A Progressive Vision: War Service at Stanford, 1916-1918

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Editors' Preface

Of all the quips, cracks and dry rejoinders credited to Winston Churchill, perhaps none struck the editors of this year’s Herodotus as more pertinent than the prophetic claim, “History will be kind to me because I intend to write it.” Not one to disappoint, Churchill made good on his remark with his six volume history, The Second World War, one of three major works of historical scholarship attributed to the British statesman. While it seems unlikely that a Stanford undergraduate would take such a self-congratulatory tone, all the essays featured in the 2002 edition attest powerfully to the fact that good History can and should shape our understanding of what came before us and what will likely follow.

With that in mind, we have decided to open and close our anthology with two articles we believe all members of the Stanford community will approach with some interest: we begin with Lydia Poon’s investigation of campus views on military service during the closing years of the First World War and conclude with Susan Finlayson’s revealing analysis of land-policy debate and the Stanford Foothills question during the 1960s and 1970s. The remaining three essays reach far beyond the Farm for their historical sources, but are no less distinguished. Alex Robbins traces the rise and fall of Conciliarism in the late Medieval Church while Alison Kamhi turns to Madagascar for her account of Queen Ranavalona I and her struggle against the expansion of European influence. Finally, Rebecca Schneider offers a colorful and insightful illustration of public opinion in Victorian Britain in her examination of the Maybrick Trial of 1889.
The number of submissions to *Herodotus* was higher than in recent years, and competition for publication was fierce. Choosing the final five was a difficult and often frustrating task, and we would like to congratulate all candidates for their excellent scholarship. Ultimately, we selected those essays that we believed best demonstrated both original use of primary sources and a strong grasp of larger historical trends.

We would like to gratefully acknowledge the generous assistance of the Carl F. Brand Fund and the support and advice of Stanford faculty and staff. In particular, we extend deepest thanks to Margo Richardson and Ruth Lowy in the History Department Office for their invaluable aid and encouragement, without which this journal would have never seen print.

Finally we invite all those with comments, suggestions, or interest in participating in the production of next year’s edition of *Herodotus* to contact Nick Kapur (nickpk@stanford.edu), Trevor Sutton (tsutton@stanford.edu), or the History Department Staff.

—*Herodotus* Editorial Staff
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War Service at Stanford University, 1916-1918

LYDIA POON

BY ANY HISTORICAL STANDARD, the First World War was not the protracted struggle for the United States that it was for Europe. Having entered only in April 1917, almost three years after the assassination of Archduke Franz Ferdinand, the United States bore the brunt of neither material destruction nor psychological devastation. Still, war was war. After nearly eighteen months of bloodshed abroad and tumult at home, it is little wonder that Americans all across the nation welcomed victory and the prospect of peace. The November 1918 armistice signifying the end of the war prompted a parade from the Stanford University campus into Palo Alto at one o’clock in the morning. “Loudly honking automobiles followed immediately behind the ranks of student soldiers, and cheering civilians hung on the outskirts . . . of such spontaneous and universal enthusiasm.”

Yet the merry festivities should not be taken as an indication of unadulterated celebratory feeling. The reaction of one Stanford University student upon hearing news of the Armistice sticks out amidst the sea of rejoicing: “I cried. Lots of us did,” he recalled. “We didn’t even have our wings yet. We felt as if there wasn’t anything left to live for.” How does one begin to make sense of this startling reaction to the end of a bloody international conflict of unprecedented scale? Defeating the Germans appeared far from these students’ primary objective – victory had, in fact, been a foregone conclusion. This puzzling response hints at motives and expectations beyond the immediate objective of the war. Although the students’ reaction to the Armistice appears rather absurd to the present-day reader, Stanford students in World War I were products of their social climate. The historian’s challenge is to understand how the rhetorical and ideological messages of the day created such enthusiasm for war service that when opportunities to serve were yanked away, students wept with bitterness instead of with joy.

In the years leading up to and during the First World War, Stanford students lived in a particular historical climate that emphasized service for progressive ends. Stanford’s war service derived from a specific vision to create a progressive society. National rhetoric for service during World War I played on existing values and attitudes of Americans. More than an ideological categorization constructed by historians after the fact, “service” was in fact a contemporary buzzword that proliferated in the vocabulary of wartime America. Service to country, community, or humanity justified a vast range of activity. Despite the unambiguously positive and vaguely altruistic connotation of “service,” the term was often used to label war efforts that were controversial. “Few words were so widely bruited in American society in the World War I era as ‘service’ . . . [it] was a kind of rhetorical vessel into which were poured the often contradictory emotional and political impulses of the day.” In two telling examples, the term was incorporated into the titles of the Selective Service, the first national system of military draft, and the National Board for Historical Service, a network of eminent history professors devoted to using their academic discipline for presentist war aims. Contemporary educators had an acute sense of the historicity of their time and its conception of service. John Maxson Stillman, chairman of the Stanford War Service Memorial Committee, argued
after the war for the incorporation of “service” as a characteristic of a Stanford war memorial in order to capture “the spirit of the time”: “In using the word service, I do not interpret the term narrowly[,] it does not mean merely charity nor ministering only to the suffering. I use it in the fullest sense of service, any real[,] necessary and useful service in the community.”

A critical component to comprehending the social climate for service in World War I lies in understanding the hopes and ideals of the progressive era, a period roughly from 1900 until the war. David Kennedy’s history of American society through World War I provides a framework for analysis. The First World War did little to fundamentally change American society, instead sowing the seeds for later change after the Second World War. although the war eventually doused the hopes of progressives, ending this period of reform, World War I did highlight progressive endeavors in motion. The war was a test case for American society at the tail end of the progressive era, highlighting progressive activities already underway and fueling new attempts to build a progressive vision. An understanding of progressive ideals, and in particular the hopes of progressive educators for using American colleges and universities as tools with which to realize a utopian vision of society, helps illuminate the wartime activity of Stanford students. The story of war service at Stanford, however, shows a failure of the progressive vision in higher education which mirrored the broader death of the progressive dream in American society. The progressives were unable to overcome the persistent social limits to individual opportunity in war service even as they sought to create a collective democracy through service.

Progressive educators advanced the vision of university which differed greatly from more traditional conceptions of the American university. The university, these educators believed, ought to be of service to the society that lay beyond its traditional or physical boundaries. This service would take the form of either training model citizens to be useful in a democratic society, or producing utilitarian knowledge in order to solve the pressing social ills of the day. The onset of World War I simultaneously presented progressive educators with the paramount social problem with which to prove the universities’ utility and the opportunity to shape their students accordingly. Parke Rexford Kolbe, the president of a small Ohio college, grandiosely wrote in 1919 that the war “must be regarded from the college viewpoint not only as a trial but also as the greatest of opportunities. . . . It is as if civilization itself had begun years ago to make ready the academic world for the services that were to be demanded in the great crisis.” Thus, progressives did not view the war effort merely as a means to aid the nation’s military victory. They hoped to use the war in order to further their agenda of constructing a particular democratic society. As the war approached, progressives recast the utility of colleges and universities as service for the war effort.

Education was the progressives’ preferred means to realizing their social vision of a collective democracy. Through education, citizens might develop an understanding of the democratic duties of citizenship and increase one’s economic and political opportunity, thereby combating the machinations of big business and corrupt politicians. Higher education especially offered the progressives the hope of increasing opportunity and combating corruption through training the individual. At the university’s twenty-fifth Founder’s Day celebration, less than a month before American entry in the war, Wilbur echoed the sentiments of his fellow progressive educators:
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Our aim at Stanford is to turn out trained men and women with serviceable healthy brains and bodies, ready to use them in the service of the world. We limit our efforts to certain chosen groups. We have no time to waste upon those who lack vision, those who are mere self-seekers. The Stanford plan is to prepare men and women for a participating part in the development of our great democracy in which we see the hope of the ages.

Progressive educator Ezra Cornell had famously proclaimed that he “would found an institution where any person can find instruction in any study.” Although this claim was hardly to be taken literally, Cornell’s assertion stands as a pithy expression of progressive aims in higher education. Students at Cornell were to receive the utmost access to education appropriate for themselves and the smooth running of society – two progressive traditions of social efficiency and democratic ideals wrapped up in one.

It is no surprise that Stanford, frequently referred to in its early days as the “Cornell of the West,” was an institution firmly rooted in the utilitarian-progressive tradition. In its founding grant, Leland and Jane Stanford specified that the university’s goal be “to promote the public welfare...its object, to qualify students for personal success and direct usefulness in life.” David Starr Jordan, the first president of Stanford, was a well-known progressive educator. Jordan considered himself “a naturalist, teacher and minor prophet of democracy,” an indication of his lofty progressive ideals. In 1911, Progressive Party presidential candidate Theodore Roosevelt praised the rise of both Berkeley and Stanford as a major step in the march toward progress and culture in the world.

In the years before and during the war, Stanford showed no institutional signs of being any less friendly toward progressivism. In March 1917, on the eve of the

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United States’ entry into the war, “thirteen hundred students, together with members of the faculty, packed the Assembly Hall to hear Raymond Robins,” a prominent Progressive Party leader and reformer. Jane Addams planned on making Stanford a stop during her 1918 speaking tour for the Committee on Public Information. In one of the most revealing indications of the institution’s continued progressive inclinations during the war, leading educator (and progressive supporter of Wilsonian liberalism) John Dewey was selected by the faculty and board of trustees to speak in late May 1918, for the university’s biennial West Memorial Lectures on Immortality, Human Conduct, and Human Destiny.

As war drew nearer, Jordan, a nationally recognized leader of antimilitarism, was shunted off to the position of Chancellor in 1916. He was replaced by Ray Lyman Wilbur, a supporter of military preparedness. Wilbur, too, was a progressive educator. As American entry into the war became more likely, the progressives were split over support for the war. Pacifist progressives argued passionately against entering the war, while progressives in favor of military preparedness saw it as an opportune chance to engineer their vision. Some observers within the progressive movement, notably Randolph Bourne, were highly critical of “the relative ease with which the pragmatist intellectuals, with Professor Dewey at their head, have moved out their philosophy, bag and baggage, from education to war.” In a shrewd critique of the war progressives, Bourne asked, “If the war is too strong for you to prevent, how is it going to be weak enough for you to control and mould to your liberal purposes?” This national polarization of the progressives was brought home to Stanford through the opposing stances of Wilbur and Jordan. “One is for war – other wants peace,” proclaimed a March 26, 1917 head-
line in the student newspaper, *The Daily Palo Alto*. Respect for Jordan’s formative contributions to Stanford in its infancy kept him in the spotlight of Stanford news, but pacifism and anti-preparedness in the spring of 1917 were charged positions to take. After Jordan spoke in Baltimore on behalf of peace, a pro-preparedness mob hunted him through the streets, chanting, “We’ll hang Dave Jordan to a sour apple tree.”

Stanford’s former president’s politics were becoming embarrassing to an institution shifting more and more toward military preparedness.

The 1917 annual president’s report to the trustees ran through a list of seven facets of the university’s involvement in the war. The seventh emphasized patriotism by “every element of Stanford,” a thinly veiled disavowal of Jordan’s activities. Theodore Roosevelt put it more bluntly, telling Wilbur in late April 1917 that Wilbur was “a fine antidote to some of the things that have come out of California.” However, Jordan, like most of the antimilitarist progressives, supported the war effort once war was declared. “It is too late for us now to ask how we got into the war. Was it inevitable? Was it wise? Was it righteous? We need not ask these questions, because the answers will not help us. We may have our doubts as to one or all of these, but all doubts we must keep to ourselves.”

Once war was declared on April 6, 1917, the nation for the most part hurled its collective weight in favor of the war effort. Government messages emphasized the need for every individual’s participation in the war effort. Advertisements and common parlance of the day urged everyone to “do your bit.” Rhetoric for war service permeated American discourse throughout the war, whetted by the infamous Committee on Public Information, the American government’s first mass propaganda machine. Through the CPI, Americans saw war messages in print magazines and in movie theaters, and heard public speeches by “Four Minute Men,” a volunteer group comprised of pillars of society who gave patriotic four-minute speeches in public forums.

The government’s thorough mobilization efforts made their way onto university and college campuses. Turn-of-the-century trends of growth rendered the universities and colleges more attractive to the government, both for its repository of manpower and production of practical academic knowledge. World War I represented an unparalleled connection of the government’s war aims with the mechanism of the university as an institutional whole.

Director of the CPI’s Division of Civic and Educational Cooperation, Guy Stanton Ford, wrote to the managing editor of the *Stanford Alumnus* stressing the importance of colleges and universities in mobilization:

The Committee on Public Information cordially invites the cooperation of college publications... It is realized that the college press is in an especially favorable position for reaching the accepted leaders of the youth of the country, and through them the younger people generally, and thence the homes.

As the CPI churned out a prolific number of pamphlets, posters, and reports, the agency corresponded with administrators to coordinate distribution of these materials on university campuses. Stanford University Assistant Registrar J.E. McDowell was hardly alone among his peers in requesting a supply of CPI posters and special war bibliographies for students and faculty.

A wide variety of service proliferated on the campus in the years leading up to and during the war. War service spanned a wide range of military and civilian work both at home and abroad; it took the form of joining the armed
forces, but also encompassed a variety of activity including subscribing to Liberty bonds and rolling bandages for the Red Cross. Wilbur recalled in his memoirs that upon the American declaration of war, “hundreds of Stanford men and women lined up to have a few words with me to find out how they could most surely and promptly give maximum service to their country.” For his own part as “the responsible head of a great university,” Wilbur believed it was his “duty to see that Stanford did not lag in prompt and efficient service to our country.”

Stanford students appeared to genuinely favor war preparedness with at least some degree of progressive utilitarianism in mind. An editorial in the student newspaper, The Daily Palo Alto, expressed gladness “to see this University alive to the vital issues of the day, instead of sitting smugly wrapped in a blanket of ancient history . . . let every Stanford man put his name to the [war preparedness] resolutions adopted last Monday evening. If no one presents you with a copy, take steps to find one for yourself.” Students had clearly digested much of Wilbur’s progressive rhetoric, mixed with a good dose of Wilsonian liberalism. Similar messages urged active steps on the part of the students to spearhead a national movement. Eagerness to serve was whipped to such fervor that by the war’s last months, “[t]he important thing was not to be left out, to get in before it was too late.” Yet there were other signs that the students did not swallow whole Wilbur’s vision of student discipline and citizenship. The Stanford Chaparral, an irreverent student humor magazine, observed:

Drill and gym may be good exercise and all that, and this [compulsory] ‘awakening to the responsibilities of citizenship’ may be all right, too. But compulsory patriots are just as likely to roll over and go to sleep again. If a man hasn’t sense

Despite such expressions of ambivalence, Stanford students did not disappoint Wilbur’s expectations. Young men had signed up to drive ambulances on the French front as early as 1916. A group of Stanford men in the American Ambulance Corps were en route to France when the United States broke off diplomatic relations with Germany. Ironically, a headline in the Daily Palo Alto read, “Ambulance Men Go Despite War.” The men’s motives for serving were clearly little connected to war victory, illustrating the strength of rhetoric for progressivism and adventure alone to motivate service. These ambulance units were wildly celebrated by the community. Between 14,000 and 15,000 packed the Civic Auditorium in San Francisco to send off 63 Stanford and University of California men who formed the first ambulance unit.

However, not everyone had the chance to enjoy this vast social approval. Only 18 of approximately 100 who signed up could were selected to join the first ambulance unit. Those who signed up were also self-selected. Stanford in those days was full of students of middle-class background. “There are many of us,” wrote one female student in explaining her choice to attend Stanford, “who would gladly betake ourselves to an eastern college, but the elusive dollar which keeps many a . . . man from Harvard or Yale, keeps us likewise from Wellesley, Vassar, or Holyoke.” Although wealthy individuals and their organizations partially financed most of the ambulance units’ costs, the Daily noted that each ambulance corps member “furnishes from $50 to $200 for his expenses.” Coupled
with the opportunity cost of delaying one’s education, service in the ambulance corps was effectively out of financial reach for many. Thus the most visibly honored service opportunity for university students was restricted to men with financial means. A cartoon in the Chaparral noted dryly, “Statistics show that every wounded man costs his government $35,000. That’s nothing, think what an ambulance volunteer costs his family. In this service high-legged boots are the sign of an officer – or of Papa’s indulgence.”

In contrast, military training for credit within the Reserve Officers’ Training Corps and the later Students’ Army Training Corps was looked upon by less affluent male students as opportunities for self-advancement. Male students who joined the SATC, for example, were guaranteed paid tuition, a private’s pay of thirty dollars a month, and a uniform. The idea that government military training provided tangible reward was hardly alien to most students. Jokes abounded in the Chaparral which highlighted the more material motivations of these men:

Son of the Stanford Red – Guess I’ll take military this semester.

Daughter of the Same – Oh, but you’re not going to be a soldier.

The former again – Nope, but I need a new pair of shoes and some pants, and I might as well get the couple of hours credit that goes with ‘em.

The students themselves were well aware of the social hierarchies dictating service opportunities. During the war, the Chaparral published a dramatized story of a man who “had no money, no influential friends, not even a fraternity brother” to gain a high position in the military, but enlisted as a private. In this imagined account, the enlisted man eventually gained the respect of his wealthier, commissioned peers – presumably a sardonic commentary on the contradictory reality that did not reflect equal democratic opportunity.

The record of women students’ war activities also reveals a gap between the progressive rhetoric for service and the reality of social limits. Women students lacked the clearly defined and institutionally supported avenues of service that men did. Entering the armed services was out of the question. Although many college women yearned to serve in France with the Red Cross for similar reasons that men wished to join the front lines, the Red Cross and State Department age limit of 26 barred undergraduate women from this service. War work by Stanford women students was limited to less-visible activities such as food conservation, raising small funds for Belgian and French relief, knitting socks and rolling bandages, and hostessing in military training camps. Stanford’s Dean of Women Harriet Bradford wrote:

Since war was declared, I have stood firmly on the ground (1) that the best patriotic service for the woman undergraduate is to complete creditably her college course, with a view to definite full time work in her chosen field on graduation; (2) that any patriotic service or intensive preparation for such belonged to extra curricular activities and should therefore be pursued without university credit.

This lack of academic or monetary incentive for women’s war work stands in stark contrast with the plentiful rewards of military training.

Feeble attempts were made to address training for
women students, but there were little administrative or faculty support for them. Providing such training opportunities for women was clearly not a priority of the university. A Women’s War Emergency Committee under the purview of the YWCA, composed of Stanford women seeking to coordinate war activities, hoped to have classes in Red Cross nursing and related work available at the beginning of January 1918. This effort apparently died quietly. That year’s University Register makes no mention of such a course, or indeed any course expressly coordinated for the preparation of women students toward new opportunities in war work – probably because these courses were to be offered privately instead of through the university’s formal academic structure. In addition, although a Daily article appearing in mid-January mentioned reconstruction fundraising, knitting, bandagemaking, and publicity among the committee’s activities, it too did not refer to any Red Cross nursing course.

An autumn-quarter war class in auto mechanics met with greater success. Forty women attended the first session to learn how to repair engines and disassemble and reconstruct a car. Junior Elinor Eppich, who had organized the course, was “encouraged by the interest which the women [had] shown,” and proceeded to make arrangements for a course in wireless telegraphy. Eppich’s attempt failed after Professor J. C. Clark of the Electrical Engineering department declared wireless telegraphy training for women “impractical.” Despite the women’s stated interest in wireless telegraphy and the plethora of opportunities available to those trained in this skill, Clark’s pronouncement proved sufficient to kill the idea. Even the flourishing auto mechanics class, slated to continue the following quarter, had to be given up when the instructor became unavailable. Dean Bradford conceded in late January 1918, “There is therefore no instruction given this quarter in any war work [for women]. The girls are still requesting such instruction, but I am ignorant how to proceed further, since press of other work makes it impossible for me alone to get in touch with possible instructors.” She concluded with the only firm possibility of institutionalized war work for women – the planting of a truck garden so that the women’s residences might supply themselves with vegetables. Even this modest project was later abandoned because of inclement weather. As for training in nursing, Stanford eventually announced an emergency course offering patterned after instruction implemented at Vassar and other colleges, to begin at the late date of October 7, 1918. “The Theory and Practice of Nursing,” offered through the medical school, required an advance payment of twenty-five dollars and the ability to provide related living expenses.

The disappointment of some of these students manifested itself in frustrated resignation. Of her sorority’s war activities, former Stanford student Mrs. Walter A. English reflected in the foreboding climate of 1938: “It all seems so futile now and lacking in reason that we did any thing. The war situation now does not look as if much had been learned.” The final record of progressive war service in higher education is a rather dismal failure of egalitarian hopes. Students of the university had entered willingly into service with “an astonishing… light-heartedness” and viewed war activities as opportunities instead of sacrifice. Yet service itself perpetuated and solidified existing inequities. The heavy contrast of intractable reality, with its social hierarchies and gendered spheres, ultimately undermined the ability of progressive educators to realize their utopian vision despite their earnest aspirations.


Stanford War Service

Notes


4. Address by John Maxson Stillman, chairman, Stanford War Service Memorial Committee, February 14, 1919, "World War I - Stanford History," 0570/2, Special Collections and University Archives, Cecil H. Green Library, Stanford University, Stanford, CA. (hereafter Special Collections and University Archives)

5. Kennedy, vii-ix.


12. "World change inevitable: Thirteen hundred thrilled by Robins," Daily, March 1, 1917, 1; Itinerary enclosed in letter from Eleanor Daggett Karsten, Secretary to Jane Addams, to Arthur E. Besnor, Director of the Speaking Division, Committee on Public Information, March 12, 1918, Folder A-10-10, General Correspondence of the Speaking Division (12-A1), Committee on Public Information, Record Group 63 (hereafter CPI papers); National Archives at College Park, College Park, Md. (NACP); Register for 1917-1918, 282-283.

13. In the years 1913-1915, between the tenure of Jordan and Wilbur, John Casper Branner presided over the university. His "two-and-a-half-year term was purposely short; he accepted the appointment on the condition that he must be allowed to retire at age 65" ("Stanford History by Presidency," Stanford University, http://www.stanford.edu/home/stanford/history/leader.html#Branner; accessed 29 Mar. 2002). This thesis largely ignores Branner's role. Although he was an ardent supporter of Woodrow Wilson, his influence on war events at Stanford was negligible.


19. Guy Stanton Ford, Committee on Public Information, Managing Editor, Stanford Alumni, December 12, 1917; Committee on Public Information, Washington, D.C. (Box 1, Folder 10), World War I Subject Files (Series 1), Stanford War Records, 1917-1945 (SC 19; hereafter Stanford War Records), Special Collections and University Archives.

20. J.E. McDowell, Assistant Registrar, Stanford University, to Guy Stanton Ford, Committee on Public Information, March 4, 1918; Folder 3 (P-5-126 to P-5-225); General correspondence of Guy Stanton Ford, director of the division, May 1917-Dec. 1918; Division of Civic and Educational Cooperation (3-A1); CPI papers, NACP.


23. Mirrieles, 183.

24. Chaparral, January 1917, 75.


26. San Francisco Examiner, April 25, 1917 [page unknown], "American Field Service (Stanford, UC WWI)" folder, 0570/2, Special Collections and University Archives.


28. "Recruiting Causes Federal Probe," Daily (January 30,
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1917).

32. Harriet Bradford to J.E. McDowell, January 23, 1918;
"Women in War Work" (Box 3, Folder 58), Series 1, Stanford War
Records, Special Collections and University Archives (hereafter
Bradford letter).
Illustrated Review*, December 1917, 104.
34. The hasty organization of war emergency courses might
have prevented a listing in the *Register*. However, such a nursing
course might plausibly have been included since the *Register* was not
published until February of each year. (*Register For 1917-1918;
Bradford letter.)
35. "Women to Learn Engine Repairing for War Service,"
*Daily* (November 8, 1917), 2.
36. "Wireless Class for Women Will Not Be Formed Now;"
*Daily* (November 27, 1917), 4; Bradford letter.
37. "Report is Given By Women's War Work Committee,"
*Daily* (December 14, 1917), 1; Bradford letter.
39. "Mass Meeting of Women Scheduled for Early Date,"
*Daily* (February 28, 1918), 1.
40. "War Emergency Course,“ typed circular, Women in war
work (Box 4, Folder 58), Series 1, Stanford War Records, Special
Collections and University Archives.
41. Mrs. Walter A. English to C.A. Duniway, October 4, 1938;
"War history - sororities" (Box 5, Folder 78); World War I Materials
Collected by Dr. C.A. Duniway, 1937-1938 (Series 2); Stanford War
Records, Special Collections and University Archives.
Conciliarism: The Birth of Modern Politics

ALEX ROBBINS

In early 1415, the town of Constance witnessed what has been called the “greatest representative assembly of the whole Middle Ages.” Since 1378, the Roman Catholic Church had been in schism, after the majority of the Sacred College of Cardinals had fled Rome for Avignon, deposed the sitting Pope, and elected a new one. In 1409, a Church council at Pisa had deposed both the Roman and Avignonese claimants to the Papacy and succeeded in electing its own, but lacked the power to force the other two out of office, leaving Christendom with a three-way schism. In 1414, the “Pope” elected at Pisa, John XXIII, convoked the Council at Constance. This assembly claimed a rather spectacular attendance: the Pope elected at Pisa, each of the patriarchs from the Church’s five patriarchies, thirty-three cardinals, forty-seven archbishops, one hundred and forty-five bishops, one hundred and thirty-two abbots, two hundred and seventeen doctors of theology, fifty-three hundred “simple priests and scholars,” and thousands more laity.¹ For the next four years this Council of Constance served as the epicenter of the Conciliarist movement, a term that refers very generally to the heterogeneous group that put forth “universal councils,” such as the one at Constance, as the supreme power within the Catholic Church, and that attempted to define limits to papal authority. The Conciliarists gained momentum after the Council of Constance’s simultaneous deposition of each of the three claimants to the Papacy, including its own convener, and its subsequent election of Pope Martin, which ended the schism. Over the next three decades the Conciliarist movement reached its apex, promulgating the Haec Sancta, a declaration of its own supremacy, and the Frequens, which required the Pope to regularly call universal church councils. The Council of Basel even managed to temporarily end the schism with the Greek Church. The movement soon began to decline, however suffering from increasing radicalism and anti-papalism, and alienating itself both from the leadership of the Church and from the European lay princes, the Council of Basel finally bowed to pressure and dissolved itself in 1449.

One can interpret the rise and collapse of the Conciliar as the advent and defeat of democracy and rule of law, leaving in their wake a triumphant absolutism. This, however, would be a simplistic and somewhat erroneous conclusion. The idea that divine law should limit the authority of both the Papacy and the Church as a whole was in no way new, nor was the idea of a sovereign, universal Church council. What the Conciliar movement did was to take these principles and actually put them into practice within Church government, and as a result they forced the Papalists to rely on the New Testament and early Church doctors to defend their own position. The Conciliar movement also, like so many radical movements since, was to some extent a victim of its own success. It died in the wake of its acceptance by mainstream clergy, as many former moderate Conciliarists moved to the Papal camp and into powerful positions within the Church, including the Papacy itself. As a result, two of Conciliarism’s fundamental ideas—the “rule of law” principle circumscribing the authority of the Church government within some sort of constitution, and the “corporate” principle asserting that power in the Church is held not by the Pope himself but by some corporate body with the Pope at its head—both
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Alexander Robbins

written constitution. However, despite the fact that Church law provided for the legal removal of the Pope himself, these principles for the most part existed only on paper. They were not yet “approved by common use.”

At the start of the fifteenth century this Church constitution also lacked an adequate means for enforcement. Canon law itself, though in principle dictating that the exercise of ecclesiastical authority be constrained by law, generally failed to provide its own defense mechanisms. Gratian’s Decretum, for all its limited government overtones, also states that provincial—as opposed to universal—councils “have lost their force when they lack the concurrence of the Pope,” rather clearly indicating their general subjection to the Papacy. The position of universal or general Church councils, however, is less clearly defined. Gratian cites Pope Pelagius II as establishing that “councils are not to be celebrated without the decision of the Roman pontiff,” but Gratian never specifies what exactly should happen if the Pope wishes to dissolve such a council against its will. At the very least, though, the Pope held procedural—if not complete—authority over these councils, since they only convened at his pleasure.

Furthermore, papal bulls promulgated throughout the Church’s conflicts with secular government also strongly established the power of the Holy See and the Pope over the Church as a whole, usually treating the two as synonymous. One of history’s most famous assertions of papal supremacy, Pope Boniface VIII’s bull Unam Sanctam, states that because:

there is one holy, Catholic, and apostolic church . . . if the earthly power errs, it shall be judged by the spiritual power, if a lesser spiritual power errs it shall be judged by its superior, but if the supreme spiritual power errs it can be judged only by
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God not by man . . . therefore we declare, state, define and pronounce that it is altogether necessary to salvation for every human creature to be subject to the Roman Pontiff.\textsuperscript{8}

Interestingly, Pope Boniface did admit that the Pope may "err." He simply denied that any earthly power has jurisdiction over such errors, articulating instead a system of "top-down" authority based on a strict hierarchy, rather than any type of "bottom-up" system in which power is vested in the corporation as a whole, with the Pope at its head.

This incongruity between the Pope’s theoretically limited authority and the absence of any laws or institutions to limit it is borne out particularly well in the writings of St. Thomas Aquinas. In his Summa Theologica, he advocated a surprisingly liberal political philosophy, declaring that "a tyrannical law . . . is not a law, absolutely speaking, but rather a perversion of law,"\textsuperscript{9} and arguing for government rule based on law codified beforehand, since "those who sit in judgment judge things present, toward which they are affected by love, hatred, or some kind of cupidity; wherefore their judgment is perverted."\textsuperscript{10} Yet he also argued for papal absolutism, writing that "absolutely and in everything, the higher power is to be obeyed rather than the lower; . . . the power of God is related to all created power in this way; . . . in the same way the power of the Pope is related to all spiritual power in the church."\textsuperscript{11} Despite his evident belief in the rule of law, Aquinas asserted that in spiritual matters the Pope is as God on earth—though he did qualify this statement by limiting this plenary power to "spiritual power."

Finally, even the very canon law provision for removing a heretical Pope reflected this dichotomy between asserted rule of law and the idea that a Pope, as the vicar of Christ, must not be subject to any worldly authority. Although canon law, as mentioned earlier, stated that the Pope could be deposed for heresy, it also prohibited an inferior from bringing a charge against a superior. On this basis it exempted the Pope from all earthly judgment.\textsuperscript{12} The generally accepted reconciliation of these two ideas was that since a Pope who fell into heresy automatically ceased being a true Catholic, he ipso facto ceased being Pope and could therefore be subject to human judgment.\textsuperscript{13} Here again, in the very construction of a monumental legal limitation on the Pope’s authority, we can see an adherence to the idea that the Papacy must be supreme.

Thus Christendom found itself presented with a rather deep doctrinal conflict, and even before Constance battle lines were being drawn as some writers advocated increasing legal checks on papal authority. Writing against the Avignon Pope in the century before the Council of Constance, the liberal English scholastic William of Ockham repeated the assertions that "Christ assigned certain limits to his [the Pope’s] power which he ought not to overstep,"\textsuperscript{14} and that decrees which "do not pertain to his office, have no strength in law."\textsuperscript{15} He was not, however, content with merely providing for a heretical Pope. Perhaps due to his being an Englishman, William seemed to have an imaginative flair for enumerating other possible papal abuses:

for example, fornication, the oppression of good men, seizure or detainment of the possessions or rights of others, suppression of the truth, the teaching of heresies, slander of innocents, disturbance of the peace, unprovoked aggression against enemies, partiality, furthering the unworthy and demoting the worthy, simony, pride, avarice, sowing the seeds of discord, theft, lying, tyranny, homicide and things of this kind . . . 16
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Clearly, when the Council of Constance convened in 1415, the idea of a Church constitution—that the Church and the Pope derive authority from Christ, subject to divine scripture and natural law—was nothing new, nor was the idea that a Pope might abuse his office. What was missing, then, was any sort of legal system that could turn this theory of limited ecclesiastical government into a reality—one that could effectively subject the head to the whole, and give force to the Church’s already existing system of laws.

That was precisely what the Council of Constance and the Conciliarist writers of its day attempted to create. After raising its own Pope and successfully ending the schism, the Council of Constance, by unanimous vote, promulgated the Haec Sancta (or Sacrosanctum), a decree that has become one of the most famous pieces of canon law in history. It reads:

This sacred synod of Constance... declares, in the first place, that it forms a general council representing the Catholic Church, that it has its power immediately from Christ, and that all men, of every rank and position, including the Pope himself, are bound to obey it in those matters that pertain to the faith... it declares also that anyone, of any rank, condition or office—even the papal—who shall contumaciously refuse to obey the mandates, statutes, decrees or instructions made by this holy synod or by any other lawfully assembled council on the matters aforesaid... shall, unless he recovers his senses, be subject to fitting penance and punished as is appropriate.”

Here, finally, the Catholic Church explicitly and clearly created an institution to check even the authority of the Pope. The Council of Constance declared that it held supreme authority within the Church, that potentially “any other lawfully assembled council” in the future would as well, that it could “punish” the Pope himself for disobedience, and, implicitly, that such power came to it not due to any specific exigency but as a matter of general practice. The Council legislated that a “general council,” rather than the Pope, held authority “immediately from Christ,” and actually suggested that this was due to such a council’s “representing the Catholic Church.” Although this is not explicit in the Haec Sancta itself, many of the writings of the conciliar movement propounded this theory. In A Letter on Behalf of a Council of Peace, for example, Henry of Langenstein wrote that “the power of appointing the Pope resides primarily with the whole company of bishops of the faithful,” and, in response to his own question, “even if all the bishops had died, would this power... [then] remain with the remnant of the faithful?” answered that “indeed it would.”18 The Council of Constance, then, after proclaiming conciliar supremacy and implying a sort of popular sovereignty within the Church, passed the Frequens, which legally required the Pope to convene future general councils at “stated and regular intervals.”19 It would seem, at least in 1418, that the Church’s constitution and canon law’s legalistic principles finally had a defense mechanism.

However, at least superficially, this victory for Conciliarism did not last. Over the course of the next few decades, Conciliarism declined from its apex at Constance and became increasingly radical, anti-papal, and marginal, as many of its original champions defected to the side of Pope Eugenius IV.20 In 1439 the Council of Florence declared that the “Roman Pontiff himself is the successor of Peter, prince of the Apostles... head of the whole Church... [and] that to him in Peter was given by our Lord Jesus Christ the full power of nourishing, ruling and governing the universal Church.”21 Pope Pius II, himself a former Conciliarist, declared in a bull that appealing papal deci-
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Conciliarism had apparently reached its summit and died there. Such an oversimplification, however, ignores three things: that legally, the Haec Sancta was never repudiated, that its precedent informed a generation of Europeans—especially English—liberals who sought to curtail the power of monarchs through representative institutions, and that in reality the corporate philosophy it articulated has remained with the Catholic Church down the centuries. The Council of Florence, after all, only went so far as to put the Pope at the “head” of the Church and invest in him the duties of “ruling and governing.” Such a statement is not necessarily incongruous with a corporate theory of political power.

The writings of Nicholas of Cusa, however, perhaps best exemplify this; in his works we can see both the “rise and fall” of the Conciliarist movement as well as the incorporation of Conciliarist doctrines and Conciliarists themselves into the Church’s mainstream. Nicholas was a canon lawyer who began his involvement with the Conciliar movement when he represented a claimant to the archbishopric of Trier at the Council of Basel in 1432. Once there, was appointed to the Committee on the Faith, which later became embroiled in a political dispute with the Pope. During his political career, Nicholas went from being a lower-ranking Conciliarist at Basel to an “ardent papalist,” and, in 1449, a Cardinal in the Catholic Church. It would probably be a mistake to attribute this political shift to sheer opportunism. Over the course of his political career in the Church, Nicholas wrote three books known collectively as the Catholic Concordance, which reveal both his original Conciliarism as well as the basis for his later “papalism.”

The Concordance articulates, at length, both the corporate and the legalistic tenets of Conciliarism—that is, both that the authority of Church government must be constitutionally limited, and that power exists not in an individual Pope but in the Church as a whole. Nicholas wrote that the “the Pope and the patriarchs and all Christians constitute one body in which there are various members,” and that “the Church which was promised truth and assistance is represented more certainly and infallibly in the Universal Council than in the Pope alone.” Notably, Nicholas included “all Christians” in his “one body” of the Church, and then used how well that “Church” is represented as a criterion for judging which organ of Church government should be supreme. Nicholas does not merely re-assert that Councils should be supreme; he actually justifies his argument on representative principles. Nicholas also applies this corporate, representative principle to the Pope and the Sacred College. He writes that statutes of the Apostolic See ought to be “understood not as [coming from] the Pope alone but with the Cardinals as well, who act today as the representatives of the whole Roman Church and even of the universal Church.” Again, by putting forth a theory of virtual representation and corporation instead of absolute papal authority, Nicholas finds himself on the Conciliarist side of the debate. However, his above writings seem to imply that Nicholas was not so much concerned with conciliar supremacy in and of itself as he was with the idea that some “representative” institution should enforce a check on the pontiff.

Not surprisingly, then, Nicholas’ deep commitment to the rule of law and limited Church government are evidenced in his writing. Nicholas supported a rather legalistic distinction between the officeholder and the office, reasoning that “the Holy Spirit works through the appointed prelate, even if he is a false minister.” Such an
assertion, while in this context a defense of the clergy, reflects a rather forward legal thinking. It implies that one in authority exercises power by virtue of his office rather than through any innate superior qualities, and thus suggests that the authority extends no further than office allows. In fact, this fifteen-century assertion brings to mind the more contemporary paradox that exists in many liberal democracies whose populations accord great respect to a leading political office but very little to the person filling it. So, while holding due respect for the office, Nicholas would seem to believe that the officeholder's superiority is not an intrinsic superiority but only an administrative distinction. He later explicitly affirms this belief, writing that "the Pope receives the administrative power together with the power of jurisdiction transmitted to him by election, which makes him Pope," on the rationale that "the sole difference in the case of Peter is that he was chosen by Christ with the agreement of the apostles to have greater administrative power."30

Not only did Nicholas assert that Church government should theoretically be subject to the rule of law, he also put forth an actual system to ensure it. First, like many before him, he argued for theoretical rule of law. Echoing Gratian's Decretum, he wrote that "since all are by nature free, every governance... can only come from the agreement and consent of the subjects,"31 and adopting Augustine's idea of "natural law," he reasoned that since "even the ruler has no power to violate natural law... therefore he also has no power over a canon based on... natural law," and "hence it is proper that his judgment should be limited by the canons."32 Again, neither this notion of natural law itself nor its power to circumscribe papal authority were anything new. Nicholas, however, then put forth a system in which the Pope would essentially be the chief executive, or enforcer of law—not a legislator himself! He argued that "the Roman pontiff can take no action in any matters affecting the universal Roman church without the cardinals,"33 and then refuted those who would give the Pope power to legislate. Nicholas wrote: "if you go on to argue from the papal power to dispense from canons to a power to legislate, you are proving nothing, for... a dispensation does not revoke the canons,"34 and so

if anyone, whether he be Pope or patriarch, promulgates decrees that are not in accordance with the church canons, those statutes cannot be called canons or church laws and they have no special binding power whatsoever except to the extent that they are confirmed by acceptance and use or consent or they agree with the church canons. 35

Unlike those canon lawyers and legal theorists before him, Nicholas argued for a cogent legal system to make good canon law's constitutional limits on Church government: a system remarkably resembling a modern presidency, in which the supreme official has absolutely no independent legislative power and can only enforce, or "dispense" from, existing statutes. Nicholas, in fact, not only argued for such a system, but contended that by the Church's constitution it was already required.

The question, then, is why Nicholas defected from Conciliarism. Aside from crass personal ambitions, the most likely answer would seem to lie in his very devotion to rule by law. Up to this point in our discussion we have made very little distinction between the idea of legal limitations on Church government and legal limitations on papal authority, primarily because, at the outset, the Conciliarists did not do so either. The distinction is, however, an important one. Nicholas was not a rabid conciliarist, and he did
not simply believe that a council, rather than the Pope, should hold plenary power within the Church. A reader of Aristotle’s *Politics*, he believed that “it is better for a commonwealth to be ruled by laws than by the best of men.” Nicholas was a constitutionalist before a conciliarist, as already suggested by those statements quoted above which look to the Sacred College, rather than to a council, as the appropriate check on papal authority. In fact, Nicholas held Church councils to a fairly tight legal standard as well. In order to be universal, and therefore superior to the Pope, he required that a council meet three criteria. First, it had to be authorized by the Pope and attended by a papal legate—or, “if the council waits for him and he does not send anyone,” necessary “for the welfare of the church.” Second, Nicholas asserted that is was “an essential requirement for a universal council . . . that a hearing be given to all in complete freedom, not in secret but publicly.” Third, on a representative note, he insisted that “a full universal council [be] made up of the five patriarchs” from the five patriarchies, the Church’s largest territorial political divisions. Significantly, the Council at Basel, from which Nicholas defected when it began to challenge the Papacy, never satisfied this last requirement.

Looking at Nicholas as a legalist and a constitutionalist would seem to suggest that he abandoned Conciliarism when he ceased seeing it as the best vehicle for accomplishing his legal reforms. This would imply that either the nature of Conciliarism had changed, the nature of the Papalists had changed, or both. The last of these three possibilities seems the most likely; the middle of the fifteenth century saw both the marginalization of Conciliarism as well as the election of a former Conciliarist to the Papacy. The effects of Conciliarism on the Church mainstream are well born out by subsequent Church legislation and even Papalist polemic writings. First of all, as mentioned earlier, the *Haec Sancta* remains Church canon—it was never explicitly repudiated. Moreover, corporate and constitutional overtones figured largely in the writings of the Papalists themselves; the fifteenth century Papalist Gerson, for example, although he maintained that the Pope held “plenitude of power,” asserted that attendant to such power was a “proportional obligation of service.” Papalist Thomas de Vio, a Dominican who gave a general political sermon to the pro-papal Lateran council, acknowledged in his writings that a universal council may depose a sitting Pope if his election is of doubtful legality or if he falls into heresy. Also, throughout the fifteenth century the Sacred College continued building its own power by requiring Pope-elects to swear faithful observance to rules laid out in “election capitulations.” Finally, later fifteenth century papalist John of Turrecremona echoed early fifteenth century Conciliarist-turned-moderate Papalist d’Ailly, writing that “the rank of cardinals was originally and primordially founded by Christ alone . . . [as] successors to the apostolic status.”

While the Conciliar movement failed to subject the rest of Church government to the authority of universal councils, it had two main victories within the Church: one was an eventual acceptance of the corporate view of the Church, only with the Pope and Sacred College together holding supremacy rather than anything more democratic. Conciliarism’s second victory was success in breathing life into the canonical constitutional limits on the authority of Church government. It successfully deposed two Popes, ended a schism, and, perhaps most importantly, forced a
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decades-long conflict that required each rival camp to base its position on some sort of written authority. In light of these two victories, constitutionalists like Nicholas of Cusa seem to be the greatest victors. They became the kingmakers, and when the Church constitution seemed to favor the claim of a council over a Pope, as it did at Constance, the council's claim won. When, as at Basel, a council became radical, controlled by a handful of self-appointed individuals, and arguably unconstitutional, the Papacy prevailed. The victor appears to be the theory of mixed government that Nicholas adapted from Aristotle: "the priesthood which is the soul of the church militant derives its moving, vegetative, and sensible power to rule from the faithful subjects—a power which comes from the potency of matter of the faith by way of voluntary subjuga
tion—but the power of the rational soul which comes from above, it receives from God through the sacraments." The Conciliar epoch left the Church with an oligarchic, corporate system of government that combined the idea of popular sovereignty with that of divine right—but a "divine right," unlike that of later absolute monarchs, circum
tsribed by written and natural law.

More importantly, however, just as the rise of canon law spawned future generations of lay lawyers, so too did the Conciliarist movement inspire generations of secular politicians to attempt to curb monarchial power through law and through representative assemblies. As the English writer Ponet put it, "by this lawe and argumentes of the canonists and example of the deprivacion of a Pope, are all clokes (wherewith Popes, bishoppes, pirestes, kaisers and kings use to defende their iniquitie) utterly taken away." Another Englishman, George Buchanan, wrote on how "the Roman Pontiffs who graciously permitted Kings to kiss their feet... these same Pontiffs, when they were sum-

moned to appear for trial, obeyed, and upon the orders of their judges, have abdicated their offices." Significantly, both of the above observations were made by Englishmen, and both referred more to the idea of limited government than to representative government or democracy.

On the other hand, the Conciliarist movement, at least that nominal part concerned with the power of councils, eventually failed. The next century, the Catholic Church was rocked by Luther's hammerstrokes at Wittenburg. Another hundred years after that, the Treaty of Westphalia ushered in an era that saw the Church repeatedly retreating before the nation-state. Even the basic tenets of Conciliarism itself have since been defeated, time and time again, throughout Europe and indeed the world; the centuries after the victory for papal monarchy saw the triumph of absolute, divine-right monarchies, subsequent reaction against them, and then once more an absolutist victory in the rise of the modern totalitarian state. Perhaps, though, this is precisely why the Conciliarist movement was such a watershed. It set the stage for the sometimes polemic, other times literal wars that have been raging ever since: those between constitutionalism and absolutism, between representative assemblies and monarchs, and even, as in the case of Nicholas of Cusa, between constitutionalists and their onetime radical allies. The legacy the Conciliarists bequeathed the Christian world, and so by extension the entire world, is not one of closure. Rather, they opened the modern political debate on the philosophy of government. In the story of Conciliarism, for the first time in modern history, we can clearly identify those three distinct ideas—absolutism, constitutionalism, and popular sovereignty—that have so often torn our world apart in the centuries since.
Notes


10. *ibid.*, 95.i


13. *ibid.*, 54.


15. *ibid.*, ch. 2.

16. *ibid.*, ch. 16.


20. *ibid.*, 84.


23. Oakley, 91.


27. *ibid.*, II ch.XVIII.

28. *ibid.*, II.106.


30. *ibid.*, II.117.

31. *ibid.*, II ch.XIV


33. *ibid.*, II.132.

34. *ibid.*, II.122.

35. *ibid.*, II.101.

36. *ibid.*, III.277.

37. *ibid.*, I.51.

38. *ibid.*, II.73.


40. *ibid.*, II ch. III


43. Oakley, 89.

44. *ibid.*, 87.


46. Cusa, II.167.

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Ranavalona I: A Reconsideration

ALISON KAMHI

Though one hundred and fifty years have passed since Ranavalona I, of the dominant Merina ethnic group, ruled in Madagascar, the controversy surrounding her reign continues in the present day. During her reign (1828-1861), Ranavalona reversed several policies of her husband, the previous king, who had hastily westernized the island nation and welcomed French settlers with their Christianity. Diplomatically, her intentions were clear; she prohibited the renewal of the visas her husband had eagerly issued to foreign missionaries and tradesmen, viewing Europeans as threats to Malagasy, and her own, independence. Domestically, she was more ruthless, ordering the deaths of Malagasy citizens who refused to relinquish their newly acquired Western Christianity.

Western historical perspectives of Ranavalona, when they mention her at all, tend to portray her in a negative light for obstructing “undeveloped” Madagascar’s entry into capitalistic, Christian, Western civilization.¹ A Malagasy historian recently noted this unilateral European condemnation of the queen: “Foreign historians . . . could not forgive her for breaking with Europe.”² The French historian La Devèze refers to the queen as, “Ranavalona la Sanguinaire” (“Ranavalona the Bloody”).³ As the last significant Malagasy ruler before French colonial conquest, Ranavalona embodies, in the eyes of many European historians, the final bulwark against the spread of “enlightened” European culture in Madagascar.

The Malagasy themselves, however, remember Ranavalona in more complex ways. Though Western historians are almost unanimous in their condemnation of Ranavalona’s reign, a considerable amount of ambiguity now surrounds her specific actions. Texts differ even on how she acquired power, on whether she indeed seized control from her husband or simply was blamed for the power-hungry actions of Malagasy officials who wished to place her as a figurehead and work through her. Likewise, controversies surround the reasons and effects of her policies against Christianity, from her prohibition of baptisms to her destruction of Bibles to her persecution of the Christians themselves. Questions also persist over her intentions as she fought against the Europeans and the Christians, both Malagasy and foreign.

Until the end of the twentieth century, the few commentaries that were written about Ranavalona were overwhelmingly negative and entangled in political debates that arose during her reign. Inextricably associated with the opinion of historians or ordinary citizens on Queen Ranavalona, for example, are their opinions on Christianity, colonialism, modern nationalism, and ethnicity. Today Ranavalona is perhaps best remembered for her hostility toward Christianity. Western histories in particular decry her intolerance of European missionaries in Madagascar and the growing Christian faith.⁴ Her antipathy toward Christianity is surprising, given the relative ease with which the religion was accepted on the island. After the arrival of British missionaries in 1820, Protestantism had spread among Ranavalona’s Merina people by blending into current practices and taking on characteristics of the traditional religion. Malagasy converts retained their notion of religious charms simply by extending the concept to apply to Christianity; the Bible turned into one such charm and was carried to protect its owners from harm.
Ranavalona I

Ranavalona, however, did not share her citizens' acceptance of the religion; she attempted to burn all of the bibles in the region and punished practicing Christians by subjecting them to traditional methods of punishment by poison and/or throwing them off cliffs.\(^5\)

Late twentieth century scholars such as Pier Larson have portrayed her cruelty toward Christianity as a protectionist strategy in political as well as religious spheres. Since there was no direct confrontation of religions, Ranavalona's resentment of Christianity may have stemmed instead from anxiety about her position as queen. Ranavalona could not have felt threatened by Christianity for reasons of religious faith since the Malagasy did not incorporate their traditional religion into Christianity, but instead incorporated Christianity into their existing religion. As the boundaries between these two religions became less discernable, however, the role of the sovereign in Malagasy religion - essential under the old religion as a conduit between humans and the supernatural - was threatened by the Christian notion of direct communication with God.\(^6\)

In fact, Ranavalona's right to rule was menaced by the new religion. As an effective method of maintaining power over the island, she had taken possession of the idols of the other tribes. Claiming physical as well as spiritual control of these idols, the ethnic groups were thus bound by traditional belief systems to obey her. If the idols were "submitting" to her rule and not "fleeing," these groups thought that they, too, should submit; likewise, if she could adequately care for all of the idols, she must be competent enough to care for all of the island's ethnic groups. Christianity, however, condemned idolatry, and many missionaries even tried to prove the worthlessness of idols by taunting them and then burning them. Fearing a loss of power, or at least a loss of the claim to power, Ranavalona outlawed baptisms and exiled missionaries in 1836. She addressed the population, making clear her objective.

I declare to you that I myself will not invoke the ancestors of strangers, but only God and my ancestors; because each people has its own ancestors. This is how the twelve kings [Merina royal history] governed and how I, myself, govern; and this is also what was established by your ancestors, oh, my subjects. If you practice this cult [Christianity], I will punish you with death because I am, myself, the ruler designated for you by the twelve kings.\(^7\)

These words suggest that she viewed the arrival of Christianity as a political threat and outlawed Christianity in an attempt to protect her country, and herself, from its grasp.

Many modern-day Malagasy have learned much of what they know of Ranavalona from a well-known movie, *Ilary Boky Nodorana Nefa Tsy Levona*, which roughly translates as, "The Bible Was Consumed by Fire, but Did Not Burn," and is apparently shown in many Sunday-school classes. The film narrates the stories of several famous martyrs, portrayed as victims during the reign of Ranavalona, and is currently distributed among churches to demonstrate the strength and persistence of Malagasy Christian faith against opposition.\(^8\) Interestingly enough, when questioned about his own views on Ranavalona, the producer of the film, the Christian minister Marc Rakoto, defended the queen's actions. He explained her anti-Christian policies as strategies designed by powerful nobles and enacted without her aid or full understanding. This idea finds support in the writing of another Malagasy scholar, Michel Prou. He writes that the traditionalists in power facilitated the anti-Christian policies to ensure that
the newly emerging class of Malagasy, baptized as well as educated by the Europeans, would not be a threat to their political positions. In other words, these two men posit that outlawing Christianity did not preserve Ranavalona's power, but rather preserved her powerlessness, by safeguarding the positions of the nobles who ruled through her. Instead of the idea of a strong independent queen, embodied in her modern image as either a merciless dictator or a patriotic heroine, Rakoto and Prou describe a manipulated and helpless woman, condemned for others’ actions.

In fact, the actions that Ranavalona committed (or that were attributed to her) against Christianity did more to spur the growth of the new religion than to eradicate it from the island. The persecution of the Christians during Ranavalona's rule ostracized the Christians as a social group, forcing them to collaborate to create a cohesive Malagasy Christian community. After their European teachers had been banned from the island, the Malagasy Christians were forced to distribute bibles secretly and hold hidden meetings.

Outlawing Christianity created publicity for the new religion in the eyes of the Malagasy population. Ranavalona's continual attack on the Christians in her speeches caused Malagasy citizens who might never have concerned themselves with Christianity to gain interest in this new religion that was obviously powerful enough to disturb the queen. Even the persecutions themselves, instead of frightening the Malagasy away from Christianity, intrigued them. Ranavalona issued ultimatums to many of the Christians, offering them amnesty if they renounced their faith. When many chose death instead, rumors began about the existence of a God whose followers were not afraid of dying. If the missionaries' statements about the value of the Gospel had not been clear, the willing deaths of elite Malagasy citizens in the name of Christianity proved the merit, or at least strength, of the new religion and persuaded many citizens to convert.

As described by the missionary William Ellis, the number of Christians in Madagascar actually rose during the purges led by Ranavalona because the martyrs' willing deaths inspired so many people. By the end of her reign, the number of Christians was rising so rapidly that Ranavalona could not possibly purge everyone. She was forced to break her previous vows of vengeance against Christianity, such as the ones launched in an earlier speech to her citizens, "Pity him who dares to renew the practice of this religion (Christianity) because the descendants of Rasoherina [herself] will reign in this country. No one will ever change the laws that I have made." Unfortunately, Ranavalona's policies against Christianity barely lasted throughout her own reign; Christianity had spread too far and deep within Malagasy society to stop. She was surrounded by Christians among all classes of society, though most notably the elite and European-educated, in her government, and even in her home. After exposure to the teachings of the London Missionary Society, her son Rakotono Radama converted. With Ranavalona's death in 1861, the last bulwark to the uninhibited growth of Christianity had been removed, and, after the short-lived government of Radama II, Ranavalona II officially converted in 1969. Christianity, despite all of the efforts of Ranavalona, was on the island to stay.

Besides attempting to halt the spread of European religion, Ranavalona also sought to stifle the forces of European colonization. Though actual French occupation of Madagascar did not take place until the late nineteenth century, the possibility of European control threatened the island throughout Ranavalona's reign. Commercial mer-
chants, agricultural profiteers, slave traders, and missionaries flocked to the island from Europe during the nineteenth century, spreading their Western culture as they traveled. Jean Laborde, for example, typifies the successful European settler during Ranavalona's rule. An ambitious Frenchman, he introduced blacksmithing to the Malagasy and began the practice of several other crafts as well, making his fortune on the goods that he was able to produce. Though she was wary toward the Europeans, Ranavalona was extremely impressed by the industries Laborde introduced and allowed him to remain on the island as long as he continued teaching European trades to the Malagasy. He eventually lost his right to live in Madagascar, however, when he was accused of participating in an attempt to depose the queen.

Besides the theoretical threats European culture posed for Ranavalona, such as menacing her right to rule by undermining the value of idols, actual attempts to debilitate the queen's rule, like the plot that involved Laborde, were a real danger. Unlike her husband, Ranavalona had no desire to allow the Europeans to become a permanent presence in Madagascar; she wished to learn from them and then apply their ideas and practices as she saw appropriate. When European representatives came to shower her with gifts in hopes of establishing friendly relationships (and also treaties securing access to Malagasy resources), she refused to accept their offerings. When asked why the Malagasy government would not receive the gifts from the Europeans as it had in the past, Ranavalona replied, "It is I who declined the objects that they offered during the beginning of our relations [with Europe] because they were buying friendship." Her policies to limit the Europeans' influence on the island met with stiff opposition, eventually leading to armed conflict with the French as well as the British. Ranavalona temporarily checked the European ambition by defeating a combined fleet of British and French ships.

Thus in addition to banning the ideas of European Christianity, Ranavalon also fought against the physical presence of Westerners, and their attempts to exert expanding political and economic influence over the island. Despite the threats of foreign attack or economic consequences, Ranavalona rejected foreign influence and sought to protect Madagascar from what she rightly predicted as European Imperialism. In the long run, however, the forces of European Imperialism were not to be stopped, and Ranavalona's efforts were ultimately unsuccessful; shortly after her death, Madagascar was taken over culturally and politically by Europe.

Traditional western historical conceptions of Ranavalona—conceptions that emphasize an unreasoning savagery toward Europeans—continue to be taught in many Madagascar schools that still follow curricula dating back to the time of French colonization. Even since Madagascar has become independent, many schools are still funded and supplied with teaching materials by France and other European nations, leaving the Malagasy without complete control over the what they teach their children. Several educated and wealthy citizens in the capital of Antananarivo, however, have taken it upon themselves to commission a campaign to change the negative image of Ranavalona. They attempt to educate citizens about the queen's patriotism by sponsoring informational segments on television and radio. These bulletins give alternative reasons why Ranavalona killed Christians, explaining that she might have suspected the European desire for control or believed that Madagascar needed to develop internally before it could expand externally. Interviews have ap-
peared on television and radio programs in which different prominent citizens encouraged listeners to follow Ranavalona as an example of patriotism. To achieve a more balanced view of Ranavalona I, Western historians must consider the Malagasy point of view advocated by these programs and indigenous scholars such as Rokoto and Prou.

The Western viewpoint is still important as a counterbalance however, as present day assessments of Ranavalona’s policies are inextricable not only from past colonialism but also from contemporary nationalism. Though Ranavalona’s actions cannot technically be labeled “nationalist” simply because the nation of Madagascar did not exist in her time, no one can deny the correlation between the international political policy that she followed and the nationalistic ideals that would emerge a century later in the fight for Malagasy independence and cultural integrity. Her wish to protect Madagascar from the political and cultural influence of the European powers can be seen as a forerunner of twentieth century Malagasy political thought. The decision now, as it was for Ranavalona I, is what type of relationship to pursue with European nations and cultures.

Notes

2. Simone Ayache, Omaly Sy An'io (Yesterday and Today), (Antananarivo: Revue d’Études Historiques, 1975), No. 1-2. Quotation

3. Le Père De La Devèze, Aux Prises avec Ranavalona la Sanguinaire (Paris: Bloud and Gay, 1936), 188.
4. Of all of the books I read in preparation for my travels to Madagascar, Mervyn Brown’s Madagascar Rediscovered depicts Ranavalona in the most uncivilized and barbaric manner, emphasizing her anti-Christian strategies.
5. The “Tangena Ordeal” consisted of subjecting either the accused, or in some cases, an animal substitute to a dose of poison. If the person (or animal) survived, the charge would be nullified and the accused would be set free. Conversely, if the person died from the poison, he or she was judged guilty and rightly punished. If the substitute animal died, the accused was punished, often by death.
12. De La Devèze, 188.
13. Callet, 150.
15. Callet, 133.
16. Interviews with Malagasy, Summer 2001: interview # 14, July 8, 2001; # 15, July 8; # 19, July 9; # 22, July 12; # 23, July 12; # 25, July 13; # 26, July 16; # 27, July 16; interview with Marc Rakoto, Malagasy minister and Christian film director, July 10, 2001.
Rebecca Schneider

an American woman of twenty-six years, suddenly found herself a widow. Her British husband, a fifty-year-old Liverpool cotton merchant by the name of James Maybrick, died on May 11, 1889, under mysterious circumstances. Although he was known to have taken drugs, including strychnine and arsenic, suspicion fell on his young wife as the administrator of the final dose of arsenic believed to have killed him. The discovery of marital difficulties between the Maybricks shortly before Mr. Maybrick's death, including Mrs. Maybrick's affair with another man, further solidified the suspicions against her. She was officially charged with murder a week later.

The evidence presented by the prosecution at the Liverpool Assizes on July 26 was enough to secure an indictment for Mrs. Maybrick to stand trial for murder. During June, the defense for Mrs. Maybrick had debated whether to get the trial moved to London, where the jury would not have been exposed to continuous negative media coverage of the case. In the end, they decided the trial should remain in Liverpool, the grounds that "the [public] feeling against Mrs. Maybrick was not so strong as had been supposed." The actual murder trial began on July 31, 1889, and concluded on August 7.

At the beginning of the trial, public opinion was decidedly against the defendant. Mrs. Maybrick, in her memoir, describes how she was treated by the public as she made her way to the courthouse on the first day of her trial: "The excitement ran so high that the Liverpool crowds even hissed me as I was driven through the streets." After reading the reports about the trial in the papers, however, the public found itself switching sympathies. The contradictory testimonies by the various doctors who appeared on the stand, as well as the fact that no one could agree whether it was arsenic that even killed James Maybrick,
especially swung public opinion in favor of the accused. According to H.B. Irving’s introduction to the Maybrick trial transcript, when the verdict of guilty was announced by the jury, it was “received by the public at large with considerable astonishment.” In the weeks following, debate raged around the country over the results of the trial. The newspapers, particularly the widely read London Times, dedicated a part of their pages every day to the trial’s aftermath, and became the major vehicles of public discourse and information about the activities of many British citizens on Mrs. Maybrick’s behalf.

The important function played by The Times in this trial and other controversial ones like it during the fin-de-siècle was as part of the new power of the press that had achieved an unprecedented degree of influence by the 1880s. The celebrated writer and social reform activist, W.T. Stead, wrote of the purpose of the press in 1886, declaring that it was “at once the eye and the ear and the tongue of the people. It is the visible speech if not the voice of the democracy.”

Stead was not alone in his conviction. Historian Rob Sindall describes the acknowledged view of the press by many Victorian writers as “the Fourth Estate.” James Grant, writing in 1871, states this view: “The Fourth Estate” given to our newspaper journalism, has acquired an appropriateness to which it was never entitled at any previous period of its history.” The new role of the press was not just recognized, but highly valued by Victorian writers during this time. It had become an important vehicle of communication between the public at large and policy makers in the way that no single medium had before.

If the press was the new forum of public discourse and opinion, The London Times was the king of all papers in print during the fin-de-siècle. According to Sindall,
were merchants and stockbrokers, doctors and lawyers. In addition, the huge growth of the lower middle class - a byproduct of the Industrial Revolution - further lengthened the spectrum of what could be considered the Victorian middle class. Clerks, tavern keepers, shop owners, butchers and others of their ilk were included in the middle class, and many of them, provided they were literate, read newspapers, such as The Times.

How does the spread of the middle class relate to the power of the newspaper in the fin-de-siècle? The beauty of the new mass media lay precisely in its role as an informant to its readers. In presenting issues of public importance, it lay before the reader, whether he was a well-known doctor or a lowly clerk in a clearinghouse, all the facts connected with the issue. The reader was able to make his own opinion from his synthesis of the facts presented to him, even if he wasn’t as educated as other readers, many of whom hailed from the upper echelons of society. In this way, the lines dividing the social hierarchy were blurred, as more and more people were able to formulate opinions and confidently articulate them. In the nineteenth century, this included people from occupations that had previously been excluded from such public debates. Public opinion came to encompass a greater part of society than it ever had in the history of the British Empire up to that point.

The power of public opinion in Victorian London was, among other things, directly connected to the politics of the day. W.T. Stead’s exposé of the function and form of Victorian prostitution, “The Maiden Tribute of Modern Babylon,” became what Judith Walkowitz calls “a component of political culture... the mass culture of the new journalism, the official culture of the law, and the high culture of intellectuals. In these different contexts, ‘Maiden

Tribute’ was taken up by different social constituencies and revised for a variety of political purposes.” It became a controversial subject among the different echelons of society, from the lower class socialists who enjoyed seeing the scandalous practices of the upper class publicized to the upper class libertines who wrote to the newspapers insisting on the importance of prostitution in Victorian society for sexual reasons. Ultimately, public outrage forced the government to act, spurring the Home Secretary to open debate on the third reading of the age-of-consent legislation, as embodied in the Criminal Law Amendment Bill. The bill passed in Parliament within two weeks of its introduction.

Public opinion also forced political attention to issues that arose in criminal trials. Historian Anne Humphreys discusses the reading public’s view of the justice system: “There was the strong belief that the absolute openness of the justice system was essential for the preservation of justice itself, since observation from the outside was the main defence against miscarriages of justice.” In addition, Humphreys explains, “There was an equally impassioned and widespread conviction that reporting of court proceedings was one of the most powerful weapons society had in the battle against immorality.” The public took great interest in sensational, controversial trials that raised questions of morality, from divorce cases to murder trials. The Maybrick trial fit perfectly into this category.

Because of the sensational element behind the Maybrick trial, in which a young wife and mother stood accused as the murderess of her husband, The London Times paid particular attention to the proceedings of the trial. During the week of the trial itself, The Times devoted at least an entire page daily to the coverage of the proceed-
The coverage of the trial on the previous and following days was identical in detail. Through this style of coverage, the reader of the article was presented with the same testimony and evidence as the jury itself. Readers saw for themselves the inconsistency of statements and diagnoses by the medical experts throughout the trial. The belief among the general public of there being too much of a reasonable doubt in the case led to an expectation of an acquittal of the prisoner for the charge. When that failed to happen, the public, which considered itself just as well versed in the proceedings and particulars of the trial as the jury, was quick to express its outrage. The Times itself led the way:

We are very sensible of the inadvisability of re-trying by the Press a case which has been decided ... by a competent jury. ... But there is enough on the woman's side to make a case for the earnest consideration of the Home Secretary. ... [Through such consideration] the interests of truth—which are the interests of the community—would be largely helped.17

The subsequent articles that appeared in The Times remark upon the effort on the part of the public to get an appeal for the accused. Information for public presentation of memorials and/or petitions is provided for interested readers, allowing many a course of action they might not have known how to undertake otherwise. In addition, accounts of several public meetings held by private citizens, including the social reformer Alexander MacDougall,19 were reported in detail.20

In the days immediately following the trial, The Times printed a number of articles detailing public activism, with statements of citizens from a wide spread of occupations that participated in and/or organized the events. In addition, a vast array of editorials written by readers of varying social standing and opinion appeared alongside the newspaper reports. Of those readers that wrote to the editor, a large majority expressed dissatisfaction with the conclusion of the Maybrick trial for several reasons.

The first major concern of readers dealt with the medical inconsistency that appeared in the proceedings of the trial, as reported by The Times. Several readers were indignant that the clause of a reasonable doubt, which existed in both English and Scottish law at the time, did not appear to be utilized by the jury or even the judge in the
face of contrary testimonies by the medical experts. As a reader who refers to himself as W.A.O. points out in his letter to the Editor:

The learned Judge told the jury that Dr. Tidy's statement, that the gastro-enteritis which caused Mr. Maybrick's death might have been caused by improper food... must be rejected because there was no evidence that deceased had taken sausages, cheese or lobsters. But how about the drugs he had taken?... The fact of his having taken all these drugs was not brought before the jury in connexion with Dr. Tidy's statement, that even cheese or lobsters might have caused the disease from which Mr. Maybrick died.21

Another reader declares: "Until you have demonstrated beyond all reasonable doubt that a thing happened in a certain way you must absolutely exclude from your mind all collateral and indirect evidence rendering it likely that it happened in that way."22 A third reader goes so far to point out that the phrase "medical testimony" itself encompasses "a vast and important distinction between two classes of witnesses whose evidence is too generally lumped together under the expression."23 Many other readers echoed these sentiments, and actively participated in discussions in the paper, responding to points brought up by other readers. This activity confirms Anne Humphreys' assertion that the public believed they had a right and duty to make observations and arguments in order to ensure that a miscarriage of justice had not occurred in this controversial trial.

The second major concern elucidated by readers was the perception that the jury had convicted Mrs. Maybrick on the grounds of her moral disposition, characterized by the fact that she had been having an affair. As one reader puts it:

If such principles of criminal investigation as are advocated by your [various] correspondent[s]... are to prevail, a trial will resolve itself into an investigation of character... [The convict] has admittedly forfeited the sympathy of all, but for the sake of some stability and backbone in criminal trials do not let us be carried away... [from thinking] that she was quite capable of a crime... into the conviction (without proof) that the crime was committed.24

Another reader, a man with at least twenty years experience with the law, sums up this complaint perfectly when he says: "Mr. Justice Stephen... dwelt on the heinousness of Mrs. Maybrick's admitted immorality... [And that] topic... [I believe] lends itself very easily to being made a great deal too much of as furnishing evidence of motive in a charge of murder... [which is what happened] in this case."25

One of the writers for The Times, in his opinion of the trial published the day after the verdict was announced, also voiced his concern that too much emphasis was laid on Mrs. Maybrick's affair. He did state that "of course we say no word in palliation of that grave misconduct, that desertion on [Mrs. Maybrick's] part of all her duties as a wife and mother" because of her affair. But in the sentence immediately following, he was quick to insist that "it must not be assumed that her passion for Brierley was so intense as to lead her to commit murder in order to be free to marry him."26

Many of the people who expressed their thoughts on the case voiced similar opinions, insisting that in a criminal trial in which reasonable doubt must be disproved, the accused should not be convicted only on the basis of his or her moral disposition. As many Victorians knew, just because one acted immorally by engaging in an affair, or, in the case of many upper class married men—as revealed by
The Stead exposé—engaging the service of a prostitute, one was not necessarily immoral enough to commit murder. Affairs were not exactly uncommon in an age where marriages were more of a business arrangement than a union of love and companionship.

There were two important elements of the newspaper’s role as an intermediary in popular discourse on the results of the Maybrick trial. The first lay in the opening of its columns to readers from all walks of life to address the concerns that arose from the trial. The editorial section of The Times was the primary means for ordinary citizens to air their own opinions before those those members of the society whose opinions carried greater weight. In the several weeks that followed the verdict of the Maybrick trial, The London Times printed a number of letters written by readers of varying backgrounds and occupations. Although the vast majority had what they believed constituted extensive education in the subject of discourse, namely law or medicine, a significant group wrote in despite claiming no such background. One letter writer was explicit in declaring his lack of knowledge in either field: “In addressing you on the Maybrick case I am painfully conscious of my disqualification in several respects . . . [That] I am unable to persuade myself . . . [of being] more capable of forming an intelligent judgment upon the case than the Judge and jury. . . . [And] I am not a lawyer.” Yet, the writer, who was identified only as G.B., justified his letter on the same basis employed by Anne Humpherys: “Still, as a plain citizen I have somewhat to say on the matter.”

Comments made by G.B. and other ordinary citizens, most of whom were identified only by their initials or labels like “An Old Schoolmaster,” illustrated changing attitudes of ordinary newspaper readers regarding their ability to form and articulate opinions on subjects beyond their immediate expertise. As G.B. stated in his letter, he believed he had a right as a citizen to venture an opinion on the subject of the Maybrick trial. His probable concern, and the definite interest of other Times readers who wrote in on the subject, was how issues that arose in the Maybrick case could recur in similar trials in the future. For these concerned citizens, the problems in the proceedings of the Maybrick trial had become public issues, worthy of comment by anyone in the society.

The second important way the newspaper acted as a forum for public discourse, in addition to enabling a wider range of people to participate in the debate, was its ability to turn issues (such as disturbing medical contradictions, in the case of the Maybrick trial) into a matter of general public concern. A Times reporter remarked, “We have called attention to a few points of importance [regarding the case] . . . as a sample of the doubts that are present in the mind of a large portion of the public.” His comments indicated a perceived role on the part of the newspaper and the newspaper-reading public to voice their concerns with the Maybrick case in particular to a higher governmental authority, to insure that true justice was carried out.

In addition to making the two major concerns in the case (of medical contradictions and morality) an issue of general public importance, several readers writing to the Editor of The Times aired other issues of public concern that also related to the trial. Alf. W. Stokes, a public analyst, wrote in his letter, “One point brought into public prominence by the Maybrick trial is the fact that arsenic may be found in some of our cooking vessels and cosmetics,” a fact of which the public was unaware. He concluded his letter with hopes of inspiring political action on the issue: “Only when the public recognizes the fact that tons
of arsenic are used each year in the manufacture of articles of every-day use that we may hope for the passing of a law that shall prohibit the use of so dangerous an ingredient.”

Another reader, H.B. Sheridan, raised the issue of the lack of a criminal appeals court in London at this time. He stressed the need for “laying before the Home Secretary any fresh evidence that may come to hand after conviction, and . . . that the Home Office has in reality, notwithstanding its protests, exercised many of the functions of a Court of criminal appeal.” Sheridan declared that “a court of appeal is an imperative want, and if [The Times] will advocate this question in your columns the country will be deeply indebted to you for your exertions.” Fifteen years later, in her memoir describing her trial and prison experience, Florence Maybrick called for the same thing, having decided upon the necessity of a criminal court of appeals on the basis of her own experience.

As a result of this public indignation and concern, the Home Secretary was forced to look into the case. As early as August 8, The Times issued the statement that the case was uncertain enough to entitle it to “the earnest consideration of the Home Secretary, who is quite certain to be memorialized from Liverpool, and who will, of course, consult the Judge before coming to a final decision.” The following day, The Times reported that, because of the “sufficient doubt to justify the Royal prerogative of mercy,” a number of petitions had been prepared for submission to the Home Secretary. One that was signed by members of the Bar called for the Home Secretary to “commute the death sentence and grant a reprieve on the ground that such evidence . . . [given the medical inconsistency] as to the cause of death, leaves so much doubt” that it wasn’t safe to carry out the sentence. A similar petition was reported circulating among members of the medical profession, in addition to more general ones circulated by Mrs. Maybrick’s lawyers.

However, despite the advocacy on the part of the press and the public to bring the case before the Home Secretary, it was not until August 23, 1889 that the press learned of the Home Secretary’s involvement. The decision of the Home Secretary was not all that the public had hoped it to be, either. The London Times reported:

The Home Secretary, after fullest consideration . . . has advised her Majesty to respite the capital sentence on Florence Maybrick, and to commute the punishment to penal servitude for life; inasmuch as, although the evidence leads clearly to the conclusion that the prisoner administered and attempted to administer arsenic to her husband with intent to murder, yet it does not wholly exclude a reasonable doubt whether death was in fact caused by the administration of arsenic.

Although Mrs. Maybrick found herself spared from the gallows, public activism had not been enough to win her a new trial. However, it is important to acknowledge how public involvement forced a change in the sentence, which had originally called for Mrs. Maybrick’s execution for the murder of her husband. Without public activism on Mrs. Maybrick’s behalf—including debate in The Times and at specially organized meetings, the circulation of memorials and petitions, and other similar activities—the chances that her trial would have been re-evaluated by the Home Secretary were negligible.

Another interesting aspect of ultimate result of the Maybrick incident was the similarity—one that the public was aware of—between the Maybrick trial and the trial of Madeleine Smith in Scotland in 1857. Madeleine Smith was, like Florence Maybrick, a young woman from an upper middle class background, involved in an affair. Her
lover, Frenchmen Pierre Emile L'Angelier, was fifteen years her senior, and like Mr. Maybrick took arsenic regularly for cosmetic reasons. In February, 1857, shortly before L'Angelier's death, Smith broke off her affair with him to marry a well-connected man who moved in her social circle. Unfortunately for Miss Smith, the explicit and scandalous letters she had written to her paramour, and whose return she begged, were used by him to blackmail her for rejecting him. Smith met with L'Angelier on several occasions to try and persuade him to return the letters, but to no avail.

In the meantime L'Angelier, who was described by numerous witnesses as an emotionally unstable man, claimed to be deteriorating in health, and dropped numerous hints that his sickness was connected with his supposed visits with Madeleine. Apparently he was trying to stir up suspicion that Madeleine was the cause of his illness. He finally died on March 23, 1857. Eight days later, Madeleine Smith was arrested for his murder. Three months later she was acquitted, after a nine day trial.

In Madeleine Smith's case, doubt as to whether she actually poisoned L'Angelier secured her acquittal. The basis for the verdict lay in medical inconsistencies similar to those that later appeared in the Maybrick case. In the Smith trial, the major issues of doubt were L'Angelier's known use of arsenic, the fact that the arsenic that killed L'Angelier was not the same type Smith reportedly purchased from the chemist, and the prosecution's inability to prove the meeting L'Angelier insisted he had with Madeleine the day before his death took place. The public strongly supported the accused, and according to John Morison in his introduction to the transcript of the Smith trial, the majority of crowd outside the courthouse reportedly cheered when the verdict of innocent was announced.

Morison concludes by saying, "Whether [the public was] right or wrong in this demonstration of joy, we express no opinion; but shall only add, in conclusion, that the verdict has met with the approbation of nearly the whole press throughout the kingdom."

In a similar manner, the public and the press favored the acquittal of Florence Maybrick. Their astonishment when the verdict went the opposite way prompted many people to refer to the Madeleine Smith trial as an example of how the Maybrick trial should have concluded. An article in *The London Times* began the discussion on August 8, 1889 one day after the verdict for the Maybrick trial was announced. "The Maybrick case...has many points in common with the famous case of Madeleine Smith, which absorbed the attention of England and Scotland in the early part of July, 1857." The article compared between both accused ladies:

In both [cases] a similar motive was assigned by the prosecution; and most curious of all, Madeleine Smith said she bought her arsenic, as Mrs. Maybrick said she bought her fly-papers, to use it as a cosmetic...It is remarkable, though easily explicable, that no reference was made during the Maybrick trial to this curious bit of analogy. Probably neither the prosecution nor the defence would care to take the Madeleine Smith case as a precedent.

Many readers contributed comments to *The Times* inspired by a comparison of the Maybrick and Smith trials. Letters appeared as early as the day after the initial article was published. One such reader, identified as "An Old Lawyer", remarked upon another important analogy between the two trials in his letter:
The Maybrick Trial

Madeleine Smith mainly got off on the evidence of sundry ‘experts’ that the alleged quantity of arsenic could not have been dissolved in a cup of coffee. Somebody afterwards... [performed an experiment] and wrote to the newspapers that the coffee had no difficulty at all in swallowing so much arsenic. It is fair to remember also that she had had considerable provocation, though of course not justification, if she really was guilty. [In the Maybrick case], unluckily, the provocation was the other way. A more impartial summing up was never made, though the Liverpool mob disliked it.  

As shown through the various letters, meetings, and petitions that appeared in the weeks following the trial, a large majority of Times readers believed that in cases where any doubt existed on a medical basis, a verdict of guilty should not be reached. The Smith case was an example of how reasonable doubt could result in an acquittal of the accused. To many readers, the fact that the Maybrick trial went the other way when the inconsistencies in medical testimony and evidence were as strong or even stronger than those of the Smith case, led to a concern that justice was not being truly carried out.

Even if Mrs. Maybrick were in fact guilty, the jury’s verdict had been based almost solely on her probable motive for murdering her husband—the fact she was having an affair with another man. In the 1880s, many clearly did not believe this kind of judgment appropriate in a case as serious as a murder trial, where the life of the accused hung in the balance. Many readers of The Times acknowledged a defect in Mrs. Maybrick’s moral character that led to her affair, but refused to assume it followed that Mrs. Maybrick was capable and guilty of murder. The emphasis on the rational and scientific elements of the trial illustrated a larger value system of the bourgeois liberal culture that dominated British popular opinion in the nineteenth century. As Walter Houghton aptly summarizes, “Perhaps the most important development in nineteenth century intellectual history was the extension of scientific assumptions and methods from the physical world to the whole life of man.”  

For many of the activists on Mrs. Maybrick’s behalf, this belief was fundamental to their world view and they applied in all aspects of their lives, especially the courtroom.

To a large part of the Victorian public, the Maybrick trial illuminated various problems with the legal procedure of trial by jury. More importantly, it was also an early example of the increasingly powerful role of the press in presenting controversial issues to the public and stirring up enough indignation to force the political sphere into action. In the following century the press would only increase in power and prestige when performing this kind of function, but at the time of the Maybrick trial, few could have realized how truly significant this relatively new public institution was becoming. Although bias in reporting inevitably occurred in this case—and continues to occur throughout the twentieth and into the twenty-first centuries—the press did not ignore arguments from both sides on the validity of the verdict. Its primary role as the presenter of information, giving its readers several different perspectives on a given issue, was what fundamentally made the press a powerful social institution.

Notes

3. Irving, 19.
5. Quoted in Rob Sindall, Street Violence in the Nineteenth Century (Leicester: Leicester University Press, 1990), 36.
7. Quoted in Sindall, 37.
8. Sindall, 37.
9. ibid., 1.
10. Quoted in Sindall, 37.
12. ibid., 103.
13. ibid.
15. ibid., 227.
19. Alexander MacDougall was a reformer who engaged in similar activism in the Penge case a few years prior. In this case, another woman, with a background similar to Mrs. Maybrick’s, was convicted on moral grounds despite inconsistent scientific evidence. He explains his role in the Penge case and his activist intentions for the Maybrick case in two letters that appeared in The London Times: “To the Editor of The Times,” The London Times (August 9, 1889), 3, and “To the Editor of The Times,” The London Times (August 12, 1889), 7.
32. The London Times (August 8, 1889), 7.
35. Descriptions of L’Angelier by his employer William Laird in Dundee, Scotland, and by an acquaintance of his, Dublin merchant Edward Vokes MacKay, revealed him as a man who underwent many emotional ups and downs (perhaps to such a great extent as to fit the modern diagnosis of bipolar disorder). Their comments are taken from a British law website that focused on solving the case one hundred forty years later, in FIX law firm, “A Most Curious Murder: The Madeleine Smith Story—Read the Story,” November 23, 2001, (accessed December 15, 2001), <http://www.fix.law-firm.co.uk/>.
36. ibid.
37. ibid.
39. ibid., viii.
40. The London Times (August 8, 1889), 7.
41. ibid., 7.
42. “To the Editor of The Times,” The London Times (August 9, 1889), 3.
The Maybrick Trial

Suburban Values and Open Space:  
The Stanford Foothills in Historical Perspective

SUSAN FINLAYSON

Introduction

Recent high-profile debates over the Stanford Foothills have brought land use issues to the forefront of public dialogue in Santa Clara County. Much of the time, the discourse focuses on the present status of the hills and the kind of future that people envision for them. However, it is also useful to understand something about the past of the hills, and the dynamics that have changed over time between Stanford and the local community. Understanding some of the ways in which these communities have related to the local landscape—and to each other in their debates over the land—brings an important perspective to current issues and also illustrates part of a greater story of suburbs and open space in the American West.

Little history has been written about the interactions between Stanford University and local communities over issues of open space. From scrapbooks, newsletters, maps and periodicals kept in University archives, threads of story lines emerge. Representative are the debates about the future of Coyote Hill, which continued from the 1960s into the 1970s. The debates focused on how Stanford should use a portion of its foothill land. Comparing events from each time period shows some major shifts in the relationship between the university and local residents over issues of development and open space on Stanford land. Suburbanites have always sought to control their local landscapes by influencing private land use, but over time the goals of residents and the methods they use can change dramatically. In the case of Palo Alto, these shifts were driven primarily by population growth and the emergence of the environmentalist movement. The dynamic story that resulted illustrates a larger American history of the relationship between large private landowners, with their open space, and nearby suburbanites.

Coyote Hill Controversy: 1960

In the election of November, 1960, residents of Palo Alto, California who went to the voting booths found on their ballots a hotly contested item to resolve: whether or not to re-zone part of Stanford’s foothills to make way for light industry. This issue, well-documented in local newspapers, marked a significant moment in the history of the city’s relationship to Stanford University and of the suburban community’s relation to undeveloped land. Stanford had requested that Palo Alto annex a piece of the University’s land between Arastradero and Foothill Roads, zone it for light industry, and allow Stanford to develop it. The city council had granted annexation and zoning in May, but opponents put the question on the ballot as a referendum. By 1960, Stanford had a well-established history of building its Industrial Park. The debate of that year divided those who continued to embrace such growth from those who saw a need to curb the trend. Within the community and the City Council, divisions were drawn between those in favor of allowing Stanford’s Industrial Park expansion into the Coyote Hill Area, and those who opposed commercial building there in favor of residential zoning.

The themes of this 1960 debate reflected prevalent attitudes about desirable environment and land utility for suburban residents. Land was primarily presented as a way
to generate revenue for the city or to provide pleasing residential space, but the concept of environmental preservation or large open space was rarely mentioned. The economic value of industry and Stanford's need for revenue-generating development were not questioned in the large articles tracing the event. Supporters argued that Palo Alto should take the opportunity to control zoning and gain additional tax revenue from Stanford and its lessees.¹

Meanwhile, opponents relied on a notion of suburban environment that called for planned residential space and aesthetic landscape. They asserted that the Palo Alto 1955 master plan set the land aside for "light density residential development." Furthermore, they complained that the development would "deface the foothills," bring additional traffic, and hurry the transformation of their community from a residential to an industrial environment.² The opposition argument often boiled down to a particular aesthetic judgment about the proposed building plan and its compatibility with the ideal suburb. One high-profile opponent, Morgan Steedman, a Santa Clara County planning commissioner and leader of the main opposing group (Committee for Regional Planning) wrote the following:

We need a place for industry close to the highways and a place for homes where there is a reasonable degree of safety and quiet. The unwise, chopped up development resulting from spot zoning is called 'land pollution' by planners. It leads inevitably to a second-rate suburb.

The article went on to say that he "denies that his group wants to see Stanford's land remain fallow."³ The assumption of development remained strong, even within a major opponent's assertions. While opponents called for light impact development, this demand emerged in the context of their particular ideals of suburban environment—a low-density residential landscape.

The trend towards lighter development impact in the hills would gain momentum in the following years, and was reflected in the demographics of those leading each side of the debate. Perhaps coincidentally, but nonetheless symbolically interesting, the zoning supporters shown in newspaper advertisements were generally old men, while opponents appeared to be young. According to advertisements in the Daily Palo Alto Times, those who voted "yes" were bland and established.⁴ Opponents appearing in the newspaper photographs, on the other hand, were youthful and enthusiastic.⁵ While the advertising may have hidden a more balanced constituency, the images that the campaigns exuded were undeniably polarized. Although proponents called for "forward thinking," the new ideas were actually those that opposed industrial development.

Even though the zoning proposal originally passed with 57 percent approval,⁶ the Coyote Hill project of 1960 was delayed for twelve years before it emerged from logistical and political challenges in an altered form. The following years would witness continued dispute over the development of Coyote Hill and the rest of Stanford's foothill lands as a whole. The Committee for Regional Planning was a precursor to more strident opposition to growth. While Stanford's commitment to development remained strong, the views of the communities surrounding (and within) the university changed. Whereas the debate of 1960 barely (if ever) broached the question of designating open space, this would change. Over time, opposition to development itself increased, pushing demands for 'open space' towards the center of the debates. This shift was linked to two significant occurrences: the perception of continued growth in the Bay Area, and the emergence of
the environmental movement.

**Population Growth and Changing Suburban Values in the Bay Area**

The Bay Area has experienced continued and often rapid growth from the end of World War II to the present day, both in terms of population and economy. This is especially true of the towns surrounding Stanford and the university itself. Density of population and development in Palo Alto put pressure on available undeveloped lands, increasing their value to the community, not only as venues for expansion, but also as open spaces in the increasingly congested Peninsula.

A *San Francisco Examiner* article in 1957 discussed the growth boom in its series of articles, “Bay Area Cities – Their Astonishing Growth.” Accompanying the article were two aerial shots of Palo Alto, one in 1957, the other from 20 years earlier. The photographs revealed an increase in buildings and a decrease in greenery. Besides illustrating the growth, the article also revealed information about contemporary attitudes. The tone of the article was remarkably positive, touting Palo Alto’s classic suburban charms while admiring its light industrial development. It implied that the area was perfectly and harmoniously planned, and that growth was desirable, even synonymous with prosperity and the good life. While the article was written like a tourist brochure, from an outsider’s view the same kind of laudatory tone would be apparent in the local 1960s debate.

By 1970, the perception of development had changed. Another aerial depiction of the Mid-Peninsula appeared in an environmentally activist publication from 1970. The cartoon highlighted pollution, disorder, and destruction of natural environments. It took an ironic stab at “the logic of development” that was so applauded in the * Examiner* article. The main labels of the map marked sites of controversial Stanford development, including Coyote Hill covered in bulldozers. The source was a publication by the newly formed student group Grass Roots, which opposed various Stanford (and Bay Area) uses of the land on socially conscious platforms. The map revealed a new perspective on growth that joined the other arguments in the forefront of land use politics. This perspective questioned the value of development per se, and sought a remedy for the evils of excessive construction. While anti-growth sentiment was certainly present to some extent in 1960 Palo Alto, its importance in political debate truly had come of age by 1970. The sentiment was spurred by a sense of over-growth of the area, but also by a newly emerging national movement: environmentalism.

**Environmentalism and Changing Suburban Values in the Bay Area**

The environmental movement added another dimension to the debates over Stanford land. As the movement rose to prominence in public discourse, suburbanites began to conceive of the suburban environment as a larger space than the immediate surroundings of their neighborhoods. Local decisions regarding land allocation were increasingly played out in the context of national and global issues, lending a greater sense of urgency to open space demands; the way people conceptualized their relationship to the land had fundamentally changed. Those involved in setting policy for the foothills were faced with the conflicting demands of those who desired protect property rights, and those who believed in a human mandate to protect the
earth. At times these values had been in alignment, at times in conflict. While many community members continued to view the land as another type of park, environmentalist viewpoints had an increasingly powerful impact on the way in which community members pursued their visions for the future of Stanford’s land in the political sphere.

Environmental arguments about local lands often have roots in recreational use, mingled with a sense of personal stewardship. In 1971, a new path opened in the Stanford foothills. Apparently the first of its kind, the path was championed by a Stanford student, Absher, who wanted access to a place of “minimal development,” explicitly not a “park.” As with all kinds of public access, however, Stanford was wary of local use, both for maintenance reasons and, implicitly, for fear of informal appropriation by the public. The conflict was foretold in the announcement itself. As far as Absher was concerned, he would have preferred the land be kept open despite the Stanford Lands Policy/Plan of 1971.9

As locals gained access to Stanford land for recreational purposes, they became more involved in its other uses. A Stanford publication in the 1980s traced this connection in the case of David Schrom, who gained an appreciation for the foothills by running through Stanford’s land and took an interest in preserving native oak trees in the area. It began, “David Schrom is rather fond of oak trees. So much so, that in the early 1970s the young Palo Alto resident took to planting acorns whenever he ran in the dry Stanford foothills.” His organization in Palo Alto, Magic Inc., was then hired by Stanford to undertake the task of reestablishing the oaks, while the work was done by local volunteers – students and community members.10 Both stories showed how public access to Stanford open space led to increased involvement in the land. The sense of responsibility that Schrom and his organization exhibited seemed to go beyond that of a regular subcontractor. There was a sense of public stewardship that had roots not only in recreation but also in an environmentalist perspective.

Recreational use of and a sense of stewardship for the local landscape—which have always been aspects of suburban life—gained a political boost with the advent of national and global environmentalism. A February 1970 article in Stanford’s Campus Report, a publication of the University Relations Office, noted “a new kind of campus protest” underway. “This 1969-70 focus of concern is a protest against the decaying state of the environment.”11 The article assumed that environmental concerns would be removed from immediate campus issues. However, groups like Grass Roots readily found ways of linking ecology to issues of local land use and Stanford. A Grass Roots publication in 1970 presented a timeline depicting Stanford’s role in the degeneration of its environment from an idyllic natural setting to a polluted, technologically blighted landscape.12

Groups such as Grass Roots reflected a movement in Palo Alto as well as within the University campus. Student environmental action was inseparable from local community actions driven by a similar ideology, as Stanford drew its student body heavily from the local population. Students involved in environmental debates at Stanford could have easily been locals, and many, such as the founder of Grass Roots, remained in the area after graduation and continued their battles. Environmental and preservationist agendas that opposed Stanford actions also emerged from groups of local residents unaffiliated with the university. The Committee for Green Foothills, centered in Palo Alto and involved throughout the Peninsula,
emerged around the time of the 1960 zoning controversy, and by 1970 had become an important player in the struggle for control of Stanford foothills land.

**Coyote Hill Controversy Revisited: 1974 and Beyond**

By 1970, the value that local residents placed on the local lands had undergone a shift. Population growth and environmentalism had raised the issue of "over-development" to a new level and introduced a more pressing need for natural open space. Population growth in surrounding areas had made such open space increasingly scarce, and thus more highly valued. Simultaneously, the environmental movement not only raised awareness about the value of "untouched" landscape, but expanded the ways in which suburbanites thought about their environment. Comparing discourse about the hills in 1960 and in 1974, when the last lawsuit was settled, reveals important changes in the climate surrounding land use debates in Palo Alto.

While the 1960 foothills debate pitted pro-industrial growth residents against those who argued that the area should remain zoned for residential use, by 1969 the debate had shifted focus to open space as a legitimate resource in and of itself. The Committee for Green Foothills, formed around 1960, began filing lawsuits in 1969 to stop industrial growth in the hills. Significantly, they focused not on development zoning, but on open space protection. Open lands gained prominence in the demands of residents. Both population density and environmental awareness lent sway to local outcry for open space. While the pace of local approval (and Stanford's pursuit) of light industrial development slowed down, local demand for open spaces, "natural environments," and an end to "over-development" increased. It should also be noted, however, that a 1970 Daily article showed that community members continued to value one kind of building project: new housing, particularly on Stanford campus. New residential development was acceptable to some of the same anti-development people who favored open space because it was considered low-impact, and it combated other distasteful products of population growth: housing costs and traffic. To this day, local demands for residential development and open space have coexisted in Palo Alto. In response to the Committee's lawsuits of the early 1970s, the court eventually ruled to set aside part of the land as open space and place certain aesthetic restrictions on the buildings.

As the Coyote Hill dialogue transformed and raged onward through the early 1970s, several parallel conversations within the Stanford community about its policies took place that would affect its land use decisions. One of the primary issues on the table in the continued debates over Stanford land in the early 1970s was Stanford's desire to shift its development focus away from industrial development as a revenue-generating venture. By 1973, Coyote Hill was "the only Stanford land presently available for industrial development." The decline of industrial growth reflected not only local distaste for such development, but also anti-war sentiments within the campus against military industrialists, such as Lockheed, operating on Stanford land, as well as the desire of Stanford planners to leave open lands free for academic expansion.

In 1971, this open discussion about Stanford lands played out in the reception of the University's evolving Land Use Policy/Plan, which was criticized for its "over-development" tendency. The Land Policy adopted in 1974 stressed the academic use of lands, provided for the
protection of hilltops and valleys from development, and was touted by University officials as a “compromise” between Stanford’s and the community’s needs. A careful look at the Land Policy/Plan reveals that the University limited the scope of its environmental protection only to areas where new development was financially or physically non-viable. However, at the very least the Land Plan demonstrated a consciousness of demands for open spaces and ecological issues. Under “Other Pertinent Factors,” and “Relations with Surrounding Communities,” the document nominally acknowledged the value of maintaining Stanford’s scenic setting, asserted that Stanford had never harmed the land, and alluded to community use of Stanford open space. The Plan was primarily intended to assert Stanford’s right to limit access and develop land despite protest by residents of surrounding areas. Clearly, a tension existed between developers and local community members, a tension the policy was attempting (and ultimately failed) to soothe.

The Land Policy of 1974 also criticized attempts by the San Mateo and Santa Clara Counties to unilaterally designate parts of Stanford land as open space. Menlo Park and Palo Alto considered appropriating pieces of Stanford land for public recreation, according to a pair of articles written at the time. One article noted only one prior instance of Stanford land condemnation by Menlo Park: the 1970 construction of Sand Hill Road. That Menlo Park would again consider condemnation suggested how fundamental the town considered recreational space to its public welfare, on a par with fundamental transportation needs. In the second article, Palo Alto asserted its demands more weakly, justifying its use of Stanford land because it had “nowhere else to go.”

Conclusion: Palo Alto as a Example of Suburban History

By the 1970s a wealth of new issues had come to inform land use in the Stanford hills, but the overall trend, driven by population growth and environmentalism, reflected a shift towards demands for open space. While the Stanford foothills debates of 1960 and the early 1970s focused on different issues, they shared in common the belief of suburban governments and residential groups that they could act to exert control over local open land, whether or not they actually owned the land themselves. The public good of preserving the aesthetics of the landscape or protecting undeveloped land for leisure activities or ecological goals remained at the forefront of local politics, even during pro-growth eras like the 1950s and 1960s. By the 1970s, public good became not just a question of local aesthetics, but also an issue of conservation within a regional and global context, an idea popularized by the environmental movement.

The changing values within the Palo Alto community point to a major trend in suburban history: as different ideas about land use gain favor and overlay one another, suburbanites often find that their own desires begin to contradict one another and bring them into an ambiguous relationship with large landowners. One such contradiction relates to environmentalism itself. As suburbanites have begun to combine their call for recreational open space with the more recent and growing tide of environmentalism, they tap into a potent force that opposes growth and supports open space. However, Stanford University presently claims that restricting public access to its foothills, where locals enjoy running and hiking, is in the interest of preserving the ecology of the land. Limiting access to the
hills opposes suburban lifestyle ideals, but also seems to fall in line with environmental values that many local residents embrace. Palo Alto residents must now consider how their desires for recreational space and ecologically healthy landscapes might be in conflict.

Another ambiguity emerges from the tension between suburbanites’ lifestyle ideals and their economic needs. Even as large private landowners like Stanford threaten the suburban landscape with development, they provide residents with income and local governments with tax revenue. The same residents who complain, act, and legislate to preserve their visions of the ideal suburban landscape often also teeter towards economic dependence on such private landowners. Stanford, for examples not only employs a large number of Palo Alto residents, but furthermore its development projects have on the whole been economically beneficial to the city.

As suburban residents seek to control their environments, they embrace contradicting values that complicate their relationships to local non-residential entities. Understanding how some of these values have changed in the case of Palo Alto in the past may lead to a clearer perspective on present-day land use issues. Moreover, the continuity of suburban history underlying these changes implies at least one conclusion: in their pursuit of lifestyle ideals, residents have set a strong precedent for demanding influence over large private landowners, and they will continue to exercise this power in the future.

Notes


Susan Finlayson studies History at Stanford. She discovered Environmental History when she wrote this paper and has been grooving to its phat beats ever since. Thanks to Matthew Booker for introducing his students to the field and encouraging them to think big.

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Alex Robbins is a sophomore trying to major in History and MS&E without turning his college years into a nightmare - thus he wants to thank all his friends who prevent this by instead making those years like some sort of psychedelic foreign film. He would also like to thank Professor Buc for recommending this historical topic to him.

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