shanghai and Hong Kong.[19] In addition, according to Gail Hershatter, the existence of deceived or unwilling white prostitutes in Asia was thoroughly explored by foreign travel writers to China. These travel writings made use of archetypes of the white slave narrative, and portrayed white European or American prostitutes as having been brought to China “by hook or by crook.”[20] Furthermore, these writings “constructed tales of horror around the imagined despoiling of white women at the hands of Chinese men.”[21] Yet these writings also noted that some of the prostitutes in China were brought there “by the girl’s own devilment.”[22]

These two formulations of the white slave trade were thoroughly explored in the avowedly anti-white slavery text, *The Road to Shanghai: White Slave Traffic in Asia* by Henry Champly, a self-described devotee to “the wider study of white women.”[23] The work serves as a combination detective novel, travel and adventure novel, and morality text. The book, told in the first person with Champly as his own narrator, follows Champly as he investigates rumors of a supposed white slave trade in Asia from France to Singapore, Malaysia, Hong Kong, and finally Shanghai. In Shanghai, Champly writes, he found “the Mecca of all the pimps in Asia, the biggest bazaar, the main market, in short the capital of a traffic in White flesh similar to that in South America.”[24]

The book consists largely of conversations between Champly and the various characters he encounters in his search for the truth. Champly’s ultimate conclusion after his travels and experiences is that the white slave trade was indeed real, and based upon the fact that “coloured

peoples all over the world have become convinced that the White woman is the most beautiful.”[25] He places the blame on “a chain of men who pass the women on from hand to hand,” the majority of whom are non-white.[26] Champly also attributes the white slave trade partially to Asian men’s desire for revenge. In a supposed conversation between Champly and a Japanese man, Champly records the Japanese man as saying, “haven’t we a right to our revenge?...It ought to be our turn now to take the women of your nations for our amusement.”[27]

Yet in Champly’s narrative, white women themselves are not completely absolved for their part in the trade. Champly discovers that many of the European prostitutes in Shanghai are there willingly. In fact, one of Champly’s interviewees, described by Champly as a seasoned expert on the white slave trade in South America, even declares that “all the daughters of Eve are mad.”[28] Champly acquires evidence for this even before he sets out on his mission. One prostitute that Champly meets in Paris proclaims that her dream is “a third-class single ticket direct to Shanghai.” She explains her reasoning as coming mostly from a desire to make money: “In five years, I’d come back home as fat as a quail, and a millionaire into the bargain.”[29] Once in Asia, Champly finds yet more evidence that many of the white prostitutes are there willingly. He describes a conversation with a Frenchman who claims he is a lawyer for the white slave traffickers, in which the lawyer claims “if they [the women] were under any constraint they could make their escape.”[30] In this way, Champly places some of the blame for the white slave trade on the women themselves, although the majority of the blame remains with the traffickers. Only Russian women are exempt, given that most of them are truly engaged in prostitution unwillingly due to their circumstances.

Champly’s work is unclear in terms of its veracity. It seems heavily embellished at the least, if not outright mostly false. Some scholars, like Gail Hershatter, take Champly to be mostly telling the truth about his

experiences. Hershatter incorporates Champly's figures and considers them reasonable.[31] Others view Champly as a semi-metaphorical indicator of colonial anxieties about the status of the white race through the focus on white women, especially white prostitutes. Scholar Phillippa Levine writes that Champly "articulated the stakes for white womanliness" and the danger of white women who did not conform to the standards of behavior expected by society.[32] Champly's text also came fairly late in the discourse on white slavery. Despite the relative lateness of publication, Levine writes that Champly's text "closely followed fears that had surfaced much earlier in colonial arenas." [33] These fears, relating to the viability of the continued dominance of European empires, were clearly visible in the anti-prostitution campaigns that took place in Shanghai in the 1910s and 1920s.

Part Two: Shanghai

Shanghai was opened to foreigners as a result of the Treaty of Nanjing in 1842, an outcome of the first Opium War between the British and the Chinese. In the supplemental Treaty of the Bogue, the British were granted extraterritoriality status. This treaty was quickly followed by similar treaties with France, America, and Japan. A thriving British merchant settlement was established in the city, soon followed by a French settlement and an American settlement. The British and American settlements combined in 1863 to form the International Settlement. The French settlement remained a part of the larger French empire. The International Settlement functioned autonomously from the Chinese authorities due to the British interpretation of their extraterritorial status. The settlement also functioned separately from the British government and was governed by its own Municipal Council. Robert Bickers writes that the International Settlement and the British in Shanghai "called on the British state in times of crisis, but otherwise attempted to navigate its own way." [34] The International Settlement

contained numerous nationalities from all over the world. Sikhs from India came with the British, Jewish people came from Persia, Mumbai, and numerous other places. Canadians came with the Americans, and Koreans with the Japanese. The Japanese had their own settlement in the city, but residents of each settlement moved freely and easily between settlements and the Chinese city of Shanghai proper. From the beginning of the international settlement, white prostitutes also came to Shanghai. They came following European sailors and merchants, and they came to fill a gap in the market. According to Cheng Hu, in 1870 the gender ratio amongst the International Settlement's foreigners was 8:1 with 1,666 males and 218 females.[35] Many of these men were young, single expats. Shanghai, as a port city, also experienced floods of sailors and travelers moving through the city. In 1883, at least thirty white prostitutes were working in the International Settlement. [36]

The determination of the International Settlement to remain separate from the British Empire and other authority meant there were no contagious disease laws constraining prostitution, like in the colony of Hong Kong or in mainland Britain. Prostitution was not illegal in Shanghai, and it was even tolerated to an extent. Although missionaries and other moral-minded residents occasionally lobbied for its abolition, the Shanghai International Settlement Municipal Council had no intention nor desire to ban the practice. This could be attributed to the desire of those in Shanghai to preserve their freedom, as seen in their desire to stay separate from the British Empire. It can also be attributed to the fact that Shanghai was far from Britain and Europe, and thus the constraints of European society held less sway in Shanghai.

Scholar Eileen Scully argues that there was clear hierarchy based on nationality amongst the white prostitutes of treaty port Shanghai. Scully writes that “Denoting women from the United States and Europe west of Germany, the 'American girl' emerged in colonial discourse as an emblem of privilege and success.”[37] American girls were able to live

fairly comfortable and successful lives working as prostitutes. Even women that were not actually American would claim to be, in order to increase their allure. Many of these women had come to Shanghai specifically to join a brothel and work as a prostitute. Although there were madams that ran brothels in Shanghai before 1900, there was no evidence of pimps.[38] There also was no evidence of white slave traffickers, the kind of figures that were becoming sensationalized and widely discussed back in Britain and mainland Europe. The beginning of the twentieth century was also the beginning of the decline in privilege, profit, and relative prestige for white prostitutes.

Married, respectable, middle class white women practiced in agitating for moral reform began arriving in Shanghai from Britain and the United States in the late 1890s. Upon arrival in Shanghai, these women often found that prostitutes, especially the “American girls,” were openly and brazenly participating in prostitution. The American girls had not been trafficked and were not victims that could be used to aid moral purity discourse. These middle class women and other respectable Shanghailanders (the name preferred by the long-term foreign residents of Shanghai) could not abide the negative image of these prostitutes potentially tarnishing the dignity of foreigners in Shanghai—by extension, these prostitutes could harm the status of America and Britain amongst the Chinese. The degrading of white femininity could also not be tolerated as it endangered colonial dominance. According to Levine, “the sexually 'loose' woman was a deeply threatening and active presence liable to call into question the basis of white prestige.”[39] White prestige was an essential part of the rationale for empire, and by threatening this prestige the American Girls also threatened the stability of the empires that had a presence in Shanghai.

These women and other moral reformers began anti-prostitution campaigning. They were not successful in their lobbying of the Shanghai Municipal Council. The Council was only elected by and responsible to

its ratepayers. Its ratepayers were only men, mostly British, who made over a certain amount of money or owned a certain amount of land, and were the upper crust of the upper crust in Shanghai. The ratepayers did not care to abolish or even restrict prostitution, and so lobbying them was unsuccessful. However, the anti-prostitution movement in Shanghai was not without its victories.

The United States Government took action on prostitution after lobbying in both America and Shanghai successfully built pressure on it to act. Another motivator in addition to the lobbying was that the prevalence of the ‘American Girl’ was increasingly viewed as damaging to the United State’s prestige. In 1906, the United States government set up a new American District Court for China. The judge who presided over the court, Lebbens R. Wilfley, in the words of the North-China Herald, “with fearlessness and integrity...stomped out vice and crime in Shanghai.”[40] All “American Girls” were forced by the court to either leave Shanghai or give up their claim to be an American national. This purge ended the existence of the American girl and the prestige associated with it, and was a factor in the increasingly poor working conditions and circumstances of white prostitutes in Shanghai.

As more women arrived in Shanghai and more men left to fight in World War I, the gender ratio of the foreign community became increasingly even. The fight against prostitution also intensified. Many of the newly arrived women were educated professionals, in contrast with the pre-existing community of respectable women in Shanghai, who were the wives of merchants and missionaries.[41] By 1918, the rhetoric of the white slave trade had been incorporated into the moral reform movement in Shanghai. This phenomenon was clearly visible in the speech of anti-vice campaigners. One campaigner condemned the lack of laws against prostitution, stating that infectious diseases prompted quick official responses “but when the plague of sexual vice threatens to blight out community...condemning to the most loathsome form of slavery

thousands of girls...how inadequate seem the measures taken!”[42]

This new incorporation of the rhetoric of the white slave trade where it was less prevalent before may reflect the arrival of a new class of women reformers who were thoroughly steeped in the narrative of the white slave trade. It also could be traced to the fall in status and autonomy of the white prostitutes in Shanghai. Whereas previously, in the 1870s to 1900, the “American girls” had lived luxurious lives and enjoyed the privilege of their white status, a new type of white prostitute began to emerge in Shanghai after 1915. The “American girls” had been knocked off their pedestal by the United States government, even though many secretly returned after the District Court banned them from China. The newly most visible kind of white prostitute in Shanghai was the white Russian prostitute.

Unlike American and other European women, white Russian women came as refugees and had less autonomy. The Russian Revolution pushed many Russians affiliated with the White Army to flee. By the time Champly arrived in the 1930s, Russian women were the predominate white prostitutes in Shanghai. Champly wrote that “in 1933...Shanghai women = Russian women.”[43] The Russian presence in Harbin, in northern China, was largely due to it having been under the possession of Russia. From Harbin, many Russians went to Shanghai, which was thriving economically and culturally. White Russians arriving in Shanghai did not have the status of other foreigners due to both their lack of wealth and their lack of extraterritoriality. Marcia Ristaino writes that due to their impoverished condition as refugees and the lack of acceptable jobs for women, many white Russian refugee women “were drawn into prostitution to survive.”[44] Some women were recruited to go to Shanghai from Harbin specifically to participate in the sex industry. Although many of these women would have gone to Shanghai anyway due to the greater number of opportunities located there, this phenomenon seemed like a troubling surge in white slave trafficking to

the moral reformers in Shanghai. Hu Cheng writes that Russian prostitutes quickly became “the top priority for salvation among the foreign communities.”[45]

At the same time as the Russian population of Shanghai was increasing, so was the success of the Shanghai anti-prostitution campaigners. In 1918, eighteen moral reform groups, mostly religious, joined forces to form the Shanghai Moral Welfare Committee.[46] During the meeting in which the Committee was proposed, one speech suggested that part of the impetus to escalate to the point of forming the committee was “as importation of women and girls for immoral purposes is going on all the time, we might do more in the way of vigilance work...it ought not to be possible for any girl to be smuggled into Shanghai for evil purposes against their will.”[47] Increasing urgency on the subject of the white slave trade, combined with the influx of white Russians, thus seem to have been significant factors in the formation of the Moral Welfare Committee.

In May 1920, the anti-vice movement was finally successful in breaking through the resistance of the Shanghai Municipal Council. The Municipal Council passed a resolution suggested by the Moral Welfare Committee to register all brothels in the International Settlement and over the course of five years shut them all down. This would, ostensibly, abolish prostitution. Although this resolution was a success for the movement, it was not successful in eliminating white prostitution in the Shanghai International Settlement. One Shanghailanders wrote in the North-China Herald about the Moral Welfare Committee that “its actions seem to be those of an amateur, thus negating its aspirations.”[48]

The resolution was successful in finally eliminating all the “American Girls,” although a few enterprising ones were able to survive the purge, as seen in the case of Pola Grey. However, white prostitution, especially the prostitution of white Russian women, continued to flourish in Shanghai—thus providing the grounding for Champly’s book, which was

not written until the 1930s. The existence of white Russian prostitutes in Shanghai was high profile enough that the League of Nations became involved.

In 1921, the League had held a conference to address the results of the 1910 conference on the white slave trade. At this conference, the League of Nations replaced the “white slave traffic” with the “traffic in women and children.”[49] Despite this official repudiation of the white slave trade rhetoric, the League still relied on many of the same concepts and assumptions that made up the white slave trade discourse. Outside of the League, the white slave trade narrative still held great cultural currency. This can be seen in Champly’s extensive use of the term white slave trade and many of the tropes of older white slave trade tracts. In 1932 the League of Nations Commission of Enquiry Into Traffic in Women and Children in the East resulted in the League recognizing the prostitution of white Russian women in Shanghai as one of the most egregious examples of trafficking. It recommended that “effective action” be taken immediately.[50]

The League of Nations applied pressure to the British government and to the Shanghai Municipal Council. The Shanghai Municipal police began to conduct thorough investigations on any woman of suspicious character and closely monitored known prostitutes or brothel owners such as Pola Grey. This was the death knell for white prostitution in Shanghai. Scully writes that “Western prostitutes were ultimately driven out of the region in the late 1930s by the League of Nations campaign against 'white slavery' and Japanese territorial expansion.”[51] Thus, the so-called white slavery in Shanghai was eliminated by the League just as the term was eliminated by the League from proper international discourse. Any prostitutes in Shanghai that may have hoped to stay were quickly disposed of that notion by the increasingly brutal Sino-Japanese war. Only the most desperate stayed, and even they would be driven out after the end of World War II.

The idea of the white slave trade was based in real events and phenomena, such as the Brussels scandal and the desperate situation of the white Russian prostitutes in Shanghai. However, the discourse around the white slave trade soon erupted into a full on moral panic. This moral panic touched on deep fears of the western public, including anxieties over the status of the white race and fear of miscegenation. The narrative of the white slave trade contained many negative tales and rumours about Shanghai, as articulated in Champly's *The Road to Shanghai*. These rumours and the context of the white slave trade affected moral reformers in Shanghai, and was a motivational factor in their push for the abolition of prostitution in the Shanghai International Settlement.

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'Made Right According to the Law': Free Black Americans and Litigation in Antebellum Virginia

by Aoife Hufford

Jesse Green raced across town as the sun rose over Virginia. Moved by a shocking revelation delivered to him not moments before, he immediately departed on that summer morning in 1863 to check on his sister, Fillis. As he passed through her door, his worst fears were confirmed: suddenly, inexplicably, his sister had passed away during the night. Her common-law partner, Phil, refused to let her body be examined by the doctor and he denied Jesse the right to any of his sister's belongings. Just the night before, Fillis had revealed to Jesse that she had amassed 350 dollars and that she owned the house which she and Phil shared; it was her intention, she stated, that all of her belongings be willed to Jesse and his children. That morning, Phil argued that such possessions had never existed, and Jesse had no claim to an inheritance. Dubious of Phil's role in his sister's demise and her vanished wealth, Jesse turned to the local Petersburg court to stake his claim, filing his own account of the events on August 1, 1863.[1]

That is all we know of Jesse, Fillis, and Phil's story, as only Jesse's affidavit survives. This story is further complicated by the individuals' social statuses: all three were "freedmen," formerly enslaved Black Americans who had purchased their own freedom. Exciting as this case is, it is perhaps more fascinating that a formerly enslaved man in a confederate state would trust the local legal system to provide for himself and his family. Why did Jesse choose to pursue a civil case? Why would he, an antebellum Black man, choose to engage with a segregated and violent white legal system, and how did he acquire the level of legal savvy required to participate in such a notoriously convoluted system? Further, how did Fillis garner her wealth in a patriarchal and racialized community? Jesse's case, and many similar, illuminate a unique facet of antebellum southern life. Given his social status as a free Black man in a

highly racialized and rural southern community, it was especially critical for Jesse and his peers to understand the legal system. As antebellum legal culture became more localized and integral to the social sphere, it became more vital for Black individuals to be familiar with these legal systems. Legal processes could be mobilized in defense of property and freedom or manipulated to oppose the institution of slavery and systemic racism. By examining the special details of Jesse’s case—his willingness to engage with a white legal system, how he acquired his legal knowledge, and how his sister managed to accumulate wealth and property—we can better understand the social and legal cultures of historic Black communities in the South. Black Americans were positioned in a unique antebellum legal culture which provided a unique opportunity to harness the law to their own advantage and provide for themselves despite white racism.

Recent scholarship on antebellum Black Americans has sought to undermine the previous assumption that Black Americans were social and legal outsiders. Legal scholars have typically turned to official records in pursuit of legal history: these records often fail to include, however, marginalized histories which weren’t considered important enough to preserve. These documents also overlook the role the early courts of law played in the social sphere, thus omitting many key players and the social pressures which influenced legal decisions. This limited study led to an inaccurate conclusion that Black Americans did not know how or did not want to engage with the law.[2] By contrast, modern historians like Laura Edwards and Kimberly Welch have provided extensive scholarship proving that a unique legal culture provided an informal legal education to all antebellum southerners regardless of race and gender.[3] Free Black Americans utilized southern mores to work against the systemic racism of the region they called home. While scholars had once used the institution of slavery, “Black codes,” and the formation of free Black communities to argue that they avoided white

systems to maintain autonomy, this essay argues that Black Americans were vitally knowledgeable in these practices and were positioned to utilize and undermine these oppressive systems. Legal engagement was a central part of the lives of all southerners, but it was particularly pertinent to Black Americans.

Southern culture in the years leading to the Civil War provided a distinct legal backdrop to everyday life. The antebellum period lacked an authoritative state legal system, resulting in the almost absolute power of local jurisdictions over legal issues. This local bias emerged after the American Revolution as an attempt to undermine large government power (by retaining legal power close to home in smaller, local courts) and continued into the next century as the South sought to retain local influence and custom: this caused local social mores and legal practices to be convoluted in small southern communities.[4] Though the phenomenon of localization was not limited to the South, the importance of social mores and social hierarchies of the South created a unique structure for law. As Laura Edwards argued, local southern courts were more concerned about maintaining peace than protecting individual rights.[5] This subtle distinction had dramatic effects on legal culture and provided technical opportunities for the free Black communities of the South to engage with the law. We can support Edwards' assertion by looking at the highly public treatment of legal suits in the antebellum period: oftentimes cases were not weighed in a courtroom but in informal public settings, like the local tavern or green.[6] Law students often gained their knowledge of legal systems not through classroom study but through observation under apprenticeships, where they became familiar with local law customs.[7] Beyond law students, local citizens often treated court proceedings as social, entertainment events which they could witness unfolding in the town square. By bringing court cases into the public sphere, local jurisdictions created an ever-present awareness of the law amongst southerners, who often learned local law through the

act of watching cases and punishments unfold. This worked in the court's favor by reinforcing social mores and what they determined to be peaceable versus dangerous behavior; these public cases were a warning against similar behavior which undermined the social hierarchies. When one disrupted the local peace, a public trial would legally and socially condemn the perpetrator; thus, not only was the law learned socially, it was also enacted through social punishment.

This was significant in an era ruled by reputation culture, another lingering cultural norm from the Revolutionary period. In a nation of mostly small, rural communities, the economy and safety of community members relied on face-to-face neighborly interactions.[8] Reputation and respectability were vital to colonial settlers and this cultural value resonated in the antebellum South, especially after the second Great Awakening generated a moral panic and called for an emphasis on traditional characteristics. Legal cases often relied on witness testimony of the defendant's character, and indeed, cases were often initiated because of a perceived character fault: lapsing on debts, disrupting the peace, or slandering another's reputation. Purchases were often made informally on credit, based on one's reputation within the community, as were loans for bail or fines. If one ruined their reputation, via criminal behavior, bankruptcy, or giving in to "vice," they were socially and economically expelled from the community whether legal action was taken or not.[9] Thus, customs and punishments were often conflated in southern minds with the law.

These four elements: localization, the preservation of peace over individual rights, public trials, and reputation culture all had dramatic effects on both the free and enslaved Black residents of the South. It seems counterintuitive to believe that Black Americans could and did legally succeed in such an intrinsically racialized state, where the institution of slavery was vital to the economy and Black Americans legally could not reside or vote. It was precisely for these reasons,

however, that legal education and participation were so vital to the survival of free Black Americans; racialized laws, violence, and a desperation by whites to maintain the racial hierarchy created an unpredictable and strenuous life for free Black southerners. Legal knowledge and reputation allowed them to combat these racialized laws.

Perhaps the most unstable and difficult to navigate laws were the residency laws enacted against manumitted people in the early nineteenth century. Looking at Virginia in particular, we can see the way these carefully crafted laws were applied to create a “land for whites,” intentionally seeking to maintain a racial hierarchy and dissuade slave owners from manumitting.[10] The first residency law, enacted in 1793, was designed to prevent free Black Americans from immigrating into the state.[11] If someone was found to be illegally residing in Virginia, they were subject to prosecution before a local magistrate and expulsion; in 1834, the punishment became 39 lashes and expulsion.[12] In 1806, following Gabriel’s Rebellion in 1800, the law became more explicitly racial and forbade any formerly enslaved individual from remaining in the state of Virginia for more than a year after manumission. The new and much more daunting punishment for illegally residing in the state was prosecution and public auction back into permanent enslavement. [13] Kidnapping and forced re-enslavement were already very real concerns for free Black Americans, as memorialized by Solomon Northup’s *12 Years a Slave*; the 1806 law codified this alarming practice. If they secured manumission, free Black Americans now had to also struggle to find a place to live while being barred from entering states or remaining in their homes. In the late 1830s and 40s, Virginia legislators sought to strengthen this law as a deterrent against free Black residency; they added that any legal free Black resident (i.e., those who were born free in Virginia or who had been granted a rare exemption to remain post-manumission) who crossed the state boundary would thus relinquish their residency privileges.[14] These cruel laws were even

more convoluted by the status of many Black families in this era: as the practice of enslavement often broke apart families, it was impossible for free relatives to remain in the proximity of their still enslaved loved ones without risking prosecution. The law further deterred manumission by placing deportation responsibility on the former slaveowner, who faced prosecution if the freed person failed to emigrate.[15] Thus, the laws made manumission and residency virtually impossible for enslaved people and too risky for slaveowners, who endangered their social reputations (in accordance with the discussion of social mores and law above) if they embarked on these legal journeys of freedom.

Property records, census records, and free Black registers from the era prove that despite these laws, many free Black Americans chose to live in opposition and remain in their home state past the one-year grace period. In 1854, up to twenty thousand free Black Americans were living in Virginia contrary to what the 1806 law allowed.[16] Though a few “roundups” of illegal residents took place across the early nineteenth century, many of these free Black Americans managed to own property, businesses, and build meaningful social connections without interference from the magistrates.[17] It is clear that despite the efforts by the state to restrict free Black lives, these regulations were leniently enforced, if at all. White neighbors would tolerate a population of free Black neighbors so long as the more predominant institution of slavery remained unhindered and white supremacy remained.[18] Still a highly racialized state, many free Black Americans lived peacefully with white neighbors and business partners. Black Americans created profitable and successful lives by manipulating the social-legal culture of the South to their advantage.

Focusing on residency laws, which has been demonstrated to be critical to southern free Black lives, we can analyze how Black Americans understood the law and how they interacted with it; this will also illuminate why such repressive laws were rarely enforced and how

free Black Americans so blatantly and successfully disregarded them. To do so, we must return to the four elements of southern legal culture discussed prior: localization, the preservation of peace over individual rights, public trials, and reputation culture.

Black Americans, because of their especially vulnerable social status, were keenly aware of the residency laws and the culture of southern legality. White southerners were wary of any free population for fear of inciting enslaved rebellions or undermining the racial hierarchy which had prevailed since the foundation of the colony. Black southerners were aware of these fears and exploited the tensions white southerners had created between their own desire to maintain white supremacy and peaceful social order, manipulating white language and social connections to successfully challenge the law. As discussed, reputation was an important facet of southern economic, social, and legal life; it took on even greater importance to Black Americans, becoming their primary weapon in legal suits to defend their rights to residency, property, and agency. For many petitioning for an exemption to the residency law of 1806, their reputation and value to the local community was the key to their claim of belonging: social relations, friendships with white neighbors, and prosperous businesses in small communities typically trumped state expulsion laws. These reputations were carefully cultivated to support the white hierarchy of society, exploiting the desire for “obedient” community members who would not challenge the racial hierarchy.[19] In order to gain an exemption from the residency law, Black petitioners had to prove that they were “of good character, peaceable, orderly and industrious,” whereas addiction to “drunkenness, gaming, or any other vice” prohibited them from remaining in the commonwealth.[20] This law emphasized the qualities which white landowners looked for in enslaved laborers (obedient, hard-working, and calm), revealing that they would only tolerate a free Black population which was equally as subservient despite economic freedom.

Black Americans often utilized this language in their own petitions, echoing the desires of white southerners in order to placate them. In 1825, Alexander Green petitioned for his right to remain in Monongalia County, West Virginia (then a part of Virginia) where his wife and children were still enslaved. He cleverly stated that he “hath demeaned himself in a most unexceptionable, manner as a man of industry and integrity” and that he was “desirous” of remaining in the state near his family.[21] His petition was accepted, likely because of the specific language he used. He asserted he was a moral and dedicated laborer, and that similar behavior would continue in the future. This, along with the testimony of white neighbors that he elicited “general confidence” and “general respect,” argued that he would not disrupt the order of southern society and echoes the qualities rich whites looked for in enslaved laborers. Rather, by alluding to family ties, Green warned the white assembly that the possibility for inciting rebellion or escape would be heightened by separating him from them. The preoccupation of southern courts with maintaining racial order and social peace persuaded them that it was better to allow a free Black man to live in a white society than expel him and risk an enslaved uprising. Indeed, Black reputations often hinged on the intersection between the southern courts’ desire for peace and the reputation culture of the South: free Black Americans could remain in white spaces so long as they adhered to the racial hierarchy and did not incite rebellion (as Gabriel had in 1800, sparking the passing of the 1806 residency law).

By 1837, yet another hurdle was created for Black petitioners: they had to seek community approval (specifically of white citizens) to remain in residency. The General Assembly of Virginia announced that petitions seeking exemption from the 1806 law would be posted on the courthouse door for at least two months, and that three out of four of the presiding judges must determine that the petitioner was of acceptable character. If someone were to object to the petition, the applicant’s

reputation would be tarnished and they would be expelled from the commonwealth. If petitions garnered enough signatures, proving that the individual in question had established good social rapport and belonged in the community, this would clear them of the residency law.[22] This practice was mimicked throughout the South as an effective means of dissuading Black residency and maintaining white majorities in free populations. William Johnson, a prominent Black barber in Mississippi in the 1840s, wrote of his employee's ordeal to obtain a "petition to have the Privilege of [remaining] in the state." [23] By the end of the day, however, he had gathered several signatures from "gentlemen of the 1st order of talents and standing." [24] Johnson thought that watching his peers seek out the signatures was rather amusing, but was notably pleased that his friend could gather such reputable signatories and thus was confident his friend would win his petition. Reputation, Johnson repeatedly observes in his diaries, was vital to the survival of free Black Americans. He and his neighbors also observed that the residency laws were arbitrarily enforced; though they existed to preserve the racial hierarchy, reputation culture and the interracial communities of the South superseded the residency laws. Black Americans knew that cultural norms predisposed southerners to make personal judgements about their neighbors' characters, both Black and white, and that these personal connections would prevail over the law; thus, they relied on these personal evaluations in court. On the rare occasions that the law was enforced and illegal residents were persecuted, Black Americans could rely on the white social networks they had accumulated in daily life—through church, business, and social interactions—to attest that they were a friend who brought good to the community.

The final element of southern legal culture which directly impacted Black Americans was the public nature of legal practice. Often lacking any formal education, Black Americans nonetheless capably navigated southern legal systems. One explanation for how they learned to do so

was the fact that trials often took place in public forums, and individuals were encouraged to witness the proceedings. Court cases were a form of entertainment, and when the circuit court visited it was often a very social affair. Vendors, crowds, and entertainment acts would follow them and create a pseudo-celebration of the week they were in session.[25] Johnson took note of all the local cases involving Black Americans in his community, and often with great zeal: witnessing court sessions was “quite an exciting time, I assure you.”[26] These cases were intentionally aired to the community as a display of social mores and structure. Law was woven into everyday life, and often the cases were so mundane that it was difficult to differentiate whether it was a codified law or a social norm which had been broken.[27] It would have been virtually impossible for Black or white southerners to enter adulthood without having witnessed court proceedings. Though perhaps not educated enough to use legal jargon or to press issues in higher courts, this lax familiarity would have been enough for Black Americans to feel comfortable entering the local courts and seeking out a magistrate to initiate suits. As Johnson himself notes, he “[had] no Conception” of these things, meaning legal proceedings, but from his entries on petitions he clearly understood and took an interest in the law as it was practiced around him.[28] Black Americans thus understood the law not as it was formally written, but as it was practiced around them, and recognized the influences of southern culture upon it.

Let us now return to the story of Jesse Green and his sister. Though we have very little to document Jesse’s legal battle, it is clear that he would have been comfortable initiating action in the local courts. The southern concern with peace over individual rights was likely key to Jesse’s thought process. Though Jesse and Phil were both free Black Americans, and thus could claim fewer rights in the eyes of the court, this case was about civil order more so than property rights. Jesse felt comfortable engaging with the law because he had seen many peers do

the same, and knew that despite holding a lesser social status he would be able to engage with the system as a resident of Petersburg (thus, someone with a stake in the peace of the community). Like other free Black Americans, Jesse likely lacked a formal legal education, as can be presumed from the lack of legal jargon in his affidavit. It is also impossible to know if Jesse had any education or not—the affidavit is handwritten and signed Jesse Green, but if he and his sister had been born into enslavement there is little chance either of them would have received any schooling. Jesse may have hired a white lawyer—a partnership not unheard of—who was not recorded in the proceedings, as was common at the time.[29] Nonetheless, Jesse clearly had the informal legal education which came with living in a southern community, and efficiently manipulated his speech to utilize his knowledge.

Regarding reputation culture, Jesse is very clear that Phil, the defendant, has an immoral and cruel character; as does Phil’s daughter, Jennett, who caused most of the contention between Phil and Fillis. Jesse introduces him as “the said negro man Phil Seward,” who lived “unlawfully” with Fillis (on the contrary, Fillis was “born a slave, but bought herself free”).[30] From just the introduction, Jesse makes it clear that Phil is ‘lesser than’ according to the social rules of the day; by contrast, his sister was respectable enough to have earned her own freedom. Jesse continues by explaining the ills which Phil and Jennett had committed in Petersburg: Jennett had caused them both to be “expelled from church,” and were so “immoral” that they tried to persuade Fillis to withdraw as well.[31] Jesse understood the ramifications of a soiled reputation in a southern courtroom, likely from seeing similar cases take place in the City during circuit court sessions and from his peers. Though church membership had no connection to his inheritance, it was a powerful vignette displaying how deeply immoral and callous Phil Seward was; Jesse’s account of Phil and Jennett being expelled and, even worse, trying to convince another to leave the Church

was a depravity of the highest order in the South, especially in the decades following the second Great Awakening.

Jesse displays a mastery of southern legal culture as he continues his statement with a description of his sister's character in contrast to Phil's. She had purchased all of their shared property, meaning both the house and whatever was inside; property levied a great deal of respectability in the antebellum south, signaling to others that you were economically and socially responsible. The fact that Fillis had managed to accumulate wealth, while Phil only used hers, again exemplified that Fillis and Jesse (by relation) were the morally superior party. Jesse knew that these arguments would be likely to sway magistrates to his defense. In addition, Jesse relied on the testimony of neighbors to defend his character, much like the residency petitions of the antebellum period did: he ends his affidavit with a list of individuals who were willing to testify on "the truth of what [he had] said," and that Jesse trusted that the situation would "be made right" by the law and order of the county court. [32] By establishing that he was a respected member of the community and that others were willing to stake their reputation's with his, Jesse was arguing that his account of events was inherently more trustworthy than anything Phil would say in court. Thus, Jesse manipulated the cultural norms and language of the white legal and social systems to fulfill his needs in court. By playing on reputation culture and the need to preserve local peace, Jesse had ensured he would be taken care of by the legal system despite the limitations that same system tried to impose on him due to race.

We also questioned the story of Fillis and how a free Black woman, someone facing double-marginalization on account of her race and sex, accumulated property and wealth. Free Black women faced a plethora of struggles in their efforts to obtain social and economic freedom, but property and census records indicate that those who were freed found ingenious ways to be highly successful. Though the vast majority of

Black southern women remained enslaved or lived with white male partners, the small population who chose to establish businesses and independent households followed much the same path as Fillis. In the Upper South and Virginia, there was a particularly small group of free Black women; nonetheless, this population steadily increased over the nineteenth century and peaked in the 1850s-60s, when Fillis lived. In the 1850s, there were 695 free black women in the upper South, with an average real estate value of 521 dollars per woman, and a decade later the number of free property holding Black women jumped to 1223.[34] Despite laws limiting the scope of their economic ventures (they were prohibited from selling certain items or practicing some careers), Black women found payment through largely domestic jobs like laundresses, seamstresses, and occasionally farm laborers.[35] While their white female peers often lacked any private wealth (the vast majority of white wealth was held by the male head of the family), Black women took precautions to ensure their wealth and property would be undisturbed. Many chose not to marry and lived on their own, evading the predisposition of courts to acknowledge male property rights over women's. If they were to marry, their husbands would likely retain the wealth.[36] Those who did reside with partners also chose to refrain from formal marriage, like Fillis and Phil had done; many of these women made partners sign a "conveyance in trust," similar to today's pre-nuptial agreements, which guaranteed their male partners would not touch their property.[37]

Though many of these elements seem to align with the little we learn of Fillis from Jesse's account, Fillis' situation was a bit more unique. Because Jesse turned to the Petersburg City Court, we can infer that she, Jesse, and Phil lived in or around Petersburg; more likely, they lived on Pocahontas Island, the first free Black community in the southern United States. A part of Petersburg City, Pocahontas Island had been a refuge for free Black Americans since its unofficial foundations in the

Revolutionary War, when the white population exited en masse for the war and the Black community remained.[38] Living in Pocahontas Island would have made life much simpler for Jesse and Fillis than many of their Black southern peers, as this was a well-established and ‘tolerated’ Black community by the larger white city. They likely faced little pressure from the state laws regarding Black freedom and residency simply due to tradition and the community’s longstanding history. In addition, almost 50 percent of Pocahontas Island’s property belonged to Black women, a remarkably high statistic which validates Fillis’ claim to wealth.[39] This does not invalidate how difficult life must have been for Fillis and other Black women: the struggle to balance oppressive laws, violent whites, tenuous romantic relationships and the economic burden of family (part of which might still be enslaved) were all placed on an independent Black woman’s shoulders. Nonetheless, those fortunate enough to gain independence often found ways to navigate these social and legal difficulties regarding occupation, residency, and marriage.

Much of the legal history of Black America has been overlooked for centuries, for obvious reasons: such research is grueling and oftentimes impenetrable. Court records regarding historical Black litigants are often left in a state of disrepair, as the local courts of their day deemed such cases unimportant. Often, cases initiated by Black litigants were not written down at all, and those which were are almost never perfectly documented.[40] Those which reside in archives or county courts are rarely organized, cataloged, or cared for; many more still reside in private collections. The Jesse Green affidavit which inspired this work itself was found in a small antiques store before being brought to the College of William and Mary; it has migrated almost 70 miles from its original court, and the majority of documentation regarding Jesse’s case is still missing. Many similar cases have been lost entirely to neglect. More than just their legal history, it is often challenging to trace the lives of antebellum Black individuals. Jesse Green cannot be found in an

database anywhere, despite the existence of census, vital, and slave records in Virginia during the time of his court case. The same is true for his peers Fillis Turner and Phil Seward, who also lack documentation or a paper trail to follow. The research presented here is by and large a generalization of free Black Americans living in the South in the first half of the nineteenth century; it was pieced together from many fragmented stories. Additionally, these were the stories of free Black Americans; the practice of slavery was still being viciously maintained in the South and thus the stories presented here cannot be taken as true of antebellum Black Americans generally.

Nonetheless, by analyzing legal culture in the antebellum South in regard to Black litigation, it becomes clear that Black Americans were acutely aware of and capable of manipulating the cultural norms and legal systems of their communities. Despite many laws existing exclusively for the purpose of eliminating free Black Americans from Virginia and other southern communities, Black Americans were observant and resourceful enough to navigate these oppressive systems and use white social norms to their own advantage. Their keen awareness of their surroundings and the social order of the South allowed Black Americans to acquire informal legal educations which led to their success in courtrooms; their manipulation of social relationships and their understanding of the law as a local body, woven into daily life, created highly personal cases in which humane social relationships triumphed over the law. Women, like Fillis, understood both white and Black social relationships to such an extraordinary degree that they could surpass the restrictions on both race and gender to become property-owning and well-respected individuals. Much more research is still needed into the lives of historical Black figures to understand both our past and the echoing consequences of the institution of slavery and oppressive legislation on today's society. Still, this research evidences that Black Americans were highly relevant and active members in their

legal communities, capable of extraordinary displays of legal and cultural savvy to protect their rights.

Endnotes

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- [3] Laura F. Edwards, "Status Without Rights: African-Americans and the Tangled History of Law and Governance in the Nineteenth-Century U.S. South," *The American Historical Review* vol. 112, no. 2 (April 2007), 365-393; Welch, "William Johnson's Hypothesis," 89-124.
- [4] Edwards, "Status Without Rights," 369.
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- [6] Edwards, "Status Without Rights," 377.
- [7] Welch, "William Johnson's Hypothesis," 100; Note that some legal schools did exist, like the first established at the College of William and Mary in 1779, but the majority of law apprentices learned in the circuit court by travelling with an experienced lawyer, not in a classroom.
- [8] Daniel Vickers, "Neighbors and Hedges: Shopkeeping in Early New England," in *Market Ethics and Practices, c. 1300-1850*, ed. Simon Middleton and James E. Shaw (Routledge 2017), 109-126.
- [9] Vickers, "Neighbors and Hedges," 109-126.
- [10] Ted Maris-Wolf, *Family Bonds: Free Blacks and Re-enslavement Law in Antebellum Virginia* (University of North Carolina Press, 2015), 8.
- [11] Ellen Eslinger, "Free Black Residency in Two Antebellum Virginia Counties: How the Laws Functioned," *The Journal of Southern History* 79, no 2 (2013), 268.
- [12] Eslinger, "Free Black Residency," 268.

- [13] Eslinger, “Free Black Residency,” 270; Maris-Wolf, *Family Bonds*, 8.
- [14] Eslinger, “Free Black Residency,” 268.
- [15] Eslinger, “Free Black Residency,” 271.
- [16] Maris-Wolf, *Family Bonds*, 8.
- [17] Maris-Wolf, *Family Bonds*, 3.
- [18] As we later see in the reconstruction and Jim Crow eras, when slavery is removed and the racial hierarchy is questioned, violence, evictions, and massacres occur much more commonly and with much more force (ex., the rise of the KKK in the late 19th and early 20th century).
- [19] Kimberly Welch, *Black Litigants in the Antebellum American South* (Chapel Hill: University of North Carolina Press, 2018), 63.
- [20] *Acts Passed at the General Assembly of the Commonwealth 1836/7*, 48.
- [21] Alexander Green, “Citizens: Petition,” petition to the General Assembly of Virginia, 30 January 1837.
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- [23] William Johnson, *The Antebellum Diary of a Free Negro Slave* (Louisiana State University Press, 1951), August 24, 1841 entry.
- [24] William Johnson, *Diary*, Aug 24, 1841.
- [25] Welch, “William Johnson’s Hypothesis,” 102.
- [26] William Johnson, *Diary*, November 16, 1850 entry.
- [27] Edwards, “Status Without Rights,” 376.
- [28] William Johnson, *Diary*, August 17, 1841 entry.
- [29] Maris-Wolf, *Family Bonds*, 54.
- 30] Jesse Green Affidavit
- [31] Jesse Green Affidavit
- [32] Jesse Green Affidavit

- [33] Loren Schweningen, "Property Owning Free African American Women in the South, 1800- 1870," *Journal of Women's History* 1 (Winter 1990): 20.
- [34] Schweningen, "Property Owning Free African American Women," 21.
- [35] Schweningen, "Property Owning Free African American Women," 26.
- [36] Schweningen, "Property Owning Free African American Women," 22.
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- [38] Janice H. Cosel and Laura Jo Leffel, "A Case Study of Pocahontas Island: Resistance to Post-Impact Evacuation in a Historic Black Community Virginia", *Electronic Journal of Emergency Management*, Number 1, 1999.
- [39] Schweningen, "Property Owning Free African American Women," 15.
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Indigenous Sovereignty in Eighteenth-Century Virginia: The Brafferton Indian School as a Political Tool in Anglo-Indian Diplomacy

by *Enya Xiang*

In the summer of 2011, an archeological excavation discovered an unassuming piece of glass on the grounds of the former Brafferton Indian School. The broken glass shard was knapped, worked into a sharp-edged cutting tool. Its maker, likely a young Indian student, probably struck the glass repeatedly, applying the same technique which Native American people have used for centuries to make stone tools. The unknown craftsman created an Indigenous tool out of a European glass bottle, carrying on a tradition that his English patrons sought to root out.[1] The Brafferton, an Indian school within the royally-chartered College of William & Mary, aimed to Christianize and civilize Native peoples.[2] The will of famed English chemist Robert Boyle after his death in 1691 allocated funds for “pious and charitable uses,” and this money was funneled into the Brafferton School, which would educate Indian students “till they are ready to receive Orders and be thought Sufficient to be sent abroad to preach and Convert the Indians.”[3] Boyle’s will affirmed the Brafferton’s mission to enlarge God’s kingdom and earmarked the College’s expenditure for Indian education for almost a century. Yet the Brafferton struggled with low student attendance and internal administrative conflict, and while at least 125 students enrolled at the Brafferton from 1702 to 1777, scholars only know a few names.[4]

Scholars often described the Brafferton as a failure because the school never produced a substantial number of Indian interpreters or gospel preachers, which was the purpose outlined in the original charter and Boyle documents. The institution faced critical internal problems, such as lack of funding and low attendance, and ultimately closed in 1777 when the American Revolution severed the Boyle fund from overseas.[5] In 2019, Danielle Moretti-Langholtz and Buck Woodard refined this assessment and argued that the goals of the Brafferton changed over time

as reflected in the lives of its former students.[6] The present scholarship places a value judgment on the school, based on the initial ambitions of English colonists and perceptions of the college founders. While this local examination and bottom-up approach are valuable to understanding the Brafferton's purpose, there lacks a critical analysis of the school's significance to broader Anglo-Indian relations. This gap leaves critical questions about its diplomatic importance to nations and leaders, especially the Native tribes who sent students to the Brafferton. The true capacity of native agency and resistance can only be realized by connecting the school to a larger political backdrop of colonial America.

The discussion of Native Americans as autonomous actors, separate from European narratives, is still novel in some circles. The civil rights movement, during which scholars and activists began to critically reexamine the American colonial period and encouraged new scholarship on Anglo-Indian relations. While scholars have studied nineteenth-century Indian boarding schools, attempts at Indian education in the Colonial era are less studied. The Brafferton celebrates its tricentennial in 2023, and by creating new discussions with existing sources to empower Indigenous actors, we will gain a deeper understanding of the complex and rich history of Indigenous people, colonial diplomacy, and power structures in early Virginia.

Scholars are aware that many of the Brafferton records were destroyed by fire, and the Brafferton building experienced serious damage during the Civil War.[7] Drawing on remaining letters, treaties, and legal records, this study investigates the Brafferton School's cultural and political importance to Anglo-Indian diplomacy. Contractual documents use clear, simple language and direct statements because they reflect a formula through which nations attempted to establish order and security. The composers of these texts needed all parties to understand its contents because legal documents transformed spoken compromise into a series of concrete actions and transactions. Charged with cultural and

political overtones, they reflect structures of power and where jurisdiction remained contested.

I argue that the Brafferton School was a diplomatic tool within a well-established communications network shared by Native peoples and English colonists. The documents concerning the Brafferton demonstrate agency from Indigenous tribes, who sent students to the school and negotiated with colonists. The Brafferton School thus functioned as an extension of treaties and symbolized good will between the English and Indian nations. In this paper, I first explain why the Brafferton achieved little success in cultural exchange. Then, I break down why historians define the Indian school in terms of failure and examine the assumptions behind this conclusion. I further argue that Indigenous peoples, sovereign equals to the English colonists, participated actively in the Brafferton School. Native tribes adamantly made the best of their circumstances, and the persistence of Indian peoples represented their self-determination. I emphasize the relationships connected with Colonial Virginia, a region defined by conflict and negotiation.

Cultural Exchange within the Brafferton School

During the seventeenth century, English settlers and Indigenous peoples attempted to understand each other through conflicting cultural attitudes. Guided by a strong tradition of oral history, Indigenous education appeared unstructured to early Europeans and thus assumed nonexistent. The self-proclaimed “civilized” European man assumed his duty to enlighten the “infidels” as the English called Indigenous people. [8] English Christian ideals of Indian education juxtaposed sharply with realities of survival. Settlers believed their culture, civil government, and white society to be superior to Native customs, but Indian inhabitants ensured their survival, which depended on Indigenous aid, relationships, and knowledge.[9] Jamestown settlers developed plans for Henrico College, an Indian school which would have been the first Colonial

college, but a major Indian uprising in 1622 attacked the struggling settlement and expunged educational ambitions.[10] With Virginia's next attempt at Indian education, the Brafferton Indian School, Native relations once again sustained the colony's survival, which the civilizing mission conveniently disregarded.

Scholars often concentrate on the cultural impact of the Brafferton, overlooking the school's role within Anglo-Indian diplomacy and Indigenous sovereignty. Through this cultural lens, historians conclude that the Brafferton's attempts to transform Indian students into Englishmen failed because both Native and English cultures were rooted in their own deeply religious foundations, realistically impossible to reconcile. Christianity and Indigenous ancestral religions firmly upheld the importance of spiritual well-being, but each practice engaged in vastly different worship and moral doctrines. In the eighteenth century, apathetic Native students and leadership often reacted hesitantly toward Colonial education, frustrating English officials and educators. The traditional English Christian curriculum would have included corporal punishment, strict routine, and restriction of movement, which would have provoked culture shock in its Indian students.[11] Due to efficient Indigenous land-tending methods, men were often idle in day-to-day life, and Native society regarded idleness as a virtue of masculinity. Idleness, however, embodied a vice to the English Church. Other Christian concepts, such as sin and fear of death, would have aggravated the psychological toll experienced by a Brafferton student, who started school around seven or eight. At that age, he would have been old enough to remember his community, and Indian students often found themselves caught between two cultures and two belief systems.[12]

At school, Brafferton students learned in English, ate European cuisine, and dressed in Western fashion, but they were often unwilling to fully acculturate. Planter William Byrd in *The History of the Dividing Line* describes, "Yet after they return'd home, instead of civilizeing and

converting the rest, they have immediately Relapt into Infidelity and Barbarism themselves.” Some students resisted further and “made the worst use of the Knowledge they acquir’d among the English, by employing it against their Benefactors.”[13] As many indignant colonists reported, survivors of Indian education clung stubbornly to their Native religious beliefs.[14] Native resistance toward European religion revealed a deep sense of self-righteousness felt by Indigenous students, who preferred their former lives. They possessed an adamancy that upset and withstood the school’s objective for cultural integration. For the English, sustaining the Brafferton School was also motivated by economic motives more than compassion. While English elites had little interest in financing the empire’s American colonies, sympathetic Christians gladly donated to Indian missionaries, and Virginian Governors took advantage of humanitarian sentiment to support the whole College. The Boyle Fund brought in a reliable stream of money for the Brafferton School, a great portion of which often got allocated to the main College instead.[15]

The traditional perspective, however, neglects the Brafferton’s political significance by concentrating only on the institution’s objective of cultural assimilation. If one looks at the initial purpose of its establishment and compares it to its accomplishments, the Brafferton indeed faltered in its mission. Irreconcilable cultural differences hindered both Indian students and English educators, acting as delegates of cultures at odds, unyielding in their respective tenets. The orthodox perspective therefore frames the Brafferton School in terms of failure, measuring the gap between goals set and goals accomplished. However, I argue that defining the Brafferton by its original objectives inaccurately measures the impact and significance of the school. By framing education as a success or failure, we define the discussion in the terms of the English colonist, who built the institution and prided his superior way of life. Objectives reflect the priorities of the powerful, and we

inadvertently recycle those power structures when we use colonial concepts as the benchmark to understand those ideas. As historians turn away from Eurocentric perspectives, we should focus instead on the function of the Brafferton School. The unintended consequences of the institution, not its initial purpose, shaped the English and Native experiences adjacent to the Brafferton. The significance of the Brafferton relates to broader political and diplomatic relations in Virginia. By focusing on relationships rather than ranking its performance, we better understand the importance of the school and how it fits into early American politics.

Role of the Brafferton in Anglo-Indian Diplomacy

Despite irreconcilable cultural differences, the Brafferton School survived for almost a century. The civilizing mission needed willing Indigenous students and supporters, which compelled the Brafferton School to serve as an Anglo-Indian diplomatic tool from the start. In the seventeenth century, Christian propagation was closely connected to matters of state-building, and missions served as an important method of cultural transmission between Europeans and Natives. The William & Mary Charter states clearly in its first line its objective to convert Indigenous peoples so that “the Christian faith may be propagated amongst the Western Indians.”[16] Beyond the Brafferton’s Christianizing and civilizing purpose though, educational objectives created concrete reasons to use diplomatic tactics with such Native groups. The means of accomplishing these educational goals could not be completed without diplomatic negotiations with powerful Indigenous peoples. English educators had to persuade distrustful Indian leadership to send students to a foreign country to learn its strange customs. The College itself had to allocate valuable resources to invest in their Indian students’ academic future, when its own institutional survival remained uncertain.[17] The Brafferton School created lasting diplomatic relations

rather than impactful cultural exchanges. A British official in the Treasury recognized the school's political implications in a letter, written on November 8, 1712. Governor Alexander Spotswood's proposal to build an Indian school "would tend very much to the Benefit and greater Safety of that Colony and even of Other Her Maty's." The letter continues, "Plantations upon the Continent, in securing & Establishing a friendship with those bordering Nations by such an Intercourse & Dependence...may procure...and retain a friendship and Kindness for the English in their distant Travells and Yearly Huntings thro great tracts of Land, and so disapoint or make known the Intentions and Progress of the French." [18] The terms, "friendship," "bordering Nations," and "Intercourse & Dependence" hail from the unembellished vocabulary of diplomats, categorizing information into simple formulas. This internal document, expressing serious security concerns for Britain's colonial frontiers, recognized the geopolitical strategy of an Indian school. Despite endorsing ethnocentric religious motives, British leadership understood that Native alliances were critical to ensuring the survival of English colonists and countering other European threats in the New World.

The Brafferton School was situated in a shared diplomatic network that both Native Americans and English already understood. The Powhatan Confederacy, the powerful united Native front who first encountered the early Jamestown settlers, exercised power over thirty tribes in Virginia, encompassing twenty to twenty-five thousand Natives. By 1646, the Powhatan Confederacy had fallen, causing local Native leadership to adjust to new borders and push for their self-interests. [19] During this power vacuum, Great Britain began offering legal protections to Native communities, such as rights to self-governance and property, to ensure peace in the colonies. Creating a hierarchy of power, this relationship formalized into a tributary system, the arrangement which brought Indian students into the Brafferton School. The traditional

perspective on Anglo-Indian tributary relations explains that this power structure signaled the collapse of Indigenous sovereignty. Dylan Ruediger, however, argues that the tributary system created a workable framework for diplomatic negotiation.[20] In the seventeenth century, Virginian settlers, aiming to build a secure English society, greatly outnumbered Indian populations. However, diminishing Native populations created a security risk for the British empire; diplomatic alliances with Indian populations enforced a stable Virginian border.[21] The Virginia colony, exhibiting good will through the school, thus spent considerable effort maintaining tributary relations. Native peoples remained important trade partners and military proxies, connections which the early Governors of Virginia intended to cement through the educational program at the Brafferton.[22] Within the tributary network, students came from tribes with economic and political connections to Virginia. Students represented the same communities who traded with the colony, and their participation at the Brafferton often granted them favorable exchange rates.[23]

Although the English settlers gained leverage in Virginian geopolitics, Indigenous groups took advantage of their circumstances when interacting with Europeans. Because the tributary system gave Indigenous peoples important legal tools and a level of autonomy, tribes of the Brafferton students had the power to assert rights and demand protections. In 1676, Bacon's Rebellion, an uprising organized by discontented Virginian settlers, jeopardized Anglo-Indian peace in the region. Great Britain and several Indian nations signed the Treaty of Middle Plantation in 1677, which defined the tributary system and revealed the political context behind the Brafferton School, which would be established two decades later.[24] The Crown considered allied Indigenous peoples British subjects and protected them from arbitrary arrest "without a Warrant from a Justice of Peace, upon sufficient cause of Commitment." Britain also recognized the sovereignty of Indigenous

leadership: “That each Indian King and Queen have equal Power to Govern their own People.”[25] Through this treaty, Chief Cockacoeske of the Pamunkey cleverly convinced Great Britain to codify her sole authority over several Indian nations.[26]

While colonists expected Indian students to become champions of the British agenda, Native peoples were unwilling to send their sons to the Indian school unless it was diplomatically advantageous to do so. Indigenous groups chose their alliances strategically based on historic grievances as well as the demand for coveted European goods. The Pamunkey tribe and other tributary tribes eventually sent students to the Brafferton, but their initial disinterest demonstrated a level of self-determination that should not be underscored.[27] During the Brafferton’s first few decades, Virginian officials encouraged Native delegations to send Indian students but merely received polite refusals. In 1702, Virginia Governor Francis Nicholson decided then to purchase Indian boys to fill the Brafferton roster. Thus, the first students were originally Indian captives, likely enslaved into forced labor, who became free students instead. Through Governor Alexander Spotswood’s efforts, several tributary tribes agreed in 1711 to send one to two students, many of whom were relatives of Indian leaders.[28] However, this arrangement did not happen without Spotswood’s insistent persuasion. In a letter to London on November 11, 1711, Spotswood explains that he had remitted the annual tribute of animal skins “so long as they [tributaries] permitted their Children to be brought up at the College.”[29] The students thus became tributes themselves, a representation of friendship and alliance, demonstrating the importance of the Brafferton’s survival to the Virginia colony. Their education gained a diplomatic function, symbolizing the exchange of culture and knowledge between two distinct societies.

African and Indian Slave Trade in Virginia

The suppliers of Nicholson's purchase were the Catawba Indians, who had captured and sold the four Native boys who became the Brafferton's first students. Throughout the eighteenth century, the Catawba served as slave catchers for runaways. To complicate matters, their leaders sent at least one student willingly to the Brafferton during the same period.[30] In the late seventeenth century, exporting sugar cane became extremely profitable, causing the trade of African and Indigenous enslaved people to grow lucrative. Indigenous peoples had practiced forms of slavery before Europeans arrived, but it was not the same brutal race-based system that emerged with African chattel slavery in the seventeenth century. In the late 1600s, most Caribbean Natives who worked in the sugar fields perished quickly, increasing demand for imported enslaved Africans and North American Indians. Rival English colonies often recruited Native peoples to attack and enslave other Natives. Indigenous peoples from the southeastern coast received firearms and gunpowder from English traders in exchange for captives, who were then transported to the Caribbean to work in sugar plantations. [31]

In light of the Virginian slave trade, tributary nations raised well-founded concerns about the legal status of their children if tutored at the Indian school. Spotswood admits to the Indians' feelings of unease toward his invitation to a Brafferton education. The Natives were "a little shy of yielding to this proposal and urged the breach of a former Compact made long ago by this [Virginia] Government, when instead their Children receiving the promised education they were transported (as they say) to other Countrys and sold as Slaves." [32] As colonial lawmakers developed harsher racial ideologies and codified them in law, Natives questioned the sincerity of the Brafferton School. In both 1670 and 1682, laws designated all imported non-Christian servants as enslaved people, which included Indians. The 1682 Law to Define Slave Status specified, "all Indians which shall hereafter be sold by our

neighbouring Indians...shall be adjudged, deemed and taken to be slaves.”[33] For tribes who considered Spotswood’s proposal, they feared that their children could be converted into imported property. However, Spotswood needed to create critical alliances and sought to appease Indigenous leadership. It likely helped Spotswood’s case that Article XV in the 1677 Treaty of Middle Plantation clarified “That no Indian (of those in Amity with us) shall serve for any longer time then English of the like Ages should serve by Act of Assembly, and shall not be sold as Slaves.”[34] According to Spotswood’s report, Indigenous visitors to the School approved of the Brafferton “insomuch that they Lament their own Misfortunes in having not had the like Oppertunity of Education in their Infancy.”[35] While he likely exaggerated the visitors’ admiration, it is clear that he intended to impress Native representatives.

As with many other early colleges, the College of William & Mary also benefited financially and politically from the Virginian slave trade. In 1718, the institution bought Nottoway Quarter in southern Virginia and purchased enslaved Africans to work on the tobacco plantation. Profits from the plantation provided funding for the College and scholarships for white students. While Indian students attended school at the Brafferton, they would have seen enslaved Black people tending the fires or maintaining the gardens at the College.[36] The African and Indian slave trade, which depended on the dispensability of human beings, contrasted sharply with the experiences of Brafferton students, as their acculturation to British customs were an investment of the Virginia General Assembly. Although the Brafferton shielded Indian students from slavery, Native and English traders concurrently participated in the practice of subjugating human beings. This juxtaposition demonstrates that English colonists urgently needed the support of Native tribes, despite increasing oppression over people of color.

The Brafferton Discussed in Conflict Resolution

Throughout the eighteenth century, the Brafferton School symbolized British intentions to build rapport with Natives in times of conflict. Virginia delegates used the Brafferton as a forum to demonstrate the colony's goodwill towards the Iroquois, a powerful and geographically expansive coalition of six nations. In 1744, fears of intercolonial and Indian conflict culminated in talks in Lancaster, Pennsylvania, attended by the Iroquois League and the colonies of Virginia, Maryland, and Pennsylvania. Although skeptical of the League's land claims, Britain needed a Native military alliance to fight nearby French forces.[37] During negotiations, the Virginia representatives offered the educational program at the Brafferton School, to which the Iroquois representatives refused. The Indian delegate responds, "we love our Children too well to send them so great a Way, and the Indians are not inclined to give their Children Learning. We allow it to be good, and we thank you for your Invitation; but our Customs differing from yours, you will be so good as to excuse us." [38] An interpreter, Conrad Weiser, chose the word "Learning" to translate the Iroquois's understanding of English education, characterized by traditional classroom schooling with schoolbooks and masters.[39] The Iroquois representative's response demonstrates Native understanding of European educational practices. Records show that the Iroquois had sent at least one student to the Brafferton in the past; however, the League, informed by their earlier experience, recognized that engaging with the Brafferton was not in their best interests.[40]

In fact, the Iroquois Confederacy revealed in the Lancaster talks that they believed their educational traditions to be superior to the English model. Benjamin Franklin reports that Canassatego, notable diplomat of the Iroquois Confederacy, offered alternatively to educate English children in Indian culture: "if the Gentlemen of Virginia will send us a dozen of their Sons, we will take great Care of their Education, instruct them in all we know, and make Men of them." [41]

Canassatego's statement, taking a jab at the European masculine ideal, reveals an ethnocentric standpoint towards English traditions, and one can imagine the ensuing confusion from the European delegation who exulted their English college. However, the significance is not whether the cultural exchange succeeded or not, an option shut down by the Iroquois in this case, but the capacity for exchanges to occur anyway, despite irreconcilable differences. Education took place in the center of Anglo-Indian diplomacy because the Brafferton represented an alleged extension of good will from the colonists, a gesture that Indigenous leadership acknowledged. Open stable diplomatic channels allowed these correspondences to occur, mutually respected by parties who needed each other's advantages.

Although many Native nations refused to send students to the College, the Brafferton School nevertheless had a consistent enrollment from the 1760s until its closure in 1777. The American Revolution severed the Boyle Fund from England, and the last payment to the College was delivered in March 1776.[42] As the colonies moved toward revolution, embracing a neutral stance made practical sense to Indigenous nations, who presumed the political upheaval to be an interfamilial quarrel between England and its domain. Colonial rebels, hoping to avoid conflict with Native Americans, established a Committee on Indian Affairs to urge a neutral stance from Indigenous nations. Without England's pre-existing relations, the colonists lost the means to establish Native alliances. The British empire, not the divided colonies, had developed the channels for Indian diplomacy and manufactured the products wanted by Indian nations.[43]

Great Britain continued to seek allyship from Indian nations who depended on European goods. British expenses on gifts to the Iroquois leadership rose from five hundred pounds in 1775 to 100 thousand pounds in 1781. While Britain boasted of their military advantage over the weak new republic, Indians questioned why the British empire

needed Native cooperation in a political conflict unrelated to Native interests, especially if the empire could allegedly quell the rebellion so easily. However, the Revolution rapidly drew in all Indigenous nations, who divided themselves into the English or American camp. Many Indian peoples chose to unite with Great Britain, a nation with a better track record of protecting Indian sovereignty and property than the colonists.[44]

After the Revolution, the new American republic continued to treat Indian tribes as sovereign nations in the same manner as the English Parliament had, recognizing Indigenous systems of power and adapting to them to communicate political agendas.[45] While the Brafferton School's function as a diplomatic tool ended, political leaders wanted to restart the school. In *Notes on the State of Virginia* published in 1785, Thomas Jefferson held hopes of resurrecting the Brafferton School and advised "to collect their [Native] traditions, laws, customs, languages, and other circumstances which might lead to a discovery of their relation with one another, or descent from other nations." [46] However, the separation of church and state meant that the civilizing mission no longer had the same tenor of diplomatic importance, breaking the link between education and diplomacy that the Brafferton represented.

Epilogue

As a republic emerged, contradictory Indian policies both respected Indian sovereignty and deceived Native peoples. The American objective for Indian education gradually turned from religious paternalism to forced cultural assimilation. Throughout the nineteenth century, the debate centered around the policies of removal and assimilation. In the Antebellum era, removal policies triumphed, backing the western expansions of Manifest Destiny. In the late 1800s, two centuries after the Brafferton's founding, assimilationist Indian education gradually emerged onto the national agenda.[47] Indian boarding schools sprang up

all over the country, and education reflected, like in the Colonial period, the politics of the American government. The eradication of Indigenous language and knowledge accompanied the erasure of Native sovereignty through policies and unhonored treaties. But, like the Brafferton students who “Relapt into Infidelity and Barbarism” and clung stubbornly to their cultures, the history of Indigenous peoples confirms a powerful pattern of resistance continuing today.[48]

The Brafferton building still stands on the campus of the College of William & Mary, housing the offices in which the College President and other administrators think, work, and act. The building is one of the three iconic brick structures that form the idyllic entrance facing those who enter. The alma mater of George Washington and Thomas Jefferson, the College continues to hold political significance with proximity to D.C. and other federal institutions headquartered in Virginia, where many of its college graduates proceed to. For the past twenty years, the College of William & Mary has partnered with Virginia’s Indigenous peoples to conduct research, build relationships, and recognize Native heritage and the harsh histories of indigenous and colonial relations.[49] For the 2023 Brafferton commemoration, William & Mary plans to further evolve the function of the Brafferton building and the memory of the Indian school so that the College includes Indigenous voices of the past and future.[50]

At a ceremony held ahead of the 2011 Brafferton excavation, Annette Saunooke, William & Mary graduate and member of the Eastern Band of Cherokee, asserted, “[M]y hope is that William & Mary is revitalizing the mission of Brafferton which is to be that broker of relationships between Native peoples and the College and to form relationships that move us into the future.” The Brafferton School connected the Indigenous and the English, individuals and nations—nations speaking on equal terms. Indigenous peoples stepped up to the task with agency and stories of their own, leaving a powerful impression in the American collective memory.

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Situating Adriano de las Cortes' Description of China

by *Sam Shen*

When the Jesuit Adriano de las Cortes stepped into a local temple in the town of Chaozhou in 1625, he did not realize that he had entered a foreign world composed of symbols and images vastly different from those of his own. He described this experience:

I would only say I saw the Chinese worshiping a pagoda figure that in its head had three faces together whose sizes and features and everything else were completely similar, that all seemed to me a face of the mystery of the Holy Trinity...I also saw in the altars a woman figure called Juanima, which, among the various ways of painting her, I saw her once painted with a child between her arms...It appeared to me a portrait of Our Lady with the child in her arms. Another statue of the pagoda I saw looked like our Saint Miguel...I saw other very ugly demons breathing fire.[1]

A person with some knowledge of the local religious traditions would speculate that what Cortes assumed to be the mother of Jesus was probably the goddess Mazu, or Guanyin, and the three-headed "Trinity" could be a statue of the martial hero Guanyu. However, in committing a classic case of cultural mistranslation, Cortes was simply following the need of the *relación* to record notable things. Just as Anthony Pagden pointed out, travelers did not make sense of what they observed after they had acquired the empirical data. Rather, they classified, analyzed, and interpreted while they observed.[2] In this case, Cortes resorted to Christian concepts to explain what otherwise would be otherworldly. However, for Cortes, those representations were grossly perverted that they were barely recognizable. By putting the demons together with God, the Chinese also committed a basic category mistake, one which potentially upended the supernatural order of things by putting the highest good on the same plane with the evil.

For every description to be made the author necessarily carried a set of cultural assumptions, methods of classification, and analytical paradigms. In writing about another land and people, different authors naturally differed in their emphases, goals, and levels of sophistication. It is the aim of this paper to situate Cortes' *relación* in the early modern European literature written about China. I will argue that Cortes' *relación* exhibited an imperial bias, empirical curiosity, and an empirically-oriented ethnographic approach. However, It must be noted that Cortes had two parts in his work, *La relación que escribe el P. Adriano de la Cortes, de la compañía de Jesús*, the first one being the narrative of his captivity and release, while the second part offered a general description of China. This paper is concerned with the second part.

Setting out from the Philippines for Macao in the January of 1625, Cortes and his shipmates shipwrecked on the shore of what was today's Chaozhou city. Through a coordinated effort of rescue organized by Macao authorities and the Jesuit order, he was eventually released in 1626. Once he went back to the Philippines, he set out to write a *relación* describing what he had observed in China. The work was still incomplete at the time of his death in 1629, and the manuscripts trailed off in the third part of the work, where he presented a history of Christianity in China.[3] The text then remained unpublished until 1991.

During his one-year stay, Cortes had very limited mobility and acquired few language skills. This restrained experience could not explain the exceedingly rich contents of his *relación*. The answer to this incongruity lay partly in plagiarism, which Cortes practiced extensively. Plagiarism was not only normal but also profitable in the early modern world since it helped writers to achieve the goal of the *relación*, which was to provide useful information rather than being original.[4]

Plagiarism offered Cortes with readily available sources and explanations which he used to enrich his accounts and make sense of

what he saw. It was difficult to determine exactly which work Cortes copied from since useful and credible information tended to circulate widely. For example, many authors have noted that the Chinese people were not allowed to possess any weapons and that they fought by punching, kicking, and pulling each other's hair. This exact passage of "no weapon" followed by "pulling hair" appeared in the works of Martin de Rada,[5] Diego de Pantoja,[6] and Cortes himself.[7] Another instance was the recording of cormorant fishing, which was a technique practiced by boatmen in Southern China. It first appeared in the work of the Portuguese traveler Geloete Pereira[8] in 1555, and later reappeared in the work of Gaspar de Cruz[9] as well as in Cortes'. As clear evidence of plagiarism, the authors passed down a piece of misinformation that fishermen had to pay a fee to the king for using the cormorants.

Cortes' plagiarism suggested he read many of the previous authors who had written about China. However, what played a bigger role in shaping his text was not just the episodic anecdotes, but the textual structure that he adopted from previous authors. In the part that Cortes dedicated to a general description of China, he titled his chapters with topics including apparel (Chap. IV), superstitious customs (XI), food (XII), colleges, science, and exams (XV), meat and fish (XVI), fruits (XVII), vegetables and other cooking stuff (XVIII), merchandise, gold, silver, and other metals (XIX), wealth and poverty of the Chinese (XX), government (XXI), nature and character of the Chinese (XXII), and finally architecture (XXXI). Though he did not follow the traditional order of topics, his themes were conventional in the sense that they addressed common ethnographical concerns. As such, these topics were mentioned by virtually all previous authors.[10]

The importance of these popular topics lay in their evaluative potential. For example, like his Jesuit colleagues, Cortes recorded the numerous superstitious customs he found perverse. According to him, the Chinese of all trades and statuses were obsessed with fortune-telling,

a fact also noted by his predecessor Diego de Pantoja. They consulted their idols, casted lots, and even would turn to blind vagabonds for answers. For a theologically aware person like Cortes though not for the Chinese, fortune-telling belonged to the category of superstition, an inarticulate and inferior form of religion.[11] Divination of this kind implicitly involved “a pact with the devil” because they had no natural or divine reason for success.[12] Thus, according to Cortes, the people who performed them would fall into “the deep chasm of the inferno.”[13]

The topic of superstition had significance because it pointed to the Chinese people’s disorderly and corrupted spiritual state. As such, travelers, and especially the morally sensitive missionaries, tended to elaborate on this topic. Under the category of superstition, Cortes put other customs such as religious feasting, burials, and begging practices. Pantoja, who wrote in 1602, included under the same topic fortune-telling, burials, belief in reincarnation, pursuit of immortality, and alchemy.[14] Writing in 1615, Nicolas Trigault largely followed the listing of Pantoja while adding the custom of consulting family spirits, which he considered demons.[15] For Cortes as well as for Pantoja and Trigault, superstition naturally bred social disorder, since it reflected the absence of true scientia, or knowledge of the natural state and order of things.[16] For Cortes, the fact that the Chinese worshipped demons and ate offerings to their gods indicated their lack of distinction not only between the sacred and profane, but also basic good and evil. Their confused religious knowledge determined that they were concerned neither with salvation nor the next life.[17] Furthermore, being a group of people without fear of God or moral conscience, the Chinese naturally lacked basic virtues such as mercy. That was why, according to Cortes, there was no hospital in China, and alms given were always paltry in amount, due to which he and his companions starved.[18]

Therefore, the ways in which the Chinese acted religiously were telling of who they were as a people. In this way, ethnographic analysis

and judgment were present in every topic. Another important topic was the mechanical arts, which broadly included all *techne*, or things produced by humans such as clothes, industry, architecture, and even food. Travelers marveled at the ways in which the Chinese have mastered nature. Juan Gonzalez de Mendoza, writing in 1585, stated that there were well-paved highways all over China, even in the remote mountains. The roads were “cut by the force of labor and pickaxes, and maintained with brick and stone.”[19] Two years after he had entered China in 1582, the Jesuit Matteo Ricci reported that Mandarins traveled with ease on the natural and artificial rivers with their ships, which were furnished with decorated chambers, rooms, and pantries.[20] Standing at the top of the city wall, Cortes found that there were settlements in all directions, and there was not even “a palm of land that was not cultivated.”[21]

These engineering feats suggested the tremendous achievement of the Chinese to transform nature for their own use. The result, the density of the population and the well-connectedness of China, implied the facility of consortium, the communications between men that defined a civil community.[22] More importantly, the abundant evidence of craftsmanship and cultivation was proof that the Chinese possessed technical ingenuity, which implied mature practical reason. For Trigault as well as for Cortes, the fact that the Chinese were able to manufacture all kinds of goods indicated that they were an industrious and ingenious people.[23]

Besides the ethnographic concerns, imperial interests also played a role in shaping Cortes’ topics. His documentation of goods was reflective of Cortes’ strategic alertness to profitable trade items. He recorded products not remotely noticed by previous authors. For example, it was commonly stated that Chinese people wore linen in the summer,[24] but Cortes discovered four types used by the Chinese, *abaca*, *hungmua*, *tin*, and *qua*. [25] His focus on linen was not incidental. At that time, the

import of textiles was an extremely profitable business since it is estimated that Spanish textiles were nine times as expensive as the ones imported from China.[26] Other goods that Cortes mentioned, such as iron, porcelain, and various agricultural produce, were also cheaper in China, making them ideal items for trade. Furthermore, the section on the imports and exports of goods was so comprehensive that Cortes practically reconstructed the trading networks of East Asia. He recorded the movement of goods, such as sugar, which the Chinese extracted out of the Chaucauca.[27] Consuming little of it themselves, the Chinese sold the sugar to Japan, the East Indies, and the Philippines.[28] There was also the movement of currency. According to Cortes, the Chinese merchants imported copper from Japan to mint the coin *caxa*, though he did not realize that these coins circulated widely in Southeast Asia.[29]

Cortes's commercial emphasis reflected the changing role of the Philippines in the empire. Conquered by Spain in 1565, the Philippines was initially a costly colonial undertaking that presumably would be compensated by further religious penetration into the region. Eyeing the millions of souls in China, officials and missionaries were particularly frustrated by the Chinese official policy of *haijin*, the sea ban that forbade foreigners to enter and Chinese people to leave, leading some to deliberate on a justification for an armed invasion. One of the leading proponents was the governor of the Philippines Francisco de Sande. In his letter addressed to Philip II in 1576, Sande argued that an invasion would be "most just [*justicima*]" because it would liberate the "miserable people" in China, who had been living with perverse customs that grossly violated the natural law, such as sodomy, infanticide, and the selling of children for slaves.[30]

Under such circumstances, military and political preoccupation initially characterized the *relaciones* written by authors from the Philippines. A typical example was the work of the Augustinian friar Martin de Rada. Utilizing his Chinese language skills, Rada was able to

to profit from the Chinese literature that he acquired during his 1575 trip. In his *relación* written the next year, he devoted barely any space to trade or merchandise. Instead, he described in detail the administrative statuses of cities, evaluated Chinese weapons and soldiers, and listed key economic resources. More importantly, he provided important data for each province, including the number of cities, garrisons, households, and incomes.[31]

In comparison, Cortes's lengthy chapter on merchandise reflected a shift of focus due to a different international setting. The destruction of the Armada in 1588 decimated the Spanish naval force, thus dashing the hope of invasion. Meanwhile, however, the Philippines had gradually transformed from being an outpost established primarily for further religious and military penetration into a vital commercial hub between China, Spain, and Spain's American colonies. The number of Manilla Galleons sailed per year—the ships that carried goods from China to Vera Cruz in Mexico and then to Seville in Spain—increased from nine in 1578 to averaging 28.6 between 1599 and 1614, while taxes collected from Chinese imports increased threefold between 1591 to 1615.[32] Meanwhile, the administrative attention of colonial authorities also turned to commerce. Already in 1589, the governor of the Philippines reported that he bought copper from China to build artillery and requested that the king send help for ongoing construction works to accommodate the Chinese immigrant workers, whose number had reached four thousand.[33] With commerce becoming the lifeline of the Philippines, it was natural that Cortes viewed its most important trading partner, China, with an eye on its abundance and profitability.

The way that Cortes expounded his topics also reflected his lack of interest in scholarly concerns. Notably, his account of the Chinese government was cursory, occupying less than one folio in the original manuscript. It was also unsystematic and confusing. He talked at length about the Mandarins' power to arbitrarily punish anyone and attributed

China's peacefulness entirely to their canes, the tool they used for beating. Furthermore, he called the sub-bureaucratic officials from Chingaiso mandarins, subordinated the Chaozhou fu to the Chaozhou kingdom (*reino*) whereas they were actually separate administrative and military units, and referred to counties as cities.

Cortes' brevity on politics was especially obvious when compared to Juan Gonzalez de Mendoza. Mendoza's *Historia del gran reyno de China*, published in 1585, was the first to attempt a reconstruction of the Chinese political system. Though still committing many errors, Mendoza got the gist in the sense that he depicted a top-down, centralized bureaucratic system managed by learned officials. Lacking a hereditary aristocracy, China had the royal council as its highest institution that oversaw the whole bureaucracy. Its members were chosen for their knowledge of "the laws of the country, as well as moral and natural philosophy." Being such cultivated people, the councilors carried out justice and selected the governors and viceroys without being led by affection or passion.[34]

China was therefore what Mendoza called "the most political country" in the sense that its political design helped the government to fulfill its natural function, "do upright justice according to the law of the country," which was included in the oath sworn by the councilors.[35] Here, Mendoza's emphasis on law appealed to European philosophical traditions. Promulgated by the "king" of China and enforced by the virtuous bureaucrats, the Chinese law, just like any law that followed the natural law, ensured a civilized social order that was both rational and natural. Mendoza placed his discussion of Chinese politics in the third book of his *historia*, which dealt with "moral and political matters," while the first and second books were on things "natural" and "religious" respectively. By applying the term "history" and detailing Chinese political wisdom, Mendoza demonstrated a humanist's concern with morality and good governance. One of his purposes, therefore, was to

edify. In “to the reader,” Mendoza claimed that his intent was to “delight the wits [*ingenios*] with things extraordinary and diverse.”[36] It was through addressing intellectual concerns that Mendoza transformed the endeavor of writing about China from being a “persuasive, epistolary, informational, and missionary” task into an enterprise dedicated primarily to the spread of knowledge addressed to the republic of letters. [37]

In comparison, Cortes’ lack of dexterity with more serious topics demonstrated the limit to his knowledge and intellectual capacity. As I have mentioned, his account of Chinese politics lacked any structure. His description of Chinese liberal arts was brief, especially considering that by the time of his writing, the Jesuits in China have already expanded greatly their understanding of the Chinese literary culture. They expounded, for example, on the Chinese language, Confucian doctrines, and the imperial examination. On the other hand, Cortes was not intending to write a scholarly treatise. He did not share with Mendoza the humanist ambition to “apply old history to new subjects.”[38] His interests were more mundane.

In contrast to his brevity on politics, history, and liberal arts, Cortes’ works abounded with descriptions of things that could be captured by the eyes. Consider, for example, his descriptions of Chaozhou city. Its main street had “two hundred stores at each side” that were selling all kinds of fruits, shellfish, and pastries. The city had about twenty ponds teeming with fish. There were also twenty-six beautifully made and expensive arches that “made the streets more beautiful than those of the Indies and Spain.” The circumference of the city, which Cortes measured by walking on the city walls, took him from one in the afternoon to sunset to complete.[39] Here, Cortes described a central image in early modern ethnographic practices, the city, which was important for the multiple layers of meaning it possessed. It was essentially a market, a military center, and a symbol of civility.[40]

We can see the presence of these elements in Cortes' descriptions, yet he emphasized the aesthetic other than the functional role of the city. In comparison, the city Guangzhou in Gaspar de Cruz's writing published in 1569 had the same elements, but the scene was described with more attention to things with functional significance and spatial configurations, like drawing a map. Cruz noted the strong walls, the multiple city gates with breastworks, the broad streets, and the Mandarins' houses with prisons, successively.[41] Instead, Cortes' style was more similar to Francisco Hernandez's descriptions of Mexico City. Writing fifty years after the Spanish conquest, Hernandez boasted its pleasant urban environment. "Ennobled by large, strong walls," it had a wide public square, huge royal palaces and monasteries, and "the most delightful gardens" with "crystalline water springs." [42]

Curiosity, motivating Cortes to record natural and human creations that stretched the European imagination, led him to document the marvelous, which as a category was strangely absent from previous accounts of China. For example, he was fascinated by a twenty-span bridge in the city of Chaozhou. It was cut off in the middle where it was connected by a wooden plank, allowing big and small boats to pass. There was also a street on the bridge with shops on both sides. Such a detailed description of a thing with no apparent significance was last seen in the work of Marco Polo. Writing in the thirteenth century, Polo described a twenty-four-span bridge that he saw near Khan-Balik (Beijing) made entirely of grey marble. Atop the bridge was a column of marble tortoises resting on marble lions. In the kingdom of Kara-jang (Yunnan), Polo encountered a snake ten paces in length with a mouth so big that it could swallow a man in one gulp.[43] Similarly, Cortes described a snake called "sana" that hunted cattle and men by dropping itself down from the tree to coil around the prey to suffocate it.[44]

Given Cortes' general disposition towards empirical accounts, it is clear that an empirical curiosity was what underpinned his project. As I

have mentioned, Cortes' use of descriptive categories hardly diverged from that of his predecessors. However, his treatment was exhaustive on the topics where the data could be empirically gathered. Cortes' thoroughness becomes apparent when his discussion on Chinese apparel is compared to that of his predecessors, who generally did not spend more than three paragraphs on this topic. Most of the authors generally provided a cursory account of the clothes, without offering a visual description of their likeness, or the way they were worn. Cortes, in contrast, was encyclopedic. Besides the dresses and clothes that other authors focused on, he also described all kinds of headwear and footwear in painstaking detail. Women's stockings, for example, were described as very wide, white, and without soles. They went down to the heel and dropped over the instep, where it was a hand wide, with the ends in green, red, and blue, and also with embroideries that looked like those on the cuff of an alb.[45]

More importantly, clothes occupied a central place in the part of Cortes' *relación* as he included drawings of things he observed in China. The encyclopedic collections of apparel were carefully taxonomized according to the status, professions, and gender of the people who wore them. For example, in Figure 1, the hat in the middle was worn by the *Colaos*, a transliteration of the members of the emperor's cabinet, or *Neige* (内閣), the overseeing institution of the imperial bureaucracy. The bottom two, as seen in Figure 2, were worn by all mandarins, without distinctions of rank. The drawings were not limited to clothes, but also included weapons, instruments of punishment, musical instruments, banners, and various kinds of ordinary people.

What was his purpose exactly? Though not as systematic, Cortes' attempt to catalog things was evocative of the efforts of Francisco Hernández, who was commissioned by Philip II to document the plants found in New Spain. Hernández followed the same epistemological methodology as Cortes by constructing types among a vast pool of

heterogeneous things. In the case of plants, Hernandez's classification followed the Aristotelian "species" and "genera" each species with distinct biological properties and uses. For example, what the natives called cacao was the fruit of the tree "cacahoaquahuitl" which as a genus had four species "cacahoatl," "quauhcacahoatl," "mecacacahoatl," and "xochicacahoatl," each one with slightly different sizes, leaves, and fruits. Mixed with grains of "pochotl," cacao could be made into a drink called "chocollatl," which could help gain weight when administered to the emaciated.[48]

On the other hand, though Cortes' classification followed no conventional criterion, he still relied on classification to make sense of Chinese society. Cortes' focus was rather on daily objects. Besides clothes, he also classified the houses of the Chinese based on the wealth of the residents. For example, poor Chinese lived in badly tiled houses surrounded by mud walls. Inside the house was a flat pigsty (*pocilga*) where the Chinese husband, wife, their children, their hen, duck, and dog lived all mixed together.[49] Meanwhile, the people with middling status lived in houses similar in layout to the ones in which the Mandarins lived. They had one door leading to the street, followed by a small patio with hallways at its sides and three rooms at the end. Usually, three people lived in each room, which was equipped with stoves for cooking. [50] Despite treating entirely different topics, Hernández and Cortes both classified the things they observed based on meaningful empirical traits that pointed innate qualities.

Still, with his focus on people instead of nature, Cortes' work was more comparable to the *Boxer Codex*, which is a manuscript produced by an anonymous author discovered by historian C.R. Boxer in the Philippines. Produced in the 1590s, the *Boxer Codex* depicted the people, animals, and mythological creatures living in Southeast Asia. Like Cortes' drawings, the visual signals in the *Boxer Codex* were extremely rich. In one picture, it would represent a type (*genero*) of people with a

picture of a male and female couple. Different types of people wore different apparel, had different body ornaments, carried different items, and had different skin colors. The people from the island Ladrones, for example, had dark skin, wore no clothes, and carried a bow and spear with them, while both the male and the female kept long hair.[51] Sometimes, the people depicted engaged in certain cultural activities. For example, the tattooed Bisayans were shown dancing.[52] These two types of people stood in visible contrast to the “Chinese Sangleys,” the Chinese diaspora in the Philippines, who wore loose and elaborate clothes and had whiter skin, as shown in the picture above.

In this way, the visual language of the *Codex* relied on external distinctions to denote that which differentiated human beings. The *Codex* thus espoused a comparative ethnology based on empirically observed ethnographic differences. With each couple branded with the name of their *genero*, the *Codex* constructed a catalog of taxonomized people. Each couple in the picture was effectively a collection, a specimen of their type, with their clothes, biological features, and carried items essentialized as the ethnic attributes that defined and signaled their *genero*. Thus, the *Codex* carefully dissected, categorized, and collected the highly heterogeneous Southeast Asia according to a set of comparative empirical criteria just as Hernandez used the biological criteria of leaves, seeds, flowers, and so on.[53] In essence, it was a botany of people.

Therefore, Hernandez, the author of the *Codex*, and Cortes all shared a similar epistemological approach in response to a similar situation: they all put the alien natural or human world in order by constructing general categories defined by common empirical traits. All three believed that essential knowledge of nature or humans could be visually transmitted, while Cortes and the author of the *Codex* both subscribed to the notion that quotidian customs and objects embodied fundamental ethnographic information.

In this way, Cortes' ethnographic method had similarities with his colleagues in China while also differing from them. Led by the pioneering Matteo Ricci, the Jesuit China mission devoted its efforts to cultural accommodation. They dressed as Chinese literati and engaged in doctrinal dialogues with Confucian and Buddhist intellectuals. Participating in Chinese social lives, the early Jesuits' ethnographic writings thus focused heavily on social etiquettes and rituals. In describing such mores, the Jesuits relied on their observations of culturally meaningful objects. Trigault, for example, mentioned the exchange of fans. Being considered a necessity, the fans served a purely ornamental function, which was to demonstrate their tastes by all the Chinese who carried them in public. Its cultural importance was also reflected by the variety of its materials, which ranged from reed to ivory. The Chinese often exchange it as a symbol of esteem and friendship.[54]

Having little access to the Chinese elites, Cortes talked nothing about their tastes. Still, he focused on an object that the ordinary Chinese had plenty of experience with, the cane (*caña*). Previous authors like Mendoza have noted that beating by canes was the common way of punishment in China, but it was Cortes who first described the scene with vivid details.[55] The cane had a *braza* in length and a finger thick on one end but widened gradually to six fingers in thickness on the other end. When not bribed, the executioner applied the heated cane to the legs a little above the hamstring with very strong blows and then dragged it over the wound, catching some of the skin and flesh attached to the cane. The beaten then could not leave their beds for some days.[56]

The Jesuits unraveled the Chinese cultural world by revealing the roles that these objects played in Chinese people's lives. Both the canes and the fans were not simply objects of curiosity. In the case of the fans, they embodied the courtesy and "urbanity" of the Chinese people. On the other hand, the canes stood for the Mandarins' supreme authority. Their absolute power over the people was expressed in that they could order

anyone beaten at their whim. Being the means through which the Mandarins exercised their power, the canes were applied in a variety of circumstances, as seen in Figure 3. The diverse kinds of people who incurred the wrath of the Mandarins included the militia who did not perform well during the military exercise, the candidates who tried to cheat in the imperial examination (*keju*), and a passerby who simply stared at an earless Mandarin.[57] Being so inseparably associated with the Mandarin, the canes were even placed at the side of the Mandarins' statues at the temple.[58] Therefore, these culturally meaningful objects helped to define people's social roles and revealed the social relations between different kinds of people. The canes were thus what maintained the obedience of the subjects towards their superiors. In his very short chapter on the government, Cortes stated:

What is admirable about it (the Chinese government) is also the great subjection, as well as the blind and punctual obedience that the lower Mandarins had to their superiors, starting from the lowest ones to the Colaos, and to their king, and it is also the case for the people with respect to the Mandarins, who have very despotic domination and command. As the aforementioned chain and order, those of lower ranks with respect to the greater ones, and the poor common people with respect to all kinds of Mandarins, were intimidated by a piece of canes and the cruelties that it created.[59]

With much weaker intellectual sophistication, Cortes depicted a top-down, all-powerful bureaucracy that in essence corresponded to Mendoza's image. Whereas the Chinese government as reconstructed by Mendoza relied on virtue, law, and wisdom, for Cortes it was maintained by violence and fear. More importantly, rather than trying to grasp the institutions and offices as Mendoza did, Cortes focused on the cane to find out its role in maintaining the authority of the Mandarins and defining their power, thereby gaining insight into the Chinese political

culture.

In the end, Cortes' discussion of Chinese politics was paradigmatic of his whole *relación*. Answering the question posed at the beginning of this paper—how did Cortes describe the China that he experienced?—I argue that he followed the topics defined by his predecessors but invented his own way of expounding them. In this sense, Cortes occupied a quite unique place among the early modern travelers who set out to write about China. In contributing to conventional topics like superstitions and mechanical arts he demonstrated similar ethnographic concerns and cultural assumptions, and his account of trade and merchandize reflected the strategic concerns of a commercial empire. However, where he differed decisively from the previous authors was his minute focus on specific and mundane objects rather than the larger administrative or economic situations that every previous author felt obligated to talk about, especially Mendoza. His empirical tendency and impulse to classify the things he observed aligned him with natural historians like Francisco Hernandez and ethnographers such as the author of the *Boxer Codex*. Demonstrating the cultural perceptiveness that characterized the Jesuits, Cortes was able to read social relations and meaning as they were embodied in culturally significant objects like the canes and clothes. Furnished with vivid details and being in closer proximity to the lives of ordinary Chinese people, Cortes' China was thus infinitely more picturesque, lively, and diverse than that accounted by any previous author.

Appendix

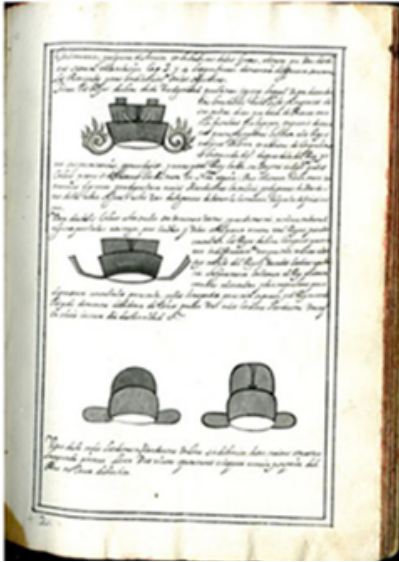


Figure 1: Cortes' drawings and textual descriptions of various hats worn by the Mandarins [47]



Figure 2: "Chinese Sangleys" in the *Boxer Codex* [48]



Figure 3: Scenes of beating [48]

Endnotes

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- [2] Anthony Pagden, *The Fall of Natural Man* (Cambridge: Cambridge University Press, 1982), 4.
- [3] Rebollo Beatriz Moncó, “Introducción” to *Viaje de la China* (Madrid: Alianza Universidad, 1991), 35.
- [4] Joan Pau Rubies, *Travel and Ethnology in the Renaissance: South India through European Eyes, 1250-1625* (Cambridge: Cambridge University Press, 2000), 106.
- [5] Martin de Rada, “Relation of the things of China,” in *South China in the Sixteenth Century, Being the Narratives of Galeote Pereira, Fr. Gaspar Da Cruz, O.P. [and] Fr. Martín de Rada, O.E.S.A. (1550-1575)*, trans and ed. C. R. Boxer (London: the Hakluyt Society, 1953), 165.
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- [11] Pagden, *The Fall*, 168.
- [12] Lu Ann Homza, “Witch-Hunting in Spain: the Sixteenth and Seventeenth Centuries.” in *Routledge History of Witchcraft*, ed. Johannes Dillinger (Routledge, 2020), 138.
- [13] Cortes, *Viaje*, 184.
- [14] Pantoja, “letter,” 380-381.
- [15] Nicholas Traiguault and Matteo Ricci, *China in the Sixteenth Century: The Journals of Matthew Ricci, 1583-1610* (New York: Random House, 1953), 84; this is in fact a translation of Trigault’s *De Christiana expeditione apud Sinas*.
- [16] Pagden, *the Fall*, 169
- [17] Cortes, *Viaje*, 185.
- [18] Cortes, *Viaje*, 168.
- [19] Juan Gonzalez de Mendoza, *The History of the Great and Mighty Kingdom of China and the Situation Thereof*, trans. R. Parke, ed. George Thomas Staunton (London: Hakluyt Society, 1852), 15.
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- [23] Trigault, *South China*, 19; Cortes, *Viaje*, 240.
- [24] Mendoza, *The History of China*, 14.
- [25] Cortes, *Viaje*, 238.
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- [30] Francisco de Sande, “Carta a Felipe II del Gobernador de Filipinas, doctor Sande. Da cuenta de su llegada y accidentes de su viaje; de la falta que hay allí de todo, y habla de Religiosos, minas, de la China, Mindanao, Borneo, etc.” (1576), *La China en Espana: documentos espanoles sobre China de 1550 a 1900*, Universitat Pompeu Fabra, Barcelona.
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- [37] Manel Ollé, *La invencion de China*, 72.
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- [40] Rubies, *Travel and Ethnology in the Renaissance*, 100.
- [41] Gaspar de Cruz, “Treatise,” 92-99.
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- [44] Cortes, *Viaje*, 224.
- [45] Cortes, *Viaje*, 127; the alb is a liturgical vestment
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- [48] Hernandez, “Cacao” in *The Mexican Treasury*, 108-109; Cortes, *Viaje*, 176.
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- [57] Cortes, *Viaje*, 209, 220, 221,
- [58] Cortes, *Viaje*, 169.
- [59] Cortes, *Viaje*, 260-261. See page thirteen of this paper; the *Colaos* were members of the emperor’s cabinet.

