

WOMEN OF ILL FAME: DISCOURSES OF PROSTITUTION AND THE AMERICAN  
DREAM IN CALIFORNIA, 1850 - 1890

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## ABSTRACT

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This dissertation explores representations of prostitution in California from 1850 to 1890 found in urban newspapers, political pamphlets, short stories, and novels. Employing feminist historical and cultural studies theories and methodologies, this dissertation interrogates the discursive relationship between prostitution and the American Dream understood as an articulation of desire for success and freedom inextricably linked to American exceptionalism. By demonstrating that prostitution was central to the social construction of power, identity, and difference in nineteenth-century California this dissertation contributes to existing scholarship on women's history, the American West, and prostitution.

Historians have long debated the role of prostitution in nineteenth-century social life and the degree of economic freedom and sexual independence prostitution provided for women. The multicultural California frontier, full of the promise of freedom and success to anyone who dared join the adventure of the gold rush, offers historians a unique case study for exploring nineteenth-century cultural responses to prostitution and the extent to which prostitution represented the American Dream for nineteenth-century women. I argue that from 1850 to 1890 Californians used discourses of prostitution to police sexual behavior, enforce strict gender roles, control women's economic power, and limit immigration effectively constructing and dismantling various American Dreams. While middle-class Americans across the nation perceived prostitution as a social evil, the Californian middle class perceived prostitution as an even greater threat because this

region contained more racial diversity, more gender ambiguity, and more economic mobility. In the absence of clearly defined social roles and power dynamics the need to draw lines around social differences was even greater. For middle-class Californians, prostitution represented economic exploitation and power, class and racial contamination, class and gender transgression, and sexual deviance therefore they believed prostitution had to be contained through criminal prosecution, state regulation, and moral reform. In their efforts to control prostitution, community leaders sought out “women of ill fame,” identified as such because of their failure to conform to normative gender roles. California magistrates, merchants, legislators, and newspaper editors effectively policed the behavior of all nineteenth-century Californians in their attempts to control prostitution.

To women of ill fame everywhere.

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## INTRODUCTION

In the years following the 1848 discovery of gold in California, some sixty to seventy thousand individuals from China, Europe, South America, and the eastern United States, traveled to California where they hoped to strike it rich and create a better life for themselves and their families. As a space where fortunes could be made and new lives forged, frontier-era California represented dominant American cultural myths of meritocracy, upward mobility, and a classless society—all of which would later coalesce into the American Dream. The cultural landscape of nineteenth-century California was littered with images of successful self-made men and a few notorious self-made women, who dug for gold not in the foothills of the Sierra Mountains, but in the gold-lined pockets of lonely miners. These “women of ill fame,” as their contemporaries referred to them, have been integral to our understanding of the Wild West. Although prostitution has long existed in various regions throughout the United States, it is here in nineteenth-century California that the prostitute takes on a peculiar and complicated cultural significance. In this popular culture imaginary, the prostitute at times appears as a “fallen woman” to be pitied for her poverty and vice, and at other times as a heroic figure to be admired for her independence and gumption. Representations of prostitution in California are ripe for exploring women’s social and cultural positions in nineteenth-century America as they reveal something about how gender, race, class, and sexuality were constructed in a space where gender transgression was presumably more easily forgiven and success was more easily attained than in the East. By focusing on the transgressive women of the frontier, this dissertation lends insight into the discursive relationship between the American Dream—an articulation of desire for



success and freedom inextricably linked to American exceptionalism—and the categories of difference that have historically determined who has the power to realize such dreams.

This dissertation is a feminist cultural history of how discourses of prostitution impacted nineteenth-century Californians and shaped their opportunities to realize freedom and success. Rather than recounting the lives of frontier prostitutes, this dissertation seeks to add to the historical record by offering a cultural history that engages with the meanings created by and embedded within representations of frontier prostitution in California newspapers, fiction, and political pamphlets from 1850 to 1890. Employing feminist historical and cultural studies theories and methodologies, I seek to answer the following questions: what stories did nineteenth-century Californians tell themselves about prostitution? How did various individuals or groups of people shape discourses of prostitution and to what ends? How did discourses of prostitution structure social difference and cultural power in nineteenth-century California? Did these various Californians perceive the frontier prostitute as truly different from the prostitute of other regions? If so, did the politics of gender, race, class, and sexuality that structured women's social position(s) take on new meanings in this particular region? And finally, which of these stories have we carried with us into the present moment? By demonstrating that prostitution was central to the social construction of power, identity, and difference in nineteenth-century California this dissertation contributes to existing scholarship on women's history, the American West, and prostitution.

From the 1980s onward, historians have debated the role prostitution played in nineteenth-century social life and the degree of economic freedom and sexual independence prostitution provided for women. The multicultural, and presumably male-dominated, California frontier – full of the promise of freedom and success to anyone who dared join the gold-rush

adventure – offers historians a unique case study for exploring nineteenth-century cultural responses to prostitution and the extent to which prostitution represented the American Dream for nineteenth-century women. While middle-class Americans across the nation perceived prostitution as a social evil, the Californian middle class perceived prostitution as an even greater threat because this region contained more racial diversity, more gender ambiguity, and more economic mobility. In the absence of clearly defined social roles and power dynamics the need to draw lines around social differences was even greater. For middle-class Californians, prostitution represented economic exploitation and power, racial contamination, class and gender transgression, and sexual deviance therefore they believed prostitution had to be contained through criminal prosecution, state regulation, and moral reform. In their efforts to control prostitution, community leaders sought out “women of ill-fame,” identified as such because of their failure to conform to normative gender roles. In this way, California magistrates, merchants, legislators, and newspaper editors effectively policed the behavior of all nineteenth-century Californian women.

I argue that from 1850 to 1890 California politicians, along with newspaper editors and readers, used discourses of prostitution to police sexual behavior, enforce strict gender roles, control women’s economic power, and limit immigration effectively constructing and dismantling various American Dreams. There was not one discourse of prostitution, but instead multiple discourses of prostitution that shifted over time. Californians deployed discourses of prostitution as greed, as lawlessness, as contagion, and as slavery in efforts to construct the American Dream on the western frontier. For most Californians, the American Dream represented the opportunity for success and freedom, however what counted as success and freedom varied among individuals and different social groups. Working-class women, for

example, might have regarded the ability to transgress social boundaries delineating class and gender differences as success and freedom, while for middle-class women the ability to draw and enforce those boundaries, thereby protecting their own class and racial dominance, represented the American Dream. Still other middle-class women identified with working-class and non-white women in efforts to promote gender equality. While some middle-class men embraced the lawlessness of the California frontier as the American Dream, others worked tirelessly to establish social order in efforts to secure success and freedom for themselves while denying the same opportunities to racial, gender, and class Others. Finally, for many Californians the ability to immigrate represented the American Dream, while for a growing number of nativists, success and freedom was located in the ability to thwart immigration. Thus we find that there was not one but multiple American Dreams for nineteenth-century Californians.

At the intersection of the American Dream and the “woman of ill fame,” we find a wide range of nineteenth-century ideologies of gender, race, class, and sexuality that continue to resonate. The term “woman of ill fame” was a nineteenth-century euphemism for a prostitute. Frequently used in public discourse, this phrase invoked the importance of chastity and reputation for nineteenth-century women. At a time when the dominant standard of femininity was structured through the white middle-class cult of true womanhood—which emphasized docility, domesticity, piety, and sexual purity—women who challenged this standard risked their reputation. As I demonstrate throughout this dissertation, there were many Californian women who did not conform to the restrictive prescriptions of the “true womanhood.” These women were wage earners, proprietors, single women, suffragists, working-class women, and women of color, some of whom were in fact sex workers, but not all. Nonetheless, many women found themselves identified as women of ill fame, indicating the cultural and social significance of

prostitution in nineteenth-century California for all women. More importantly, discourses of prostitution were pivotal to multiple sociohistorical projects including women's suffrage, frontier conquest and family formation, and Chinese exclusion.

The legendary gold-rush prostitute was just the first of many iterations of prostitution on the frontier, and while this representation is firmly implanted in the contemporary imagination of the American West, it was a fleeting image on the range itself. References to prostitution were infrequent during the early years of the gold rush and increased throughout the late nineteenth century. Though initially prostitution was not illegal in California, by 1853 cities such as Sacramento and San Francisco began making laws to suppress what politicians and the press referred to as the "social evil." By 1855 the state legislature had passed multiple acts to curb vice, including an anti-prostitution bill styled after earlier city ordinances. Throughout the 1850s and 1860s prostitutes, police, and judges, along with newspaper readers and editors, contested the limits of anti-prostitution legislation. Sex workers fought for ways to outmaneuver the legal system, while police and judges deliberated how to best punish prostitutes. Meanwhile politically observant urban newspapers offered social and political critique, oftentimes using the continued existence of prostitution to prove the corruption of local police and politicians. When San Francisco city officials proposed a system of state-regulated prostitution in the 1870s opponents argued that licensed prostitution would also license immoral behavior, while feminists argued that regulation permitted male access to commercial sex thereby encouraging sexual behavior that perpetuated male dominance. By the 1880s, Anglo Californians loudly decried prostitution as a blight brought upon their state by Chinese immigrants indicating the need for stricter immigration policies. Following Foucault, this pattern of discourse suggests that perceptions of *prostitution as a social problem* increased throughout the late nineteenth century.

At the regional, national, and transnational level, discourses either in support of or opposition to prostitution primarily focused on the need to control wayward men and women.<sup>1</sup> The dual processes of industrialization and urbanization had a significant impact on American social life, reshaping gender relations and sexual practices. According to Timothy Gilfoyle, “[a]s urban capitalism generated new middle and mobile working classes, men delayed marriage and patronized prostitution.” Gilfoyle added that at the same time, “industrialization and economic transformations created a ready supply of migratory, independent, low-wage earning women, many of whom viewed prostitution as a viable economic alternative to poverty.”<sup>2</sup> Moreover, the formation of the middle and working classes in the U.S. emphasized class distinctions in gender behaviors and sexual practices. Members of the middle class who filled the managerial positions required in the newly industrialized economy saw it as their duty to control working-class impulses toward morally loose behaviors, including sex outside of marriage.<sup>3</sup> Prostitution served as a prime example of unstable gender roles, which the bourgeoisie interpreted as a symbol of declining morals.

I examine representations of prostitution in nineteenth-century California using a poststructural feminist lens focused on the relationship between difference and power as it is articulated in systems of meaning produced at that time. Such a framework is useful in a cultural history because it allows us to think through the ways in which representations—systems of meaning—reflect and shape discourses of difference. In particular I draw upon Foucault’s theory of discourse as a system of language and power that simultaneously reflects and shapes meaning.

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<sup>1</sup> Best, *Controlling Vice*; D’Emilio, *Intimate Matters*; Goldman, *Gold Diggers and Silver Miners*; Carol Smart, “Disruptive Bodies and Unruly Sex: The Regulation of Reproduction and Sexuality in the Nineteenth Century,” in *Regulating Womanhood: Historical Essays on Marriage, Motherhood, and Sexuality*, ed. Carol Smart (London: Routledge, 1992), 7–33; Smith-Rosenberg, *Disorderly Conduct*.

<sup>2</sup> Gilfoyle, “Prostitutes in History,” 135.

<sup>3</sup> D’Emilio and Freedman, *Intimate Matters*, 143.

“Discourse both transmits and produces power,” Foucault wrote, “it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it.”<sup>4</sup> Such a framework is useful for exploring how power operates in places where it is rendered invisible, for instance, in seemingly benign and apolitical popular texts such as fiction. To speak of prostitution as a discursive formation is to suggest that it was a field within which nineteenth-century Californians defined and contested meanings of gender, race, class, and sexuality. To wit, prostitution referred to more than sexual commerce. It follows that the prostitute was also a site upon which many nineteenth-century Californians projected their anxieties over the changing social landscape. Thus, when I use the term prostitute we must keep in mind that this term does not necessarily signify a sex worker, but rather a woman whom middle-class Californians perceived as challenging race, class, gender, and sexual norms.<sup>5</sup> In short, the prostitute was a “woman of ill fame,” identified by her social standing. Because appropriate femininity was structured through the white middle-class cult of true womanhood, working-class and non-white women were especially susceptible to accusations of prostitution.

For this reason, we must understand discourses of prostitution as representing more than just gender and sexuality. This dissertation utilizes an intersectional framework that accounts for the ways in which dominant ideologies of race, class, gender, and sexuality constructed through prostitution limited working-class and non-white women’s access to the American Dream. As the archive illustrates, access to the power and privileges promised by the American Dream was premised on memberships to dominant categories of difference circulating in the nineteenth

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<sup>4</sup> Foucault, *The History of Sexuality Volume I: An Introduction*, 100–101.

<sup>5</sup> In the nineteenth-century, like today, the term “prostitute” referred strictly to women. This does not mean that men were not also engaged in sexual commerce as sex workers, but that those men were invisible to nineteenth-century observers of sexual commerce. For an interesting account of same-sex relations in the West See Peter Boag, *Same-sex Affairs: Constructing and Controlling Homosexuality in the Pacific Northwest* (Berkeley: University of California Press, 2003).

century. Feminist historian Joan W. Scott, has made the case for historians to use gender not merely as a means for including women in history, as has so often been done, but also as a way to understand how societies are structured by and through gender, as well as other categories of difference. She argued that such an approach allows historians to “develop insight into the particular and contextually specific ways in which politics construct gender and gender constructs politics.”<sup>6</sup> Gender also constructs class. Historically, women’s relationship to labor and property has been quite complicated, thus women do not fit easily into Marxian or Weberian frameworks, requiring us to expand our definition of class. Historian Carroll Smith-Rosenberg has suggested that class is “a series of relationships, of culturally constructed identities.”<sup>7</sup> For this reason, it is impossible to think through class, without considering gender—not just in labor histories focused on women, but in those that focus on men as well. Moreover, we must consider the ways in which gender and class impact power structures. As Scott argued: “One cannot analyze politics separately from gender, sexuality, and the family. These are not compartments of life but discursively related systems; ‘language’ makes possible the study of their interrelationships.”<sup>8</sup>

I would add to this that historians must also account for racialized difference in any analysis of power, for race is always a determinant of power, even where it seems invisible. Michael Omi and Howard Winant’s theory of racial formation has been influential to my understanding of race relations in nineteenth-century California. Racial formation, as defined by Omi and Winant, refers to “the sociohistorical process by which racial categories are created,

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<sup>6</sup> Scott, *Gender and the Politics of History*, 46.

<sup>7</sup> Carroll Smith-Rosenberg, “Writing History: Language, Class, and Gender,” in *Feminist Studies/Critical Studies*, ed. Teresa de Lauretis (Bloomington: Indiana University Press, 1980), 34.

<sup>8</sup> Scott, *Gender and the Politics of History*, 60.

inhibited, transformed, and destroyed.”<sup>9</sup> By this definition, race is always a contested category of difference, forever shifting in relationship to larger social and political struggles. How we understand race is filtered through “racial projects,” defined as “an interpretation, representation, or explanation of racial dynamics, and an effort to reorganize and redistribute resources along particular racial lines.”<sup>10</sup> Omi and Winant’s framework provides a way for approaching race as both ideology and social structure. Prostitution was pivotal to racial formations in California as I demonstrate throughout this dissertation, illustrating the complicated constellation of gender, race, class, sexuality, and power.

Though we should not reduce prostitution to sexuality, we cannot explore prostitution without also discussing sexuality. In *The History of Sexuality*, Foucault famously challenged the popular idea that sexually repressed Victorians imposed a silence on sexuality. To the contrary, he demonstrated an increase in discourses of sexuality beginning in the seventeenth-century church and carrying over into nineteenth-century social institutions such as medicine and law enforcement, “intensifying people’s awareness of [sex] as a constant danger, and this in turn had a further incentive to talk about it.”<sup>11</sup> The emergent conversations about sexuality produced by this “incitement to discourse” both monitored and proscribed sexual attitudes, desires, and practices by establishing normative and deviant sexualities. For the most part, nineteenth-century Californians, like Americans elsewhere, considered prostitution a deviant sexuality representing coercion, commodification, and promiscuity.<sup>12</sup> As I demonstrate in this dissertation, prostitution as a discursive formation, though initially stemming out of deviant sexual practices, evolved into

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<sup>9</sup> Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994), 55.

<sup>10</sup> *Ibid.*, 56.

<sup>11</sup> Foucault, *The History of Sexuality Volume I: An Introduction*, 31.

<sup>12</sup> Rosen, *The Lost Sisterhood*; Hobson, *Uneasy Virtue*; Ellen Carol DuBois and Linda Gordon, “Seeking Ecstasy on the Battlefield: Danger and Pleasure in Nineteenth-century Feminist Sexual Thought,” in *Pleasure and Danger: Exploring Female Sexuality*, ed. Carol Vance (London: Pandora, 1992), 31–49.



myriad discursive formations as nineteenth-century Californians projected multiple social anxieties into the field of prostitution establishing new discourses always at play with other discourses of social difference. Accusations of prostitution implied sexual deviancy, but evidence of sexual activity was difficult to come by, therefore other markers of non-normative identity and behavior stood in for sexuality. Once again, in this archive we see working-class women and women of color disproportionately accused of prostitution. We also see women who performed masculine behavior interpellated as women of ill fame. In this way, discourses of prostitution became a way of shaping gender norms by imposing real-life consequences on women who challenged these norms. I argue that shifting discourses of prostitution both reflected and contributed to nineteenth-century understandings of race, class, gender, and sexuality. In sum, prostitution was a discursive field upon which these differences were written and through which these differences were invoked.

To a large extent, nineteenth-century prostitution inspired fear in middle-class Anglo Americans. Throughout the United States prostitutes represented middle-class anxieties over incurable venereal diseases, capitalist greed, coercive sexuality, and fractured families, all of which were articulated through multiple discourses of prostitution. While these anxieties reduced prostitutes to stereotypes such as seductress or victim, upon closer investigation we find that the frontier prostitute had a more complicated position than her eastern counterparts. According to California newspaper editors and readers the prostitute threatened to disrupt the sanctity of the American family by luring innocent men and women from the hearth to the brothel. For suffragists and anti-Chinese Californians, the prostitute embodied oppression and required liberation from the shackles of deviant patriarchy. While the prostitute found in newspapers was largely a scapegoat for a wide range of social and political issues, in fiction she came to represent

an adventurer and a “hooker with a heart of gold.” This fictional representation has taken hold in American popular culture where the frontier prostitute has become a legendary figure, unlike the urban prostitutes of the East. Such a mythical status lies in her location in the West, a historical region embodying cultural values that many Americans hold close to their hearts such as independence and success. These particular characteristics have been extended to inhabitants of the region, particularly those who can be read as masculine and white, including the white frontier prostitute, who is often read as not-quite woman because she lacks conventionally feminine signifiers.

The cultural mythology of the American West was transmitted through the American media with the growth of inexpensive fiction, newspapers, and tabloids. These burgeoning forms of communication carried the myths of the West to a national audience, shaping how both insiders and outsiders imagined the region. Historian Richard White has argued that for many Americans the West represented a place of freedom and independence, even for native inhabitants who perceived it as a place where freedom and independence were stolen by Anglo-Americans.<sup>13</sup> In nineteenth-century popular culture the West was a dangerous and wild place that had to be conquered by Anglo-American men, and an empty garden waiting to be cultivated by “civilized” people. “Both sets of images made it, in a sense, the most American part of the country,” White has pointed out, “for only the West—whether as garden or wilderness—offered something that Europeans did not and could not possess.”<sup>14</sup> This mythology of the West, as an untainted and primitive place, functioned as an antidote to the dissatisfaction and ennui middle-class Americans associated with the industrial, urban setting of the East. White noted that this was particularly the case for middle-class men who had grown tired of the “overcivilized” and

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<sup>13</sup> Richard White, *“It’s Your Misfortune and None of My Own”: A History of the American West*, 1st ed (Norman: University of Oklahoma Press, 1991), 620.

<sup>14</sup> Ibid.

“sterile” middle-class lifestyle of the eastern United States. White concluded that the “result was an antimodernist cultural middle-class rebellion of sorts, which, while rejecting modern culture as corrupt, sought to revitalize and transform it.”<sup>15</sup>

This is a point that Brian Roberts took up in *American Alchemy*, in which he offered a cultural and social history of the California gold rush echoing White’s observation that the West was a place romanticized by middle-class white Americans of the nineteenth century. Ultimately, Roberts argued that contrary to popular belief, most gold miners were not working-class men seeking upward mobility, but instead middle-class men seeking an escape from the drudgery of every day middle-class life—this then, became their American Dream. He provided an analysis of how middle-class miners constructed the American West and the gold rush through their correspondence with friends, family, and acquaintances back East. Here, Roberts found that their letters represented a literary construction of a region and an event that did more than just reflect the experience; it shaped the cultural imagination of the West. In these letters, Roberts located the roots of some of the most common tropes of the Wild West: angelic women, lusty ladies, shifty Mexicans, and savage Indians.<sup>16</sup>

Given that the West has been shrouded in mythology it can be difficult to untangle fact from fiction. As Maxwell Scott famously proclaimed in *The Man Who Shot Liberty Valence* “This is the West, sir. When the legend becomes fact, print the legend.”<sup>17</sup> The legend that has become fact for many Americans tells of how the West was won through a series of battles between hardworking cowboys and savage Indians, paving the way for Anglo-American settlers to bring civilization and order to the region through their own hard work. Such a history suggests

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<sup>15</sup> Ibid.

<sup>16</sup> Brian Roberts, *American Alchemy: The California Gold Rush and Middle-Class Culture* (Chapel Hill: University of North Carolina Press, 2000).

<sup>17</sup> John Ford, *The Man Who Shot Liberty Valence* (Paramount Pictures, 1962).

that the West was a space characterized by violence and inhabited only by Indians and Anglo Americans, most of whom were men. Historians such as White have argued that the emphasis on interpersonal frontier violence characterized by high-noon showdowns in the town square masks the extent to which structural violence impacted westerners. Instead, White has constructed a spectrum of violence in the West with “personal violence and crime” at one end and “large-scale social conflicts” at the other end. Though the West had its fair share of interpersonal violence, according to White such violence was relatively insignificant and kept under control by local law enforcement, with few exceptions. He contended that the greatest violence in the West occurred between different social groups: Anglo Americans, immigrants, Native Americans, working and middle classes, capitalists, corrupt government officials, vigilantes, and so on.<sup>18</sup> In many ways, the popular history of the West has been self-serving by reaffirming cultural American myths of manifest destiny and meritocracy and justifying a history of disenfranchisement and violence against communities of color. White’s intervention is part of a larger New Western Historian challenge to representations of the West as a democratic utopia free of hierarchy by focusing on power struggles between different social groups.<sup>19</sup> As I demonstrate in this dissertation, prostitution often provided an impetus for class, political, and racial conflicts among different groups of Californians.

The mythical history of the West is rooted in Frederick Jackson Turner’s frontier thesis, which was in turn influenced by nineteenth-century popular myths of the West as exceptional, individualistic, and an example of the triumph of civilization over savagery. In his 1893 speech to the American Historical Association, Turner famously argued that American history could be

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<sup>18</sup> White, *It’s Your Misfortune and None of My Own*, 329–332.

<sup>19</sup> Donald Worster et al., “Beyond the Agrarian Myth,” in *Trails: Toward a New Western History* (Lawrence, KS: University Press of Kansas, 1991), 3–25; William Deverell, “Fighting Words: The Significance of the American West in the History of the United States,” in *A New Significance: Re-envisioning the History of the American West*, ed. Clyde A. Milner (New York: Oxford University Press, 1996), 29–55.

defined by westward expansion and identified the frontier as the embodiment of American nationalism. For Turner, the frontier represented “the meeting point between savagery and civilization” and it was there that Americanization took place, where the European cast off the Old World, conquered the wilderness, civilized the savage and thereby became American. Thus, Turner characterized the American frontier as a space within which democracy and rugged individualism flourished, paving the way for nineteenth-century cultural myths of the West to persist well into the twentieth century.<sup>20</sup> Turner’s frontier thesis effectively defined the West via the project of colonization, beginning with the first westward migrations of a predominantly male and Anglo-American population and ending in 1890 when the U.S. census declared the region thoroughly settled.

In the years since Turner’s famous speech, historians of the West have had to grapple with the limiting spatial and temporal boundaries established by his frontier thesis. New Western Historians have pointed out that Turner’s framework excluded the histories of Westerners who were not directly engaged in colonization, such as indigenous people who were victims of colonization and white women regarded as “helpers” in the course of colonization.<sup>21</sup> Moreover, the framework failed to account for the experiences of indigenous people prior to Anglo Americans’ arrival, as well as the waves of Westward-bound immigrants at the end of nineteenth century and well into the twentieth century.<sup>22</sup> Historians like Elizabeth Jameson and Sheila McManus have reconceptualized the frontier not as “the western edges of white settlement but as places where people of different cultures met, and where women of color were central actors at

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<sup>20</sup> Fredrick J. Turner, *The Significance of the Frontier in American History* (Ann Arbor, MI: University of Microfilms, Inc., 1966), 200–1, 223.

<sup>21</sup> Elizabeth Jameson and Sheila McManus, eds., *One Step Over the Line: Toward a History of Women in the North American Wests* (Edmonton: University of Alberta Press, 2004).

<sup>22</sup> Limerick, “What on Earth Is the New Western History?”; For examples of how women, in particular, continued to pursue the American Dream on the western frontier after 1890 see Elizabeth Jameson and Susan H Armitage, eds., *Writing the Range: Race, Class, and Culture in the Women’s West* (Norman: University of Oklahoma Press, 1997).

the cultural crossroads.”<sup>23</sup> No longer conceived of as a process of progressive westward expansion, the frontier instead has become a region, not apart from and unique to America, but integral to American history.<sup>24</sup> A region-oriented focus allows historians to effectively construct a social history, describing the lives and cultures of the people who inhabited the region beyond Turner’s ethnocentric frontier framework.

New Western Historians have also redefined westward expansion through an emphasis on processes of colonization and conquest, highlighting frontier racial dynamics. Perhaps the most prominent of these works is Patricia Nelson Limerick’s *The Legacy of Conquest* in which she held the history of the West as “an ongoing competition for legitimacy—for the right to claim for oneself and sometimes for one’s group the status of legitimate beneficiaries of Western resources.”<sup>25</sup> For Limerick, Western history is not only a history of conquest, but also a “struggle over languages, cultures, and religions [in] the pursuit of legitimacy in way of life and point of view.”<sup>26</sup> Where previous historians conceived of the West as a vast and empty land awaiting the arrival of Anglo-American pioneers, Limerick, along with most of the historians following her, sees it as the home of diverse Native American nations, each using the land in ways that served their own communities. These histories reveal a multicultural American West, home to Asian Americans, African Americans, Mexican Americans, and European immigrants, where native-born Anglo Americans were in the minority.<sup>27</sup> In *Racial Fault Lines*, ethnic studies scholar Tomás Almaguer has argued that race “served as the central organizing principle of group life in

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<sup>23</sup> Jameson and McManus, *One Step Over the Line*, 17; Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: Norton, 1987).

<sup>24</sup> William Deverell, “Fighting Words: The Significance of the American West in the History of the United States,” in *A New Significance: Re-envisioning the History of the American West*, ed. Clyde A. Milner (New York: Oxford UP, 1996), 29–55; See also Patricia Nelson Limerick, “What on Earth Is the New Western History?,” in *Trails: Toward a New Western History*, ed. Patricia Nelson Limerick, Clyde A. Milner II, and Charles E. Rankin (Lawrence, KS: UP of Kansas, 1991), 81–87.

<sup>25</sup> Limerick, *The Legacy of Conquest*, 27.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.; Jameson and Armitage, *Writing the Range*, 4.

California during the last half of the nineteenth century.”<sup>28</sup> He further contended that ethnic differences among whites were subsumed in struggles against racial others, such as the Chinese, resulting in a cohesive whiteness and establishing white privilege. Almaguer’s work focused on the significance of “free labor ideology” in the interplay between white and Chinese laborers, effectively demonstrating that race underpinned the California class structure.<sup>29</sup> Though Almaguer broached representations of Chinese men as sexually deviant and dangerous and provided an overview of the debt-bondage Chinese system of prostitution, he failed to fully develop the significance of Chinese prostitution in the construction of the Chinese as racial other against which the white working class defined its whiteness.<sup>30</sup> Still, the efforts of historians such as Almaguer and Limerick have provided a picture of racial and ethnic relations far more complex than the black-white dichotomy that characterizes much of American history.<sup>31</sup> I explore the gendered dimensions of racial formation in Chapter Four, arguing that gender and sexuality played a significant role in the racial formation of both Chinese Americans and Anglo Americans in late nineteenth-century California.

Just as attention to racial diversity transformed histories of the West, so too have accounts of women’s history. Women of the West have long lived on the margins of Western history, which tend to focus instead on the predominantly masculine subjects of the region—those rugged cowboys, miners, and outlaws who “settled” the western frontier. Dee Brown’s 1958 *The Gentle Tamers* supplied one of the earliest histories of western women. Historians Joan M. Jensen and Darlis A. Miller have noted that works such as Brown’s mythologized western women and stereotyped them into roles that marked them either as saints or as male-identified

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<sup>28</sup> Tomás Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley: University of California Press, 1994), 205.

<sup>29</sup> Ibid., 11–12.

<sup>30</sup> Ibid., 160–62; 174–8.

<sup>31</sup> Jameson and Armitage, *Writing the Range*, 13.

adventurers.<sup>32</sup> Women's histories of the West tend to be both revisionist and feminist in nature, yet there is no general consensus on how women experienced life on the range. While some women left behind diaries and letters that illuminate what life was like for women on the frontier scholars have also been able to glean details of women's lives from less likely sources such as census records, court documents, newspapers, and so on. Writing first in 1979 and again in 1998, Julie Roy Jeffrey argued in *Frontier Women* that life was full of hardships for western women. Anglo-American immigrants found the region lacking in the civilized domesticity they had grown accustomed to in the East, while Latinas found "the arrival of Anglos and incorporation into the American polity a mixed blessing at best" as it disenfranchised them, while simultaneously allowing them to achieve upward mobility by marrying Anglo men.<sup>33</sup> Still, some scholars have argued that Anglo-American and European women immigrants might have found life on the frontier less restrictive. For example, Jameson and McManus noted that the Homestead Act gave women an opportunity to become landowners not available to them in the East.<sup>34</sup> Other historians have also observed that many women in the West took advantage of the burgeoning capitalist system and became entrepreneurs, some of them surpassing male mining businesses in financial success.<sup>35</sup> This particular aspect of Western history suggests that the frontier was a space where the borders of femininity could be crossed, and many women could take on more authoritative, dominant, and characteristically masculine roles to their advantage. However, as I show in Chapter One even women who pursued legitimate business opportunities

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<sup>32</sup> Joan M. Jensen and Darlis A. Miller, "The Gentle Tamers Revisited: New Approaches to the History of Women in the American West," *Pacific Historical Review* 49, no. 2 (May 1, 1980): 173–213.

<sup>33</sup> Julie Roy Jeffrey, *Frontier Women: "Civilizing" the West? 1840-1880*, Rev. ed (New York: Hill and Wang, 1998), 105.

<sup>34</sup> Jameson and McManus, *One Step Over the Line*.

<sup>35</sup> Robert V. Hine and John Mack Faragher, *Frontiers: A Short History of the American West*, abridged edition (New Haven: Yale University Press, 2008), 105; Edith Sparks, *Capital Intentions: Female Proprietors in San Francisco, 1850-1920* (University of North Carolina Press, 2006); Lynn M. Hudson, *The Making of "Mammy Pleasant": A Black Entrepreneur in Nineteenth-Century San Francisco* (Urbana: University of Illinois Press, 2008).



in nineteenth-century California were accused of prostitution because they challenged social norms.

For all the claims of white women's increased opportunities on the frontier, this was not the case for Native American and Mexican women who found the quality of their lives greatly diminished by the presence of Anglo Americans. Albert Hurtado has traced the impact of westward expansion on Native American women in the West from the earliest occupation of the west by Franciscan missionaries to the era of the gold rush. He argued that interracial sexuality was a key component of early frontier relationships, as it "provided a way to incorporate strangers in tribal life and created kinship ties with newcomers, yet it also put women at risk, subverted traditional gender roles, infected reciprocity with marketplace ethics, aggravated population decline, and thus weakened tribal society."<sup>36</sup> As Hurtado explained, the frontier had a markedly different impact on the communities pushed aside in the name of westward expansion. Again, the historiography of women on the frontier suggests a tension between myth and reality, and between woman as victim and heroine.

This tension is particularly apparent in histories of frontier prostitution, an institution as mythologized as the region itself. Discussions of prostitution are difficult to find in early histories of the West because the institution was veiled by euphemisms, which perhaps existed to protect mythical representations of women in the West as "gentle tamers" embodying the virtues of idealized Victorian femininity, even in a place as rugged as the West. In his prolific book *The Gentle Tamers* Dee Brown provided portraits of the West's prostitutes, alongside other lawless ladies. Although Brown intended to add richness to the female characters of this region and dispel myths of western women, his discussion of the famous Comstock Lode madam, Julia

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<sup>36</sup> Albert L. Hurtado, "When Strangers Met: Sex and Gender on Three Frontiers," in *Writing the Range: Race, Class, and Culture in the Women's West*, ed. Elizabeth Jameson and Susan H. Armitage (Norman: University of Nebraska Press, 1997), 137.

Bulette, perpetuated the myth of the “hooker with a heart of gold.” He described her as a woman who made great contributions to the community, suggesting that her shrewd business acumen generated a wealth which “enabled her to build the first magnificent structure in Virginia City,” which then became “the only real home the miners had, a well-appointed, well-regulated center of social life.”<sup>37</sup> Brown not only idealized Bulette as a generous and socially accepted woman, but he also suggested that prostitution was a lucrative occupation. Indeed, later scholars such as Marion S. Goldman would challenge Brown on the grounds that his picture of the “scarlet woman” was a little too rosy.

In *Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode* Marion S. Goldman deconstructed the myths of prostitution propagated by the likes of Dee Brown. Using a feminist lens, Goldman offered a history of prostitution as a social institution, accounting for the industry in detailed descriptions of the working environment, the role of respectability in success and the social stratification within the industry along the lines of looks, ethnicity, education, class, and talent. Goldman dismissed glamorized notions of prostitution found in images of successful madams and instead examined the multitudes of women who participated in the industry as workers in brothels and the one-room wooden houses known as “cribs” that lined the streets of the red-light districts. Goldman found that while certainly true for a few, the idealized representation of the prostitute as beautiful, generous, wealthy, and socially accepted was little more than myth. Goldman challenged legends of the heroic prostitute, arguing instead that the idealized image of the prostitute persists because it represented female empowerment. “The idealized frontier prostitute...possess[ed] both the stereotypic good woman's kindness and warmth and the bad woman's sensuality and vigor,” wrote Goldman. This

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<sup>37</sup> Dee Alexander Brown, *The Gentle Tamers: Women of the Old Wild West*, Bantam Book (New York: Bantam Pathfinder Editions, 1974), 80.

stereotype “epitomized feminine strivings for adventure and autonomy at a time when most women were constricted by economic discrimination and custom.”<sup>38</sup> In its place, Goldman argued that madams or brothel bosses often abused and exploited the women who worked for them. Unlike the mythical adventurer pictured above, Goldman claimed that frontier prostitutes usually lived and died in poverty, “surrounded by degradation, disease, and violence.”<sup>39</sup> In the last analysis, Goldman demonstrated that prostitutes were in fact just as constrained by nineteenth-century patriarchy and middle-class Victorian gender roles as other women of the time, including the virtuous members of the middle class. Indeed, the prostitute often illustrated what a good woman should *not* be and in that way she too defined femininity for all women. While I would argue that the lives of nineteenth-century sex workers were far more diverse and nuanced than the lives Goldman depict, that is not the focus of this dissertation. Instead, I am examining how these lives were represented in popular nineteenth-century American culture, and what such representations tell us about discourses of race, class, gender, and sexuality and nineteenth-century power dynamics. Still, Goldman’s study remains one of the most prolific scholarly texts on prostitution in the nineteenth-century West.

Jacqueline Barnhart’s 1986 social history of frontier prostitution in *The Fair But Frail* challenged stereotypes of the prostitute as victimized or empowered by focusing on prostitution as sex work. Barnhart provided a detailed depiction of prostitution in nineteenth-century San Francisco from workplace practices to social attitudes. In contrast to her contemporaries, Barnhart approached prostitution first and foremost as a form of labor and a way for women to make money. While Barnhart acknowledged the financial, social, and health risks inherent to that occupation she still avoided generalizations of prostitutes as destitute victims of violence,

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<sup>38</sup> Marion S. Goldman, *Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode* (Ann Arbor, MI: University of Michigan Press, 1981), 3–4.

<sup>39</sup> *Ibid.*, 4.

disease, and poverty. Furthermore, she rightfully pointed out that not all nineteenth-century San Franciscans shared the same moral values requiring the abolition of prostitution and provided evidence for toleration of prostitution into the twentieth century. Though I find Barnhart's history of San Francisco prostitutes helpful for filling in the gaps in my archive, I am wary of her characterization of that city as uniquely accepting of prostitution finding it representative of the type of Western exceptionalism New Western Historians avoid. In addition, I disagree with her argument that "prostitutes were first admired, then tolerated, and finally ostracized" in accordance with "the prevailing attitude toward women's sexuality."<sup>40</sup> This argument overemphasizes the significance of sexuality in the discursive formation of prostitution to the exclusion of ideologies pertaining to race and class. Moreover, Barnhart's final assessment of prostitution fails to fully account for San Francisco's large population of Chinese prostitutes whose experiences differed markedly from those of white prostitutes. Like Barnhart, I find that political and popular attitudes toward prostitution changed over the last half of the nineteenth century, but these changes reflected shifting ideologies of not only sexuality and gender, but also race and class.

In 1994 Benson Tong made an important intervention to the historiography of Western prostitution by providing a sustained account of Chinese prostitution in his book *Unsubmissive Women*. Tong examined the lives of Chinese prostitutes in the American West from the first waves of Chinese immigration associated with the California Gold Rush in 1849 to the stemming of such immigration with the passing of the Chinese Exclusion Act in 1882. Tong followed Chinese prostitutes as they traveled from China to San Francisco and later accompanied Chinese laborers from camp to camp throughout the Western territory, in places as far from the coast as

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<sup>40</sup> Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco, 1849-1900* (Reno: University of Nevada Press, 1986), 1, 5. See also pages 99-103.

Montana and Arizona. Tong's primary goal was to dispel the myth of the submissive and passive Chinese prostitute, however, such a task is difficult in light of the reality that the majority of Chinese prostitutes were unwillingly brought to the West (by deception or by force) to work in brothels as indentured servants. Still, Tong highlighted extraordinary women, such as the infamous Ah Toy, who managed to escape from the clutches of their captors and achieve wealth. Yet, for the most part, Chinese prostitutes in California found themselves in a precarious position, where they were few in number and regarded by Anglo Americans as the lowest class of prostitutes despite social acceptance of their work in their own communities. Although they occasionally served in integrated communities, the majority of these women worked in racially segregated red light districts, providing sexual services to lonely Chinese men. Perhaps in part because of this distance, Anglo Americans created a mythology of the Chinese woman, marking her as both exotic and dangerous.<sup>41</sup> As Tong's work demonstrates, the representation of women as prostitutes can have a long-lasting impact on women as whole, particularly for women who are already underrepresented in the media, such as Asian Americans.

For the most part, historians of frontier prostitution are less concerned with the frontier than with prostitution. Though the frontier is a problematic concept for contemporary Western historians, I maintain that it provides a useful framework for this project. As we can see from the literature review on prostitution in the West, the dominant mythologies of the frontier coalesce in the figure of the prostitute illustrating the gendered, racialized, sexualized, and class-based discourses of individuality, manifest destiny, and upward mobility. In her many manifestations, the frontier prostitute is an integral part of how the West has captured the American imagination.

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<sup>41</sup> Benson Tong, *Unsubmissive Women: Chinese Prostitutes in Nineteenth-Century San Francisco* (Norman: University of Oklahoma Press, 2000).

Thus to understand frontier prostitution we must understand the cultural significance of both the frontier and prostitution.

The 1980s and 1990s saw an explosion of historical scholarship on prostitution, which had previously never been more than a footnote to the predominant genre of histories of great white men. Yet, when historians first took up the topic they often “played to the sensational and salacious,” and were “pornographic,” as Timothy Gilfoyle put it.<sup>42</sup> Scholars have often used prostitution as an entry point for discussions of other issues, such as the formation of the modern state, social regulation, and reform movements, as well as gender and sexuality in history.<sup>43</sup> The most frequently cited scholars on prostitution are Marion S. Goldman, Ruth Rosen, and Judith Walkowitz.<sup>44</sup> Their first publications on prostitution in the 1980s set the tone for how other scholars would engage with the subject, paving the way for the likes of Patricia Cline Cohen, Timothy Gilfoyle, Marilynn Wood Hill, and others in the 1990s.<sup>45</sup> The differences between these two generations of scholars are evident in their approaches to prostitution. Feminist scholars of the 1980s were adamant about the oppressive nature of prostitution, but admit that it was necessary for women who were victimized by sexism and classism. By the 1990s, when the feminist sex debates were well underway, scholars of prostitution came to see it as neither inherently oppressive nor inherently liberating but as an institution that some women relied upon to navigate their way through the often oppressive class and gender systems of the nineteenth century. I side with later scholars on the matter of prostitution.

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<sup>42</sup> Timothy J. Gilfoyle, “Prostitutes in History: From Parables of Pornography to Metaphors of Modernity,” *The American Historical Review* 104, no. 1 (February 1, 1999): 117.

<sup>43</sup> *Ibid.*, 120–21.

<sup>44</sup> Goldman, *Gold Diggers and Silver Miners*; Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (New York: Cambridge University Press, 1982); Rosen, *The Lost Sisterhood*.

<sup>45</sup> Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1820-1920* (New York: Norton, 1992); Marilynn Wood Hill, *Their Sisters' Keepers: Prostitution in New York City, 1830-1870* (Berkeley: University of California Press, 1993); Patricia Cline Cohen, *The Murder of Helen Jewett* (New York: Vintage, 1999).

For the most part, the historiography on prostitution in the West suggests that prostitution was tolerated, if not accepted in the nineteenth-century American West. Over time, the figure of the Western prostitute has changed from that of another frontier outlaw, a “painted” heroine of the West, to a victim of sexual and economic exploitation. This transition from prostitute as adventurer to prostitute as victim occurred after feminist interventions in history. Such a shift in academic discourse illustrates the risks involved in feminist scholarship, particularly when patriarchy is identified as the sole determinant of oppression. British socialist-feminist historians such as Sheila Rowbotham identified this problem in 1979. “‘Patriarchy’ implies a structure which is fixed, rather than a kaleidoscope of forms within which women and men have encountered one another,” wrote Rowbotham. For her, a narrow emphasis on the patriarchal social structure “suggests a fatalistic submission which allows no space for the complexity of women's defiance.”<sup>46</sup> By employing the concept of patriarchy as their sole analytical tool, feminist scholars run the risk of overgeneralizing and simplifying women's experiences, which third-wave feminism has come to understand as multiply layered. It is necessary for historians to think through the multiplicity of women's experiences with attention not only to gender oppression, but racial, class, and sexual oppressions as well. Most importantly, feminist historians need to acknowledge and explore those moments in the historical record when women have challenged oppression.

Myths of women who found wealth in prostitution seem not unlike the rags-to-riches mythology of mining. While we must concede that neither industry proved to be particularly lucrative for its miners, we cannot dismiss myths of frontier prostitution because they fall flat in the face of reality. On the contrary, we should examine these myths more closely to ascertain

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<sup>46</sup> Sheila Rowbotham, Sally Alexander, and Barbara Taylor, “The Trouble with ‘Patriarchy’,” in *The Feminist History Reader*, ed. Sue Morgan (New York: Routledge, 2006), 52.

why they developed and how they functioned in nineteenth-century California. In *American Alchemy* Brian Roberts has suggested that prostitution was significant on the western frontier because it was central to social life in male-dominated mining and cattle camps and towns as part of a larger network of gambling and alcohol establishments.<sup>47</sup> The prostitute's location within the network of gambling and drinking establishments positions her as a representation of the lawlessness and violence of the frontier as well. As a woman of ill fame, she represented resistance to Victorian ideals of femininity, positioning her instead as a rugged individual. Thus, the significance of the frontier prostitute lies not only in the fact of her existence, but in her relationship to cultural mythology and to the meanings she transmitted to other Americans.

My work contributes to scholarship on the American West and prostitution by focusing on how various groups of people shaped the discourse on prostitution in California, from the height of the gold rush to the closing of the western frontier. Moreover, I demonstrate that discourses of prostitution impacted not just sex workers and their clients, but all nineteenth-century Californians. While prostitution represented an opportunity for upward mobility and immigration as a way of capitalizing on the gold rush for some prostitutes, it also represented the dangers of women's participation in public sphere perceived by newspaper editors and readers, as well as politicians. At the same time that it represented lawlessness for California writers, like Brett Harte and Joaquin Miller, it also represented the need for social restraints imposed by community leaders. Representations of prostitution as oppression also provided an opportunity for middle-class white women to assert their "moral authority" in the West, as historian Peggy Pascoe has demonstrated, as well as a political authority.<sup>48</sup> Finally, prostitution represented a means to prevent Chinese immigration by identifying prostitution as a problem perpetuated by

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<sup>47</sup> Roberts, *American Alchemy*, 306.

<sup>48</sup> Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the American West, 1874-1939* (New York: Oxford University Press, 1993).



Chinese immigrants.<sup>49</sup> I am not interested in constructing a metanarrative of prostitution as either oppression or empowerment. Instead, I follow feminist historian Joan W. Scott's advice that historians abandon the "search for single origins," and instead "conceive of processes so interconnected that they cannot be disentangled."<sup>50</sup> This dissertation is an examination how discourses of prostitution operated in nineteenth-century California. Just as discourses of race, class, gender, and sexuality shaped meanings of prostitution, so too did discourses of prostitution shape meanings of race, class, gender, and sexuality.

It has been no easy task to excavate frontier prostitution from the archive. Though prostitution was a significant topic in the nineteenth century, contemporary observers often referred to sexual commerce using a number of euphemisms. Historian Ruth Rosen has noted that most histories of prostitution focus on time periods when prostitution was emblematic of a cultural crisis because the historical record was then rich with evidence from critics of prostitution.<sup>51</sup> What is more, the overwhelming majority of prostitutes were illiterate, thus they left behind few, if any, written records of their own, forcing historians to read between the lines of official documents such as newspapers, court records, census records, medical records, police records, and the diaries of clients. This presents a few problems for historians. First, it denies us the opportunity to learn from the prostitutes themselves. Second, the picture we have of prostitutes is often made up of those women who encountered trouble along the way, giving the impression that such troubles were the only experiences for prostitutes. Lastly, these sources reduce women who worked as prostitutes to prostitution such that we often know very little about their lives outside of work. There were undoubtedly other women in nineteenth-century

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<sup>49</sup> Ibid.

<sup>50</sup> Joan Wallach Scott, *Gender and the Politics of History*, Revised (Columbia University Press, 1999), 42.

<sup>51</sup> Ruth Rosen, "Go West Young Woman? Prostitution on the Frontier," *Reviews in American History* 14, no. 1 (March 1, 1986): 91–96.

California who traded sex for money but were not identified as prostitutes. These women would have experienced prostitution and the frontier differently from women labeled “prostitutes.” In other words, if the discursive formation of prostitution limited women’s economic and social power, as I argue in this dissertation, then women identified as prostitutes experienced limited economic and social power while those women who worked as prostitutes but were not regarded as such may have experienced different degrees of economic and social power.

Ultimately, the archive we are left with reveals more about the myriad meanings various nineteenth-century Californians attached to prostitution than the actual experiences of sex workers. Therefore, this project will not be able to give voice to the silent prostitutes of the nineteenth century, if such a task were ever truly possible.<sup>52</sup> Instead, I provide a cultural history that excavates various outsider observations about prostitution in California from the gold rush to the close of the frontier as a way to gain insight into the contested cultural meanings of prostitution developed in a region presumably more forgiving of gender transgressions than the East. I do this through a close reading of texts in which prostitution and prostitutes are represented, examining how these representations challenged or, at other times, reified structures of race, class, gender, and sexuality in nineteenth-century American culture. I have limited my sources to those that offered a sustained engagement with prostitution, rather than a passing reference, thereby excluding many other common sources for western historians. In the final selection of sources the prostitute materialized in many different, and at times competing, guises. In Bret Harte’s romanticized accounts of life in gold rush-era California the prostitute often

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<sup>52</sup> Gail Hershatter, *Dangerous Pleasures: Prostitution and Modernity in Twentieth-century Shanghai* (Berkeley: University of California Press, 1997), 4. Hershatter suggests in her history of prostitution in nineteenth-century Shanghai, that the historical record is always incomplete. For Hershatter, the impossibility of reviving the voices of marginalized historical actors such as prostitutes, “directs attention to the ways in which all historical records are products of a nexus of relationships that can only be dimly apprehended or guessed at across the enforced distance of time, by historians with their own localized occupations.”

appeared as a “hooker with a heart of gold.”<sup>53</sup> Here she resembled traditional, acceptable femininity, yet at other times she appeared in a more bawdy form, for example in Joaquin Miller’s *First Fam’lies of the Sierras*.<sup>54</sup> Prostitutes frequently appeared in newspapers as signifiers of moral decline and harbingers of urban dangers. As an oppressed victim of patriarchy, prostitutes also signified the need for gender equality, as well as the need to exclude Chinese immigrants.

I limit my primary sources to those published between 1850, just after gold fever inspired large droves of migrants to join the California gold rush, and 1890, the year Turner declared the western frontier closed. This is not to suggest that the West or California can only be conceived of as a frontier. To the contrary, western historians have successfully illustrated the limitations of using this concept as a framework for the West on the grounds that it reinforces American exceptionalism, privileges colonialism, and marginalizes the histories of people who made their most significant contributions to the West long before the gold rush and long after the closing of the frontier.<sup>55</sup> Still, I chose these dates because they allow me to consider the gendered, racialized, and class-based discourses employed in the construction of the American Dream in relationship to the frontier, a space that was integral to the shaping of this particular mythology. My periodization starts with 1850 because that is when prostitutes appeared in the archive as “prostitutes,” which is the focus of this dissertation. Though prostitution was not unique to frontier-era California, it was paramount to social constructions of social difference and power in the newly annexed state. Moreover, it was, and continues to be, a prominent feature on the popularly imagined frontier landscape.

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<sup>53</sup> Bret Harte, *The Luck of Roaring Camp and Other Writings*, ed. Gary Scharnhorst (New York: Penguin Classics, 2001).

<sup>54</sup> Joaquin Miller, *First Fam’lies of the Sierras*, 2nd ed. (Chicago: Jansen, McClurg, 1876).

<sup>55</sup> Limerick, *The Legacy of Conquest*; Jameson and Armitage, *Writing the Range*.

To complete my research I have taken advantage of the growth of digital archives – databases containing digitized materials such as newspapers, books, political pamphlets, and so on. This approach has proven to be not only convenient, but also productive as it allowed me to identify and access a broader range of sources including law journals published outside of California. At the same time, my archive has been limited primarily to digitized newspapers, which represent only a fraction of published newspapers, thereby rendering only a snapshot of discourses of prostitution in the California press. Nearly all of the newspaper articles I cite are digitized copies of the Sacramento *Daily Union* and San Francisco *Alta California*, both of which are common sources for Western historians. These papers are located in the California Digital Newspaper Collection supported by the Center for Bibliographic Studies and Research at University of California, Riverside. These texts are scanned and thus appear as a digital copy of their original form. I also examine fictional representations in the published works of nineteenth-century California writers Bret Harte and Joaquin Miller.<sup>56</sup> Lastly, I examine prostitution as represented in Caroline Churchill's 1872 political pamphlet *The Social Evil: Which Do You Prefer?*<sup>57</sup> Because my sources vary from chapter to chapter, I provide a discussion of my methodology in each chapter. Still, California newspapers comprise the bulk of my primary sources throughout the dissertation, thus warranting a detailed discussion of their significance in nineteenth-century California. As we will see, these newspapers played a powerful role in shaping public discourse on prostitution.

In its first decade, California saw the rise of more than 300 newspapers, published in Chinese, English, French, and Spanish, though many of them died out within their first year. Nonetheless, the press would remain central to Californian politics and social life throughout the

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<sup>56</sup> Harte, *The Luck of Roaring Camp and Other Writings*; Miller, *First Fam'lies of the Sierras*; Joaquin Miller, *The Destruction of Gotham* (New York: Funk & Wagnalls, 1886).

<sup>57</sup> Caroline M. Nichols Churchill, *The Social Evil: Which Do You Prefer?* (San Francisco, CA, 1872).

nineteenth century.<sup>58</sup> The first newspaper in San Francisco, and the second in California, was the *California Star*, founded in 1846 by Samuel Brannan, a local merchant, co-founder of Sacramento, and later vigilante. His assistant, Edward C. Kemble, would later become one of the leading editors in the new state. In 1849 Kemble combined the *Star* and the *Californian*, California's first newspaper, into one daily paper, which he would eventually rename the *Alta California*. That same year Kemble founded the Sacramento *Placer Times* as a mining town satellite for the *Alta California*, which by 1851 became the Sacramento *Daily Union* under the direction of John Morse. In 1857, two years after Kemble sold the *Alta California*, he became the *Daily Union*'s editor.<sup>59</sup> Both papers enjoyed a wide readership late into the nineteenth century.<sup>60</sup>

Kemble viewed himself and his colleagues as considerable contributors to California social and political life. According to him, they were ordinary men, rather than trained printers and editors, called to duty out of the necessity of maintaining democracy and recording events.<sup>61</sup> "Instead of monitors, censors and criterions, as in Eastern countries," he wrote in *A History of California Newspapers*, "our newspapers have been the simple organs of speech—the daily fitful utterance of communities."<sup>62</sup> Though Kemble may have romanticized their contributions, the press was politically and socially significant throughout middle of the nineteenth-century America as a forum for public debate on political and social matters among an increasingly

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<sup>58</sup> Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850-1900* (New York: Cambridge University Press, 1994), 20–24.

<sup>59</sup> Edward Cleveland Kemble, *A History of California Newspapers, 1846-1858*, ed. Helen Harding Bretnor (Los Gatos: Talisman Press, 1962).

<sup>60</sup> Ethington, *The Public City*, 20.; "The Sacramento Daily Record-Union and The Record-Union," California Digital Newspaper Collection, accessed May 29, 2013. <http://cdnc.ucr.edu/essays/recordunion.html>

<sup>61</sup> Kemble's perspective on publishing was rather romantic and historians such as Jen Huntley-Smith have made the point that working as an editor or publisher was often part of a larger political career plan. This was certainly the case with Kemble who served as Secretary for the Committee on Pacific Coast Emigration and later as Inspector of Indian Affairs under President Grant. See Jen Huntley-Smith, "Print Cultures in the American West," in *Perspectives on American Book History: Artifacts and Commentary*, ed. Scott E. Casper, Joanne D. Chaison, and Jeffrey D. Groves (Amherst, MA: University of Massachusetts Press, 2002), 255–284.

<sup>62</sup> Kemble, *A History of California Newspapers, 1846-1858*, 44.

literate white population.<sup>63</sup> California was no exception. The full significance of newspapers in California politics played out in the rise of the San Francisco Vigilante Committee of 1855 and 1856 when prominent members of the city responded to the murder of *Daily Evening Bulletin* editor and moral reformer James King of William.<sup>64</sup> Though the *Alta California* and *Daily Union* claimed to be independent, each played a pivotal role in early California politics, siding with the Vigilante Committees of 1851 and 1856. Historians have argued that the latter committee was largely comprised of “native-born Protestants with Whiggish sentiments,” who sought to oust Irish Democrats.<sup>65</sup> Politics and commerce also converged in the California press in the form of merchant editors like Brannan and aspiring politicians such as Kemble. Moreover in May of 1851 the *Daily Union* began to show its support for the Whig party under the editorship of John Morse.<sup>66</sup> Both papers were fairly conservative as evidenced by their support of vigilantes, insistence on moral reform, denunciation of suffrage, and support of Chinese exclusion.

The importance of newspapers and their contribution to political life and moral reform make them critical to modern historians’ understandings of the nineteenth-century socio-political landscape. While newspapers provided readers with accounts of the local goings on through crime blotters, court reports, legislative reports, and so on, it also provided a space for people to voice their concerns over local, national, and global political and social matters in editorials and

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<sup>63</sup> Gerald J. Baldasty, *The Commercialization of News in the Nineteenth Century*, 1st ed. (Madison: University of Wisconsin Press, 1992); Kevin G. Barnhurst and John C. Nerone, *The Form of News: A History* (New York: Guilford Press, 2001).

<sup>64</sup> Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1990), 107; Robert M. Senkewicz, *Vigilantes in Gold Rush San Francisco* (Stanford, Calif: Stanford University Press, 1985); Michelle E. Jolly, “The Price of Vigilance: Gender, Politics, and the Press in Early San Francisco,” *Pacific Historical Review* 73, no. 4 (November 2004): 541–580.

<sup>65</sup> Edward Cleveland Kemble, *A History of California Newspapers, 1846-1858*, edited by Helen Harding Bretnor (Los Gatos: Talisman Press, 1962).

<sup>66</sup> “The San Francisco Election,” *Daily Union*, 1 May 1851, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18510501.2.6&cl>

letters to the editor.<sup>67</sup> However, which events counted as newsworthy and how editors described those events depended both on the editor's perspective and the business interests of the paper. Though newspapers represent themselves as unbiased bearers of fact, and readers tend to see them that way, we must keep in mind that newspapers, past and present, are a constructed text shaped by a variety of social institutions and systems of power, not to mention personal perspectives of newspaper personnel.<sup>68</sup> Business interests and editorial interests were closely linked in businessmen who approached publishing as yet another business venture, such as Samuel Brannan, one of the founders of the California press, who turned to publishing as a way to pay off debt accrued by failed real estate ventures.<sup>69</sup> Still, because newspapers played a significant role in middle of the nineteenth-century urban life they offer a window into the social and political sphere.

While newspapers are useful in writing cultural history, they are not entirely reliable for social historians. Consider the crime blotter for example. While the paper might list five arrests for prostitution in one month, we cannot assume that this means five prostitutes were arrested. It could have been the same woman arrested on multiple occasions. Furthermore, the woman might not have been a prostitute at all. Without police records and court documents verifying the names of arrested women and the outcome of their court cases, we can only read this as five occasions when a woman was arrested for prostitution. That said, arrests for prostitution were often accompanied by reports of the arrest and court proceedings, which provides the cultural historian

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<sup>67</sup> Historian Philip J. Ethington has observed that this active readership ended in the late 1880s when newcomer William Randolph Hearst depoliticized the news in favor of sensational journalism. Hearst's innovative news style transformed readers from participants in newspaper discourse to consumers of advertising. Ethington, *The Public City*, 308–319.

<sup>68</sup> Barnhurst and Nerone, *The Form of News*.

<sup>69</sup> Mark A. Eifler, *Gold Rush Capitalists: Greed and Growth in Sacramento*, 1st ed. (Albuquerque: University of New Mexico Press, 2002) See Chapter Two for discussion of Samuel Brannan's history and role in founding Sacramento.; Helen Harding Bretnor, "Forward," in *A History of California Newspapers 1846-1858* (Los Gatos, CA: Talisman Press, 1962), 9–41.

with evidence of how the press constructed prostitution for its readers. Because my goal is to reconstruct the cultural meanings of prostitution in late nineteenth-century California I am more interested in the discursive formation of prostitution as a crime, than in the numbers of women prosecuted for this crime.<sup>70</sup>

My initial foray into the newspaper archive involved a simple search for the terms “prostitute” and “prostitution” in all of the California newspapers available in the CDNC database between 1849 and 1890. The first of these search terms yielded more than 800 results and the second search term yielded 1750 results among eight different newspapers. As I culled through the search results, I found that both the *Alta California* and *Daily Union* contained multiple references to women identified as prostitutes beginning in 1850 and increasing throughout the late nineteenth century. These references appeared in crime blotters, letters to the editor, legislative reports, court reports, editorials, and reports of local events offering insight into how readers and editors of the *Alta California* and *Daily Union* constructed prostitution. As my data grew I performed more pointed searches in the archives for people, places, and events that appeared in secondary sources or other primary sources. I have supplemented my primary search with city directories, court reports, and legislative records when necessary.

However, not all of the search results for the word “prostitute” referred to prostitution as exchange of sexual services for cash. In some cases the term referred to powerful figures accused of not remaining true to their position or to people who had otherwise degraded themselves for profit.<sup>71</sup> That “prostitute” signified betrayal or debasement indicates not only that the term had a

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<sup>70</sup> Though I reference multiple examples of women on trial for prostitution, I have not seen the court records, therefore I cannot verify whether or not these women were indeed prostitutes, but that is not the issue here. What I am interested in is how prostitution was used to circumscribe people’s lives.

<sup>71</sup> Because nineteenth-century Americans used a number of euphemisms for prostitutes, I have also searched the archives using popular phrases such as “woman of ill fame,” “fallen woman,” “fair but frail,” and “ladies in full bloom” with varying degrees of success. Yet another term for prostitute that I, unsurprisingly, did not find in the



pejorative connotation but also that the term did not exclusively refer to sexual commerce. We see this also in euphemisms for prostitutes such as “abandoned women” or “public women,” which further suggest that the discursive formation of prostitution was not limited to sexual immorality, but also included gender transgressions such as social or economic independence from men and rejection of the private sphere. When we consider these numerous expressions for describing the prostitute we find that the term was at once empty and overflowing with meaning. One of the limitations of this particular methodology is that the women who appeared in the papers as “prostitutes,” “women of ill fame,” “abandoned women,” “public women,” or “fallen women” were women interpellated by the socio-political system as women who were debased and degraded. For this reason, the picture of prostitution I have reconstructed here represents only those women who defied social norms prescribing gender, race, class, and sexuality. In short, these were women deemed “unladylike,” by the California press. Still, this is the dominant picture of prostitution that appears in the archive because middle-class Californians considered the prostitute by that name degrading and unladylike.

In my analysis I follow a line of questioning similar to what Foucault proposed in *The History of Sexuality*.<sup>72</sup> Why did nineteenth-century Californians discuss prostitution so extensively? Who was speaking and what did they say about prostitution? What do these discussions tell us about social structures of race, class, gender, and sexuality? How did these discussions of prostitution impact people’s abilities to achieve the American Dream in nineteenth-century California? I compare many of my answers to secondary social histories of prostitution in other regions of the U.S. to get a more nuanced understanding of how prostitution

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newspaper archives was “whore.” Such a coarse term would have offended middle-class readers, though we cannot assume that they might not have used the term themselves in private quarters.

<sup>72</sup> Michel Foucault, *The History of Sexuality Volume I: An Introduction*, trans. Robert Hurley (New York: Vintage, 1990), 11.

shaped and reflected dominant cultural ideologies of the West and of race, class, gender, and sexuality in the nineteenth-century U.S.

As historian Simon Gunn has noted, one of the major criticisms of Foucauldian discourse analysis is that the methodology is not attentive to agency, thereby making it difficult to determine “how historical change occurred and who or what contributed to it.”<sup>73</sup> I have endeavored in every case to note the agents contributing to discourses of prostitution and have constructed a history of how that discourse has changed. Because I am working with a limited archive, secondary historical sources on Sacramento and San Francisco have been invaluable in helping me fill in the gaps of my own archive. While I have been able to determine the players at the center of the discursive formation of prostitution in most cases, I have not always been able to accomplish the same task with more marginal players, for example non-literate Californians whose everyday practices contributed to discourses of prostitution. At times these individuals appear in newspaper crime reports because of their alleged involvement with prostitution. When possible I have analyzed their practices.

This dissertation is organized chronologically to illustrate how discourses of prostitution changed over time. Chapter One is an examination of discourses of prostitution found in California newspapers between 1850 and 1860. In this chapter I find evidence that many working-class women accessed prostitution as a way to achieve upward mobility. But, women who used their sexuality for profit quickly became a threat to urban Californian leaders grappling with the task of maintaining Protestant values in the highly competitive and individually inclined capitalist climate of the gold rush. At the same time these leaders struggled against the flexible gender and class structures of the gold rush and grasped onto prostitution as a way to redefine these boundaries. Though Californians may have tolerated prostitution during the earliest years

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<sup>73</sup> Simon Gunn, *History and Cultural Theory*, 1st ed. (Harlow, UK: Pearson, 2006), 105.

of the gold rush, within a few short years politicians and merchants had begun to decry the blight of prostitution on their great state. By 1853 middle-class Californians had embarked on a mission to rein in frontier lawlessness through city ordinances and state legislation designed to curb prostitution. The creation of such laws indicates two important points. The first is that men and women were indeed challenging dominant Victorian gender and sexual norms, hence community leaders' perceived need to police gender and sexuality. However, the fact that political figures and members of the press policed behaviors and desires also indicates that gender and sexual transgressions were not entirely permitted. Ultimately, attempts to regulate prostitution in the 1850s and the 1860s were also attempts to regulate women by putting limits on what constituted acceptable gender, class, racial, and sexual behavior.

Chapter Two further explores the possibilities and limitations of gender transgression on the frontier through an analysis of prostitution in Bret Harte's short stories "The Luck of Roaring Camp," "The Outcasts of Poker Flats," "Miggles," and "The Idyl of Red Gulch." I compare Harte's many iterations of prostitution and womanhood in gold rush-era California to those found in Joaquin Miller's novel *First Fam'lies of the Sierras* and his eastern urban tale of prostitution in *The Destruction of Gotham*. Prostitutes appeared in Harte's and Miller's works, published between 1868 and 1876, as marginal characters who illustrated the lawlessness of the West. Unlike the Eastern urban prostitute, the frontier prostitute was not entirely doomed, particularly when she was a white woman cast in the role of the hooker with a heart of gold. This was a different configuration of the prostitute – rather than a fallen woman, she was the prostitute whose kind deeds compensated for her lack of virtue. Harte's and Miller's works suggested that on this fictional frontier, where only the strong survived, a woman could be forgiven her gender transgression because she was only doing what she had to do to survive.

However, the frontier prostitute could find redemption only if she left prostitution for a life of domesticity. In the end, her gender transgressions were contained by the imminent stabilization of urban California communities via family formations.

In Chapter Three I examine the history of anti-prostitution legislation in California from 1853 to 1872, with an emphasis on the debate over licensed prostitution in San Francisco during the early 1870s. Complaints that prostitutes ruled the streets of San Francisco infecting families with syphilis can be found in letters to the editor, editorials, local news, and official city reports. Many middle-class citizens also believed that prostitution was morally contagious – that the presence of prostitutes in their city would encourage men and women to lead lives of sin. In 1871 Dr. Gustavus Holland of San Francisco proposed a system of regulation that would control prostitution through medical and police surveillance of sex workers. Critics of regulation such as California suffragist Caroline Churchill constructed a counter discourse of prostitution identifying it as an example of patriarchal oppression. Churchill further argued that regulating prostitution was a way of regulating all women's bodies and promoting male promiscuity and dominance. Regulation attempts ultimately failed in California due to fears that licensed prostitution would lead to the moral decline of both men and women.

In Chapter Four I take up discourses of prostitution as slavery found in newspaper accounts of forced prostitution among white and Chinese women. Beginning in the mid-1860s anti-Chinese newspapers such as the *Alta California* and the *Daily Union* circulated narratives of Chinese men trafficking Chinese women into California for prostitution claiming that the Chinese system of slavery would one day dominate the nation. These stories continued to grow well into the 1880s despite the reality that Chinese prostitution was on the decline, suggesting that the discourse of prostitution as slavery was less about prostitution than about immigration

and labor. At the same time, the California press also published accounts of white women driven to prostitution by poverty, seduction, and opium addiction. These narratives often played out in California courtrooms among Chinese and Anglo men and women. Both working and middle-class Anglo Americans used discourses of prostitution as slavery to exclude Chinese immigrants from the American social fabric as workers and potential citizens. Chinese immigrants struggled against these discourses in pursuit of the American Dream. Ultimately, discourses of prostitution as slavery were significant to the success of the Chinese exclusion movement in California and the passage of key anti-Chinese immigration legislation at the federal level.

One last note: many women appear in the newspaper archive as women accused of prostitution, however, it has not been possible for me to determine in every case if the woman was indeed a sex worker. Readers seeking the “true” identity of the women in this archive may be frustrated by this limitation. However, I would like to suggest that a complete record of nineteenth-century California sex workers is never entirely possible for two primary reasons. First, the social stigma of prostitution was great enough that while some sex workers readily identified themselves as prostitutes others might not have. This suggests that women who denied being prostitutes may have been sex workers but refused to disclose that information to avoid either stigma or criminal punishment. Second, we cannot assume that every woman convicted of prostitution was indeed a sex worker because the record does indicate that some of the accused were not women who engaged in sexual commerce, but women who had been stereotyped as prostitutes, for example Chinese immigrant women or working-class white women.

What this dissertation does offer its readers is an exploration of the relationship between sex and the American Dream on the western frontier. Though prostitution might appear to be nothing more than a salacious topic at first glance, when we shift our lens we find that

prostitution was a pivotal part of nineteenth-century social life. Californians of every stripe expressed their fears and desires through discourses of prostitution contesting and reifying structures of difference and power. While male magistrates, merchants, moral reformers, police, and politicians dominated these discourses, we can also glimpse women who challenged these discourses from the margins of nineteenth-century California social life, asserting their cultural power and defending their pursuit of the American Dream.

## CHAPTER I. "I CAME TO THIS COUNTRY TO MAKE MONEY"

In March of 1851, John Morse, editor of the newly founded Sacramento *Daily Union*, condemned the gold rush migrant's pursuit of profit as an example of ruinous greed in his three-part editorial titled "I Came to this Country to Make Money." He was, of course, referring to "gold fever," that desire to "make the most amount of money in the shortest possible time, out of the least capital." This was the primary motive for the thousands of immigrants from China, Europe, South America, and the eastern United States who arrived in California between 1848 when gold was first discovered to the peak of the gold rush in 1856.<sup>1</sup> According to Morse, the general principal of those stricken by gold fever was that one must "[p]ut money in thy purse, honestly if thou cans't, but put money in thy purse." He feared that this maxim, which found its first utterance in the mouths of miners, would pervade California and encourage migrants and established residents alike to pursue profit at the cost of building a stable society. He further believed the gold rush had made California unique in this sense, claiming that in no other region had such an attitude "so long prostrated the main motives to the organization and maintenance of good society, sound and virtuous principles, chaste, honorable and chivalric demeanor, as in the Heaven adorned State of California."<sup>2</sup> As long as wealth was the primary goal of California residents, Morse feared that crime and corruption would prevail. To this end, Morse promised *Daily Union* readers that his paper would be a source of moral reform by exposing the evils stemming from such greed and by supporting virtue, the only cure for such evil.

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<sup>1</sup> Richard White, *"It's Your Misfortune and None of My Own": A History of the American West*, 1st ed (Norman: University of Oklahoma Press, 1991), 191. The exact number of immigrants is difficult to ascertain, but White notes "the non-Indian population of the state increased from about 14,000 in 1848 to 223,856 in 1852." People would continue to migrate to California through the rest of the century.

<sup>2</sup> John Morse, "I Came to this Country to Make Money," *Daily Union*, 20 March 1851 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18510320&e=-----en--20--1--txt-IN----->; John Morse, "I Came to this Country to Make Money" No. II, *Daily Union*, 21 March 1851 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18510321&cl=CL2.1851.03&e=-----en--20--1--txt-IN----->.

To be clear, Morse was not opposed to capitalism. After all, it was capitalism that transformed California from a military outpost to a “Heaven adorned State” and made fortunes for his middle-class readers. Yet, his editorial is a reminder of Brian Roberts’ point that middle-class gold rush participants found that event and the riches it promised both alluring and repulsive.<sup>3</sup> Though middle-class Americans desired wealth, Protestantism required they earn their riches through respectable hard work. The gold rush provided a way for the newly emergent middle class to challenge this discourse, but that challenge was short lived and eventually the middle class brought their ideologies to bear on their new home.<sup>4</sup> Though the gold rush was characterized by financial opportunities, for merchants and miners alike, community leaders had grown tired of the economic and social instability of the rush and were looking for ways to create a more stable community and economy.

In this chapter I examine the discursive construction of prostitution in California newspapers in the 1850s and 1860s to better understand the relationship between gender, race, class, and capitalism. To be clear, this chapter is not an examination of the degree to which prostitution offered nineteenth-century women an avenue of upward mobility. Numerous historians have demonstrated through close investigation of census records and court documents that many women, particularly women of color, experienced prostitution as poverty and violence.<sup>5</sup> Such findings fly in the face of popular myths of the prostitute as successful entrepreneur. That said, there is also evidence that some women, including women of color, did

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<sup>3</sup> Brian Roberts, *American Alchemy: The California Gold Rush and Middle-Class Culture* (Chapel Hill: University of North Carolina Press, 2000).

<sup>4</sup> Ibid.

<sup>5</sup> Albert L. Hurtado, *Intimate Frontiers: Sex, Gender, and Culture in Old California*, (Albuquerque: University of New Mexico Press, 1999); Lucie Cheng Hirata, “Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America,” *Signs* 5, no. 1 (October 1, 1979): 3–29; Anne M. Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90*, Second Edition (Urbana: University of Illinois Press, 1987); Anne Seagraves, *Soiled Doves: Prostitution in the Early West* (Hayden, ID: Wesanne, 1994); Benson Tong, *Unsubmissive Women: Chinese Prostitutes in Nineteenth-Century San Francisco* (Norman: University of Oklahoma Press, 2000).



indeed experience prostitution as upward mobility as I demonstrate here.<sup>6</sup> Without interrogating census records for myself, I cannot definitively address this issue. What I am more interested in is how the discursive formation of prostitution impacted the lives of all women working in gold-rush era California, shaping their ability to achieve economic power. This chapter considers those women who found themselves interpellated by ideologies of gender, race, and class structured through the discourse of prostitution as greed. Some of these women were prostitutes, while others were wage earners or small business owners accused of prostitution because they defied nineteenth-century gender norms. All of them were considered women of ill fame. I argue that middle-class nineteenth-century California newspaper editors and readers, politicians, and legal authorities used prostitution as a discursive formation to limit women's economic power and maintain class and gender boundaries. In this chapter I discuss the development of capitalism at the height of the gold rush. I offer a short history of the California press, with a discussion of its political and social significance. Finally, I explore women's position as economic actors in the new state and look at how accusations of prostitution were used against economically independent women.

In a region so clearly defined by the individual pursuit of profit, middle-class Californians expressed great concern over the extent to which they could achieve social stability. Morse's early editorial illustrated the anxiety some citizens had about the role capitalism and wealth would play in the transition from a transient miner community to a community of settlers.<sup>7</sup> His editorial was a moral instruction to speculators and merchants who might forsake community responsibility in the name of personal wealth. Yet, Morse's words appeared at a time

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<sup>6</sup> See also Ah Toy, Chinese courtesan in gold-rush era San Francisco. Hurtado, *Intimate Frontiers*; Tong, *Unsubmissive Women*.

<sup>7</sup> Mark A. Eifler, *Gold Rush Capitalists: Greed and Growth in Sacramento*, 1st ed. (Albuquerque: University of New Mexico Press, 2002), 192.

when the merchant and professional classes in both Sacramento and San Francisco perceived an increase in crime and accordingly formed vigilante committees.<sup>8</sup> Their targets were overwhelmingly working-class immigrants.<sup>9</sup> Taken together, Morse's proclamation that his paper would expose the evils of Sacramento and California represents an extension of a larger discourse that situated white middle-class men as the true arbiters of justice and working-class immigrants as threats to social order.

Though Morse did not name it in this editorial, prostitution was one of the evils he sought to expose. He was joined in this effort by state legislators, city council members, court judges, and newspaper readers. Their attempts to expose prostitution as a social evil reflected and shaped ideologies of gender, class, and race and constructed the prostitute – always a woman – as a threat to social stability and as an example of social chaos. Discourses of prostitution appearing in urban California newspapers reflected a growing concern over woman's participation in the public sphere. While feminist historians have effectively challenged the notion that nineteenth-century women were confined to the private sphere by illustrating the numerous ways in which they participated in the public sphere, women's public activities were still shaped by and through gender.<sup>10</sup> In middle of the nineteenth-century California women moved through the public sphere, but newspapers, police, and politicians closely monitored their public behavior, often reading any misstep as an indication of sexual irresponsibility and immorality. Per these discourses, prostitution and women's economic power were closely linked such that any woman with economic power not linked to marriage or family inheritance could be accused of prostitution, belying the threat of economically powerful women. These women put money in

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<sup>8</sup> Eifler, *Gold Rush Capitalists*; Robert M. Senkewicz, *Vigilantes in Gold Rush San Francisco* (Stanford, Calif: Stanford University Press, 1985).

<sup>9</sup> Senkewicz, *Vigilantes in Gold Rush San Francisco*; White, *It's Your Misfortune and None of My Own*.

<sup>10</sup> Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1990), 7.

their purses by tending to miners' needs and providing them with food, shelter, and, in some cases, companionship. Though it was the last of these services that middle-class Californians denounced so loudly, newspaper editors and police indicted women working in a variety of occupations for prostitution, along with women who publically exhibited sexual behavior or engaged in masculine activities such as drinking. Taken together, this indicates a larger discomfort with public women in general, regardless of their occupation. That women who challenged dominant codes of womanhood could be accused of prostitution indicates that middle of the nineteenth-century women had few avenues for economic and social independence.

The primary sources for this chapter are digitized copies of the San Francisco *Alta California* and the Sacramento *Daily Union*, two of the most popular newspapers of nineteenth-century California, both of which were politically and socially conservative as I discussed in the Introduction. I examine representations of prostitutes and prostitution in these newspapers from 1850 through the late 1860s using the theoretical framework outlined in the Introduction. Newspapers took an active role in shaping discourses of prostitution. References to prostitutes and prostitution appear in crime blotters, courtroom proceedings, editorials, letters to the editor, and local news reports. The most vocal opponents to prostitution in nineteenth-century California newspapers were not only the editors, but also the merchants, lawmakers, and law enforcement officials of these communities, many of whom were also their readers; most of whom were male. Until 1870, men largely outnumbered women in California.<sup>11</sup> Women's voices were not prominent in the newspapers at this time, though the *Alta California* did have at least one female correspondent who was a vocal opponent to prostitution during the vigilante committee activity of 1856. Writing under the pen name "Nellie," her letters emphasized "good and frugal

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<sup>11</sup> Historians such as Susan Johnson and Brian Roberts have noted that the nineteenth-century gender ratios tend to exclude non-Anglo women. Roberts, *American Alchemy*, 226–7; Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W.W. Norton, 2000).

housekeeping as women's proper political tool."<sup>12</sup> Thus, women's voices in the news tended to support the ideology of separate spheres. In Chapters Three and Four I examine middle-class women's opposition to prostitution more thoroughly.<sup>13</sup>

It might seem contradictory for a group such as merchants to put limits on capitalism by reining in gambling and prostitution establishments, yet this group of individuals was interested in protecting their business interests. The first laws enacted in the West protected personal property and laws prohibiting prostitution served to protect middle-class men's business interests in a number of ways. First, this group believed that a stable community was necessary for their own companies to thrive because it encouraged families to settle down and consume the merchant's products.<sup>14</sup> By prohibiting the display of prostitution, which seemed to be a primary concern in the papers, local merchants could ensure a morally stable environment for their consumers and their families. Additionally, these laws protected dominant business interests by targeting business competition. Any competitor engaged in prostitution could be put out of business. As the *Daily Union* editors made clear in their inaugural editorials, in order for social order to prevail, Californians had to establish schools, hospitals, and churches, all of which would ensure a permanent group of consumers. These men and women demanded an end to prostitution and when they believed that the state failed them they took the law into their own hands as vigilantes.<sup>15</sup>

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<sup>12</sup> Ryan, *Women in Public*, 106. Nancy Ann Yamane has observed of women's journalism in the mid-nineteenth century: "It is difficult to know the extent of women's correspondence writing in the press because so much of it was not attributed." Nancy Ann Yamane, "Women, Power, and the Press: The Case of San Francisco, 1868 to 1896" (PhD diss., University of California, 1995). Women's voices in the paper grew in prominence later in the century and I discuss their contributions to the discourse on prostitution in Chapters Three and Four.

<sup>13</sup> Female merchants were also a minority in the community, and many of these women were accused of prostitution themselves, thereby excluding many of them from the respectable merchant class.

<sup>14</sup> White, *It's Your Misfortune and None of My Own*, 307.

<sup>15</sup> Prostitute Belle Cora's excursions into middle-class spheres galvanized the 1856 vigilante committee of San Francisco, which I cover in more detail in Chapter Two.

Early attempts to control prostitution through city ordinances and state legislation reveal that Californians found the problem of prostitution complicated. Some local merchants worried that the very measures used to suppress prostitution would threaten capitalism at large. For example, an anonymous group of Sacramento merchants wrote to the editor of the *Daily Union* in the spring of 1853 to oppose a local ordinance intended to curb prostitution by prohibiting the sale of alcohol in houses of prostitution. Although they agreed with the “spirit and intention of this resolution,” they argued that it was unconstitutional to prohibit any business owner, “however degraded [their] position...in society may be,” from selling whatever they chose. According to these proprietors suppressing prostitution by prohibiting an entrepreneur’s freedom was in direct violation of America’s twin ideals of capitalism and democracy – namely, that any individual had the right to make a profit within the parameters of the law. As long as houses of prostitution were permitted, they argued, those who ran such houses were protected as citizens within a capitalist democracy and therefore should be permitted to sell alcohol just as any other business owner. They argued that the only effective means of dealing with prostitution was to abolish it entirely, “under an ordinance providing for the prevention and removal of nuisances...[which] would only apply to houses publically known as houses of ill fame.”<sup>16</sup> The following year Sacramento and San Francisco passed city ordinances using this very framework.

These newly formed anti-prostitution measures sparked further debate among California merchants and community leaders and reflected the ways in which gender and capitalism shaped discourses of prostitution. One of the first debates focused on who should be held accountable for prostitution – the women who worked as prostitutes or the property owners who permitted prostitution in their establishments. Both the *Alta California* and the *Daily Union* were quick to

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<sup>16</sup> “The City Liquor Law.” *Sacramento Daily Union*, 27 April 1853 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18530427&cl> “They are citizens, and as such just as much entitled to the protection of our laws and Constitution as any other class of person.”

point out that the 1854 anti-prostitution city ordinances were in need of revisions when the first cases tried under the new law failed to provide for the prosecution of women who lived in brothels because the ordinance targeted brothel owners.<sup>17</sup> Still others thought it best to punish proprietors who violated the code of moral capitalism, which Morse laid out in his editorial “I Came to this Country to Make Money.” During the vigilante rule of 1856, the San Francisco Grand Jury reported that the most effective way to eliminate prostitution was to go after the property owners of brothels whom they believed were protected by the police. These “wealthy citizens,” as the Jury described them, could extract large monthly rent payments from madams and prostitutes at the cost of a city committed to eradicating prostitution.<sup>18</sup>

The press also structured debates over whom to punish for sexual vice through race. When the *Alta California* applauded the San Francisco city marshal for announcing his intention to suppress prostitution, they distinguished between the two types of prostitutes besieging the city:

The principal offenders, and those whose example is the most dangerous to the public morals are the Americans, who dwell in splendid houses in the principal streets of the city, and endeavor to attract attention by sitting before their open windows and doors, and by flaunting parade on foot and on horseback through the streets. *Their* example it is that is dangerous to the young and inexperienced, who may be dazzled by the outward splendor but know not the inward misery and remorse, the want of friendship in youth and of respect in age.<sup>19</sup>

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<sup>17</sup> “Doesn’t Answer,” *Daily Union*, 6 May 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18540506.2.16&cl=search&srpos=3&e=-1853---1855>

<sup>18</sup> “Report of the Grand Inquest,” *Alta California*, 30 November 1856. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18561130.2.4&cl=CL2%2e1856%2e11&e=-----en--20--1--txt-IN-----#>

<sup>19</sup> “City Reforms a Good Move,” *Alta California*, 31 March 1854. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18540331.2.4&srpos=1&e=31-03-1854-31-03-1854>

This article was characteristic of the attitude toward native-born prostitutes who illustrated the numerous problems with prostitution. The author believed that these women masked the truth of prostitution, namely that it was a life of misery. Their showy displays of extravagant wealth tempted young native-born women and set a negative example that might encourage them to become prostitutes as well. The author further distinguished native-born prostitutes from “the other class of low Spanish and Chinese whose sight excites only disgust, but who give frequent offenses to public decency by their speech and conduct.”<sup>20</sup> Thus, while Mexican and Chinese immigrant prostitutes were offensive by virtue of their lusty behavior California community leaders were not concerned that their behavior would tempt white women into prostitution.

Yet another problem with early anti-prostitution laws was the difficulty in proving that the women were actually prostitutes. Early anti-prostitution legislation targeted houses of ill fame, which could include boardinghouses, based on the character of the women operating the house. Determining whether or not a boardinghouse was a place of prostitution proved rather difficult. That the prostitute was defined by her behavior and her language – that is, by the degree to which she conformed to the parameters of acceptable femininity established by the white middle class – indicates that prostitution was a flexible concept with no clear-cut definitions or application. Any woman could be a prostitute, and in fact, many women were forced to defend themselves against such allegations, brought on by their display of morally suspect behavior rather than clear evidence that there had been an exchange of sexual services for money. In this way, the concept of the prostitute could function in such a way as to keep women in line lest their reputation suffer under that label.

Because being called a prostitute could damage a woman’s character, some women went to great lengths to defend themselves against such accusations. In June of 1858 recently divorced

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<sup>20</sup> Ibid.

Bridget Johnson moved into a boardinghouse on the corner of Sacramento Street in San Francisco operated by a Mrs. Phillips. After the proprietress of the house moved East, her partner Edwin Christian proposed that Johnson take over Mrs. Phillips' position as proprietress of the house and his partner. When Johnson refused, Christian began circulating rumors "injurious to her reputation...endeavoring to deprive her of her means of livelihood by prejudicing her few patrons against her." Outraged, Johnson went after Christian with a knife in hand, "determined to settle the matter."<sup>21</sup> Other women, like Catherine Clark, used the courts for retribution when she found her character sullied. Clark claimed that when Owen Dickman called her a prostitute he not only ruined her reputation, but also caused her to become so dejected that she was "prevented from transacting her necessary business and affairs." Clark sued Dickman for five thousand dollars in damages.<sup>22</sup> Charges of prostitution were formidable in the middle of the nineteenth century when reputation was paramount to a woman's social position.<sup>23</sup> Such an allegation had the potential to limit women's economic power.

A telling example of how the label of prostitution could be used against women appears in an 1854 breach of promise suit in San Francisco when Mary Gates sued Charles Buckingham for \$30,000 in damages after he broke off their engagement. Buckingham admitted to rescinding his marriage offer claiming he found Mary unsuitable for marriage because of her "loose and immodest behavior," which included swearing and "sitting upon the knees of other men, hugging

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<sup>21</sup> "Woman's Wrong," *Alta California*, 22 June 1858, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18580622.2.15&cl>

<sup>22</sup> "Suit for Slander," *Alta California*, 25 August 1867; Other women sued for slander when called prostitutes. *Daily Union*, 26 August 1852, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl>; "Law Intelligence," *Alta California*, 8 November 1868, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18681108.2.24&cl>; "Court Proceedings," *Alta California*, 11 January 1867, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18670111.2.4&cl>

<sup>23</sup> A woman's social position also determined her reputation. For example, historian Julie Jeffrey recalled an incident wherein a working-class Mexican woman in rural California sought vengeance by fatally stabbing a man who called her a whore after breaking down her door in an attempt to sexually assault her. The woman was tried and hung for murder shortly after the man's death. Julie Roy Jeffrey, *Frontier Women: "Civilizing" the West? 1840-1880*, Rev. ed (New York: Hill and Wang, 1998), 138.



and kissing them.”<sup>24</sup> The defense counsel used Mary’s lack of modesty, her status as a divorcee, and her association with a “known prostitute” to argue that she had trapped Charles Buckingham, a “young man of wealth and respectability,” into an engagement for the sole purpose of “making money out of him.”<sup>25</sup>

Major newspapers in both San Francisco and Sacramento picked up the case, the first of its kind in California. The bulk of the story and the trial itself focused on the character of the women involved, both Mary, a saloon girl, and her mother, Hannah Gates, who kept a boarding house and ran a saloon in San Francisco.<sup>26</sup> The defense counsel also argued that Mary was “in the habit of visiting a house of ill repute.” They did not successfully prove this last charge, but the notion that Mary and her mother were prostitutes appeared multiple times throughout the eleven-day court proceedings. The majority of witnesses, all of whom were men, testified that they knew Mary and Hannah had disreputable reputations, comparable to that of prostitutes, yet most of the witnesses could not offer clear evidence of immoral behavior, citing instead the women’s general standing in the community.

The strongest evidence against Mary was that she had kissed and sat upon the laps of multiple men. While some witnesses considered her behavior unbecoming for a lady, they also hinted that this behavior was more playful than lascivious. One of the witnesses openly dismissed rumors of Mary’s poor character as “ascribable to the general disposition in California

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<sup>24</sup> While I recognize the practice of referring to women by their first name and men by their last name as patronizing, I refer to Mary and Hannah Gates by their first names here to avoid confusion.

<sup>25</sup> “Trial for Breach of Promise,” *Daily Union*, 16 January 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18540116.2.2&cl=CL2.1854.01&e=-----en--20--1--txt-IN----#>

<sup>26</sup> In a breach of promise case the defendant could only be released from his promise of marriage contract if he could prove that prior to the marriage proposal the plaintiff had concealed her “criminal conduct.” If the woman’s character was “improperly delicate or loose” the defendant was still responsible for the contract, but that behavior could mitigate the final judgment. Finally, if the defendant ruined the plaintiff’s character as a way of break contract, the defendant would be responsible for full damages. Because Buckingham admitted to breaking his contract to Gates, the trial focused on Mary Gates’ character to determine the full extent of Buckingham’s damage. “The Breach of Promise Case,” *Alta California*, 26 January 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540126.2.3&e=-01-1854--01-1854>

to question the morality of ladies.”<sup>27</sup> As the *Alta California* finally noted, the plaintiff also received testaments to her virtue, provided by “persons well-acquainted with the family and well known as persons of high respectability.”<sup>28</sup> The varying opinions on the relationship between Mary’s behavior and her character imply that there were competing discourses about femininity and sexuality circulating at that time. On the one hand, Mary was chastised for not conforming to middle-class femininity, yet on the other hand she was given license to kiss other men while maintaining her good character. What this reveals is a difference between gender and sexuality within different class systems. Within the working-class community women were allowed a broader range of sexual behaviors, while middle-class women were limited by codes of chastity.<sup>29</sup> Upon trying to enter into marriage with a middle-class man, Mary was held to the middle-class standard of femininity and her sexual transgression drew accusations of prostitution. Buckingham’s friends and family believed his marriage with Mary would damage his character. As one friend put it, “I did not consider plaintiff as the equal of the defendant, socially or otherwise.”<sup>30</sup>

In the end, Mary was awarded \$4,000 in damages, suggesting that the jurors did not find her criminally immoral, yet they also did not find her so virtuous as to be completely damaged

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<sup>27</sup> “Trial for Breach of Promise,” *Alta California*, 19 January 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540119.2.2&cl>

<sup>28</sup> “Breach of Promise Suit,” *Alta California*, 27 January 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540127.2.10&e=-01-1854--01-1854>

<sup>29</sup> John D’Emilio and Estelle B Freedman, *Intimate Matters: A History of Sexuality in America*, 2nd ed (Chicago: University of Chicago Press, 1997). It is also worth noting that though multiple witnesses testified to seeing Mary kiss other men and sit on their laps they also testified that they believed these actions were playful gestures. One of the witnesses who called the behavior playful said that she still regarded that behavior unbecoming for a lady. “The Breach of Promise Case,” *Alta California*, 19 January 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540119.2.2&cl>

<sup>30</sup> “The Breach of Promise Case,” *Alta California*, 20 January 1854 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540120&e=-01-1854--01-1854> This same witness found Mary’s use of curse words particularly troubling, yet he did not distance himself from her because “women were scarce at that time.” His willingness to endure behavior he otherwise would not is indicative of the common perception of the West as a place more forgiving to non-normative gender behavior, he also made it clear to the jury that he was no longer “in the habit of keeping the company” of such women. Though there may have been some leeway granted toward wily women during the gold rush, by 1854 the tone had shifted.

by Buckingham's change of heart. Regardless of the jury's verdict, the highly publicized lawsuit no doubt called Mary's character into question for the entire community. This joke from a Grass Valley correspondent for the *Daily Union* demonstrates the far-reach of the press and the idea that Mary was a loose woman: "The man who kissed Mary Gates is here. He goes in for the 'golden gates,' which have a *swing*."<sup>31</sup>

As a way of discrediting Mary's testimony the defense also accused her mother, Hannah, of being a prostitute. Courtroom examinations focused on the character of Hannah's business, inquiring as to her frequent travel, the structure of her boardinghouses, and the character of her visitors. The widowed Hannah had relocated from New Orleans to California in 1850 and opened a boardinghouse and restaurant in San Francisco. She changed business locations numerous times between San Francisco, Sacramento, and San Jose. Hannah always kept boarders, however, the extent of accommodations she provided depended largely on the type of establishment she rented – the number of rooms, the existence of a bar, and so on. The majority of her boarders were men, many of whom were men of prestige including San Francisco's district attorney and a former California governor who reported that Gates' house was "a kind of general resort for members of the Legislature and politicians."<sup>32</sup> Though some boarders testified that Hannah's reputation was dubious, other boarders, including the former governor, testified that they had seen nothing in her establishment to corroborate such rumors. Still another boarder said he left the house "on account of its notoriety from this suit" and out of a desire to avoid getting "mixed up in it."<sup>33</sup>

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<sup>31</sup> "Dispatch from 'Old Block'," *Daily Union*, 26 January 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18540126.2.10.1&srpos=3&e=16-01-1854-30-01-1854>

<sup>32</sup> "The Breach of Promise Case," *Alta California*, 24 January 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540124.2.2&e=-01-1854--01-1854>

<sup>33</sup> "The Breach of Promise Case," *Alta California*, 21 January 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540121.2.2&e=-01-1854--01-1854>

Boardinghouses were a prominent feature of social life in middle of the nineteenth-century California, often providing a surrogate family structure to the men and women who had left their families behind in the East.<sup>34</sup> Of the few women who lived in San Francisco during the gold rush many were small business owners in accommodations, apparel, beauty, laundry, and retail. Though proprietorship would seem like a respectable way for women to make money, historian Edith Sparks found that it “accorded proprietor’s little status in the eyes of class-conscious native-born white” women, the same women “least likely to become business owners in San Francisco.”<sup>35</sup> Women of color and white immigrants were more likely than native-born white women to go into business for themselves, perhaps because of discrimination in wage labor, where employers perceived women’s wages as a supplement to the family income. In San Francisco where there was a high demand for accommodations, the majority of female business owners operated hotels, boardinghouses, lodging houses, saloons, and restaurants. Most of the women in the accommodations trades were married or formerly married immigrant women, particularly Irish, who could simultaneously see to their domestic duties and earn an income.<sup>36</sup> Sparks adamantly argued that women opened businesses in the domestic industry because it was an area in which they were already skilled and those skills were in high demand at a time when the region was comprised largely of transient men.<sup>37</sup> At the same time, boardinghouses were common sites of prostitution. Thus the women who operated these establishments, such as Hannah Gates, risked their reputations in pursuit of the American Dream.

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<sup>34</sup> Eifler, *Gold Rush Capitalists*, 112–114.

<sup>35</sup> Edith Sparks, *Capital Intentions: Female Proprietors in San Francisco, 1850-1920* (University of North Carolina Press, 2006), 47.

<sup>36</sup> *Ibid.*, 23.

<sup>37</sup> *Ibid.*, 37. Sparks further noted that women owned and operated businesses in the accommodations industry at a significantly higher rate in San Francisco than in other major U.S. cities. “In 1877, for example, over 500 female proprietors were listed in the city directory as owners of accommodations businesses. By comparison, 142 were listed in Boston, a substantially bigger city.”

The question of Hannah's character as a boardinghouse keeper was not an isolated event in nineteenth-century California. We can find another example of a successful economically independent woman accused of prostitution in the figure of Mary E. Pleasant, more commonly known as "Mammy" Pleasant. According to Lynn M. Hudson, Pleasant's most recent biographer, Pleasant was an African American "investor, business owner, and laborer," who travelled to San Francisco in 1851.<sup>38</sup> Upon arrival she invested the inheritance from her first husband's death and by 1860 owned several laundries in that city. Though she continued to work as a domestic servant for elite white families she also began opening boardinghouses in the city and by the late 1860s she listed herself as an entrepreneur in the city directory. Hudson notes that this official change in occupation occurred at the same time that Pleasant became involved in racial discrimination lawsuits against San Francisco streetcar companies, suggesting that Pleasant had an interest in representing herself as a woman with more economic and social prestige to further her civil rights cause.<sup>39</sup> Her boardinghouses, expensive and exclusive in design, catered to the city's elite white businessmen and politicians, giving Pleasant ample opportunity to network with San Francisco's most powerful players.<sup>40</sup>

As a successful entrepreneur and civil rights advocate Pleasant was a highly visible woman, which drew suspicions not only from her contemporaries but from later historians as well.<sup>41</sup> When Pleasant became embroiled in a divorce case between Sarah Althea Hill and Senator William Sharon in the 1880s defense attorneys and San Francisco newspapers challenged Pleasant's "Mammy" persona by constructing her as Hill's madam. Pleasant never

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<sup>38</sup> Lynn M. Hudson, *The Making of "Mammy Pleasant": A Black Entrepreneur in Nineteenth-Century San Francisco* (Urbana: University of Illinois Press, 2008), 32.

<sup>39</sup> *Ibid.*, 55.

<sup>40</sup> *Ibid.*, 57–59. "These men frequented her boardinghouses and revealed information—financial and social—that Pleasant used to increase her own wealth and status."

<sup>41</sup> *Ibid.*, 59.

fully recovered from this bad press and died in destitution.<sup>42</sup> Even historians have remembered her as a prostitute despite the dearth of evidence.<sup>43</sup> Once the accusation of prostitution had been articulated it could be reiterated with resounding effect.

Middle-class concerns that prostitutes were posturing as legitimate businesswomen can be found in an 1855 *Alta California* report that women were using saloons and cigar shops to cover their true commerce.<sup>44</sup> In 1867 this concern took real form when police arrested Elizabeth Horton, a San Francisco cigar vendor, for prostitution.<sup>45</sup> Prior to her arrest neighboring residents had harassed her but she refused to leave until forcibly removed by the police. Horton fought the charges by hiring a lawyer and demanding a jury trial. The *Alta California* alleged that the cigar business was nothing more than a front for this “brazen-faced woman” and worried that if she could escape conviction other women would follow her suit and use legitimate business fronts to practice prostitution. In the police court her charge was keeping a house of ill fame, but in the article on her arrest the *Alta California* reported that she had been arrested for common prostitution. The first charge implies that she was a woman with economic power – a madam. The second charge indicates that she was a street prostitute, but the fact that she was able to hire a lawyer does indicate economic power. The *Alta California* did not issue any further reports on Horton’s case, so the exact circumstances of her case are unclear.

What is of greater importance here is the news reporter’s suggestion that any businesswoman could be a prostitute. “If, under the cover of her cigar business, she can also pursue her vocation of prostitution, without let or hindrance,” the writer wondered, “what is to

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<sup>42</sup> Hudson, *The Making of “Mammy Pleasant.”*

<sup>43</sup> Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco, 1849-1900* (Reno: University of Nevada Press, 1986), 58; Seagraves, *Soiled Doves*, 90–2.

<sup>44</sup> “New Dodge,” *Alta California*, 10 December 1855, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18551210.2.11&cl>

<sup>45</sup> “A Brazen-Faced Woman,” *Alta California*, 10 March 1867, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18670310&cl=CL2.1867.03&e=-----en--20--1--txt-IN----->; “Police Court,” *Alta California*, 7 March 1867, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18670307&e=-----en--20--1--txt-IN----->

prevent other creatures like her from practising [sic] similar deceptions in the fashionable and select streets of the city?" The *Alta California* editors may have been warranted in their concern over madams masquerading as cigar shop owners. Historian Michelle E. Jolly has observed that madams in San Francisco evaded anti-prostitution ordinances in San Francisco by "converting their front rooms into cigar shops." Prostitutes in nineteenth-century St. Paul, Minnesota used a similar strategy to practice their profession.<sup>46</sup> Taken together, it appears that the nineteenth-century cigar shop was not unlike the infamous modern day massage parlor. While we must concede that it is quite possible that Elizabeth Horton was engaged in prostitution, the tone of this article bespeaks the idea that all independent wage earning women, particularly those with a public presence were morally suspect. Widely published concerns that female business owners might secretly be prostitutes, coupled with laws that allowed citizens to make complaints of local women based on reputation could spell trouble for working women. Reading Horton's history alongside that of women like Hannah Gates and Mary E. Pleasant provides evidence that economically independent women in middle of the nineteenth-century California often found themselves refuting accusations of prostitution.

Members of the California press worried that if women were not already morally corrupt when they entered the public sphere, they might be corrupted when their attempts at a respectable career failed and they were forced into prostitution. We see an example of this in the 1860 prostitution trial of Marie Hamilton, alias Rosa Darling. The *San Francisco Call* writer described her migration to California in a way that romanticized California as a space of increased economic opportunities. "In the early period of San Francisco's golden days," he wrote, "a fair young woman left the sunny land of France and the delights of Parisian life to seek

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<sup>46</sup> Michelle E. Jolly, "The Price of Vigilance: Gender, Politics, and the Press in Early San Francisco," *Pacific Historical Review* 73, no. 4 (November 2004): 556; Joel Best, *Controlling Vice: Regulating Brothel Prostitution in St. Paul, 1865-1883*, (Columbus: Ohio State University Press, 1998), 22.

her fortune in the metropolis of the new found El Dorado.” According to this account Hamilton entered a respectable, but unidentified, occupation upon arrival and was able to accumulate a sizeable amount of wealth for herself.

Hamilton’s success was short-lived, however, for she was soon swindled out of her wealth. “Driven to desperation,” the reporter continued, the now broke Hamilton “became reckless and yielded to the temptations of an evil life which were spread before her.”<sup>47</sup> Though the *Daily Union* would not print Hamilton’s testimony, deeming it unfit for readers, the writer reassured readers that the testimony “fully made out the charge” and lamented that “the miserable French girl, whose early success we have chronicled, will today receive the sentence of an outcast.” Stories such as Hamilton’s made clear to nineteenth-century readers that not everyone on the frontier was successful, that among these unlimited possibilities was the distinct possibility that a woman might find herself abandoned by her male provider, out of money, and out of respectable opportunities. This threat was particularly real in the transient and hostile gold rush environment, where success and failure existed side by side. Stories such as Hamilton’s were admonitions to the growing numbers of young independent migrant women seeking their fortunes on the frontier. This story of the fallen woman represented an example of the doom that could befall an independent westering woman, suggesting that westward migration could ease a woman’s virtue.<sup>48</sup>

Other accounts of women on trial for prostitution emphasized the dangers of the urban environment for young women inhabiting urban spaces in unprecedented numbers. In October 1854 the Placerville *Mountain Democrat* ran a story concerning an 18 year-old woman on trial

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<sup>47</sup> “Convicted of Prostitution,” *Sacramento Daily Union*, 30 January 1860, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18600130&cl>. Reprinted from the *San Francisco Call*, 27 January 1860.

<sup>48</sup> Gold Rush-era Californians complained that there were no “real” women in the West, yet, as I demonstrate in Chapter Two, they also found any woman in the West morally suspect.



for keeping a house of ill fame. According to the *Mountain Democrat*, this unnamed woman, described as “young and exceedingly fair looking,” entered into a life of prostitution because she was “seduced by promises as foul as fair, and ruined, abandoned and left in the city at a house similar to the one she kept. Her only resource, as she stated, seemed to be to follow the calling of the abandoned.”<sup>49</sup> Deemed a typical “scene in city life,” stories such as these were meant to invoke sympathy in the reader by depicting the prostitute as a fallen woman and to warn young women against the charming men who would seduce and abandon them, a common theme in the popular culture of that time. This particular construction of the prostitute encouraged women to remain chaste by avoiding the independent urban ventures.

The fear that the public sphere was a dangerous place for women and the suspicion that working women were morally corrupt can be found in the legislative proceedings for an 1860 act prohibiting female musicians under seventeen from playing in or near saloons under penalty of law for the musicians themselves. The act specifically referred to German immigrant women, commonly known as hurdy gurdy girls. Historian Jan MacKell has explained that these women, named “after the hand organs they played,” often worked under contract as saloon and dance hall entertainers and were forced into prostitution by financial necessity or by employers.<sup>50</sup> Introduced by Senator John C. Schmidt from San Francisco, the legislation was designed to protect these women from prostitution. Schmidt claimed that these immigrant women, as young as twelve, were slaves requiring state protection and the refuge of good homes that would “afford them an opportunity of leading a life of honor and virtue.” When the bill was met with objections that it “proposed a punishment upon the very parties it is intended to save from the fire,” Schmidt argued that it was necessary to prosecute the young women in order to prevent them from

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<sup>49</sup> “A Scene in City Life,” *Placerville Mountain Democrat*, 21 October 1854.

<sup>50</sup> Jan MacKell, *Brothels, Bordellos, & Bad Girls: Prostitution in Colorado, 1860-1930* (Albuquerque: University of New Mexico Press, 2004), 90.

“wandering through the streets and still following their occupation.” Schmidt’s logic suggested that the young women, when left to their own devices, could not be expected to follow a moral path. “[T]hey are accustomed to an itinerant life,” he continued, “and they will be likely to pursue it unless restrained by law.” The senator’s remarks were met with a round of applause and the bill passed the senate.<sup>51</sup> By punishing the very women it served to protect, Senator Schmidt’s well-meaning legislation suggested that the goal was not to protect women from outside forces, but from their own internal desire to prostitute themselves. Schmidt and his supporters believed they had to compel such young women to moral correctness. Moreover, by placing the onus on the women themselves, the law also relieved local business owners of any responsibility for their complicity in the trafficking of these young women. This particular law constructed the public sphere as a dangerous place for women, such that these women required state protection and had to be returned to the private sphere, their proper place.

Discourses of young women who willingly chose prostitution circulated in the California press, suggesting that perhaps Schmidt’s legislation was necessary. In 1859 the *Daily Union* published the story of Josephine Jacha, a fifteen-year-old French immigrant and brothel prostitute. Jacha worked as a domestic servant in San Francisco until, according to this report, she was seduced into prostitution by a male bar-keeper who planted “ideas of extravagance in her mind” and convinced her that it was “decidedly vulgar to work, and that it was better to live easy and in splendor, even at the sacrifice of honor, than longer drudge.” When Jacha left her domestic position for one at a brothel her former employer reported her to the police. Upon being questioned by the police, Jacha reported that she wished to stay at the brothel where the madam,

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<sup>51</sup> “California Legislature, *Daily Union*, 14 February 1860. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18600214.2.2&srpos=1&e=14-02-1860-20-02-1860> ; “Assembly,” *Alta California*, 16 February 1860, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18600216.2.25&srpos=1&e=14-02-1860-20-02-1860>

a black woman named Caroline Long, had promised to provide for and take care of her. Jacha's emphasis on the kindness of her new employer leads one to believe that Long was perhaps a more generous employer than the one Josephine had previously worked for.<sup>52</sup> Troubled by her desire to continue a life of prostitution, the police officer tried to appeal to Jacha's conscience by calling on the memory of her deceased parents. She was momentarily moved by a desire to become a better person, but "in the next few minutes she spoke in such a way as to make evident that her mind was entirely corrupted" the reporter noted. The unrepentant Jacha was charged with "leading an idle and dissolute life," the reporter concluded, and sent to the House of Refuge, "where by proper treatment and correct influences" she would hopefully be reclaimed by the respectable, that is, middle-class, community.<sup>53</sup>

It may have seemed shocking to middle-class readers that a young woman such as Jacha would prefer prostitution to domestic labor. However, working-class women might have been able to identify with her desire to leave behind the drudgery of domestic labor for the seemingly exciting world of prostitution, particularly given the depictions of the prostitute as a woman dressed in finery, idly parading the town and lying lazily about the house. After all, most of the women who became prostitutes were not from the middle class, but the working class. For nineteenth-century working-class women, the jobs available to them, such as sewing and domestic work, often did not pay well enough for independent living. The paucity of viable job opportunities for working-class women led working women across the United States to enter prostitution full-time or to supplement their meager incomes through prostitution.<sup>54</sup>

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<sup>52</sup> In addition, servant women were also susceptible to abuse by their employers, including sexual assault. D'Emilio and Freedman, *Intimate Matters*, 132.

<sup>53</sup> "Story of a Young Girl in San Francisco," *Sacramento Daily Union*, 2 May 1859. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18590502&cl>

<sup>54</sup> D'Emilio and Freedman, *Intimate Matters*, 132–133, 137; Best, *Controlling Vice*, 67; Marilyn Wood Hill, *Their Sisters' Keepers: Prostitution in New York City, 1830-1870* (Berkeley: University of California Press, 1993).

The argument that prostitution was more financially rewarding for working-class women is more complicated in gold-rush era California. Certainly, the largest industries in the mid nineteenth-century West—lumbering, mining, freighting and cattle driving—were reserved for men. White men also dominated white-collar occupations while Chinese men dominated laundries, two occupations within which women of other regions might have found employment. Some frontier women found work as store clerks, domestic servants, or teachers. Historians like Anne M. Butler have found that hard-pressed female laborers also earned their income engaging in less respectable occupations as “laundresses, waitresses, theater girls, milliners, dressmakers, and actresses.”<sup>55</sup> Yet Edith Sparks has argued that socially acceptable positions for women, such as domestic servants, teachers, and store clerks rarely paid well and were in most cases were open only to single women without children.<sup>56</sup> Though a domestic servant working in San Francisco in 1854 made anywhere from \$50-75 a month, ten times the wages of a domestic servant in New York, inflation in San Francisco also made the cost of living higher.<sup>57</sup> Still, this was considerably less than what a San Francisco saloon girl could make. One contemporary San Francisco observer reported that in 1851 a saloon girl could earn about \$30 in one night by keeping a man company at the saloon and \$200 or \$300 by providing sexual services. A French woman could parlay her foreign beauty into \$500 or \$600 for similar services.<sup>58</sup> In short, though women’s wages in California were higher than wages in the East, wage-earning women might have entered prostitution as a way to offset the high cost of living.<sup>59</sup>

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<sup>55</sup> Barnhart, *The Fair but Frail*; Butler, *Daughters of Joy, Sisters of Misery*, 2.

<sup>56</sup> Sparks, *Capital Intentions*, 65. According to Sparks, this was why many of San Francisco’s working-class women went into business for themselves, but this venture required investment, which was not an option for all women.

<sup>57</sup> Sparks, *Capital Intentions*.

<sup>58</sup> Albert Benard de Russailh, *Last Adventure; San Francisco in 1851. Translated from the Original Journal of Albert Benard de Russailh by Clarkson Crane* (San Francisco: Westgate Press, 1931), 11, 27.

<sup>59</sup> This generalization does not include Chinese women whose relationship to prostitution was similar to indentured servitude as I discuss in Chapter Four.

Another point to consider in any discussion of why women might choose prostitution is that while jobs in the domestic sector may not have been sinful, they were not altogether entirely respectable either. This is made clear in an 1855 *Mountain Democrat* story chastising middle and upper-class women who “with a sarcastic leer and scornful turn of the nose, stigmatize as ‘nothing but sewing girls’” the women who labored within the factory. The *Mountain Democrat* praised the factory women for possessing “the moral courage and virtue to work with their hands for an honest livelihood, rather than be dependent, destitute or disreputable.”<sup>60</sup> On the surface this article displays a rejection of classism in its praise for sewing women. However, the author argued that such women would make suitable wives and thus positioned the sewing girl as a temporary member of the work force assuming she would eventually join the ranks of respectable, non-working women – a position indicative of a more middle-class status. Thus working-class women were encouraged to become middle class and prostitution offered a way for them to perform the economic markers of a middle-class identity even though their sexual and gender behavior did not conform to middle-class values. It also provided the possibility that a woman could earn enough money to transcend her working-class status, though this was a possibility not often realized for such women.

In fact, nineteenth-century prostitution was a hierarchal industry like any other, broken down by type of establishment and by a person’s position within such establishments. Lower-ranking prostitutes were located in gambling dens, dance halls, and saloons as waitresses, card dealers, or entertainers of another variety. The lower-ranking prostitute often turned to prostitution part-time to supplement her income and relied on the quantity of customers in order to make a living. Some saloons provided beds in other rooms for the prostitute to render services,

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<sup>60</sup> *Mountain Democrat*, 12 May 1855. It is worth noting that this author also associated working women in general with prostitution.

since such services were sure to attract more clientele for the saloon owner. If the woman could not count on a saloon for a safe space, she could rent a room in a hotel, a boardinghouse, or a brothel. As a last resort a prostitute could also access one of the small rooms that lined the streets and alleyways of urban red-light districts, called cribs. The women who worked in these establishments were among the most poverty-stricken of all prostitutes and their working conditions were the most dangerous, as they had very little protection from abuse at the hands of patrons, employers, or police.<sup>61</sup>

At the other end of the hierarchy were the courtesans who worked in parlor houses fashioned after French bordellos, which first appeared in New York City during the 1830s.<sup>62</sup> Parlor house prostitutes worked to establish themselves as high-class professionals and mimicked the fashion and lifestyle of elite women by dressing fashionably and presenting themselves as ladies of leisure. They engaged in intellectual conversations with their clientele, who were typically from the upper classes and could afford the high rates for such lavish services.<sup>63</sup> Most women who looked to prostitution for upward mobility probably aspired to the ranks of the parlor house prostitute, whose life was seemingly defined by elegance and luxury. However, most prostitutes worked either in saloons or in boardinghouse style brothels, where they were more susceptible to abuse, exploitation, and legal sanctions than parlor house prostitutes who could afford to pay bribes and had connections with prominent members of the community. To say that lower-ranking prostitutes were more susceptible to oppression within the

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<sup>61</sup> Barnhart, *The Fair but Frail*, 29–31; Michael Rutter, *Upstairs Girls: Prostitution in the American West* (Helena, MT: Farcountry Press, 2005), 12 – 24, 80– 93; Seagraves, *Soiled Doves*.

<sup>62</sup> Curt Gentry, *The Madams of San Francisco; an Irreverent History of the City by the Golden Gate*, 1st ed. (Garden City, N.Y: Doubleday, 1964).

<sup>63</sup> Barnhart, *The Fair but Frail*, 27; White, *It's Your Misfortune and None of My Own*, 304–5; Rutter, *Upstairs Girls*, 13–17.

sex industry is not to suggest that all lower-ranking prostitutes experienced oppression all the time, rather it is a way to indicate the risks many women took when they entered into sex work.

Notwithstanding the fact that prostitution was largely hard work for little pay, moral reformers at times perpetuated the link between prostitution and opulence. For example, moral reformers often pointed to the “love of finery” as one of the causes of prostitution assuming that women entered sexual commerce to acquire the wealth necessary for purchasing the coveted clothing of the upper classes. The term “finery” had two meanings: it referred positively to an aristocratic style of dress and also pejoratively to the clothing worn by working-class women seeking to emulate the elite. The appearance of fine clothing on a prostitute was a complicated marker of economic status because for many prostitutes it was also part of their work uniform and while it served as a marker of leisure, it also masked the labor involved in sex work. In addition, the prostitute dressed in finery may have borrowed money to purchase the clothing or borrowed the clothing itself from her employer, thus it may have reflected debt rather than wealth.<sup>64</sup> Despite pronouncements of prostitutes in finery, we cannot assume that all prostitutes lived a life of luxury. French immigrant Albert Benard de Russailh described San Francisco prostitutes as women in “rags,” including the French women.<sup>65</sup> Nonetheless, finery also existed as a marker of an improved class status because it signified an occupation associated with leisure and a higher income, unlike domestic labor.

Still, as scholar Mariana Valverde has pointed out, “[t]he same dress could be considered elegant and proper on a lady, but showy and dishonest on her maid.”<sup>66</sup> This particular attitude

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<sup>64</sup> Mariana Valverde, “The Love of Finery: Fashion and the Fallen Woman in Nineteenth Century Social Discourse,” *Victorian Studies* 32, no. 2 (Winter 89 1989): 169.

<sup>65</sup> Russailh, *Last Adventure; San Francisco in 1851. Translated from the Original Journal of Albert Benard de Russailh by Clarkson Crane*, 13. Benard’s description must be treated with skepticism. He was a fervent French nationalist who generally despised Americans. His treatment of San Francisco reflects his ethnocentrism.

<sup>66</sup> Mariana Valverde. “The Love of Finery: Fashion and the Fallen Woman in Nineteenth-century Social Discourse.” *Victorian Studies*, Winter 1989, Vol. 32 Issue 2, p. 169.

suggests a clear, and insurmountable, perceived difference between working-class and middle-class women. Historian Nan Enstad has observed that although mid-nineteenth century members of the middle class had gained cultural power, “they were by no means economically secure...Lacking sufficient capital to ensure their children’s economic futures, middle-class people needed to culturally distinguish themselves from the working class.” Clothing became a marker of class difference, a type of cultural capital, which, if used properly, the middle class could translate into economic power.<sup>67</sup> It follows then, that working-class women who donned fine dresses and postured as women of leisure risked being perceived as interlopers by the middle class or becoming an object of scorn, as illustrated in the August 1853 *Daily Union* article titled “A Vile Woman:”

It is lamentable in a Christian country, to witness the extent of depravity to which even a woman sometimes renders herself a subject. On a Saturday evening a prostitute belonging to that class which dress finely, rides spirited palfreys (with feathers in their caps) and who, among other accomplishments, boast a large share of personal beauty, was arrested in the public streets for being drunk, and making an exposure of her body. As a general thing, this frail class of community – the victims of man’s deceit and seductions – are more to be pitied than condemned; but in Heaven’s name, let them keep their shame within doors, that the virtuous may not be shocked by their vileness, nor those who sympathise in their fall, be forced to loathe them!<sup>68</sup>

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<sup>67</sup> Nan Enstad, *Ladies of Labor, Girls of Adventure: Working Women, Popular Culture, and Labor Politics at the Turn of the Twentieth Century* (New York: Columbia University Press, 1999), 24.

<sup>68</sup> “A Vile Woman,” *Sacramento Daily Union*, 15 August 1853 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18530815.2.10&srpos=1&e=15-08-1853-15-08-1853>



This writer's condemnation of the public woman indicated the multiple problems the prostitute embodied for the nineteenth-century middle class. Her display of drunken, and perhaps vulgar, behavior represented a rejection of normative, middle-class femininity, made worse by her appearance in middle-class finery. Her display of wealth accumulated from prostitution was an affront to respectable society. By wearing fine clothes and parading the streets of Sacramento, the parlor house prostitute disavowed the shame associated with her position and refused to identify herself as a victim of economic hardship and lecherous men, as an object of pity for the upstanding Christian members of her community. To the mind of the *Daily Union* editors, if this prostitute had been a woman unfairly seduced, a woman worthy of pity, then she would not parade about. Instead, this ostentatious prostitute positioned herself as a woman of pride and power, a clear indication of her voluntary participation in prostitution and her culpability for her immoral behavior. In this way she both rejected and mimicked the middle-class standards of femininity by which the *Daily Union* judged her. At the same time, she was ultimately a fraud.<sup>69</sup>

The *Daily Union's* call for prostitutes to keep their shame within doors suggested a desire to preserve social hierarchies that prevented working-class women and women of color from staking a claim to the privileges associated with fine clothing and leisure. Prostitution was clearly a rejection of a moral code that questioned the pursuit of wealth at any cost; that women seemingly chose this occupation, profited from it, and advertised it further troubled the Californian middle class. The parlor house prostitute's participation in respectable social circles and her interactions with respectable men disrupted the boundaries between respectable women and women of low moral character. Perhaps for this reason, parlor houses were precisely the sites of prostitution that the California merchant and professional classes wished to eradicate.

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<sup>69</sup>For a discussion of how working-class women in the East at the turn of the century used fashion to articulate a working-class ladyhood see Enstad, *Ladies of Labor, Girls of Adventure*.

These houses represented excess, laziness, and debauchery, which the middle class rejected in favor of frugality, hard work, and restraint. The parlor house prostitute glamorized prostitution and served as a source of inspiration for working-class women seeking upward mobility, which made her all the more troublesome.<sup>70</sup>

Taken at face value, dominant representations of the prostitute as a woman who was either fallen or shameless, and sometimes both, indicate that prostitution was a complicated form of social mobility at best. In the boom and bust atmosphere of the West, stories of fallen women such as Marie Hamilton, whose attempts to become rich through respectable work were foiled by outlaw men on a lawless landscape, suggested that a woman's desire to transcend a working-class position was difficult and dangerous to realize. For some women prostitution represented a form of economic upward mobility that allowed them to live a life of luxury not available to most women of that era and in that region. Yet, what counted as upward mobility varied by class. Although the middle class did not applaud prostitution as a step-up from domestic servitude, the women who worked as domestic servants might have seen the opportunity to wear fancy dresses and live in a parlor as a step-up the social ladder.

Perhaps the most compelling example of the complexity of upward mobility and prostitution in gold-rush era California is in the story of Fanny Seymour, born Rachel Fanny Brown in Lawrence County, Ohio in 1826. This Anglo-American woman left home for Cincinnati at the age of fifteen where she worked briefly as a chambermaid before becoming a prostitute in her sister Sara's brothel. Seymour travelled to California around Cape Horn in 1849 where she would meet her sister who had taken the overland trail earlier that year. Upon arrival she began operating a brothel in San Francisco. Seymour was a savvy businesswoman with a

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<sup>70</sup> Residents of St. Paul, Minnesota were also outraged by the parlor prostitute's showy display of wealth leading the mayor to order the arrest of any prostitute in finery. See Best, *Controlling Vice*, 67.

mean streak who appeared in the newspapers for various problems throughout her tenure in California. In January of 1851 she successfully sued two of her brothel inmates for back-rent.<sup>71</sup> The following month she appeared in court twice for assaulting two different women, also presumably prostitutes in her brothel, using a pitcher as her weapon of choice.<sup>72</sup> By 1852 Seymour was living in Sacramento where she ran the Palace saloon until the end of that year when she landed in jail after shooting a patron in a disagreement. Outraged Sacramento citizens formed a lynch party the night of her arrest while the *Daily Union* pleaded that the “law may be permitted to deal with her and not the excited multitude.” Yet, when Seymour fled town after posting a \$3000 bond the *Daily Union* accused the courts of not doing enough to keep her: “When *that* bird is caged again, it will be through some other medium than *salt*.” At the same time, the *Daily Union*’s portrayal of her seemed sympathetic at times, expressing pity while proclaiming condemnation for “one whose inner heart may have felt sorrows with which the world is unacquainted.”<sup>73</sup>

This portrait of Seymour as a tortured soul also surfaced in her posthumous court appearance in 1899 when her brother and sister sued the State of Louisiana for Seymour’s estate, worth more than \$50,000. Among the details that emerged in this court case was Seymour’s intense desire to clear her name as a woman of ill fame. She sued her brother in law in 1857 for accusing her of being an “outraged female monster,” though her numerous assault charges indicate that at the very least she had a quick temper. As death approached the ailing woman, she

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<sup>71</sup> Jo Ann Levy, *They Saw the Elephant: Women in the California Gold Rush* (Hamden, Ct: Archon Books, 1990), 169.

<sup>72</sup> “Row Among the Fair Sex,” *Alta California*, 4 February 1851. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18510204.2.4&srpos=14&e=--1850---1872> ; “Recorder’s Court,” *Alta California*, 13 February 1851, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18510213.2.8&srpos=4&e=--1850---1872>

<sup>73</sup> “A Man Shot! Great Excitement in Consequence!” *Daily Union*, 21 December 1852, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18521221.2.6&cl>; “Fanny Seymour, alias Smith” *Daily Union*, 23 December 1852, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18521223.2.5&srpos=16&e=---1853>

made three different wills, stating each time that she had been born in London Fanny Minerva Smith and left no heirs. She revoked each will, and at the time of her passing left none at all. Perhaps Seymour wanted to give up the lie she created, but could not bring herself to do so. After recounting the many stories Seymour fabricated, the Louisiana court reporter noted that the only thing she did not tell was “that her name was Rachael Brown, and that she was a poor, uneducated girl from the banks of the Ohio River.”<sup>74</sup> Seymour died a wealthy lady, far removed from her working-class upbringing. But perhaps the lies she had told to distance herself from her origins weighed heavily on her heart, for the court reporter also noted that amongst Seymour’s treasures were two letters attesting to her virtue, “which she seems to have preserved and cherished.”<sup>75</sup>

Competing representations of frontier prostitution suggest that upward mobility is a complicated concept as there are multiple forms of class mobility. On the one hand, prostitution provided a means of enhanced economic options for some women. It also offered working-class women an opportunity to move beyond the drudgery of domestic wage labor into a position that offered more freedom. Lastly, it presented working-class women with the opportunity to perform in ways that resembled middle-class women – they dressed in finery, entertained the husbands of middle-class and elite women, and lounged about the house in luxury. Thus, it gave them the opportunity to play with and perform middle-class identity, much like gold mining gave middle-class men the opportunity to “slum it” as working-class men. Much like mining, the reality of prostitution was often far removed from the fantasy of upward mobility it seemed to offer.

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<sup>74</sup> J. Monroe, “Succession of Seymour,” in *Southern Reporter*, vol. 26 (St. Paul, MN: West Publishing Company, 1900), 790; J. Watkins, “Succession of Seymour,” in *The Southern Reporter*, vol. 24 (St. Paul, MN: West Publishing Company, 1899), 818–830.

<sup>75</sup> Monroe, “Succession of Seymour.”

The literature on prostitution is divided on whether most prostitutes “died in destitution” (as reformers predicted) or “returned to respectability.” Feminist scholars of prostitution in the nineteenth-century West such as Marion S. Goldman and Anne M. Butler have positioned the frontier prostitute as a destitute victim of patriarchy and capitalism.<sup>76</sup> Other scholars like Joel Best tend to regard prostitution as a transitory occupation, noting that while prostitution did not provide a way out of poverty for most prostitutes, “they were not doomed to special misery.”<sup>77</sup> Marilyn Wood Hill has argued that prostitutes in mid nineteenth-century New York City were not altogether ostracized from working-class communities, as it was perhaps a common form of employment among working women, particularly for women who wanted to supplement the meager incomes they earned in domestic service positions (the most common occupation for working women) with part-time prostitution.<sup>78</sup> We cannot assume that prostitutes in the West did not follow a similar work pattern despite the writings of those historians who are keen to describe frontier prostitution as a unique social institution characterized by alcoholism, crime, poverty, and violence. As Ruth Rosen has argued in response to this particular characterization, these aspects of frontier prostitution were part of the larger social environment of the West, as well as of working-class life.<sup>79</sup>

Still, prostitution in nineteenth-century California was not devoid of difficulties, particularly for women who were poor and non-white. Whatever privileges white women might have gained from prostitution, these privileges were almost never extended to prostitutes of color. The Latina was both desired and rejected by Anglo Americans who couched their

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<sup>76</sup> Marion S. Goldman, *Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode* (Ann Arbor, MI: University of Michigan Press, 1981); Butler, *Daughters of Joy, Sisters of Misery*.

<sup>77</sup> Best, *Controlling Vice*, 36.

<sup>78</sup> Hill, *Their Sisters' Keepers*, 103.

<sup>79</sup> Butler, *Daughters of Joy, Sisters of Misery*; Ruth Rosen, “Go West Young Woman? Prostitution on the Frontier,” *Reviews in American History* 14, no. 1 (March 1, 1986): 91–96. See also Julie Roy Jeffrey, *Frontier Women: Civilizing the West? 1840-1880* 2<sup>nd</sup> ed. (New York: Hill and Wang, 1998)

expressions of desire for Latinas within racist and misogynistic rhetoric. Brian Roberts has argued that “if the gold seekers pictured these alternative behaviors and peoples as enticingly exotic, and if they desired to embrace – at least temporarily – these ‘low’ elements, they still marked them with disgust and shame.”<sup>80</sup> Latinas were among the first prostitutes in the early days of the gold rush, and as such they may have achieved a certain amount of upward mobility.<sup>81</sup> However, there is also evidence that, like the Chinese women who became prostitutes, a majority of Latinas immigrated to California as indentured servants.<sup>82</sup>

While racial others such as Chinese immigrants and Latin Americans were mistreated, French prostitutes fared much better, culturally and socially. Indeed, French prostitutes who migrated to San Francisco after 1850 seemed to have had it made in the early days of the gold rush. French prostitutes found California’s lack of legal restraints on prostitution during the early years of the gold rush a welcome relief from the French system of regulating prostitution.<sup>83</sup> Scholars such as Jacqueline Barnhart have argued that of all the prostitutes in California the French were often the most respected and the highest paid because they were among the most desirable. Barnhart wrote, “The unique position of the French prostitute was based undoubtedly on two intangible factors—the self-image of the French and the world’s admiration of everything French.”<sup>84</sup> Yet, according to contemporary immigrant Albert Bernard de Russailh the French prostitutes in San Francisco were from the lowest class of prostitutes in Paris. That they could pass for higher-class women troubled Benard who found it appalling that such a class of women

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<sup>80</sup> Roberts, 140.

<sup>81</sup> Barnhart, *The Fair but Frail*; Levy, *They Saw the Elephant*.

<sup>82</sup> Barnhart, 43-45.

<sup>83</sup> Johnson, *Roaring Camp*, 77.

<sup>84</sup> Barnhart, 53 -54. Jacqueline Barnhart argues that French prostitutes were treated better in the press as well. For the most part, French prostitutes rarely appeared in the paper as *prostitutes*.

could garner high prices for their services in San Francisco.<sup>85</sup> If we can take Benard at his word, then we should also consider this an example of the unique economic opportunities gold-rush era California offered French women.

Those women who chose to follow a more notorious path of upward mobility did so at the risk of facing judgment from the courts and the community. To be sure, not all women experienced financial success and freedom as prostitutes, but the occupation presented the possibility of transcending their working-class position and creating lives that appeared to grant them greater privileges, which they defined for themselves against and within dominant definitions of class and respectability. Women's attempts to transgress gender and class boundaries on the frontier were met with the community's attempts to contain these transgressions by discourses that rendered such women miserable or sinful. The woman who wanted to trade her maid's apron for a courtesan's corset was a woman in need of proper moral guidance.

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<sup>85</sup> Russailh, *Last Adventure; San Francisco in 1851. Translated from the Original Journal of Albert Benard de Russailh by Clarkson Crane*, 27–28. Benard does mention that not all French women found their fortunes in San Francisco: “but many are not so lucky, and one still meets a few who have had a bad time and who are no better off financially than the day they stepped ashore.” He opines that these women were the older and less attractive French immigrant women.

## CHAPTER II: “PERHAPS THE LESS SAID OF HER THE BETTER”

Twenty years after the California gold rush began Bret Harte and Joaquin Miller charmed the nation with tales of gamblers, prostitutes, and miners who made and lost their fortunes in that event and of families who made California their home. Their emphasis on outlaw characters reflected middle of the nineteenth-century fascination with and anxiety about the perceived lawlessness of the West. In part, the chaos of the region was rooted in the absence of “true women” who could temper the adventurous spirits of frontier men and further exacerbated by the overwhelming presence of “fallen women” who tempted rather than tamed migrant men. Because prostitutes were pivotal characters in narratives of the lawless frontier when we center them in our analysis we can better understand the significance of gender in the cultural construction of the frontier. In this chapter I interrogate the discursive relationship between prostitution, gender, race, and family formation in California by examining representations of frontier prostitutes in the nineteenth-century fiction of Harte and Miller. Frontier prostitutes enriched the American West in popular narratives as symbols of gender transgression and social chaos. In real life they were targets of moral reform, legislative, and vigilante efforts to establish social order in California. Harte’s and Miller’s works embodied this tension between the romanticized lawless West and the necessity of civilizing the West. Using the figure of the prostitute as a hooker with a heart of gold, these authors interrogated the limits of normative gender roles and examined stable family structures as symbols of civilization. While at first glance it would seem that Harte’s and Miller’s portraits of fictional painted ladies praised frontier prostitution and gender transgressions, I argue that their works ultimately supported middle-class anti-prostitution efforts by symbolically eliminating the prostitute from frontier communities.



In Harte's most famous short story, "The Luck of Roaring Camp" (1868), he introduced readers to the frontier prostitute in a dismissive tone: "Perhaps the less said of her the better."<sup>1</sup> Yet he continued to speak of her in his short stories. So too did nineteenth-century Americans – in the newspapers, the legislature, and the courtroom. In the East, the prostitute was symbolic of moral depravity and urban ruin. In the West she was representative of frontier lawlessness and the absence of pious, sexually pure, submissive, and domestic middle-class white women. Even before Harte's time, middle-class forty-niners drew on the literary conventions of reform literature emphasizing prostitution and other vices to illustrate the lawlessness of the gold rush for an Eastern audience. Forbidden desires such as gambling and illicit sex became commodities used to sell the rush to adventurous Easterners. Ultimately, "these accounts of California were calls for salvation," argued historian Brian Roberts. "If...they pronounced the gold rush West as a place of liberation from social constraints, they also announced that some constraints, at least, were necessary."<sup>2</sup> In this light, Harte's proclamation that the prostitute was a woman who should not be spoken of represents an attempt not to mask prostitution, but to emphasize it as an example of the need for constraints. Nineteenth-century middle-class men such as Harte and Miller believed that "true women" were the source and inspiration for such constraints.

Popular American culture has romanticized the gold rush as a time when the predominantly male inhabitants of California, characterized as rough, white, and working-class, lived beyond the reach of the law. Yet this is more legend than fact. Dee Brown was one of the first historians to challenge this myth in his 1958 book *The Gentle Tamers* arguing that western women civilized the West by drawing on their feminine qualities to tame the social conditions of

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<sup>1</sup> Bret Harte, *The Luck of Roaring Camp and Other Writings*, ed. Gary Scharnhorst (New York: Penguin Classics,

<sup>2</sup> Brian Roberts, *American Alchemy: The California Gold Rush and Middle-Class Culture* (Chapel Hill: University of North Carolina Press, 2000), 5.

the West while the men transformed the physical land.<sup>3</sup> Though Brown intended to challenge the stereotype of the western woman as absent or passive, in its place he established a myth of women as “gentle tamers,” constructed through middle-class femininity. Historians such as Joan M. Jensen and Darlis Miller have criticized Brown’s framework as one that “sentimentalized” women’s roles embedded within “a rhetorical mythical importance approaching sainthood.”<sup>4</sup> Western women’s historians have struggled against this limiting framework in order to provide a more accurate and humanistic depiction of women’s diverse experiences and contributions to the West.<sup>5</sup> I evoke the term “gentle tamer” in this chapter to refer to the sentimental characterization of women first written into legend by Joaquin Miller and later written into history by Dee Brown.

Other historians of the West have likewise disputed the stereotype of the forty-niner as working class, arguing instead that while the cultural and social climate represented a rejection of middle-class values, many California gold rush migrants were in fact literate middle-class men seeking refuge from the drudgery of the white-collar world.<sup>6</sup> It was the middle-class migrant’s descriptions of the gold rush that have shaped the way we understand that event today. Through their prose and poetry, Harte and Miller also contributed to how we understand that event. What

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<sup>3</sup> Dee Alexander Brown, *The Gentle Tamers: Women of the Old Wild West*, Bantam Book (New York: Bantam Pathfinder Editions, 1974).

<sup>4</sup> Joan M. Jensen and Darlis A. Miller, “The Gentle Tamers Revisited: New Approaches to the History of Women in the American West,” *Pacific Historical Review* 49, no. 2 (May 1, 1980): 176.

<sup>5</sup> Jensen and Miller, “The Gentle Tamers Revisited”; Elizabeth Jameson, “Women as Workers, Women as Civilizers: True Womanhood in the American West,” in *The Women’s West*, ed. Susan H. Armitage and Elizabeth Jameson (Norman: University of Oklahoma Press, 1997), 145–164; Elizabeth Jameson and Susan H. Armitage, eds., *Writing the Range: Race, Class, and Culture in the Women’s West* (Norman: University of Oklahoma Press, 1997); Elizabeth Jameson and Sheila McManus, eds., *One Step Over the Line: Toward a History of Women in the North American West* (Edmonton: University of Alberta Press, 2004).

<sup>6</sup> Richard White, “It’s Your Misfortune and None of My Own”: *A History of the American West*, 1st ed (Norman: University of Oklahoma Press, 1991), 621; Roberts, *American Alchemy*; Elizabeth Jameson, “Where Have All the Young Men Gone? The Social Legacy of the California Gold Rush,” in *Riches for All: The California Gold Rush and the World*, ed. Kenneth N. Owens (Lincoln: University of Nebraska Press, 2002), 202–229.

separates their work from that of various forty-niners is that Harte's and Miller's were both imagining the gold rush after it has passed, indicative of nostalgia for that event.

Because I am interested in better understanding how mid nineteenth-century Californians made sense of prostitution, I limit my analysis to mid nineteenth-century Western fiction that featured prostitutes and was written by Californians. The two most popular California writers of this era were Bret Harte and Joaquin Miller, both of whom have been credited with popularizing the gold rush in American culture.<sup>7</sup> Harte was regarded as a traditional literary man and a pillar of civilization on the frontier, while Miller embodied the West in his persona as an archetypal frontiersman and capitalized on that image to market himself and his work.<sup>8</sup> Though critical reception of the two writers varied both men dominated the late 1860s and early 1870s as popular American writers in the U.S. and abroad. While some Californians praised Harte and Miller for making their home a literary topic, others were ambivalent, and others still found their use of bawdy characters and crude vernacular an insulting representation of the region.<sup>9</sup> Literary critics in the East often criticized Harte and Miller for their heavy reliance on vernacular and accused them of being nothing more than humorists, at best, and derivate, at worst, though other

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<sup>7</sup> Gary Scharnhorst, "Introduction," in *The Luck of Roaring Camp and Other Writings* (Penguin, 2001); Nathaniel Lewis, *Unsettling the Literary West: Authenticity and Authorship*, Postwestern Horizons (Lincoln: University of Nebraska Press, 2003).; "Literature: An American Comedy," *The Independent* Vol. 29, May 10, 1877, <http://0-search.proquest.com/maurice.bgsu.edu/docview/90276983/13C034E0D481D1936E7/19?accountid=26417>; George Wharton James, "Bret Harte: The Founder of the Overland Monthly," *Overland Monthly and Out West Magazine*, Dec 1921, p. 1- 8.

<sup>8</sup> "Brevities," *Alta California*, 18 November 1876; "Frank Bret Harte's Professorship," *Alta California* 10 September 1870. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18700910.2.28&cl>; "A New California Poet," *Alta California*. 14 July 1871 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710714.2.40&cl>; "Local Brevities," *Los Angeles Herald*, 10 Sept 1875, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=LAH18750910&cl>

<sup>9</sup> Examples of ambivalent reviews: "California Poets," *Alta California*, 22 April 1877 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18770422.2.44&cl>; Examples of positive reviews: "Frank Bret Harte's Professorship," *Alta California*, 10 September 1870, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18700910.2.28&cl>; Examples of negative reviews: "American Literature," *Daily Union*, 29 May 1875, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18750529&cl>; "A Timely Protest," *Daily Union*, 22 January 1876, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18760122&cl>; "Metropolitan Theater," *Daily Union*, 5 June 1878, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18780605&cl>

critics found their works entirely charming.<sup>10</sup> Criticism aside, it was precisely their depiction of California that made Harte and Miller so popular with outside audiences who believed the two writers offered a true portrait of the California gold rush. Their portrayals of women who were sinful but generous, of dangerous gamblers who were true gentlemen, and of mean-looking miners with soft spirits have become our material for Westerns today.

I have limited my analysis of their works to only those that include prostitutes as key characters whose presence is part of the plot development. It is worth noting that the term “prostitute” does not appear once in Harte’s or Miller’s work or in contemporary criticisms of their work. Still nineteenth-century readers would have readily recognized characters such as Cherokee Sal, Miggles, and Bunker Hill as prostitutes given Harte’s and Miller’s descriptions of the women as “sinful,” “public,” and “fallen.” Though both writers published across genres throughout the late nineteenth century, my criteria for analysis limit my attention to only four of Harte’s short stories and two of Miller’s novels. The first of Miller’s novels is set in gold rush-era California while the second is set in late nineteenth-century New York City, allowing for an analysis of the relationship between region and prostitution.

Although Miller’s first novel was published in multiple editions and even adapted for the stage, I have excluded the stage version for two reasons. One, the script differs significantly from the original novel by focusing on a Mormon assassination conspiracy rather than on family formation in California. Second, and more importantly, the play was penned not by Miller but by an unknown Philadelphia playwright.<sup>11</sup> For the sake of consistency, and because I am interested

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<sup>10</sup> Examples of positive reviews: “Literature,” *The Independent*, 6 April 1878, <http://0-search.proquest.com/maurice.bgsu.edu/docview/90232551/13C034937F39561BA7/21?accountid=26417>; “Bret Harte,” *Every Saturday*, 12 April 1873

<sup>11</sup> Roger A Hall, *Performing the American Frontier, 1870-1906*, Cambridge Studies in American Theatre and Drama (New York: Cambridge University Press, 2001), 88. Miller initially claimed authorship of *The Danites*, yet years later a dispute between he and *Danites* actor and manager McKee Rankin revealed that Miller had sold the

in how Miller told the story as a Californian, I limit my focus to the 1876 edition of *The First Fam'lies of the Sierras*. In the pages that follow I read these fictional works alongside California newspaper accounts of prostitution and secondary histories of California to better understand the time they were writing about, the early 1850s and the time at which they were writing, between 1868 and 1876. I begin with providing an overview of the scholarship on fictional prostitutes and the larger cultural implications of prostitution in both the eastern and western U.S. by discussing the social construction of gender on the western frontier.

Though prostitution signified unstable communities in the West, sexual commerce was not isolated to that region. On the contrary, historians such as Timothy Gilfoyle have demonstrated that prostitution was widespread in the nineteenth century, when many middle-class Americans perceived prostitutes as suitable surrogate sex partners for middle-class men, thereby preserving the sexual purity of middle-class women.<sup>12</sup> Because of her pervasiveness in American society the prostitute appeared in a wide range of cultural texts, from realist novels to sentimental fiction to the gothic and, of course, as part of the Western. For the most part scholars of nineteenth-century literature have read the prostitute as a symbolic threat to middle-class Victorian ideologies of gender and sexuality; more specifically as a disruption of public and private spheres, a challenge to the cult of “true womanhood,” and an articulation of subversive sexual desire. According to these scholars, the prostitute’s position in the public sphere, as a

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rights of *First Fam'lies* to Rankin who then commissioned an unknown Philadelphia actor and playwright to create the script. Miller never denied the charge. Ibid, 99. Further study of fictional frontier prostitutes would benefit from a full analysis of this play from the script to the advertisements.

<sup>12</sup> Timothy J. Gilfoyle, “Prostitutes in History: From Parables of Pornography to Metaphors of Modernity,” *The American Historical Review* 104, no. 1 (February 1, 1999): 117–141; John D’Emilio and Estelle B Freedman, *Intimate Matters: A History of Sexuality in America*, 2nd ed (Chicago: University of Chicago Press, 1997).

woman of the streets, disrupted the dominant ideology of separate spheres that served to protect a binary gender system.<sup>13</sup>

Though she was a stock character in the Western, the nineteenth-century fictional prostitute was often located in eastern U.S. cities, where her fall from grace was linked to the general moral depravity and greed of the capitalist industrial urban sphere.<sup>14</sup> In this setting, she was the creation of male writers who distanced her from any act of prostitution, and instead focused on the ways in which immoral behavior – specifically, sexual licentiousness and greed – had destroyed the woman. This was a stark contrast to Harte's and Miller's representations of prostitutes in the West where prostitutes were not especially doomed and, in the case of Miller's novel, might even be absorbed into the domestic fabric of the frontier. While urban tales of fallen women served as moral cautionary tales of vice and urban dangers, representations of prostitution in the West bolstered the image of the frontier giving it a distinct character by suggesting that painted ladies were an inherent part of the social chaos. Though such chaos represented a ruined urban East, in the newly developing state of California it represented the early days of an American Dream yet to be realized. Literary scholars of both prostitution and Westerns have tended to dismiss the frontier prostitute as just another feature of that lawless landscape, but her ubiquity in these narratives and distinction from urban prostitutes of the East calls for scholars to consider the prostitute's social and cultural significance on the frontier.<sup>15</sup>

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<sup>13</sup> Amanda Anderson, *Tainted Souls and Painted Faces: The Rhetoric of Fallenness in Victorian Culture* (Ithaca: Cornell University Press, 1993), 13; Laura Hapke, *Girls Who Went Wrong: Prostitutes in American Fiction, 1885-1917* (Bowling Green, Ohio: Bowling Green State University Popular Press, 1989), 16.

<sup>14</sup> Hapke, *Girls Who Went Wrong*; Anderson, *Tainted Souls and Painted Faces*. This is true even for Western writers such as Joaquin Miller, whose first novel *The First Fam'lies in the Sierras* (1876) included marginal frontier prostitutes. However, when Miller made the prostitute a central character in his fiction, he moved her to the urban East as in his novel *The Destruction of Gotham* (1886).

<sup>15</sup> Hapke, *Girls Who Went Wrong*; Anderson, *Tainted Souls and Painted Faces*; Deborah Anna Logan, *Fallenness in Victorian Women's Writing: Marry, Stitch, Die, Or Do Worse* (University of Missouri Press, 1998); J. David Stevens, "'She War a Woman': Family Roles, Gender, and Sexuality in Bret Harte's Western Fiction," *American Literature* 69, no. 3 (1997): 571; Gary Scharnhorst, *Bret Harte: Opening the American Literary West* (Norman:

Literary scholars like Amanda Anderson have cautioned against reducing the prostitute to a symbol of female sexuality. Instead Anderson has argued that the nineteenth-century prostitute was a more complicated literary symbol who illustrated the relationship between gender, class, and agency. As fallen women, Anderson has contended that prostitutes often functioned as “uneasy reminders of the general cultural anxieties about the very possibility of deliberative moral action: to ‘fall’ is, after all, to lose control.”<sup>16</sup> Nineteenth-century use of the term *fallenness* was broad and included not only prostitutes, but also any woman who deviated from middle-class Victorian standards of womanhood: adulteresses, alcoholics, anorexics, women who had premarital sex, and working-class women, in general.<sup>17</sup> That a prostitute, or unchaste woman of any variety, had fallen suggested that the true state of womanhood was one in which a woman was pure, and the fallen woman thus became located outside the category of woman. From such a position, the prostitute served as a reminder of the fragility of gender; true womanhood could not be taken for granted, instead it was something to be vigilantly protected and routinely proved. As I demonstrate in this chapter, the perceived need to protect white womanhood was important on the frontier where the cult of true womanhood had few real life representatives.

While historians have consistently characterized mid nineteenth-century California as predominantly male, Brian Roberts has noted that forty-niner accounts of the gender ratio during the gold rush tended to exclude women of color.<sup>18</sup> As Roberts and other historians have

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University of Oklahoma Press, 2000); Axel Nissen, “The Feminization of Roaring Camp: Bret Harte and The American Woman’s Home,” *Studies in Short Fiction* 34, no. 3 (1997): 379–388.

<sup>16</sup> Anderson, *Tainted Souls and Painted Faces*, 2.

<sup>17</sup> Ibid., 2; Logan, *Fallenness in Victorian Women’s Writing*, 9.

<sup>18</sup> Though the discrepancy between men and women was at its highest during rush times, even in 1870 California men outnumbered women 5 to 2. Jameson, “Where Have All the Young Men Gone? The Social Legacy of the California Gold Rush.” Jameson, “Where Have All the Young Men Gone? The Social Legacy of the California Gold Rush,” 204; See also White, *It’s Your Misfortune and None of My Own*; Julie Roy Jeffrey, *Frontier Women*:

demonstrated, many of the male migrants were middle-class Americans who brought their distinct set of morals and values with them to the frontier.<sup>19</sup> In this middle-class and white social framework the family was at the center of society and “true women” were those who tended the hearth. A society such as that during the gold rush, without rules or families, motivated by the individual desire for profit was also lacking social cohesion, and nineteenth-century middle-class Americans feared that void would be filled with vice and violence, evidenced by prostitution. Thus, while on the one hand, gold rush-era California embodied the laissez-faire capitalism and individualism that the nineteenth-century middle class prized, on the other hand, the new state represented the “logical, and threatening, conclusion” of unregulated society.<sup>20</sup>

Although historian Richard White has rightfully acknowledged that the existence of prostitution in the West was not significant in itself, he regarded the widespread acceptance of prostitution in the West, made possible by the lack of women and the transient behavior of men, as “[p]erhaps the most telling sign of the fragility of normal social ties.”<sup>21</sup> Historians such as Jacqueline Barnhart have argued that during the earliest years of the gold rush, the years Harte and Miller imagined, prostitutes were accorded respect because they were the only women in town.<sup>22</sup> Still other historians such as Brian Roberts have contended that while gold rush-era men found the sexually licentious climate of California exciting, they also longed for the presence of sexually chaste middle-class women.<sup>23</sup> Those same men simultaneously feared their gentle sisters of the East could not survive in the harsh climate of the rush. I argue that it is precisely

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“*Civilizing the West? 1840-1880*, Rev. ed (New York: Hill and Wang, 1998); Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W.W. Norton, 2000); Roberts, *American Alchemy*.

<sup>19</sup> White, *It's Your Misfortune and None of My Own*; Roberts, *American Alchemy*; Johnson, *Roaring Camp*; Jameson, “Where Have All the Young Men Gone? The Social Legacy of the California Gold Rush.”

<sup>20</sup> White, *It's Your Misfortune and None of My Own*, 302.

<sup>21</sup> *Ibid.*, 304.

<sup>22</sup> Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco, 1849-1900* (Reno: University of Nevada Press, 1986).

<sup>23</sup> Roberts, *American Alchemy*.



this tension between bad and good women, between the excitement of lawlessness and the desire for stability that Harte and Miller explored in their works.

The notion of the California gold rush as a lawless and violent event was essential to the process of establishing middle-class Victorian social order by suggesting a need to return to traditional gender roles at a time when those roles were changing for both men and women due to the dual development of industrialization and urbanization in the East. At this time working-class women entered the workforce in greater numbers and middle-class women extended their moral authority from the home and the church to a public sphere, effectively challenging men's economic, political, and social privilege. Historian Susan Johnson has pointed out that when gold rush migrants described California as "devoid of society" they were referencing a white middle class society defined through "familial, relation, and community concerns, around human interaction and connectedness" in which women were "a kind of glue that held families, relationships, communities—indeed, society—together."<sup>24</sup> At the same time, male migrants' emphasis on the inability to restrain oneself amidst ubiquitous temptations to engage in physical pleasures of drinking and soliciting prostitutes became a means of bolstering middle-class gold rush migrant masculinity.<sup>25</sup> Ultimately, the absence of women who could police the behavior of such wayward men also bolstered abstract femininity by making it more valuable.

That so many of the women who participated in the rush were prostitutes and women of color who did not conform to white middle-class standards of femininity further destabilized the tenuous social framework of the West. Though the agrarian West represented an escape from industrialization and urbanization, it could not provide an escape from gender upheaval. If nineteenth-century California was a lawless land because it lacked families, then it stood to

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<sup>24</sup> Johnson, *Roaring Camp*, 141.

<sup>25</sup> Roberts, *American Alchemy*, 218.

reason that the region was in dire need of families. In the wake of the gold rush, middle-class Californians sought to rein in the wayward characters of that region and to establish civilized communities with clear-cut boundaries delineating class, race, gender, and sexual difference. This necessity bears out not only in California newspapers as I have demonstrated in other chapters, but also in the fictional works of Harte and Miller I analyze here.

By the time Harte had published his first successful short story, “The Luck of Roaring Camp,” in 1868 California was well underway toward becoming a metropolitan region. The transcontinental railroad was completed in 1869, making the state more accessible than ever before. Migrants from the West and immigrants from around the world were rushing in so quickly that by 1870 San Francisco had a population of 149,473 making it the tenth largest city in the U.S.<sup>26</sup> That very year Harte wrote to Whitelaw Reid, editor of the *New York Tribune*, expressing concern that he had run out of writing material. “The tourists have already exhausted superficial California and what is below is hard, dry and repulsive,” he wrote. “Perhaps in more than one sense ‘placer’ California is—to use an expressive localism—‘played out’.”<sup>27</sup> California’s transition to a more metropolitan region unsettled Harte and Miller who longed for the agrarian past. As the decade progressed, California deteriorated into economic bankruptcy and literary heroes such as Harte and Miller left for the East.<sup>28</sup> Once again, because the California in which Harte and Miller were writing looked so different than the California they were writing about, we ought to consider their works examples of nostalgia for rush times.

For nineteenth-century readers, Harte’s and Miller’s accounts of life in the diggings represented more than just good stories; they also represented the history of that event.

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<sup>26</sup> Kevin Starr, *California: A History* (New York: Modern Library, 2005), 103–129.

<sup>27</sup> Scharnhorst, Gary. Ed. *Selected Letters of Bret Harte*. University of OK Press: Norman, OK, 1997. P. 38

<sup>28</sup> Kevin Starr, *Americans and the California Dream, 1850-1915* (New York: Oxford University Press, 1986), 126–134.

Contemporary critics like J.C. Howard found Harte's depictions of early California representative of real Californians. In 1877 Howard wrote that Harte's interest in the gambler and the prostitute did not derive entirely from a desire to shock readers with forbidden subjects. On the contrary, Howard reasoned, the inspiration for these characters was to be found everywhere in California, such that Harte "did not create; he chose from what was ready to his hand that which appealed most directly to his humor."<sup>29</sup> Historian Kevin Starr has argued that Harte's depiction of mining life even influenced middle of the nineteenth-century historians.<sup>30</sup> While critics considered Harte more influential in shaping perceptions of California, they still regarded Miller's representations of mining life as historically accurate. When Miller's play, *The Danites*, based on his novel *The First Families of the Sierras* hit California theaters in 1878, the San Francisco *Call* review noted that his depictions "of early mining life are too life-like to be pleasant to many of us."<sup>31</sup> Clearly, Harte and Miller were more than storytellers; they played an important role in shaping how Californians and outsiders saw California.

For all the changes that had occurred in California between the years of 1850 and 1868 one thing remained the same: prostitutes continued to plague the state. As a symbol of lawlessness, prostitution contributed to the popular image of California as a place of adventure and debauchery and as such the elimination of prostitution became part of larger efforts to establish a civilized state. Despite their best efforts, *Alta California* and *Daily Union* readers and California political leaders found it difficult to fully suppress prostitution and to a certain extent,

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<sup>29</sup> J. C. Heywood, *How They Strike Me, These Authors*. (Philadelphia: J. B. Lippincott & co., 1877), 214, <http://hdl.handle.net/2027/mdp.39015059377872>. See also *The Ladies' Repository* 1876 review of Harte as the "delineator of life in California in its early days." "Contemporary Literature," *The Ladies' Repository*, 1 February 1876. P. 184.

<sup>30</sup> Starr, *Americans and the California Dream, 1850-1915*, 120. Starr opines that Harte's sentimental accounts of early mining days had the effect of erasing the violence of conquest.

<sup>31</sup> Reprinted in "Metropolitan Theater," *Daily Union*, 5 June 1878, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18780605.2.19&srpos=274&e=-1875---1878>

they knew that the best they could hope for was the possibility of moving it out of sight.<sup>32</sup> In 1855 the Sacramento Grand Jury complained of prostitutes that such “immodest exhibitions offend the eyes of our citizens in the day and early evening, almost closing those avenues to the use of their wives and families.”<sup>33</sup> In 1860, Sacramento citizens enacted legislation that would prohibit “Chinese or other women having a general reputation of unchastity from appearing on the street or in their houses within view from the public streets.”<sup>34</sup> During the regulation debates of 1871 and 1872, which I cover more extensively in the next chapter, California medical officials, legal authorities, and newspaper readers and writers, complained loudly that prostitution was taking over their community. “Gradually the pest has crept up the heretofore respectable streets,” the *Alta California* reported in 1870, “spreading like a foul disease over a healthy part of the city, until families are driven into other localities.” For the *Alta California* the problem of prostitution had become worse than ever before. “A little while ago the character of most of these dens was only to be guessed at; the inmates kept out of sight. Now they stand in public view like so many sign boards, and their number has greatly increased.”<sup>35</sup> Discourses of prostitution found in the city newspapers suggest that it was the visibility of prostitution that upset the white middle class who wanted streets one could walk through without encountering vice. The desire to eliminate vice from the public eye was part of an ongoing urban project

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<sup>32</sup> “City Reforms – A Good Move,” *Alta California*, 31 March 1854 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540331&cl> “But though it may be impossible to entirely suppress them they may be driven from the principal streets, their front doors closed, and the public indecency which now prevails may be prevented.”

<sup>33</sup> “Report of the Grand Jury,” *Daily Union*, 28 February 1855, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18550228&cl=CL2.1855.02&e=28-02-1855-28-02-1855>

<sup>34</sup> “Consolidation Amendment Act,” *Daily Union*, 9 March 1860, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18600309&cl=CL2.1860.03&e=01-01-1846-31-12-1854>

<sup>35</sup> “The Social Evil in San Francisco,” *Alta California*, 27 July 1870, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18700727&cl=CL2%2e1870%2e07&e=-1875---1878>

wherein city leaders organized urban areas so as to protect middle-class white women from debauchery, which I discuss in greater detail in the next chapter.<sup>36</sup>

As I demonstrate in this chapter, Harte and Miller engaged with this discourse of the prostitute as a signifier of gender trouble, however, they differed in their understanding of gender in the West. Harte's sympathetic treatment of white prostitutes as hookers with hearts of gold in comparison to seemingly refined, yet truly rude women of the East suggested that white prostitutes could be superior women, possessing courage, honesty, and independence. Like the honest gambler who exposed the true colors of the corrupt sheriff, the white prostitute could be a true woman who exposed the moral shortcomings of the seemingly virtuous woman. Yet neither the gambler nor the prostitute could survive the transition from coarse, placer California to refined, urban California. Miller, on the other hand, painted his prostitutes as fallen women in need of domestic guidance. The heroine of his novel is not the prostitute, but the gentle tamer. Thus, we find that in Bret Harte's work the prostitute is expelled, pushed out to make room for civilization, while in Joaquin Miller's work the prostitute is absorbed into the social fabric, transformed by the arrival of a true woman.

Born Francis Bret Harte in 1836 in Albany, New York Harte followed his mother and sister to California as a teenager in the spring of 1854 at the peak of the gold rush. He worked as a druggist assistant, a tutor, school teacher, and finally as an agent and messenger for Wells, Fargo before he began writing professionally in 1858 when he became a printer's assistant at Uniontown's newspaper, the *Northern California*. In the spring of 1860, Harte took on a position as a typesetter at San Francisco's literary journal, the *Golden Era*, where he began to publish

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<sup>36</sup> Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1990).

poetry and prose, in addition to publishing in the San Francisco *Evening Bulletin* between 1862 and 1864. His early years in rural California become fodder for his later stories of the gold rush.

It was during his tenure as editor of the *Overland* that Harte published his most famous works “The Luck of Roaring Camp,” “Miggles,” and “The Outcasts of Poker Flat,” each of which featured prostitutes. Although Harte initially wrote for a California audience, literary scholar Gary Scharnhorst has opined that all of these works were “pitched in every case to appeal to eastern readers who were intrigued by the romance of the gold rush.”<sup>37</sup> Once he began writing for an audience in the East, Harte developed into a local color writer, writing as if he was an Easterner observing the West rather than as a Westerner himself.<sup>38</sup> Reprints of his works appeared in multiple journals throughout the U.S. and in England, where he was compared to Charles Dickens. Harte quickly became a household name in California and references to his work appeared in the newspapers in the course of everyday events. For example, when a Chinese man by the name of Ah Sin was arrested in 1872, the *Daily Record* joked that this was “probably the individual made famous by Bret Harte in his ‘Heathen Chineese.’”<sup>39</sup> Harte’s popularity peaked in 1870, the year after the completion of the transcontinental had made it possible for Easterners to visit the West themselves rather than settling for literary descriptions of the region. Despite the fact that he was still getting offers to write local color pieces for journals out East, Harte believed that California had no more such stories to offer. After sixteen years in California, it seemed that Harte had grown tired of the region, and so he returned to the East in 1871. Even though Harte considered the California landscape empty of storytelling material by 1870, he had written his

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<sup>37</sup> Scharnhorst, *Bret Harte*, 42–43.

<sup>38</sup> *Ibid.*, 13–26, 32. Though Californians regarded Harte as a snob, he tended to romanticize the rougher elements of California life.

<sup>39</sup> “Ah Sin,” *Daily Union*, 19 January 1872, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18720119.2.17&cl>

most famous stories only a couple of years prior and would continue to charm the nation with tales of the West for many years after.

While Harte's writing appeared on a Western landscape that included stock characters of the West, some literary scholars have read his works as challenges to nineteenth-century middle-class constructions of gender, race, and sexuality. For example, J. David Stevens has argued that Harte's works written between 1868 and 1873, including those discussed in this chapter, specifically challenged hegemonic nineteenth-century ideologies of gender, sexuality, and family arrangement. According to Stevens, Harte's family arrangements in "The Luck of Roaring Camp" (1868) and "Miggles" (1869) represent non-gender normative family structures.<sup>40</sup> The men of Roaring Camp become feminized caretakers and Miggles operates as both provider and caretaker in her household, embodying both feminine and masculine traits. In these stories Harte articulated non-normative gender identities and relations that were only possible in the imaginative space of the frontier – where men and women were often forced to assume the other's roles in order to survive. Though much literary criticism has been devoted to Harte's treatment of masculinity in the West, critics have tended to gloss over the prostitute, reading her as another fixture of the western landscape. Again, I argue that Harte's treatment of fictional prostitutes, as well as Miller's, provide insight into the cultural construction of gender and race on the Western frontier.

One of the earliest iterations of the gold rush prostitute appeared in Harte's first and most famous short story, "The Luck of Roaring Camp." Published in the 1868 inaugural issue of *Overland*, the story tells of a rough mining camp transformed by the birth of a baby boy christened Thomas Luck. As such, the story represented an account of how domesticity could

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<sup>40</sup> Stevens, "'She War a Woman'."

transform the Wild West. When Cherokee Sal, the child's mother—a "coarse, and, it is to be feared, a very sinful woman"—dies during childbirth the mining camp, now comprised exclusively of men, is forced to find a way to care for the child.<sup>41</sup> The prostitute's surviving offspring becomes a token of good luck and the men, whose rough demeanor can be read as *too* masculine, become feminized in their commitment to care for the child. They begin to bathe regularly and wear fresh clothing, give up their violent ways, and see the beauty in their surroundings, all because of the new child. As a reward for embracing domesticity, their community is blessed with fortune, and they consider inviting "respectable families" to live among them for the sake of the baby whom they believe will benefit from the presence of "true" women. Unfortunately, this prosperity is short-lived when a flood of biblical proportions destroys Roaring Camp.

Only in the literary Wild West, where white middle-class women were few and far between, could a Native American prostitute's child become a messiah figure. Thomas Luck's birth transforms the town so that it takes on a mythical status and becomes a place like none other. The expressman tells members of a neighboring town: "They've got vines and flowers round their houses, and they wash themselves twice a day. But they're mighty rough on strangers, and they worship an Ingin baby."<sup>42</sup> The analogy between Thomas and Jesus is clear in Harte's description of members of the camp parading through the birthing room to offer gifts to the newborn child "swathed in staring red flannel" and sleeping inside a candle-box.<sup>43</sup> In this

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<sup>41</sup> Harte, *The Luck of Roaring Camp and Other Writings*, 16.

<sup>42</sup> *Ibid.*, 25.

<sup>43</sup> *Ibid.*, 13–14. The gifts bestowed upon the child are a curious mix of items seemingly indigenous to the frontier – a tobacco box, a revolver, a stolen silver teaspoon, gold and silver coins, among others – and other items reminiscent of the more civilized East – a diamond breastpin and ring, "a very beautifully embroidered lady's handkerchief... a pair of surgeon's shears... a Bank of England note for £5."



way, Harte constructs Roaring Camp as an Edenic space and Thomas Luck as a messiah figure whose presence suggests that the outlaw miners can be redeemed.

If Thomas Luck represents the Christ infant, then his mother Sal must represent the Virgin Mary, but of course, Sal is no virgin. In fact, Harte's reference to Mary is only tangential, in that Sal gives birth to a messiah child with no clear father. Instead, Harte's reference to Eve is undeniable and eclipses that of the Madonna. He describes Sal's birthing experience as a "suffering martyrdom" made more terrible by the lack of other women; it was a reminder of "the primal curse," woman's "punishment of the first transgression."<sup>44</sup> Such a description calls to mind Eve, the original fallen woman who brought suffering upon the human race. Thus Sal simultaneously represents the Virgin Mary and Eve; she is both sacred mother and seductress the two prominent roles for biblical women.

"Luck of Roaring Camp" was an exploration of the potential for the cult of domesticity to transform the frontier, yet critics have overlooked the prostitute's role in this transformation instead emphasizing the male miners' new roles as caretakers. For example, Axel Nissen has argued that "Luck of Roaring Camp" represents a "counter move to the attempt to establish female hegemony in the home" through its construction of male miners as suitable caretakers for the child.<sup>45</sup> J. David Stevens argued that Roaring Camp's transformation is made possible by their willingness to embrace the family, an institution made more imperative by the absence of women in the camp.<sup>46</sup> What these critics overlook is the fact that while the prostitute's child offers the opportunity for redemption by giving the men a reason to embrace family, it is

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<sup>44</sup> Ibid., 16.

<sup>45</sup> Nissen, "The Feminization of Roaring Camp," 381.

<sup>46</sup> Stevens, "'She War a Woman'."

ultimately their ability and desire to exclude prostitutes from the camp that marks the manifestation of their redemption. As the narrator explains:

It was argued that no decent woman could be prevailed to accept Roaring Camp as her home, and the speaker urged that ‘they didn’t want any more of the other kind.’ This unkind allusion to the defunct mother, harsh as it may seem, was the first spasm of propriety—the first symptom of the camp’s regeneration.<sup>47</sup>

In this description Roaring Camp is a place where virtuous women dare not tread and Harte constructed the masculine frontier as a space that had the potential to undo a true woman. That the camp’s regeneration is predicated on their willingness to reject the prostitute indicated that so long as the prostitute was present lawlessness would prevail and family formation would fail. Only when they resolve to not take in “any more of the other kind” do the men become honorable. Harte evoked white, middle-class femininity by eliminating Cherokee Sal – a Native American and prostitute – as a mother and removing her from the realm of domesticity. Dominant middle-class definitions of gender excluded women of color and working-class women, as well as any woman who refused to conform to the prescriptions of piety, purity, and submission. Per the nineteenth-century cult of domesticity, a woman who lacked virtue was hardly a woman at all. According to such logic, middle-class white men in California discounted prostitutes who worked in the mining camps and urban centers of the gold rush, and the Native American and Latin American women who lived in California well before the gold rush, as *women*. What gold rush-era California lacked was white, middle-class women who could tend to

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<sup>47</sup> Harte, *The Luck of Roaring Camp and Other Writings*, 20.

the hearth.<sup>48</sup> Their presence in California required the expulsion of sinful prostitutes and savage Native Americans, as symbolized by Cherokee Sal, paving the way for “true women.”

The imperative of removing the prostitute from the frontier in order to provide a safe space for middle-class women was in keeping with the discourse surrounding anti-prostitution legislation in California. When the first anti-prostitution law was passed in San Francisco in 1854, the *Alta California* expressed concern that the ordinance would not be effective in adequately suppressing public “immodest conduct” which the paper regarded as the true problem with prostitution expressing little concern for what happened in private, which the paper acknowledged as “beyond the law.”<sup>49</sup> What the *Alta California* really wanted was for San Francisco to finally become a city where “virtuous women may walk the streets without being obliged to witness the unconcealed degradation of their own sex.”<sup>50</sup> Middle of the nineteenth-century Californians feared that the presence of prostitutes would contaminate virtuous women.

Harte explored the difference between virtuous women and fallen women in his 1869 short story “The Outcasts of Poker Flats.” Set in 1850 “The Outcasts of Poker Flat” is the tale of a group of social misfits, comprised of a gambler, a thief, and two prostitutes, who are exiled from the mining town of Poker Flat. When the outlaws encounter a young couple seeking their fortune in Poker Flats the difference between virtue and vice is blurred. The young Tom Simson, referred to as “The Innocent” and his fiancée, Piney Woods, mistake the two prostitutes, the Duchess and Mother Shipton, for virtuous women, and the outlaws play along so as to preserve the innocence of the young couple, laughing all the while to themselves. Yet when the Duchess

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<sup>48</sup> Roberts, *American Alchemy*.

<sup>49</sup> “Doings in the City Council Last Night,” *Alta California*, 10 March 1854 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540310.2.6&cl=search&srpos=10&dliv=none&e=01-02-1854-31-04-1854>

<sup>50</sup> “The Purifying Ordinance,” *Alta California*, 6 April 1854 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540406.2.3&cl=search&srpos=24&dliv=none&e=01-02-1854-31-04-1854>

begins preparing an abandoned cabin to brace the group against a snowstorm, her “taste and tact” indicate to Piney that the Duchess had grown accustomed to finery in Poker Flats and in this moment, it becomes clear to Piney that the Duchess is a prostitute.<sup>51</sup> This does not change the relationship between the two women, as their “happy laughter echoed from the rocks” only moments later. The tender hearts of the two prostitutes in this story shine through in their tender care for Piney. Through their demonstration of kindness and sacrifice, The Duchess and Mother Shipton represent hookers with hearts of gold whose generosity compensates for their lack of virtue.

Although Piney’s naiveté might lead readers to believe that Piney herself is chaste, this position is called into question when she and the Duchess huddle together against the winter storm that has taken over their lodgings. “Piney, can you pray?” asks the Duchess. “‘No dear,’ said Piney simply. The Duchess, without knowing exactly why, felt relieved...”<sup>52</sup> The narrator does not tell his readers why Piney cannot pray and though it is tempting to read this moment in the text as Piney’s admission that she may not be sexually pure, she still maintains her position as a chaste woman exemplified by the narrator’s consistent description of Piney as “pure” while The Duchess is “soiled.” Still, this distinction is lost on the rescue party that discovers the two dead women. “[W]hen pitying fingers brushed the snow from their wan faces, you could scarcely have told from the equal peace that dwelt upon them, which was she that had sinned. Even the law of Poker Flats recognized this, and turned away, leaving them still locked in each other’s

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<sup>51</sup> Harte, *The Luck of Roaring Camp and Other Writings*, 32. “The Innocent, with the aid of pine-boughs, extemporized a thatch for the roofless cabin, and the Duchess directed Piney in the re-arrangement of the interior with a taste and tact that opened the blue eyes of the provincial maiden to their fullest extent. ‘I reckon now you’re used to fine things at Poker Flat,’ said Piney. The Duchess turned away sharply to conceal something that reddened her cheeks through its professional tint, and Mother Shipton requested Piney not to ‘chatter.’”

<sup>52</sup> *Ibid.*, 36.

arms.”<sup>53</sup> Here Harte suggested that the differences between good women and bad women were not so clear, not only for the established law but also for the reader. Harte’s flattening of difference between Piney and the Duchess suggested that what dominant authorities such as vigilance committees perceived as “easily established standards of evil” were not quite so clear.<sup>54</sup>

Efforts to keep “bad” women separate from “good” women often failed when middle-class women encountered prostitutes in public events. Such encounters could have disastrous effects. In November 1855 U.S. Marshal William Richardson asked gambler Charles Cora and his date Belle Ryan, a prostitute, to leave a theater when a group of middle-class women complained about Ryan’s presence. Cora and Ryan refused to leave. When Richardson and Cora crossed paths in a saloon two days later they resumed their dispute and Cora murdered Richardson. This final event became a lightning rod for the growing Sacramento and San Francisco vigilance committees of 1855 and 1856 led by the San Francisco *Daily Evening Bulletin*’s editor James King of William. For pundits like King, “all the corrupt elements of San Francisco society came to be represented by prostitutes and gamblers—the epitome of all that was unwomanly and unmanly” in juxtaposition to the respectable and virtuous members of society who “represented the forces of order.”<sup>55</sup> When Cora’s trial resulted in a hung jury the San Francisco vigilance committee hung Cora. The women of San Francisco were not satisfied with Cora’s execution and called for Belle Ryan’s exile as well. Taken together the vigilance committee’s goal of “ending political corruption” required “putting true men in power and relegating women to private roles.”<sup>56</sup> Michelle E. Jolly has convincingly argued that vigilante

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<sup>53</sup> Ibid.

<sup>54</sup> Ibid., 16.

<sup>55</sup> Michelle E. Jolly, “The Price of Vigilance: Gender, Politics, and the Press in Early San Francisco,” *Pacific Historical Review* 73, no. 4 (November 2004): 551.

<sup>56</sup> Ibid., 573.

power was constructed through gendered moral rhetoric, specifically in the case of King who used prostitution as evidence of the need for political reform in San Francisco.

From the years of 1849 to 1902 vigilante movements in the West were prevalent, totaling at least 210 movements and “claiming 527 victims, most of whom died by hanging.”<sup>57</sup> San Francisco’s vigilance committees were large, but not as violent as other committees.<sup>58</sup> The leaders of these movements often hailed from the elite while the middle-class “supplied their rank and file” and the working-class and people of color comprised their victims.<sup>59</sup> While in some cases vigilance committees combated crimes like rustling, robbery, and murder when the local law authorities proved ineffective, in many cases vigilantes targeted gambling and prostitution establishments, which offended middle-class moral standards more than anything else.<sup>60</sup> It was precisely this form of vigilantism that Harte referenced by describing Poker Flats as a town “experiencing a spasm of virtuous reaction, quite as lawless and ungovernable as any of the acts that had provoked it.”<sup>61</sup> In this way, Harte criticized the vigilance committees that often took the law into their own hands when they believed that the official governing bodies had failed. Still, King’s cries for moral reform resonated with many Californians. The 1856 vigilance committee, comprised of six thousand to eight thousand men, was the largest in U.S. history.<sup>62</sup>

The prostitute as a fallen woman or soiled dove who symbolized moral corruption and failed femininity was ubiquitous in the middle of the nineteenth century, yet among these accounts we can also glimpse the prostitute as a hooker with a heart of gold. We find that while

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<sup>57</sup> White, *It’s Your Misfortune and None of My Own*, 333.

<sup>58</sup> Robert M. Senkewicz, *Vigilantes in gold rush San Francisco* (Stanford, Calif: Stanford University Press, 1985), 8. The 1851 and 1856 committees hanged four men each and exiled another forty to fifty people.

<sup>59</sup> White, *It’s Your Misfortune and None of My Own*, 334.

<sup>60</sup> White, *It’s Your Misfortune and None of My Own*.

<sup>61</sup> Harte, *The Luck of Roaring Camp and Other Writings*, 27. This story was so popular that it was reprinted in *Ladies Home Journal*.

<sup>62</sup> Senkewicz, *Vigilantes in Gold Rush San Francisco*, 8.

the middle-class increasingly regarded prostitutes as a threat to the sanctity of the home, they applauded some prostitutes for their efforts to protect the home. In 1859 the *Alta California* recounted an instance in which a prostitute who had been offered \$3,000 to accompany a former California legislator to the East alerted the wife to his plans and prevented the man from abandoning his duties as a husband. “If this part of the story is true,” the *Alta California* reported, “and the woman whom society looks upon as an outcast, with the brand of shame upon her brow, did really act thus generously, it should be accorded to her honor, and reveals a heart not wholly lost to the prompting of honesty and virtue.”<sup>63</sup>

The fear that interactions between prostitutes and virtuous women would result in the latter’s fall was also countered in this 1869 *Daily Union* story of a Sacramento madam who turned a young woman away from her brothel. According to the newspaper, a young seamstress mistakenly knocked at the brothel’s door looking for employment. The madam invited the young woman in from the cold, fed her dinner, and rather than encouraging the woman to join the brothel as the paper expected, she referred the young woman to a charitable Sacramento businessman. The *Daily Union* reported that according to the madam “if someone had assisted her when she was in distress she would not now be the being she is.”<sup>64</sup> In these accounts of the hooker with a heart of gold, the newspapers praised the prostitute for her generous interactions with other women. This particular iteration of the prostitute was a departure from the more pervasive representation of the prostitute who would contaminate virtuous women.

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<sup>63</sup> “An Attempted Flight and Desertion,” *Alta California*, 21 July 1859. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18590721&cl=CL2.1859.07&e=01-02-1854-31-04-1854>

<sup>64</sup> “Good Where It Was Not Expected,” *Daily Union*, 5 February 1869. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18690205.2.13&cl>

Literary critics have attributed the stereotype of the Western hooker with a heart of gold to Bret Harte.<sup>65</sup> We find another example of this archetype in Harte's title character of the 1869 story "Miggles," loosely based on the retired life of Lola Montez, a famous courtesan who spent time in San Francisco and rural California.<sup>66</sup> When a group of weary travelers encounter a blown-out bridge in the middle of the storm they hear a disembodied voice call out: "try Miggles's" and they are led through the woods by a mysterious horseman to an isolated house. The travelers enter the house and find Jim, a lone disabled and mute man whom they first assume to be Miggles, sitting beside the fire. Again, they hear a voice call out "Miggles," which Harte attributed to a magpie, taking a cue from Edgar Allen Poe's famous 1845 poem, "The Raven." At this moment the travelers begin to worry that they have stumbled into a haunted house. Their sense of safety is soon restored when Miggles returns home and the travelers find the head of the house is a beautiful and slightly masculine woman.<sup>67</sup> As both provider and caretaker, Miggles possesses just the right combination of masculine and feminine features that she reduces the men of the party to domesticated, gossiping feminine subjects. Her cheerful presence provides warmth the party had found lacking on the road. Unlike her real-life counterparts, this reformed prostitute is a woman who tends the hearth.

While Miggles is a central character in this text, she exists on the margins of the Western community, living among Native Americans and forest animals. Unlike most of Harte's stories, this one is not set in rush times. However, Miggles evokes the rush years when they settle in for

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<sup>65</sup> Ned E. Hoopes, "Introduction," in *Harte of the West, 17 Stories by Bret Harte*, ed. Ned E. Hoopes (New York: Dell, 1966), 8; Stevens, "'She War a Woman'"; Nissen, "The Feminization of Roaring Camp"; Scharnhorst, *Bret Harte*.

<sup>66</sup> Scharnhorst, *Bret Harte*, 45.

<sup>67</sup> Harte describes Miggles as "bright-eyed, full-throated young woman, whose wet gown of coarse blue stuff could not hide the beauty of the feminine curves to which it clung; from the chestnut crown of whose head, topped by a man's oil-skin sou'wester, to the little feet and ankles, hidden somewhere in the recess of her boy's brogans, all was grace..." Harte, *The Luck of Roaring Camp and Other Writings*, 41.



the night and she tells her silent guests the story of how she came to live in the woods, beginning with her life as a prostitute in Marysville during the gold rush. As she recounts her past we learn that she was once a popular and wealthy madam, though she now lives in isolation and obscurity. She asks her visitors if they knew her in Marysville and when no one replies she falls silent, leading the narrator to conclude that the “absence of recognition may have disconcerted her.”<sup>68</sup> She continues her story to say that her present companion, Jim, had been once been a customer of hers and when he fell ill she sold her saloon to care for him.<sup>69</sup> The travellers inquire as to the nature of her present relationship to Jim and she puts them at ease by explaining that she prefers to care for him out of the kindness of her heart rather than by legal obligation. The travellers interpret Miggles’s care for Jim as the highest order of domestic servitude. Miggles’s heart of gold that of the two married women in the party, thereby positioning her as the truest woman, combining the right mixture of beauty, charm, and independence. While we might read Miggles’ reformed life as an example of California’s ability to absorb gender transgressions, we must remember that Miggles still lives on the frontier rather than among “civilized” Californians. Again, Harte has positioned the prostitute as a woman who could not be part of the new family formation. However, he has also romanticized her as a woman superior to the civilized, morally upright women in the travelling party. In this way Harte positioned the hooker with the heart of gold as the true woman.

Harte’s 1869 sentimental tale “The Idyll of Red Gulch” is yet another narrative of frontier family formation and the binary of good and bad women. This is the story of Miss Mary, a virtuous and slightly uptight schoolteacher who commands the respect of the community,

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<sup>68</sup> Ibid., 45.

<sup>69</sup> Stevens, “‘She War a Woman’,” 576. Stevens argues that Jim’s poor health is due to an untreated case of syphilis, which has interesting implications in that it makes Miggles’ role as a nurse less altruistic and more like reparations since prostitutes have long been regarded as disease carriers. However, the text does not necessarily make this case and if Jim did indeed have syphilis, so too would Miggles, his former lover.

including the coarse coach driver, yet when she stumbles upon Sandy, a local drunkard, she comes to appreciate the roughness of the frontier. Her interactions with Sandy transform him from a drunkard to a gentleman, albeit a rugged one, and the two begin to fall in love. This sentimental romance is disrupted by a visit from the mother of a student, a prostitute who begs Miss Mary to take her son to San Francisco to save him from the mother's life of prostitution. When the mother confesses that Sandy is the child's father, Miss Mary resolves to take the child and leave the mining camp for the civilized city.

This interaction between Miss Mary and the prostitute troubles the binary of good and bad women. Harte described the prostitute as a woman of contradictions: her fancy dress does not match her "timid, irresolute bearing." Her make-up – jokingly referred to as "war paint" by the community of Red Gulch, a symbol of her failed whiteness – cannot conceal her shame in the presence of Miss Mary, a seemingly true woman. The prostitute admits that it is inappropriate for her to visit the schoolhouse in broad daylight, suggesting that she will taint the pure schoolteacher just as she is afraid that she will taint her own son. Miss Mary's classroom is a space of proper, traditional femininity while the brothel where Tommy's mother presumably resides is unfit for a child. As a representative of the cult of true womanhood Miss Mary has the power to transmit her purity and gentleness to the boy by taking him under her care. Miss Mary has already tamed the drunken Sandy, so there is no doubt of her power to transmit her purity to the boy. Just as in "The Luck of Roaring Camp," the prostitute could give birth to a child, but she could not be a mother. This role was reserved for the virtuous woman reaffirming the idea that the only way for families to survive in the West was in the presence of good women.

However, Miss Mary is not as pure as she seems. While Miss Mary and Tommy's mother are initially set up as contrasting figures – the virtuous schoolmistress in her "chaste

skirts” and the painted prostitute with the parasol – after Sandy is revealed as Tommy’s father, both women become linked through their relationship to Sandy and Miss Mary’s virtue is called into question.<sup>70</sup> Once again, Harte flattened the difference between good women and fallen women, suggesting perhaps that the West had the potential to ease a woman’s virtue. In this way, “The Idyl of Red Gulch” both reflected and challenged the virgin/whore dichotomy present in the nineteenth-century mythical West. As historian Robert White has pointed out, the mythic West was one where women existed as either virgins or whores, but the hooker with a heart of gold stereotype suggested that a woman could be both. White women such as Miss Mary were predominantly characterized as gentle civilizers and bearers of culture and as the necessary counterpart to the rowdy men of the Wild West. To be a gentle tamer White maintained that the white woman had to be stripped of her sexuality.<sup>71</sup> By revealing Sandy as the father, Tommy’s mother becomes the foil for Miss Mary and Miss Mary’s sexuality is revealed, placing her in a precarious position not that unlike the prostitute. Still, though she fell for a man who patronized prostitutes Miss Mary’s willingness to reject Sandy and take care of Tommy makes her a strong, virtuous character - whatever damage has been done by her encounter with the seedy Sandy is reversed by her final action. Her willingness to assume the role of mother for a woman who could not makes Miss Mary a true woman. While the prostitute’s desire to give her son to a virtuous woman imbues her with a certain virtue of her own, this act also seals her fate as a woman incapable of being part of the domestic fabric. In “The Idyll of Red Gulch,” as in Harte’s other short stories, the prostitute did not belong to the frontier family. Though she was a

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<sup>70</sup> Harte, *The Luck of Roaring Camp and Other Writings*, 64.

<sup>71</sup> White, *It’s Your Misfortune and None of My Own*.

significant feature of the frontier, as the lawless frontier gave way to established family-based communities, so too did the prostitute give way to the rule of the virtuous mother.

Taken together, the fallen women of Harte's works challenged dominant discourses of domesticity and troubled the binary of nineteenth-century Anglo American womanhood. Harte's fictional families did not conform to the ideal middle-class model of man, woman, and child. Instead, his families were comprised of frontier outlaws: coarse miners and prostitutes. Even in the case of the "Idyll of Red Gulch," the seemingly virtuous Miss Mary teeters on the edge of falling from grace by her association with Sandy and, ironically, it is the prostitute who saves Mary by inspiring her to adopt a domestic role. These complex representations of family and womanhood illustrated transgressive gender and family formations on the frontier, but at the same time the transgression in these narratives was only liminal and middle-class standards of gender and family prevailed in the wake of conquest. In other words, these alternative family formations existed only as part of the frontier. As the frontier gave way to civilized communities similar to those of the East, the middle-class white family displaced the alternative families comprised of prostitutes and miners. Nonetheless, the popularity of these short stories indicated a larger cultural desire to explore the complexity of gender and family.

Like Harte, Joaquin Miller also interrogated the relationship between gender, family, and the frontier via prostitution. Harte's success as a Western writer paved the way for Miller who borrowed heavily from Harte's stock characters of hookers with hearts of gold and comical Chinese servants. Indeed, it would seem that when Harte left California in 1871, he made a space for Miller to rise to fame. The two met when Harte was the editor of the *Overland Monthly* and Miller was still an aspiring poet. Although Harte initially rejected Miller's poetry on the grounds that it was too sentimental, a criticism he had also weathered, he eventually published Miller's

sketch entitled “Rough Times in Idaho.” Later, when Miller’s collection of poetry *Songs of the Sierras* was published in London, Harte praised him as “the wild buffalo of the prairies.” Miller also spoke fondly of Harte, claiming Harte returned east because Californians did not sufficiently appreciate his genius.<sup>72</sup>

Critics often compared Harte and Miller as the two leading writers in California. Although Harte had a greater record of literary accomplishments, critics regarded Miller’s works as more authentic than Harte’s. While Harte was a man of elegance and great intellect, Miller was coarse, wild, and genius in his own simple way.<sup>73</sup> Unlike Harte, Miller considered himself a bona fide Westerner and it was this carefully calculated persona that led to his success as a writer. Born Cincinnatus Heine Miller in Indiana in 1837, Miller moved to Oregon with his family as a young boy, then relocated to California as a young man in 1854. To fortify his frontiersman persona, Miller later changed his first name to Joaquin, fashioning himself after the legendary bandit, Joaquin Murrieta. He worked briefly as a miner, pony express rider, and a lawyer, then spent some time living among the Modoc Indians in Northern California after he was convicted of horse theft. Like Harte, Miller also worked as a newspaper and literary magazine editor before becoming a published poet and novelist. Commonly known as the “Poet of the Sierras” and the “Byron of the Rockies,” Miller was a rather colorful character who had a reputation for dishonesty.<sup>74</sup> His rise to fame began in 1871 in London, “where his long hair,

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<sup>72</sup> Axel Nissen, *Bret Harte: Prince and Pauper* (Jackson, MS: U P of Mississippi, 2000). See “Sauce,” *Alta California*, 14 August 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710814.2.15&cl> Critics who favored Harte over Miller were quick to point out that Miller himself was a fan of Harte.

<sup>73</sup> “A New California Poet,” *Alta California*, 14 July 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710714&cl=CL1.DAC&e=-----en--20--1--txt-IN----->

<sup>74</sup> Hall, *Performing the American Frontier, 1870-1906*, 99. Miller later confessed that his supposed autobiography *Life Among the Modocs* was also penned by another hand.

flannel shirt, and above-the-knee boots created a sensation,” and from there spread throughout the U.S.<sup>75</sup>

In this chapter, I examine Miller’s representations of prostitutes in both his 1876 California novel *First Fam ’lies of the Sierras* and his 1886 novel *The Destruction of Gotham* to provide an example of the literary distinction between prostitutes in the West and the East. If in the East the prostitute represented urban decay and the dangers of industrialization, on the Western frontier she represented the dangers of communities without “true” women. Miller’s debut novel explored the cult of domesticity and the differences between good and bad women via family formation in the California gold rush. Published first in London in 1875 then in Chicago the following year, *First Fam ’lies of the Sierras* recounts the story of how a violent and uncivilized mining camp called Forks is transformed when a virtuous woman comes to town.<sup>76</sup> Miller borrowed heavily from Harte’s “Luck of Roaring Camp,” but while Harte’s frontier prostitutes find themselves displaced by the cult of domesticity, Miller’s prostitutes are absorbed into it. Set in 1850, when women comprised only seven percent of the California population, Miller’s Forks is a town inhabited by thousands of men, but devoid of “true” women.<sup>77</sup> “Of course, two or three fallen women, soiled doves, had followed the fortunes of these hardy fellows into the new camp,” the narrator states, “but they were in some respects worse than no women at all.” According to the narrator, the problem with “these fallen angels” was that they kept “certain elements of the camp, in a constant state of uproar, and contributed more to the rapid filling-up

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<sup>75</sup> Ibid., 92.

<sup>76</sup> The second edition included an anti-Mormon subplot about a woman named Nancy Williams hiding in Forks from the Danites, a secret Mormon society. Miller’s novel was also adapted for the stage in 1877 and reprinted again in 1881. For a discussion on the differences between the novel and the play see Hall, *Performing the American Frontier, 1870-1906*.

<sup>77</sup> White, *It’s Your Misfortune and None of My Own*, 303.

of the new grave-yard...than all the other causes put together.”<sup>78</sup> While the loquacious Judge of Forks attributes the camp violence to the presence of these women because they inspired deadly disputes among jealous men, the narrator argues that the real root of the violence was the absence of good women. This particular representation of women in the West was in keeping with larger ideas of the gold rush, namely that gold rush communities required the presence of middle-class white women for order and stability to prevail. Here again we see the idea that the only women who truly counted as women in the West were those women who conformed to nineteenth-century dominant ideals of femininity, namely women who functioned as mothers and wives, the only legitimate roles available to women. The larger implication is that the prostitutes and women of color who participated in this event did not count as *women*.

Miller’s account of Forks also linked prostitution to violence, in keeping with the dominant discourse perpetrated by the California press and politicians who often claimed that prostitution was the cause of violence in their community. Given the overall social climate of the West, one must wonder if the violence that occurred in brothels and dance halls had less to do with sexual immorality or the absence of white middle-class women than with excessive alcohol consumption and easy access to firearms. Furthermore, while physical confrontations most certainly occurred in brothels between clients, between prostitutes, and between both prostitutes and clients, sex workers were more likely to be victims of violence from individuals and groups who observed prostitution with disdain. This was particularly the case with Chinese prostitutes who were often targeted by vigilance committees. As I mentioned in the Introduction, Richard White has astutely observed that the emphasis on interpersonal violence masked the much

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<sup>78</sup> Joaquin Miller, *First Fam’lies of the Sierras*, 2nd ed. (Chicago: Jansen, McClurg, 1876), 13–14.

greater problem of the structural and systemic violence of conquest in the West.<sup>79</sup> By blaming social vices, such as prostitution, for the rates of violence, both the press and politicians diminished the extent of racial and class conflict in the West.

Though Miller's Forks is a mining camp filled with prostitutes and violence, it is also a "new Eden...so new it was still damp...Man had just arrived."<sup>80</sup> His characterization of the West as an Edenic space marked it as the white man's domain. However, the arrival of the Widow who tames the land makes it clear that this Edenic space required a woman's touch to reach its full potential. The notion that gold rush-era California was in desperate need of white, middle-class women was reflected in gold rush migrants' letters and religious leaders' sermons as documented by Brian Roberts. In 1849, New York reformer Eliza Farnham took this call seriously and set out to find 130 virtuous single women of marriageable age to settle California. Farnham ultimately failed at her task, for reasons not entirely clear. Roberts has found that Farnham's failure was a source of disappointment for male gold rush migrants, many of whom were middle-class men searching for suitable wives that would reaffirm their middle-class status.<sup>81</sup> Yet, for all their insistence that California was in need of middle-class women, gold rush migrants also feared that the West was not a suitable environment for such women. Miller's work reflected this concern in his treatment of the Widow, so named because the men of Forks reason that no woman could survive the frontier with her virtue intact unless escorted by a man.<sup>82</sup>

Though the narrator counts about eight prostitutes in the camp, only three become characters in *First Fam'lies*: Delores, Bunker Hill, and Captain Tommy. While the narrator acknowledges that these women exhibited kindness, he nonetheless maintains that because they

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<sup>79</sup> White, *It's Your Misfortune and None of My Own*, 331–334.

<sup>80</sup> Miller, *First Fam'lies of the Sierras*, 9.

<sup>81</sup> Roberts, *American Alchemy*.

<sup>82</sup> Miller, *First Fam'lies of the Sierras*, 30.



were prostitutes they could not be considered true women, thereby reifying the dominant ideology of gender that located the fallen woman outside of the category of “woman.” Of all the prostitutes in Forks, Delores, a kind and generous, but often sad, Mexican woman, is the most beloved. Yet it is precisely her generosity that is her undoing when she dies from starvation after giving the last of her money to an injured miner.

It is not insignificant that the one prostitute who dies in the text is an indigenous woman. Like Cherokee Sal of “The Luck of Roaring Camp,” Delores is a reminder that the land upon which Forks sits is not an Eden belonging to the white man, but a space inhabited by indigenous people killed off by white settlers through conflicts over territory. That Delores starves to death because she gives the last of her resources to a community that refuses to provide for her in return is a stark reminder of the dark history of colonization. While Anglo-American social and economic developments in the West may have provided white women with opportunities for freedom, these processes increased the risk of violence, poverty, and disease for Latin American and Native American women.<sup>83</sup> In her death the narrator reveals that Delores belonged to a good Spanish family and had once been married. This discovery implies that contrary to all appearances, Delores was once a true woman not only because she was married but also because her racial status as a formerly “good Spanish woman,” was superior to other non-white women. Her fall from grace serves as a reminder that a woman’s virtuous position is never a given, but must be constantly protected and maintained, a theme that pervades the novel. The frontier women in *The First Fam’lies* are complicated figures whose virtue cannot be taken for granted.

Only one woman, the Widow, is regarded as a real woman, or “on the square,” as the men of Forks put it. The Widow tames the wild men of the Forks, making it clear that the West

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<sup>83</sup> Jeffrey, *Frontier Women*; Albert L. Hurtado, *Intimate Frontiers: Sex, Gender, and Culture in Old California*, 1st ed (Albuquerque: University of New Mexico Press, 1999).

required a woman's gentle touch to reach its full potential. The presence of this gentle tamer is so great that she turns Bunker Hill and Captain Tommy, the other two camp Magdalenas, into Samaritans. When the Widow calls on these two prostitutes to tend to her childbirth she establishes a connection between good women and bad women and creates an opportunity for the prostitutes to demonstrate their capacity for nurturing. From this moment onward the men of Forks begin to see these two prostitutes differently and so, too, do the women themselves. Bunker Hill, initially described as an unhappy woman with a deformed back begins to walk taller and lift her face to the crowds of men, "conscious that she had done a good thing, and had a right to look the world in the face, and receive its kindness and encouragement."<sup>84</sup> The men of the camp see her beauty and she joins Limber Tim in marriage, becoming the second family of the Sierras. Shortly thereafter Captain Tommy also marries a prominent member of the camp, becoming the third family of the Sierras. These first families of the Sierras, made up of miners and loose women, represent an alternative narrative to traditional middle-class family formation. Unlike Harte's alternative families relegated to the far corners of the frontier, Miller's alternative families become the cornerstone of civilization in California, extending the frontier legacy.

Miller's California was one that absorbed prostitutes into the social fabric, provided they reformed. Unlike the doomed prostitutes of the urban East, the prostitutes of *First Fam'lies of the Sierras* find redemption in that "glorious climate of Californy." Scholars such as Hapke have argued that Bunker Hill and Captain Tommy function as "figures of comic sentimentality ... returned to grace through their own good deeds and the traditional Western tolerance for those Miller calls the 'fallen angels' of the uncivilized frontier."<sup>85</sup> It is necessary to point out that Bunker Hill and Captain Tommy are reformed only through the taming presence of the virtuous

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<sup>84</sup> Miller, *First Fam'lies of the Sierras*, 180.

<sup>85</sup> Hapke, *Girls Who Went Wrong*, 33.

Widow who requires their presence during childbirth, a marker of family formation. Their return to grace is furthered when they form their own families by marrying members of the Forks community and permanently entering the realm of domesticity. Consequently, Miller's prostitutes differed from most of Harte's fictional prostitutes who were redeemed by their own kind deeds without the aid of middle-class women. In fact, Harte's prostitutes, like Miggles, were more virtuous than the fictional middle-class women. In Miller's novel, the Widow's ability to tame the mining camp and the wild women within it exemplifies the cult of true womanhood and realizes the goal of real-life gentle tamers such as Eliza Farnham and the female reformers of the 1870s.<sup>86</sup> "If, then, one plain, ignorant woman, rude herself by nature, can do so much," Miller asked, "what is not left for gentle and cultured woman, who is or should be the true missionary of the West—the world?"<sup>87</sup> Indeed, Miller's description of the Widow seems like a page out of Dee Brown's *The Gentle Tamers*.

Just as Harte blurred the distinction between good women and bad women in his accounts of fictional prostitutes, Miller also troubled the notion of a virtuous woman by continually calling into question the Widow's virtue. When she initially arrives in camp the miners appreciate the Widow's willingness "to work and take her place beside the men in the great battle – bear her part in the common curse which demands that we shall toil to eat."<sup>88</sup> Though they regularly bestow extravagant gifts upon the Widow, she rejects them all and the men become confident that she is a woman, "on the square," meaning that she will not exploit or deceive them, unlike the camp prostitutes. At the same time, the miners suspect the Widow is not as virtuous as she appears. In the first edition of the novel, the town questions the paternity of her

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<sup>86</sup> Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the American West, 1874-1939* (New York: Oxford University Press, 1993); Roberts, *American Alchemy*. I discuss female reformers at greater length in the next chapter.

<sup>87</sup> Miller, *First Fam'lies of the Sierras*, 19.

<sup>88</sup> *Ibid.*, 25.

child, suspecting that she arrived in town pregnant and tricked her husband into believing the child was his. In the second edition, her relationship with an effeminate man named Billie Piper, later revealed as a cross-dressing woman, leads the miners to believe she is having an affair, and again her child's paternity is questioned. By the end of both editions the men of Forks realize the Widow did not deceive them and they declare they will never doubt another woman again.<sup>89</sup>

Still, that the Widow's virtue is repeatedly doubted reflects the larger cultural understanding of the West as a place not fit for ladies who may be forced to compromise their virtue for the sake of survival, much like the men of the rush compromised their own morals. In February of 1856, during the heyday of vigilante activity, one *Alta California* reader wrote the editors praising reforms to suppress prostitution, gambling, and drinking. He urged the Common Council and his fellow citizens as well to extend their reform efforts to the masquerade balls at the local musical hall comprised not only of the "scrapings of every house of prostitution in town," but also "a few women who would *appear* to be respectable in society when unmasked." The reader ended his letter by calling on his fellow citizens, "men of any pretensions of character, and women not already in the brothel [to] shun these sinks of iniquity and shame." Note that this reader's call to "women not already in the brothel" presumed that San Francisco women lacked virtue or that sin within the city was so strong it might ease their virtue.<sup>90</sup> Because of the prevailing belief that the overwhelmingly masculine and sinful West could ease the virtue of any woman middle-class anxiety over prostitution also extended to any woman who sought independence in the West.

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<sup>89</sup> Ibid., 192–193. When the Widow's virtue is called into question because she gave birth so soon after marrying, a gambler rushes to her defense. "That little woman, she come as we come. God Almighty didn't set no mark and gauge on you, and you shan't go 'round and count up after her."

<sup>90</sup> "Masquerade Balls," *Alta California*, 11 February 1856, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18560211&cl=CL2%2e1856%2e02&e=-----en--20--1--txt-IN----->

Once again, we see this fear in the christening of the Widow named so because the miners believed no single woman could make it to California without first “spoiling.” The question of her virtue is settled only when the miners decide that they will no longer doubt her. In *First Fam’lies of the Sierras* westward migrants are taken at face value when they get to California; who they were in the past, in their previous homes, is unimportant. Instead, what is important is who they become in California. The miners decide that if this philosophy is good enough for them, it is also good enough for the Widow; such is the “glorious climate of Californy.” For Miller, California offered the chance for an individual to begin life anew and transform oneself, as Miller clearly did in his own personal life by refashioning himself as a frontiersman. By extending Widow, Bunker, and Captain Tommy the same opportunity for personal transformation Miller created a space for gender transgression on the frontier. At the same time, his adulation of these women as “gentle tamers” ultimately reified middle-class gender norms limiting women to domesticity.

Life on the frontier was difficult for most people, and attempts to survive in this harsh space could potentially change the person. On the one hand, it seemed that the West improved Anglo-American men by making them more masculine at a time when the growth of the middle-class was stripping them of their masculinity. On the other hand, in places where there were so few Anglo-American women, such as the real-world counterparts to the Forks, men were often required to perform domestic tasks typically assigned to women such as cooking and laundry. Miller’s miners embodied this complex masculinity. The narrator promised that come Sunday mornings, after a night of carousing, one could find “hairy-breasted and bearded ... miners washing their shirts in a mountain stream in the Sierras,” the same stream where the day before

they had panned for gold.<sup>91</sup> Though the men of Forks hate doing their laundry, evidenced by the fact that they only own one shirt according to the narrator, they were willing to do what they needed to in order to survive and this is what made them real men.

While Miller waxed on about the beauty of men who cooked and cleaned, the real trouble was that women of the West were often forced to assume masculine roles in order to survive the male-dominated frontier. In 1859 Sacramento passed a city ordinance prohibiting an individual from appearing in “any clothes or habiliments calculated or tending to conceal or disguise his or her sex, or calculated or tending to lead or allow the unwary to mistake his or her sex.”<sup>92</sup> Clearly the boundaries between men and women were troubled in middle of the nineteenth-century California where men and women were often forced to assume the other gender’s roles as a matter of survival. Community leaders believed they had to stabilize these gender differences in order for their communities to thrive.

Miller’s treatment of prostitution in the West is all the more telling when we consider his representation of prostitution in the East. Like other late nineteenth-century urban tales of prostitution, Miller’s 1886 novel *The Destruction of Gotham* depicted prostitution as a prominent and poisonous element of the urban East and as an example of the fate that awaited young white women who attempted to enter the urban work force. Miller’s Gotham was a city whose “sudden power and splendor have made her mad...drunk with riches and the love of pleasure.”<sup>93</sup> Such a characterization of the city symbolized the hordes of young white women who sought their fortunes in eastern cities where the growth of industrial job opportunities opened new avenues for them. As other scholars have noted, the horrific tales of urban prostitution represented

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<sup>91</sup> Miller, *First Fam’lies of the Sierras*, 33.

<sup>92</sup> “Ordinance No. 57,” *Daily Union*, 14 November 1859 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18591114.2.9.2&cl=CL2.1859.11&e=28-02-1855-28-02-1855--en-Logical-20-SDU-1-byDA--IN-prostitution---#>

<sup>93</sup> Joaquin Miller, *The Destruction of Gotham* (New York: Funk & Wagnalls, 1886), 7.

cultural anxiety over women's burgeoning economic and social independence.<sup>94</sup> As with the fictional independent women before her, Miller's bright-eyed and naïve 16 year-old Dottie Lane travelled to New York to find employment but instead found herself forced into sexual slavery. When she is finally released from the prison-like brothel Dottie meets Walton, an investigative reporter who hopes to expose the sex trafficking ring that ensnared her. At the end of the novel, while the city of Gotham burns, Walton rescues Dottie's daughter and escapes the destructive forces of urban corruption and greed. The fallen Dottie perishes in the flames of the burning city. Unlike Miller's Bunker Hill and Captain Tommy, who find an opportunity for redemption in the West, Dottie Lane is as doomed as the city she inhabits.

Miller's competing representations of prostitutes indicate the significance of region in cultural discourses of prostitution. While the urban prostitute represented the negative impact of industrialization and urbanization, the frontier prostitute represented the lawlessness of the West, but it was also this lawlessness that made it an exciting place. Miller and his contemporaries perceived the West, in general, and California, in particular, as a place of new opportunities. It was the place where one could go to escape the troubles of the urban East. In Miller's fictional West problems such as prostitution could be solved by the "glorious climate" and the prostitute could leave behind her troubled past and be reborn in the domestic sphere. According to Miller, the California frontier held the promise of the American Dream, whereas the East was ruined by industrialization and urbanization such that it could not be saved.

Despite their shared interest in telling tales of the West, Harte and Miller differed in their understanding of that region. In his sentimental story of family and community formation in California, Miller imagined the frontier as a space where colonizers were forging a new way,

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<sup>94</sup> Anderson, *Tainted Souls and Painted Faces*; Hapke, *Girls Who Went Wrong*.

writing history, rather than a space with an existing history. Harte, on the other hand, reminded readers of the latter, symbolized by dark ruins: frontier homes abandoned by unlucky frontier folk in “Outcasts of Poker Flats” and a wilderness haunted by Native Americans and fallen women in “Miggles.”<sup>95</sup> Harte’s gothic frontier landscape represented the underbelly of the gold rush dream – the potential of failure for those who ventured West and the violent displacement of Native Americans via colonial projects. As a borderland between the known and the unknown the frontier was a common site for nineteenth century gothic narratives, that fictional embodiment of a culture’s “fascination with transgression and the anxiety over cultural limits and boundaries,” as scholar Fred Bottig has put it.<sup>96</sup> If the frontier was a space characterized by transgression, it was also a space loaded with anxiety.

Harte and Miller’s fictional frontier reflected cultural ideologies about gender, race, class and the American western frontier colonial project. For both Harte and Miller, possibilities of social transgression were limited for women on the frontier. That is, while their representations of prostitutes in the frontier West were more sympathetic than representations of prostitutes in the urban East, their stories did not end with the prostitute as a happy contributing member of society as a “prostitute.” In various ways the frontier prostitute met her end – through death, domestication, or ostracization. Her fate reflected larger cultural understandings of gender, race, class, and sexuality in the late nineteenth-century American West, namely that white women and the middle-class cult of domesticity were the proper framework for the family and society. White women like Bunker Hill and Captain Tommy could be initiated into the cult by the likes of the Widow, but women of color such as Delores and Sal could not. Writing about the gold rush after

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<sup>95</sup> Literary critics such as Gary Scharnhorst argue that this story “both evokes the horror of the Donner Pass tragedy of 1846-47 and ridicules the myth of the hardy pioneers by burlesquing Hawthorne’s ‘The Canterbury Pilgrims.’” Scharnhorst, *Bret Harte*, 44.

<sup>96</sup> Fred Bottig, *Gothic* (New York: Routledge, 1996), 2. See also David Mogen et al. eds., *Frontier Gothic: Terror and Wonder at the Frontier in American Literature*, (Cranbury, NJ: Associated University Press, 1993).



the fact and romanticizing its lawlessness, Harte and Miller illustrated Roberts' point that the "disappointment of the gold rush...was not, and is not, its social chaos and heterogeneity, but the fact that neither of these supposed characteristics was lasting."<sup>97</sup> While the fictional frontier prostitute symbolized gender transgression and social chaos in the American West thereby enriching that cultural landscape in the popular American narrative, this transgression could not be sustained within the changing landscape. When the dust of the gold rush settled, unruly mining camps were transformed into stable communities fit for family life and the prostitute lost her place. To conquer the West, Anglo Americans had to also conquer the West's wild women.

Long after the gold rush had waned, middle-class Californians continued to struggle against prostitution, looking for laws that would help them control the lawless women who ruled the streets of California towns and cities. From the early 1850s through the 1870s the editors and readers of the *Alta California* and the *Daily Union* called for legislation that would abate what they came to call "the social evil." In the next chapter, I explore how middle-class Californians used the legal and judicial system to control prostitution from the first anti-prostitution city ordinance in 1853 to the defeat of proposed licensed prostitution in 1872. In Chapter Four I extend this discussion of anti-prostitution lawmaking and law enforcement into the 1880s, focusing on how discourses of prostitution and legislation against prostitution and seduction contributed to the Chinese exclusion movement. In both chapters I examine middle-class women's increasing role in creating discourse on prostitution through labor, moral, and political reform. Though middle-class Californians proclaimed prostitution was the problem, it seemed that their concerns were more about immigration, women's changing social roles, and economic and political power among a growing working class.

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<sup>97</sup> Roberts, *American Alchemy*, 145.

### CHAPTER III. MAKING “LAWS FOR THE MAGDALENAS”

In 1852, at the peak of the gold rush, the *Alta California* applauded California Governor Peter Burnett for demanding that the state legislature outlaw prostitution and seduction. In his final address to the people of California, Burnett made the exaggerated claim that their cities were home to “vice and immorality...to an extent never before existing in any civilized community on the face of the earth.”<sup>1</sup> Burnett’s hyperbole aside, nineteenth-century prostitution was a thriving commercial industry across the U.S., as I discussed in the Introduction. In 1871 San Francisco joined the ranks of other major U.S. cities when Dr. Gustavus Holland announced plans to introduce city legislation for the medical surveillance and licensing of prostitutes similar to the European system of regulation. His system required cooperation between prostitutes, government officials, police, and physicians, effectively legalizing prostitution. Holland’s Social Evil Bill appeared at a time when city leaders, merchants, and morally concerned citizens were eager to clean their streets of prostitution. But this was not their first attempt at controlling prostitution. The first anti-prostitution laws in California developed as city ordinances against brothels in 1853, which became state law in 1855. Middle and upper-class efforts to legislate vice out of existence continued into the next two decades with segregation laws in the 1860s and the debate over regulation in the early 1870s, as I discuss in this chapter. The 1870s also saw anti-seduction legislation at the state level and the federal passage of the 1875 Page Act prohibiting the immigration of Chinese prostitutes, both of which I cover in the next chapter.

Holland’s plans for regulation were not met without opposition and the ensuing public deliberation of regulation highlighted issues of gender, class, and sexuality. As an outspoken

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<sup>1</sup> “Review of the Governor’s Message.” *Daily Alta California*, 11 January 1851. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18510111&cl=CL1.DAC&e=-----en--20--1--txt-IN----->

supporter of women's rights, Caroline Churchill readily entered into the debate. "If it is meet that men, who are the fathers of women, shall make laws for her," she demanded, "why is it not well for women, who are the mothers of man, to make laws for him also?"<sup>2</sup> Churchill used prostitution and regulation to draw attention to women's economic, social, and political oppression in the late nineteenth century in her political pamphlet *The Social Evil: Which Do You Prefer?* The history of anti-prostitution legislation in California and the debate over regulation in San Francisco provides us with an opportunity to explore how women were politically located in nineteenth-century California, particularly in the early 1870s when middle-class women's public presence was growing in the new state.

In this chapter I argue that although nineteenth-century lawmakers and their supporters claimed that anti-prostitution laws were a means of protecting women, the discursive formation of prostitution in public debates and in law enforcement suggests that such legislation was a means of maintaining gender, race, and class hierarchies. The struggle to "make laws for the Magdalenas," as suffragist Caroline Churchill put it, reveals a struggle for political and social power between prostitutes, politicians, merchants, and middle-class women in California. This ongoing battle against prostitution represented a larger struggle against changing gender roles and increasing racial diversity. Social politics across the nineteenth-century U.S. were shifting, but these matters were thrown into sharp relief in California where the cult of true womanhood, the perceived antidote to social change, had fewer representatives. As I demonstrated in the last chapter, from the inception of the gold rush white middle-class men yearned for middle-class white women, whom they believed would provide social stability in the chaotic social climate of mining camps and rapidly growing cities of San Francisco and Sacramento. Yet the actual social contributions of middle-class white women did not always conform to male fantasies of

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<sup>2</sup> Caroline M. Nichols Churchill, *The Social Evil: Which Do You Prefer?* (San Francisco, CA, 1872), 12.

domesticity as evidenced by the disapproval of suffragists who believed gender equality was the signature of civilization.<sup>3</sup>

This chapter's focus on the larger social and political meanings of anti-prostitution legislation is in keeping with feminist scholarship on nineteenth-century prostitution. As Marion S. Goldman has observed in her study of prostitution on the Comstock Lode in Nevada, anti-prostitution measures "served a number of social functions clarifying rules about feminine social and sexual behavior, emphasizing the respectable community's behavioral boundaries, and heightening solidarity among respectable women."<sup>4</sup> Judith Walkowitz has argued that the British system of regulation in the late nineteenth century not only reflected middle-class anxiety over the working class, but also helped solidify the middle class.<sup>5</sup> Mary Ryan has demonstrated that nineteenth-century urban U.S. anti-prostitution legislation was a means of controlling women's participation in the public sphere. These laws not only shaped appropriate sexual and gendered behavior but also limited women's movement in the public sphere by designating areas of vice and violence that threatened middle-class women's safety.<sup>6</sup> The very areas where middle-class women were forbidden were the same areas where non-white and working-class women were contained. Middle-class women also actively participated in shaping the public sphere and discourse on prostitution via moral reform and women's rights activism. Historians such as Carroll Smith-Rosenberg, along with John D'Emilio and Estelle Freedman, have argued that late nineteenth-century middle-class women's opposition to prostitution effectively challenged

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<sup>3</sup> "Women and Their Rights," *Alta California*, 28 January 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18710128.2.2&srpos=1&e=28-01-1871-28-01-1871>

<sup>4</sup> Marion S. Goldman, *Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode* (Ann Arbor, MI: University of Michigan Press, 1981), 137.

<sup>5</sup> Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (New York: Cambridge University Press, 1982).

<sup>6</sup> Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1990).

gender and sexual codes for men and women, inspiring a new approach to heterosexuality.<sup>7</sup> This chapter builds on earlier feminist historical scholarship by examining how attempts to legislate prostitution reflected and shaped larger ideologies of gender, race, class, and sexuality in California from 1850 to 1872.

In addition, this chapter contributes to the history of women in the West by connecting prostitution, regulation, and women's rights activism in California. Women's participation in this struggle for power in the West offers an opportunity to interrogate stereotypes of western women as soiled doves, oppressed helpmates, gentle tamers, or liberated pioneers. Historians of the West such as Dee Brown, Susan Armitage, Elizabeth Jameson, Julie Roy Jeffreys, and Peggy Pascoe have demonstrated that diverse women of the West actively shaped their communities, even in the face of oppressive forces.<sup>8</sup> While the women of Brown's historical West were representatives of the cult of true womanhood, late nineteenth-century western women such as Churchill actively challenged that gender role by insisting on economic, political, and social independence through participation in the battle over regulation. Moreover, Churchill's account of the opposition she met in her activist experiences indicate that women's liberation was not a given feature of the frontier despite the fact that western women gained the vote much earlier than their eastern counterparts.<sup>9</sup>

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<sup>7</sup> Carroll Smith-Rosenberg, *Disorderly Conduct: Visions of Gender in Victorian America* (New York: Oxford University Press, 1986); John D'Emilio and Estelle B Freedman, *Intimate Matters: A History of Sexuality in America*, 2nd ed. (Chicago: University of Chicago Press, 1997).

<sup>8</sup> Dee Alexander Brown, *The Gentle Tamers: Women of the Old Wild West*, Bantam Book (New York: Bantam Pathfinder Editions, 1974); Joan M. Jensen and Darlis A. Miller, "The Gentle Tamers Revisited: New Approaches to the History of Women in the American West," *Pacific Historical Review* 49, no. 2 (May 1, 1980): 173–213; Julie Roy Jeffrey, *Frontier Women: "Civilizing" the West? 1840-1880*, Rev. ed. (New York: Hill and Wang, 1998); Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the American West, 1874-1939* (Oxford University Press, USA, 1993); Elizabeth Jameson and Susan H. Armitage, eds., *Writing the Range: Race, Class, and Culture in the Women's West* (Norman: University of Oklahoma Press, 1997).

<sup>9</sup> Jensen and Miller, "The Gentle Tamers Revisited"; Women in California won suffrage in 1911. Ronald Schaffer, "The Problem of Consciousness in the Woman Suffrage Movement: A California Perspective," *Pacific Historical Review* 45, no. 4 (November 1976).

This chapter begins in the 1850s when Californians first began to legislate against prostitution and ends with the debate over regulation in San Francisco during 1871 and 1872. The history of anti-prostitution legislation and debate can be gleaned from multiple sources. In this chapter I examine California state legislation and city ordinances printed in San Francisco's *Alta California* and Sacramento's *Daily Union*, in addition to published statute journals digitized by Google Books. As archivist W. N. Davis, Jr. has observed, understanding how laws function in people's lives requires an examination of how police and magistrates enforced those laws.<sup>10</sup> In this case, my examination of law enforcement is limited to newspaper accounts of police raids, arrests, and courtroom proceedings in the *Alta California* and *Daily Union*.<sup>11</sup> I also include community discussions of anti-prostitution legislation found in editorials, news reports, and letters to the editors. Because my archive is rooted in San Francisco and Sacramento newspapers, my analysis is primarily limited to these urban centers though at times rural voices also appeared in letters to the editor. Also, because the California legislature itself did not publish their own proceedings my analysis of legislative proceedings is limited to the published legislative meeting observations of reporters from the *Alta California* and *Daily Union*. Taken together, this means that the account of anti-prostitution laws I provide here is only a snapshot, but I maintain that this is a culturally significant portrait of nineteenth-century urban California because it is the same snapshot that newspaper reading Californians would have recognized. In these papers we find the voices of newspaper editors, legal officials, physicians, merchants, mothers, prostitutes, and suffragists, all of whom believed prostitution was an important political and social issue.

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<sup>10</sup> W.N. Davis, Jr., "Research Uses of County Records, 1850-1879: And Incidental Intimate Glimpses of California Life and Society: Part II," *California Historical Quarterly* 52 (1973): 339.

<sup>11</sup> Archival research in San Francisco and Sacramento police and court records would add another dimension to this analysis. It would also be interesting to explore city ordinances and court practices in rural California towns, where far fewer women lived.

The fight against social evil in California was one of many fronts in a national battle against prostitution. Historians like Barbara Hobson and Ruth Rosen argue that early and mid nineteenth-century courts and police quietly tolerated prostitution.<sup>12</sup> Nineteenth-century moral reformers worked diligently to suppress prostitution and were occasionally assisted by the state. Legislation prohibiting prostitution in the U.S. increased such that by the middle of the nineteenth century prostitution was governed through a number of measures including segregation via red-light districts and routine arrests per anti-prostitution and vagrancy laws. These laws proved to be largely ineffective, and by the 1870s, Americans around the nation considered licensing prostitution through a system of regulation to mitigate the damages of this seemingly “necessary evil.”<sup>13</sup> Yet, while nineteenth-century prostitution was regarded as a necessary evil, by the turn of the twentieth century, prostitution became a social evil that the middle class could no longer tolerate and the state fully intervened to drive prostitution underground. Although law enforcement officials may have tolerated prostitution prior to the twentieth century, nineteenth-century public discourse condemning prostitution indicates that prostitution was hotly contested.

In their earliest efforts, anti-prostitution lawmakers in the U.S. constructed prostitution as a public nuisance, rather than a pressing moral issue. Historians like Barbara Hobson have noted that in places such as Boston vagrancy laws allowed for the arrest of prostitutes, alongside “fiddlers, peddlers, and many others who in their speech or behavior disturbed the public peace.”<sup>14</sup> Similarly, historian Mary Ryan has found that early in the nineteenth century concern over “other species of disorderly conduct such as gambling and drunkenness” outweighed

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<sup>12</sup> Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1983); Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York: Basic Books, 1987).

<sup>13</sup> Rosen, *The Lost Sisterhood*, 2.

<sup>14</sup> Hobson, *Uneasy Virtue*, 32.

concerns over women's sexual immorality.<sup>15</sup> Initially, it was moral reform movements spearheaded by middle-class women that determined the discourse on prostitution and demanded laws sanctioning johns, but Ryan has observed that by the middle of the century when the "two-party system and urban political machines" came to dominate political culture prostitution became the "symbol and center of sexual politics."<sup>16</sup> As was the case with the news media of New Orleans and New York, outcries of political corruption in both the *Alta California* and the *Daily Union* centered on politicians' inability to control vice, particularly prostitution. As Ryan has demonstrated, in San Francisco and elsewhere, prostitution provoked a moral outrage that politicians and vigilante merchants could manipulate for their own political interest. Such was the case with the 1855 vigilance committee inspired by prostitute Belle Cora and discussed in the previous chapter.<sup>17</sup> We will see in the next chapter that struggles against prostitution were parallel to struggles against Chinese immigration.

In 1853, a year after Governor Burnett's speech denouncing prostitution in California as the greatest evil the nation had ever known, San Francisco passed the first anti-prostitution law in the state set to take effect in the spring of 1854. Designed to "prohibit debauchery within the city limits" the ordinance made it illegal to operate a dance hall, house, or saloon used for prostitution.<sup>18</sup> Anyone violating the ordinance could be brought before the court by citizen complaints and face a minimum fine of one hundred dollars and up to sixty days incarceration.<sup>19</sup> A few months later Sacramento's city council unanimously adopted a nearly identical city ordinance.

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<sup>15</sup> Ryan, *Women in Public*, 97.

<sup>16</sup> *Ibid.*, 103.

<sup>17</sup> *Ibid.*, 104–107.

<sup>18</sup> "Common Council," *Sacramento Daily Union* <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18531129&cl=CL1.SDU&e=01-01-1846-31-12-1871>

<sup>19</sup> *Ordinances and Joint Resolutions of the City of San Francisco* (San Francisco: Monson & Valentine, 1854), 264–265.



While the 1854 San Francisco city ordinance was the first official law specifically prohibiting prostitution, it was not the first time prostitutes were forced to answer to the law. As early as 1850 Fanny Seymour, the wealthy and mean-spirited Sacramento madam from Chapter One, and her sister Sarah Hopkins were arrested for “keeping a disorderly house where men and women of ‘evil name and fame...’ came together...’drinking, tippling, whoring, and misbehaving themselves.”<sup>20</sup> Hopkins successfully defended herself against the charge by arguing that there was no law prohibiting such an establishment.<sup>21</sup> That Hopkins and Seymour were arrested for keeping brothels challenges the commonly held assumption that in the early years of the gold rush prostitutes were not only accepted, but also admired. At the same time, Hopkins’ ability to avoid punishment because she had not violated any law clearly indicates that prior to 1853 the state tolerated prostitution. What Hopkins violated was the spirit of the law requiring madams to keep their houses quiet.

When city ordinances proved ineffective at curbing vice and violence, delegates of the 1855 California state legislature session passed an anti-prostitution act similar to the city ordinances, along with two other acts regulating firearms and prohibiting vagrancy. The editors of the *Daily Union* were hopeful that these new laws would improve California’s “moral character.”<sup>22</sup> They found the vagrancy law, intended to control gambling, theft, prostitution, and violence particularly promising. Newspapers across California had been calling for vagrancy laws throughout the early 1850s to provide city leaders with the “means of driving out of our midst a band of outlaws, who have no visible means of living, and whose only resource is gain

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<sup>20</sup> W.N. Davis, Jr., “Research Uses of County Court Records, 1850-1879: And Incidental Intimate Glimpses of California Life and Society Part I,” *California Historical Quarterly* 52 (1973): 245.

<sup>21</sup> Ibid. Sarah Hopkins may have been Fanny’s sister, who had operated a brothel in Cincinnati before travelling to California in 1849.

<sup>22</sup> “Adjournment,” *Daily Union*, 9 May 1855, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18550509.2.7&cl=search&srpos=6&e=01-01-1850-31-12-1855>

by robbing and murdering” as the Sacramento *Transcript* put it in 1851.<sup>23</sup> Though the 1855 legislature had finally answered the prayers of the people, the rise of vigilance committees in both Sacramento and San Francisco at the end of the year proved that police and courts had been less than effective in enforcing those laws. The multiple cases of prostitution brought before California courts and denounced in urban newspapers indicate that prostitution, a contested institution, thrived in the early 1850s in spite of public protest and censure.

While the *Alta California* believed prostitution prevailed because of police and court corruption, there were also legitimate difficulties in prosecuting prostitutes. One of the major challenges was the impossibility of truly determining that prostitution had occurred. As historian Sharon Wood has pointed out in her study of prostitution, politics, and power in Davenport, Iowa for nineteenth-century Americans prostitution was “an identity far more than an action, a reputation more than a vocation.”<sup>24</sup> California lawmakers also relied on reputation as a marker of prostitution by using the term “houses of ill fame” to signify brothels. This emphasis on a woman’s social standing translated into multiple unsubstantiated prostitution charges that rarely resulted in conviction. Frustrated magistrates, criticized by the California press, eventually began to convict women on limited evidence. More than a few of these convicted women successfully appealed their convictions because the state lacked sufficient evidence. While some of these women were most likely prostitutes who took advantages of loopholes in the legislature, still others were women whose gender transgressions negatively impacted their reputation and attracted the attention of their neighbors. The appeal process provided women, prostitute and non-prostitute alike, an avenue for contesting the gendered discourse on prostitution.

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<sup>23</sup> “Communication,” *Sacramento Transcript*, 10 April 1851 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=ST18510410.2.6&srpos=1&e=01-01-1850-31-12-1855>

<sup>24</sup> Sharon E. Wood, *The Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age City* (Chapel Hill: University of North Carolina Press, 2005), 21.

For example, Jesus Kesuth was convicted for violating the state law prohibiting brothels in 1855 and successfully appealed her case the following year. Judge John Heard maintained that though Kesuth might have engaged in illicit sex, she lived alone and kept an orderly house, therefore she had not violated the law prohibiting the congregation of prostitutes and other lewd persons. That Kesuth was tried for violating the law in the first place indicates that her neighbors were troubled by her unchaste behavior, yet Heard ruled that the law was not designed to regulate the behavior of individual women, but to preserve the peace by suppressing disorderly houses defined as residences inhabited by multiple bawdy women.<sup>25</sup> Since Kesuth lived alone, her residence did not constitute a brothel. Kesuth's case is good example of how anti-prostitution legislation could be used to regulate gender. Lawmakers constructed prostitution as a public nuisance in both city ordinances and state law, thereby granting citizens the right to make complaints against disorderly women, which could be any woman who violated gender norms. In this way, the law gave citizens the power to regulate gender norms. Though Kesuth was eventually found innocent, her initial conviction illustrates the discrepancy within the court system as to what constituted a violation of the state law.

This incongruity also created a space for convicted prostitutes and madams to challenge the courts. After Rosanna Hughes was convicted of brothel keeping in June of 1855 she appealed the court's decision on the grounds that the court lacked sufficient evidence. Judge Heard upheld the original judge's ruling, arguing that "particular facts need not be proved." For a conviction of this sort, the courts could rely solely on "common or general reputation as to the character of the house and the inmates" as one of ill fame. In Hughes' case, multiple women lived in her

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<sup>25</sup> "Houses of Ill-Fame—Opinion of Judge Heard," *Daily Union*, 12 May 1856, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18560512.2.2&e=-----en--20--1--txt-IN-----#>. Citing Wharton's Criminal Law, the judge stated: "But a woman cannot be prosecuted for living in a house of *ill-fame* for the purposes of prostitution, because she is unchaste, lives by herself, and admits one or many to illicit intercourse with her."

boarding house, all of whom the courts regarded as unchaste. Furthermore, her house was frequently visited by numerous men “heard carousing in the house, between twelve and two o’clock at night.” Heard concluded that “the entire evidence supports the charge, and exhibits one of the grossest violations of the law.”<sup>26</sup> The *Daily Union* was hopeful that Heard’s opinion would provide the city with the means to suppress other houses of prostitution, and indeed later judges would draw on his opinion to uphold brothel convictions.<sup>27</sup> Although Heard had proven himself a discerning judge, the admission of circumstantial evidence in prostitution cases contributed to a climate in which women had to vigilantly protect their reputation lest they should answer to the law for their violation of gender and sexual norms. In this way, anti-prostitution legislation regulated the behavior of all women. That the laws focused exclusively on women suggested a double standard of sexual behavior, a point later taken up by suffragists.

When given the chance, sex workers themselves drew attention to men’s participation in prostitution. For example, in February of 1851 a prostitute on the witness stand in a Sacramento courtroom cleverly exposed the questioning lawyer’s own culpability in prostitution. When the lawyer asked if “rows and disturbances were not frequent at the class of houses” in which this woman lived, she tartly responded, “I think you ought to know well enough without asking me, for you visit them sufficiently enough to find out.”<sup>28</sup> Instead of answering questions about violence in the brothel, this prostitute pulled the lawyer into the space of prostitution thereby destabilizing the categories of respectable and disreputable communities. As historian Anne M. Butler has demonstrated, the courtroom represented one of the few spaces where prostitutes

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<sup>26</sup> “Houses of Ill-Fame—Opinion of Judge Heard,” *Daily Union*, 12 May 1856, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18560512.2.2&e=-----en--20--1--txt-IN-----#>

<sup>27</sup> “Ill-fame,” *Daily Union*, 12 May 1856, [http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18560512.2.6&cl; Appeals,” \*Daily Union\*, 5 February 1857, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18570205.2.9&srpos=11&e=--1855---1857>](http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18560512.2.6&cl; Appeals,” Daily Union, 5 February 1857, http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18570205.2.9&srpos=11&e=--1855---1857)

<sup>28</sup> “Tart,” *Sacramento Transcript*, 15 Feb 1851, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=ST18510215&cl>

could speak and be heard.<sup>29</sup> I would add that this space provided prostitutes an opportunity to challenge the public discourse that marked them outsiders and to defend their occupation. In the case of Kesuth, the courtroom also provided an opportunity for sexually transgressive women to challenge gender ideology that rendered a woman a prostitute if she did not conform to narrow definitions of femininity via chastity. These women of ill fame wielded social power as tenacious defendants and shrewd witnesses.

One of the more truly troubling aspects of nineteenth-century efforts to suppress prostitution was that early law enforcement officials targeted Chinese and Mexican women over Anglo-American women. Chinese brothels were raided more frequently than white ones and Chinese prostitutes were also prosecuted at a higher rate. Though they might be fined as little as five dollars, Chinese prostitutes were more likely to serve jail time, which was a stark contrast to the common court practice of fining white prostitutes fifty dollars and white madams one hundred dollars in lieu of incarceration.<sup>30</sup> In 1866, after the state legislature passed a law specifically banning Chinese brothels, one San Francisco judge vowed to sentence every convicted Chinese prostitute to a minimum of ninety days.<sup>31</sup>

This pattern of law enforcement produced mixed reactions among white middle-class Californians who worked tirelessly to abolish prostitution. On the one hand, newspaper readers and law enforcement officials argued that because Chinese brothels were the worst of its kind, targeting them was an effective way to eliminate prostitution. The *Alta California* dramatically reported that enforcement of the new ordinance effectively closed the “disgusting Chinese

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<sup>29</sup> Anne M. Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90*, Second Edition (Urbana: University of Illinois Press, 1987), 112–115.

<sup>30</sup> “Penalties,” *Alta California*, 13 March 1863, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18630313.2.3.4&cl=search&srpos=5&e=--1863---1863>.

<sup>31</sup> “The Chinese Prostitutes – Pixley Appears for Them,” *Daily Union*, 1 June 1866, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18660601.2.9&cl=CL2%2e1866%2e06&e=--1863---1863>.

establishments” in San Francisco. “If the ordinance effects no more than this it has done a work for which every decent citizen will be thankful.”<sup>32</sup> When a judge chastised Sacramento Police Captain James McDonald for not going after the “more exalted class” of prostitutes, McDonald defended his raid on Chinese prostitutes as women “selected especially for the disgusting character of their houses.” McDonald believed that by enforcing the law against these particular houses he “was striking at the root of the evil by cutting off the most openly disreputable portion of them.”<sup>33</sup> Ongoing violence and legislation aimed specifically at Chinese prostitutes throughout California indicates McDonald was not alone in this line of thinking. Chinese and Latina femininity was structured through hypersexuality such that prostitution among Chinese women and Latinas confirmed stereotypes of these women as extraordinarily lusty and naturally immoral, therefore more prone to prostitution than white women. Arguments that favored targeted prosecution of prostitutes of color reflected the fear that their open practice of prostitution would contaminate white women who were inherently virtuous by contrast.

On the other hand, California judges, along with newspaper readers and editors, protested police attention to non-white prostitution to the exclusion of white prostitution because they perceived white women as more capable of reform and more responsible for their actions. When fourteen Chinese men and women were arrested for violating the 1855 Vagrant Act, a San Francisco judge expressed his disapproval of local police passing over the houses of prostitution run by white women. He believed the Anglo-American houses were “filled with well-educated females ... who know far better the path of rectitude than those poor heathens whose sense of

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<sup>32</sup> “A Good Effect,” *Alta California*, 2 April 1854, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18540402.2.4&cl=search&srpos=5&e=01-04-1854-31-05-1854>

<sup>33</sup> “Last Session of the Recorder’s Court,” *Alta California*, 2 July 1855 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18550702&cl=CL1.DAC&e=-----en--20--1--txt-IN----->

moral right and wrong must be at least very limited.”<sup>34</sup> White prostitutes, it seemed, had fallen from their original position of moral superiority and for this they deserved to be punished. These competing attitudes toward prostitution reveal the racialization of discourse on prostitution, which I continue to explore at greater length in the next chapter.

In 1863 a group of San Francisco proprietors complained to the *Alta California* of the “obscenity, nightly carousals, profanity, and utter want of decency” among prostitutes on Dupont Street. These middle-class residents were particularly disturbed that such vice existed in the heart of the city and on the pathways to respectable businesses, churches, and even City Hall. They called on city officials to do something to abate the terrible nuisance of prostitution and protect businesses and “respectable people” from financial and moral damage.<sup>35</sup> Prostitution had been prevalent in that section of San Francisco since the early 1850s and by 1865 it had become the vice district known as the Barbary Coast.<sup>36</sup> This middle-class call for help came at a time when city officials were desperately seeking segregation. In the summer of 1863 the San Francisco police chief called on the city council to pass an ordinance prohibiting owners from renting to prostitutes so as to keep Chinese brothels out of the Jackson street area, where prostitution had long dominated.<sup>37</sup> By early 1864 other California cities had followed suit and began implementing plans to isolate prostitution, specifically Chinese prostitution.<sup>38</sup> In 1865 the San Francisco Board of Supervisors issued a more specific order requiring “Chinese and other houses

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<sup>34</sup> “The Operation of the Vagrant Act,” *Alta California*, 28 June 1855, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18550628&cl=CL2.1855.06&e=-----en--20--1--txt-IN----->

<sup>35</sup> R. E. Davis et al., “An Abominable Nuisance,” *Alta California*, 8 November 1863, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18631108.2.4&cl=search&srpos=13&e=--1863---1863>

<sup>36</sup> Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco, 1849-1900* (Reno: University of Nevada Press, 1986), 22, 32.

<sup>37</sup> “Removal of Disreputable Persons from Public Streets,” *Alta California*, 14 July 1863 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18630714.2.3&srpos=14&e=--1863---1866>

<sup>38</sup> “Board of Trustees,” *Daily Union*, 29 April 1864, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18640429.2.11&srpos=1&e=29-04-1864-29-04-1864>; “Cleaned Out,” *Alta California*, 4 May 1864,

<http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18640504.2.12&srpos=1&e=04-05-1864-04-05-1864>

of prostitution to a limit bounded by one mile from the City Hall.”<sup>39</sup> Attacks against Chinese prostitutes continued when San Francisco city leaders passed a stringent anti-Chinese prostitution bill in 1866. Unlike previous bills, this one would make it illegal for patrons to visit Chinese brothels and insisted that reputation alone should be grounds for conviction because positive proof of prostitution was so difficult to come by. Additionally, lawmakers behind this bill gave police authority to search any Chinese house with an ill-famed reputation.<sup>40</sup> According to historian Mary Ryan, that summer the “city attorney ruled [the ordinance] unconstitutional on the grounds of its overt discrimination against one ethnic group.”<sup>41</sup> The chief of police then gave the Board of Health power to regulate Chinese prostitutes by constructing it as a health problem.

That same year the California senate passed a similar, but less stringent, piece of legislation for the suppression of Chinese brothels. Prostitutes, madams, pimps, and brothel landlords would be found guilty of a misdemeanor and subject a \$25 to \$500 fine or six-month maximum sentence in county jail. While lawmakers retained the section of the San Francisco bill allowing *prima facie* evidence in the conviction of Chinese prostitutes, they did not provide police carte blanche in searching Chinese houses. Additionally, legislators required police to give notice to brothel residents and landlords when a complaint had been filed against them allowing them to correct their behavior before prosecution.<sup>42</sup> The requirement that police give notice to brothel owners suggests a certain leniency toward Chinese prostitutes. At the same time, by targeting Chinese brothels lawmakers legitimated San Francisco police harassment of Chinese immigrants.

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<sup>39</sup> “San Francisco,” *Daily Union*, 18 October 1865. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18651018.2.4&srpos=1&e=18-10-1865-18-10-1865>

<sup>40</sup> “An Effort to Rid the City of a Nuisance,” *Alta California*, 16 January 1866, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18660116.2.2&srpos=4&e=01-01-1866-31-12-1866>

<sup>41</sup> Ryan, *Women in Public*, 111–112.

<sup>42</sup> California et al., *General Statutes of the State of California: Continued in Force and Not Affected by the Provisions of the Code* (San Francisco: T.A. Springer, State printer, 1873), 746–748. The law was amended in 1874 to include all houses of ill fame.



Attacks on Chinese immigrants via prostitution increased over the next two decades, focusing on Chinese prostitution as slavery. Newspaper reports on the trafficking of Chinese women increased throughout the 1860s leading to the passage of anti-Chinese immigration laws such as the Page Act in 1875 and the Chinese Exclusion Act in 1882. Though the middle class frequently invoked race in anti-prostitution discourse during the 1850s and 1860s, race is markedly absent from the debate over regulation.<sup>43</sup> The most likely reason is that the San Francisco Board of Health was already regulating Chinese prostitutes, which implies that Holland and his supporters conceived of regulation primarily as a program for non-Chinese prostitutes, more specifically white prostitutes. It follows that suffragists' response to regulation and defense of prostitutes was also limited to white prostitutes.<sup>44</sup>

Despite numerous attempts at suppression, prostitution still thrived in California. By the 1860s, San Francisco citizens began calling for a new approach. Noting the “shameless effrontery with which [prostitution] is practiced,” in 1868 the members of the San Francisco Grand Jury argued that in a city such as theirs, “the vice cannot be suppressed, but it should not be ignored.” They believed the solution was to implement a European system of regulation, which proved “the most efficient means for abating this vice and mitigating its evils.”<sup>45</sup> Dr. Thomas Bennett, editor of the *California Medical Gazette*, likewise opined in April of 1869 that the time had come for “the progressive spirit of our people [to] throw off the fetters of superstition that have been so long cramping the mind.” Bennett hoped that San Francisco, a city “swarming with the most depraved and diseased of China, European, and American women,”

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<sup>43</sup> Churchill was also silent on the subject of Chinese prostitution. For her brief discussion on Chinese immigration and conflict in California see Caroline M. Nichols Churchill, *“Little Sheaves” Gathered While Gleaning After the Reapers* (San Francisco, CA, 1874), 22.

<sup>44</sup> Historian Mary Ryan has observed that the California Women’s Suffrage Association’s response to prostitution included anti-Chinese rhetoric. Ryan, *Women in Public*, 124–25.

<sup>45</sup> “Grand Jury Report,” *Alta California*, 6 January 1868, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18680106.2.7&srpos=503&e=01-01-1846-31-12-1871>

would “adopt the French police system of examination of prostitutes.”<sup>46</sup> His dreams were set into motion in July of 1871 when Dr. Gustavus Holland announced to the San Francisco Board of Health that the “time had come when the rapid growth of the social evil should be openly met and grappled with.”<sup>47</sup> It is worth noting that all three of these calls for regulation contained the assertion that San Franciscans should openly confront prostitution, ignoring the previous twenty years of anti-prostitution discourse in newspapers and courts.

Based on the St. Louis system of regulation, under Holland’s code of laws every prostitute in city limits would be required to register with the Chief of Police and undergo weekly pelvic examinations by a city appointed physician. Upon successful completion of the exam she would receive a certificate of good health to present at future examinations and before taking up residence in a brothel. If the physician detected infection the prostitute was ordered to abstain from plying her vocation and seek treatment at a city-funded hospital designed especially for women with sexually transmitted infections. Women who did not comply with regulation could be arrested for a misdemeanor and fined anywhere between \$20 and \$100 or sentenced to jail time. Holland’s proposed bill would also require prostitutes to pay monthly hospital dues of \$10 in addition to a weekly examination fee of one dollar. Finally, the law prohibited prostitutes from soliciting customers from their doors or window.<sup>48</sup>

Holland’s bill was part of a national movement to regulate prostitution in major U.S. cities such as New York and Chicago. Alarmed by the growing rates of sexually transmitted infections such as syphilis and gonorrhea, medical officials encouraged urban communities to

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<sup>46</sup> Thomas Bennett, J. Campbell Shore, and W. F. McNutt, eds., *California Medical Gazette*, vol. 1 (San Francisco: A. Roman & Co., 1869), 172.

<sup>47</sup> “The Board of Health,” *Alta California*, 1 July 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710701&cl=CL2.1871.07&e=12-10-1860-12-10-1860>.

<sup>48</sup> “The Social Evil,” *Alta California*, 22 August 1871. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710822.2.7&e=01-01-1846-31-12-1871>. The *Alta California* mentioned that his bill included plans for building an industrial house where former prostitutes could find employment.

consider following the European practice of using medical and police surveillance of prostitution to prevent the spread of such infections. Though doctors of this time had limited knowledge of how these diseases were spread, or how to treat them for that matter, they were confident that prostitution was a primary vehicle for the spread of infection.<sup>49</sup> To control venereal diseases, doctors argued, they had to control prostitutes, the vectors of disease. Though New York City was the first in the U.S. to propose regulation in 1868, St. Louis was the only U.S. city to officially regulate prostitution using a system of licensing and medical inspections, which lasted from 1870 to 1874.

In other places, like St. Paul, Minnesota and Davenport, Iowa, police and courts unofficially regulated prostitution through routine arrests and fines. According to Joel Best, the unsanctioned regulation regime of St. Paul “gave madams what was, in effect, a license to operate an illicit business,” which they could maintain as long as they could “minimize trouble and maintain order” in that otherwise “disorderly house.”<sup>50</sup> Fine payments also gave prostitutes and madams “police protection from predatory customers and colleagues.”<sup>51</sup> Provided they complied with police, madams and prostitutes could keep brothels open for years, ensuring long-term stability uncharacteristic of the commercial sex industry. Because prostitutes had to maintain order in their homes to protect their good standing with police, St. Paul brothel customers could also be confident that they would not encounter violence or theft. A similar system was in place in Davenport which Sharon Wood has acknowledged may have given prostitutes “a degree of legitimacy that shielded them from some forms of exploitation,” yet by

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<sup>49</sup> John C. Burnham, *Paths into American Culture: Psychology, Medicine, and Morals*, American Civilization (Philadelphia: Temple University Press, 1988), 139.

<sup>50</sup> Joel. Best, *Controlling Vice: Regulating Brothel Prostitution in St. Paul, 1865-1883*, The History of Crime and Criminal Justice Series (Columbus: Ohio State University Press, 1998), 31.

<sup>51</sup> *Ibid.*, 32.

registering as prostitutes these women also lost the status of respectability.<sup>52</sup> Wood has further argued that the primary purpose of these laws was to protect men from accusations of sexual assault, venereal disease, and loss of social status.

Though opponents to regulation in San Francisco likewise charged regulationists with protecting men at the expense of women, Holland considered himself a friend to prostitutes and hoped regulation would deter some women from entering the sordid profession. He pitched his Social Evil Bill by declaring it necessary for the medical establishment to “act in behalf of humanity” and deal with prostitution because the legal authorities had not been enforcing the laws properly.<sup>53</sup> Holland maintained that prostitution was an inescapable facet of urban life as evidenced by the many unsuccessful attempts to abolish it throughout the ages. As a physician, he believed his primary responsibility was to “prevent its consequences becoming too disastrous to society.” Because doctors possessed an intimate knowledge of the human body they considered themselves best suited for the errand of regulating prostitution, and some members of the community agreed. Holland and his like-minded colleagues held that doctors were among the most intelligent people, and certainly more familiar with “this evil and its results” than anyone else; therefore it was their duty to intervene. Holland further claimed that the bill “had been approved by the medical journals of the East, England, and Germany” and by establishing precedence for such laws, he suggested the time had come for California to join other civilized communities.<sup>54</sup>

One of the most influential texts of the American regulation movement was William Sanger’s 1858 book *History of Prostitution: Its Extents, Causes, and Effects throughout the*

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<sup>52</sup> Wood, *The Freedom of the Streets*, 161.

<sup>53</sup> “Board of Health,” *Alta California*, 30 July 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710730.2.7&cl=CL1.DAC&e=12-10-1860-12-10-1860>.

<sup>54</sup> “The Social Evil,” *Alta California*, 18 November 1871. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18711118.2.3&cl>

*World*, based on interviews with several thousand prostitutes.<sup>55</sup> A New York physician, Sanger urged Americans to concede the possibility of abolishing prostitution and instead develop a system of regulation for the sake of public safety. “[I]f history proves that prostitution can not [sic] be suppressed, it also demonstrates that it can be regulated,” Sanger argued. Such was the “policy to which civilized communities [were] tending,” according to Sanger, but “Anglo-Saxon prudery” in the U.S. and England stymied support for regulation.<sup>56</sup> In this way, Sanger implied that Europeans had a more modern approach to not only prostitution, but to sexuality as well. It was the Americans who were behind the times.

Sanger’s policy suggested that prostitution was an inevitable aspect of modern life, given the nature of men’s sexual appetites. Holland and his colleagues subscribed to the same belief and claimed it was their duty to prevent this necessary evil from damaging the health of the community. That prostitution was considered a necessary evil, protecting wives from their husband’s unwanted sexual advances by allowing married men access to prostitutes, was a commonly held, though by no means unanimous, opinion within Victorian society.<sup>57</sup> By naming his legislation the “Social Evil Bill” Holland was able to make regulation palatable to a larger group of people. He presented prostitution as a social problem that plagued the city, an idea already in circulation via the San Francisco press, and pitched his bill as a solution to that social problem by containing infection. The fact that he was able to appeal to more people was evidenced by the fact that for a while his supporters were the majority voice in the *Alta California*. Even the editors, ever eager to solve the problem of prostitution, the blight of their city, supported Holland. The San Francisco Board of Health and City Council unanimously

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<sup>55</sup> Rosen, *The Lost Sisterhood*, 9.

<sup>56</sup> William W. Sanger, *The History of Prostitution: Its Extent, Causes, and Effects Throughout the World, with Numerous Editorial Notes and an Appendix*, New ed. (New York: AMS Press, 1974), 19.

<sup>57</sup> D’Emilio and Freedman, *Intimate Matters*, 147; Rosen, *The Lost Sisterhood*, 5.

passed Holland's Social Evil bill, however they could not implement the bill until they repealed the 1855 anti-prostitution state law, so Holland's bill was sent to the 1872 legislative session.

Though Holland had convinced city officials that prostitution was a social problem fit only for physicians, one of his most vocal opponents was San Francisco physician Henry Gibbons, Sr. who contended that Holland's bill would increase vice and unfairly punish women. Gibbons particularly took exception to the requirement that prostitutes register with the city, arguing that "many prostitutes ... hope for reform and marriage, but under this law they would be damned forever." Moreover, Gibbons pointed out the unlikelihood that every prostitute would register, rendering the system ineffective. For the law to truly work, Gibbons asserted, would require increased police involvement, which he feared would only further corrupt the already ineffective San Francisco justice system. Further, Gibbons held that the public debate on prostitution in itself was "injurious to public morals, and poisoned the minds of the youth." Prostitution, and any discussion of it, was dangerous to both women and children. His fellow physicians dismissed his realistic concerns regarding the implementation of Holland's system and its impact on women, and faulted him for being a moralist who ignored science.<sup>58</sup>

Even though Holland considered his bill a distinctly medical preventative, most supporters saw it as an opportunity to regulate public behavior in San Francisco and enforce bourgeois morals.<sup>59</sup> Letters to the editor and editorial notes in San Francisco's *Alta California* during the summer of 1871 indicate that for most Californians the desire to regulate prostitution was only partially inspired by the goal of preventing the spread of syphilis. The overwhelming

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<sup>58</sup> "Social Evil," *Alta California*, 25 November 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18711125.2.2&cl>

<sup>59</sup> "Board of Health," *Alta California*, 30 September 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710930.2.2&cl=CL2.1871.09&e=-----en--20--1--txt-IN-----#>. "The press, although almost unanimously in favor of a measure of this kind, seems to have likewise fallen into the error that my bill is principally intended as a moral reform measure, and while no one would feel happier than I if such were one of its results, yet I would again have it distinctly understood that I mean to deal with the question solely in its physical bearings, which God knows, is in itself of the greatest importance and interest to this community."

focus of regulation supporters was to prevent immoral sexual behavior from “spreading like a foul disease over a healthy part of the city.”<sup>60</sup> The *Alta California* urged the San Francisco Board of Health to quickly pass Holland’s bill so that virtuous residents would be protected and the prostitutes “guarded like other sources of disease, and their presence made apparent as little as possible.”<sup>61</sup> This editorial was representative of the vocal majority in San Francisco that summer, positioning prostitution as a threat to public safety, both physically and morally. Middle-class San Franciscans seeking protection from moral infection displaced syphilis with prostitution in pro-regulation discourse. Bemoaning widespread prostitution, the *Alta California* and its readers united around Holland’s bill as a way to cleanse the city of the social evil. “These women (with which virtue is a mockery) have taken up their abodes upon our principal streets,” one reader complained. “It is exceedingly unpleasant to be obliged to walk with one’s wife, daughter or female friend past these dens in the evening. The regulations in St. Louis have proven a blessing in a sanitary point of view.”<sup>62</sup> To pass by these fallen women with one’s virtuous wife or daughter was to expose her to moral contagions, therefore it was necessary to segregate the “bad” women from the “good.” Where prostitution was primarily a public nuisance in early anti-prostitution legislation, by the middle of the nineteenth century it also became a public health concern.<sup>63</sup> The discourse of prostitution as physical contagion did not displace the discourse of prostitution as moral contagion, instead the two became inextricably intertwined.

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<sup>60</sup> “The Social Evil in San Francisco,” *Alta California*, 27 July 1870, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18700727.2.27&cl=search&srpos=17&dliv=none&e=29-03-1870-31-12-1905->

<sup>61</sup> “Editorial Notes,” *Alta California*, 13 August 1871. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710813.2.36&e=-----en-Logical-20--1-byDA>

<sup>62</sup> A Parent, “The Social Evil,” *Alta California*, 29 July 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710729.2.14&cl>

<sup>63</sup> However, the discursive construction of prostitution as a sanitary problem was not entirely new. For example, in 1863, the San Francisco Board of Supervisors added the “removal of houses of prostitution” to their list of tasks city upkeep alongside other tasks such as cleaning the sewer. “Board of Supervisors,” *Alta California*, 3 November 1863,

<http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18631103.2.11&srpos=3&e=-01-1863--11-1863>

The discursive construction of prostitution as a moral and physical contagion justified the segregation of “bad” and “good” women and indicated a larger imperative to control public space at a time of rapid urbanization. Historian Mary Ryan has argued that nineteenth-century Americans sought to make sense of urban life by imposing order through a myriad of laws governing public behavior. To this end, Ryan has pointed out, the “majority of arrests in nineteenth-century cities were prompted by infractions of public order – failure to conform to proper street etiquette by displaying drunkenness, boisterousness, or ‘indecent’ behavior.”<sup>64</sup> Nineteenth-century fiction writers and journalists constructed the city as dangerous, for both men and women alike, but Ryan has argued that the source and effect of danger was gendered. According to Ryan, for women the city held the threat of a “violation of their delicate sensibilities.”<sup>65</sup> As the above editorials suggest, the greatest offense to a woman’s sensibility was found in the lewdness of other urban women.<sup>66</sup> Thus, as Ryan has put it, nineteenth-century public women represented both the “the dangerous and the endangered.” As the dangerous woman, she threatened to seduce men and women from the path of rectitude. For this reason, the nineteenth-century prostitute had to be contained. The *Alta California* believed that regulation would ensure greater control over prostitution and would prevent the seduction of young Anglo-American men and women.<sup>67</sup> The editors also saw the bill’s potential for constructing a farther-reaching system of gender regulation. “By the aid of these laws women of bad reputation are compelled to keep themselves secluded,” the editors wrote, “[and] can be forced to remove from

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<sup>64</sup> Ryan, *Women in Public*, 62.

<sup>65</sup> *Ibid.*, 69.

<sup>66</sup> Goldman, *Gold Diggers and Silver Miners*, 141. Of course, as historian Marion Goldman has pointed out, the desire to separate “good” and “bad” women was not strictly ideological – it also lowered the chances that male patrons strolling through town with their wives would encounter their mistresses.

<sup>67</sup> “Editorial - The Social Evil,” *Alta California*, 22 August 1871. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710822.2.7&e=01-01-1846-31-12-1871>.



any locality where their presence is obnoxious to the people.”<sup>68</sup> With a system of regulation in place, women exhibiting “objectionable conduct, while upon the street,” would face “arrest and fine or imprisonment.”<sup>69</sup> Earlier attempts to enforce anti-prostitution laws had wrongfully ensnared working-class women such as Jesus Kesuth, a fear that women voiced in their opposition to regulation.

Moreover, the call for preventing the spread of prostitution from the racially diverse and working-class Barbary Coast district to the bourgeois streets claimed by the *Alta California* speaks to a fear of racial and class contamination. Feminist historian Judith Walkowitz similarly found that nineteenth-century middle-class British anxieties over the infectious filth of the working class were projected onto the prostitute who became the “conduit of infection to respectable society.” With the passing of the Contagious Disease Acts, sexuality thus became a site within which Victorians “reinforced existing patterns of class and gender domination.”<sup>70</sup> The *Alta California* editors revealed a similar power dynamic in their opinion that if prostitution “must exist ... let it be made a source of revenue to the city, and of light profit to those who deliberately sell themselves, body and soul, for filthy lucre.”<sup>71</sup> Such city revenue might very well find its way into pockets presumably far better suited for that filthy lucre. The same paper that had previously condemned landlords who profited from brothels, now looked forward to whatever profit legal prostitution could bring the city.

Though support for regulation dominated the pages of the *Alta California* during the summer of 1871 by the fall editors began to print letters of resistance to Holland’s Social Evil Bill. Readers such as Willie Berger of San Francisco urged the City Council, on the behalf of

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<sup>68</sup> “Editorial Notes,” *Alta California*, 13 August 1871. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710813.2.36&e=-----en-Logical-20--1-byDA>

<sup>69</sup> Ibid.

<sup>70</sup> Walkowitz, *Prostitution and Victorian Society*, 4–5.

<sup>71</sup> Ibid.

merchants and mechanics, to vote against the bill. He drew on his own personal experience in Germany to dispute the popular argument that the European style of regulation was an example of successful vice suppression. According to him regulation ruined German homes and lives because more women went into prostitution believing it could not be so wrong if it was government sanctioned. "If it is a necessary evil," he asserted, "let it hide its hygeian head in some out of the way place, away from the very centre of our city, our churches and private residences, and let these diseased remnants of humanity eke out their miserable existence, away from the purity of our homes." Berger feared that the passage of Holland's bill would only endanger the women of San Francisco and he called upon legislators to protect virtuous women and vote against Holland's bill.<sup>72</sup> To the minds of men like Berger, Holland's remedy would not bring social order, but instead perpetuate social chaos by legitimatizing vice.

Though prostitution and regulation were matters of moral and social concern for both men and women, it was middle-class men who dominated the newspapers. Under the dominant discourse in California newspapers from the 1850s through the early 1870s women and politicians were to blame for prostitution. Holland's supporters and opponents alike believed it necessary to guard the public sphere and prevent the spread of prostitution. Further, they believed they could mitigate the problems of prostitution if they could control the women of ill fame who were ultimately responsible for the social evil. According to the middle class, prostitutes threatened to pollute the streets and contaminate virtuous young men and women with their vile unladylike behavior and greedy love of riches. For the bourgeoisie prostitutes also represented women who had forgotten their role as morally superior, sexually chaste, and economically dependent upon men. For the men involved in this debate, prostitution was a

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<sup>72</sup> Berger, William. "Protest Against Holland Bill," *Alta California*, 18 November 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18711118.2.35&cl>

reflection of fractured gender and class boundaries. Their proposed solution was thus to contain gender and class transgressions.

Of course, middle-class women were also active participants in the debate over regulation, but their participation in the debate and the focus of their argument differed from men's. Moreover, women were underrepresented in the newspapers as staff, intended audience, or interactive readers. Though we find some letters to the editor from women and references to women's activities in the papers, by and large women created spaces beyond newspapers for addressing the problems of prostitution and regulation, including moral reform homes, public lectures, and political pamphlets. While men were concerned about protecting the streets, women were primarily concerned with protecting the home. While men feared that their wives' public contact with prostitutes would offend their sensibilities and perhaps seduce them into a life of prostitution, women feared that prostitution would seduce their husbands away from the home. Middle-class women also worried that men's sexual desires would endanger women. Women's rights advocates, in particular, emphasized the need for gender and sexual equality and formed a cross-class alliance with prostitutes, whom they saw as oppressed. Using prostitution as an example of women's inequality, middle-class female moral reformers and suffragists bonded with the very women from whom the men sought to protect them. Emphasis on protecting the private sphere and sympathy with prostitutes appeared among both female supporters and opponents of regulation.

In August of 1871, a woman from Windsor, California, just north of San Francisco, submitted her support for Holland's bill in a letter to the *Alta California*. She prayed Holland's bill would protect women, both "the unfortunate class of females who are now selling their souls for dross" and the "virtuous women" whose homes were destroyed by prostitution. She also

urged the editors to use the newspaper as a way to fight prostitution for the sake of “us poor helpless wives and mothers, who feel that our lives and happiness have been blasted by this tolerated ‘social evil.’” Signing her letter “mothers and wives,” this Windsor woman identified herself as part of a larger group of women dedicated to protecting their homes from the social evil.<sup>73</sup> For her, the best solution to the problem of prostitution was to trust the medical establishment to protect women and their families. On the one hand, this letter illustrates the larger discourse of sexuality present among middle-class Victorian women. Namely, that sexuality beyond the bourgeois parameters of “either reproduction or marital intimacy,” as John D’Emilio and Estelle Freedman argue, “threatened the only identities available to them – that of wives and mothers.”<sup>74</sup> The author’s sympathetic approach to prostitution as a social evil that made victims of all women – prostitutes, wives, and mothers, alike – was in keeping with the ideology of moral reform. However, her support for regulation, rather than insistence on abolition, also suggests that she begrudgingly believed prostitution was a necessary evil.

Competing discourses of prostitution as a necessary evil or social evil revealed contested gender roles and sexual practices for both middle-class men and women. As a necessary evil, prostitution provided men an outlet for their sexual needs and protected respectable women from “unwanted sex and pregnancy.”<sup>75</sup> Within this dominant framework, white femininity was sexually pure, while masculinity was hypersexual. Moral reformers drew on the very same construction of gender and sexuality to challenge prostitution by arguing that prostitutes were victims of male seduction. By the late nineteenth century female reformers began to question men’s sexual practices and advocate for a single standard of sexuality that prohibited sex outside

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<sup>73</sup> “The Social Evil,” *Alta California*, 30 August 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710830.2.8&cl>

<sup>74</sup> D’Emilio and Freedman, *Intimate Matters*, 144.

<sup>75</sup> *Ibid.*, 140.

of marriage. Dominant cultural beliefs of sexuality were also changing at this time such that the purpose of sexuality became a way of bonding men and women together in love and intimacy, thereby permitting married women to engage in marital sex for reasons beyond reproduction.<sup>76</sup> No longer a safety valve for bourgeois marriages, prostitution became a social evil that threatened marital love and intimacy because it allowed men and women to have sex without either.<sup>77</sup> At the same time, the persistence of prostitution and attempts to regulate it well into the late nineteenth century indicate that the discourse of prostitution as a necessary evil had not entirely disappeared. All the same, moral reformers had successfully introduced a new discourse into the public sphere and rearticulated normative gender roles.

The American moral reform movement began in New York City in the 1830s among middle-class Protestant women inspired by revivalism. Early moral reformers saw women's participation in prostitution as inappropriate gender behavior resulting from moral shortcomings. This female-dominated movement focused on rehabilitating prostitutes by converting them to Christianity, teaching them domestic labor skills, and training them in the ways of proper middle-class Victorian femininity. Historians such as John D'Emilio and Estelle Freedman have also read moral reform as an aspect of nineteenth-century class formation as the middle class sought to separate itself from the working class and establish social dominance.<sup>78</sup> At the same time, female reformers openly criticized male patronization of prostitutes, indicating a cross-class alliance between middle-class reformers and working-class prostitutes.<sup>79</sup> Like social purity advocates later in the century, moral reformers emphasized the need to encourage sexual practices among men that were not oppressive to women and demanded that men should

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<sup>76</sup> Smith-Rosenberg, *Disorderly Conduct*; D'Emilio and Freedman, *Intimate Matters*.

<sup>77</sup> John D'Emilio, *Intimate Matters: A History of Sexuality in America*, 2nd ed. (Chicago: University of Chicago Press, 1997), 141.

<sup>78</sup> *Ibid.*, 140–145.

<sup>79</sup> Smith-Rosenberg, *Disorderly Conduct*; Ryan, *Women in Public*.

conform to the same conservative sexual practices as women.<sup>80</sup> Ultimately, they demanded a masculinity that protected women's virtue. Historians such as Carroll Smith-Rosenberg have argued that while moral reformers failed to rehabilitate most prostitutes, they succeeded in challenging dominant discourses of gender and sexuality paving the way for women's suffrage.<sup>81</sup>

Women's efforts to curb prostitution in California began as early as 1853 when Mrs. A. B. Eaton founded the San Francisco Ladies' Protection and Relief society and reform home to protect financially independent women from entering into prostitution. The society's goal was to provide assistance to "all respectable women in want of protection, employment in families or as needlewomen."<sup>82</sup> Female moral reform in the West continued well into the late nineteenth century with the establishment of reform homes for women who embodied the antithesis of white, middle-class, Anglo-American femininity: Chinese prostitutes, polygamous Mormon wives, unwed mothers, and Native Americans. Historian Peggy Pascoe has argued that women's moral reform in the West differed from that in the East because it provided Western women with the opportunity to establish themselves as moral authorities in a region characterized by class and gender flexibility.<sup>83</sup> Moral reform seemed especially prudent in western urban centers such as San Francisco where one could find a plethora of saloons, gambling houses, and brothels, not to mention a large number of Chinese prostitutes whose coerced sexual labor epitomized the problem of gender inequality for both moral reformers and suffragists. More importantly, as Pascoe has pointed out, there were fewer charities in place at this time and the local government had been unsuccessful in suppressing social problems to the extent that they appeared to tolerate drinking, gambling, and prostitution. According to Pascoe this climate increased the significance

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<sup>80</sup> D'Emilio and Freedman, *Intimate Matters*, 151–153.

<sup>81</sup> Smith-Rosenberg, *Disorderly Conduct*, 127–128.

<sup>82</sup> Jeffrey, *Frontier Women*, 218.

<sup>83</sup> Pascoe, *Relations of Rescue*, 10–11.

of women's moral reform such that it "began to symbolize, not just female benevolence, but also female opposition to the male-dominated social order that characterized emerging western cities."<sup>84</sup> Thus, prostitution and other forms of sexual transgression became a vehicle for women to exercise agency both as transgressors and as reformers. While some middle-class Protestant women sought moral authority in the West by reforming prostitutes, others sought political authority by criticizing prostitution and regulation as examples of women's oppression. Though both groups of middle-class women asserted cultural power through discourses of prostitution, they differed in their approaches.

California suffragists openly denounced moral reform strategies as ineffective. Attendees at the San Francisco convention of the newly founded California Women's Suffrage Association in January of 1871 argued that prostitution existed because of "woman's unequal and helpless condition," economically and socially. They rejected the moral reform agenda arguing that prostitution could not be "destroyed by collecting the unfortunate victims of man's lust and money temptations into asylums and other places of personal protection." Instead, they resolved that the only way to abolish prostitution was to grant women greater economic opportunities and voting power.<sup>85</sup> For women's rights advocates, prostitution was not a matter of personal moral failure, but of systemic oppression requiring systemic solutions. These suffragists readily entered the debate over regulation later that year, disputing Holland's system as one that would unfairly punish women who were, as Aaron Macy Powell put it, "deserving of sympathy and open-handed generosity." The suffragist argument against regulation not only identified women as victims of oppression, but also exposed men as tyrannical patriarchs. California Woman's Suffrage Association president Emily Pitts-Stevens demanded that the legislature "build a

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<sup>84</sup> Ibid., 13.

<sup>85</sup> "Woman's Suffrage Convention," *Daily Union*, 28 January 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18710128&cl>

hospital for fallen men, if,” she concluded sarcastically, “they could find ground enough in the State for it to stand on.”<sup>86</sup> At a time when the state limited women’s access to education, employment, and political power, the suggestion that it would now implement a program licensing prostitution, which suffragists believed to be the most egregious example of oppression, was a serious blow to the women’s suffrage movement.

Caroline Churchill, one of the women associated with the California Women’s Suffrage Association, responded to Holland’s bill by writing and distributing a political pamphlet titled *The Social Evil. Which Do You Prefer?* Like other California suffragists she opposed regulation on the grounds that it perpetuated a double standard of sexuality protecting men at the expense of women.<sup>87</sup> In her counter bill Churchill satirized Holland’s Social Evil Bill by adopting his language and structure. Where Holland required the registration and medical surveillance of prostitutes, she required the registration and medical surveillance of brothel patrons and men who kept mistresses. Rather than insisting on middle-class Victorian moral codes of sexuality and traditional femininity Churchill’s political satire criticized regulation as an expression of patriarchal oppression and emphasized women’s rights to political representation, economic independence, and privacy.

Published just before the 1873 legislative session, in anticipation of the re-introduction of Holland’s bill, Churchill’s pamphlet contained both regulation bills, as well as a narrative of her struggle for political power. To date, Churchill is best known for her contributions to late

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<sup>86</sup> “Woman Suffrage,” *Alta California*, 31 October, 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18711031.2.3&srpos=8&e=-10-1871--10-1871>; “Woman Suffrage Meeting,” *Daily Union*, 14 March 1872, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18720314.2.21&srpos=1&e=14-03-1872-14-03-1872>

<sup>87</sup> Ryan, *Women in Public*, 124–125. According to Ryan the San Francisco *Call* reprinted a copy of the California Women’s Suffrage Association’s protest. Neither the *Alta California* nor the *Daily Union* printed the protest, though the former announced that the association had submitted the protest. “Board of Supervisors,” *Alta California*, 17 October 1871, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18711017.2.2&srpos=22&e=-10-1871--10-1871>.



nineteenth-century feminism in the West as the founding editor of her suffragist newspapers the *Colorado Antelope* and *Queen Bee*.<sup>88</sup> Yet scholars such as Jennifer Thompson have argued that Churchill's travel writing was also significant to her political development as a women's rights advocate. While westward travel certainly provided Churchill an opportunity to escape domestic drudgery and demonstrate independence, Thompson adds that Churchill's successful battle against Holland's Social Evil Bill in San Francisco inspired her later feminist agitation in Denver, as a newspaper editor and advocate for direct political action.<sup>89</sup>

Widowed in her early thirties with a child to support, Churchill was intimately familiar with the trials of being a self-sufficient and financially independent woman in the middle of the nineteenth century. In Minnesota she struggled to earn a living by sewing and teaching, two of the few respectable occupations available to nineteenth-century women, both of which she desperately despised. "A woman with minor children to care for should be a pensioner," she argued. "Men do not want her as a competitor in business, and it is certainly very unfair to expect her to perform the duties of men without either opportunity or protection."<sup>90</sup> These experiences made her acutely aware of the difficulties single women faced in a patriarchal society that denied them opportunities for employment and financial independence. Unable to support herself and her daughter, in 1870 she left her daughter in her married sister's care and went West where she built a career as a travel writer, lecturer, women's rights advocate, and newspaper editor.<sup>91</sup>

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<sup>88</sup> Christiane Fischer Dichamp, ed., *Let Them Speak for Themselves: Women in the American West, 1849-1900* (Hamden, Conn: Archon Books, 1977); Sherilyn Cox Bennion, *Equal to the Occasion: Women Editors of the Nineteenth-century West* (Reno: University of Nevada Press, 1990).

<sup>89</sup> According to Thompson, Churchill continued to discuss prostitution as a political issue in her newspapers. Ibid.

<sup>90</sup> Caroline M. Nichols Churchill, *Active Footsteps* (Colorado Springs: Mrs. C. N. Churchill, 1909), 21.

<sup>91</sup> Churchill also went west in search of better health. She was chronically ill and believed that the California climate would cure her maladies. Thompson points out that in "many ways it was these health problems that helped her to escape the rigid restrictions placed on women's lives in nineteenth-century society." Thompson, "From Travel Writer to Newspaper Editor," 45; Health was a common incentive for traveling to California. See Brigitte Georgi-Findlay, *The Frontiers of Women's Writing: Women's Narratives and the Rhetoric of Westward Expansion* (Tucson: University of Arizona Press, 1996), 170.

Churchill's political career began in San Francisco where she used the debate over regulation to highlight inequality and demand equal rights for women. According to Churchill, the requirement that prostitutes register with the city to obtain a license for their practice, while male patrons were free to enter brothels as they pleased, was first and foremost a double standard, as well as a violation of women's right to privacy. To counter this standard Churchill not only required patrons to register with the city, she also added a section to her counter bill that would protect women's privacy by establishing punitive measures for "any man who shall inform, directly or by insinuation, any person or persons, that he has had illicit intercourse with any particular person." If found guilty of this crime he would "be fined not less than two thousand dollars, or less than three years imprisonment, nor more than five."<sup>92</sup> The weight of the punishment reflected Churchill's perceived severity of this crime, which was not illicit intercourse in itself, but the kissing and telling of such activity. She intended such measures to "weaken man's power to destroy poor, defenseless women."<sup>93</sup> Accusations of sexual licentiousness could damage a woman's reputation and leave her open to charges of prostitution, which only required circumstantial evidence for conviction. But that was not the only risk factor for a woman with a bad reputation. As historian Sharon Wood has pointed out, for nineteenth-century Americans "respectability was a kind of capital" one could leverage into economic and social opportunities.<sup>94</sup> A ruined woman had few options.

Meanwhile, the double standard of sexuality protected sexually promiscuous men from the loss of respectability. This imbalance in sexual power between nineteenth-century men and women was evident in the numerous terms used to describe women who appeared to violate the feminine code of chastity. "No woman, let her occupation be what it may, and her weakness or

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<sup>92</sup> Churchill, *The Social Evil: Which Do You Prefer?*, 6.

<sup>93</sup> *Ibid.*, 12.

<sup>94</sup> Wood, *The Freedom of the Streets*, 7, 15–17.

love of man be what it may,” Churchill proclaimed, “shall be designated by the low, vulgar, and obscene names of prostitute, bawd, or courtesan.” The use of such terms was “cruel, unjust and degrading to a class of persons following a legitimate and indispensable calling,” she sarcastically added.<sup>95</sup> To punish a woman for meeting the male demand for sexual access to women by requiring her to register as a prostitute and source of disease was to misuse the political system. Churchill’s critique of the double standard of sexuality was not a call to promote a more open sexuality, but to limit promiscuity among men.

For Churchill, another troubling aspect of Holland’s Social Evil Bill was the requirement that prostitutes undergo weekly medical inspections. This provision would establish yet another institution governing women’s bodies and create another potential source of abuse. Historians John D’Emilio and Estelle Freedman have noted that as doctors came to replace clergymen as moral authorities and traditional healers and midwives as medical experts in the nineteenth century, they claimed expertise in areas of public health and sexuality as one of the ways to establish their authority.<sup>96</sup> Drawing on Foucault, Judith Walkowitz has further argued that the British regulatory system created a “technology of power” and “science of sexuality” that transcended prostitution and regulated extramarital sex and women’s bodies, in addition to destabilizing working-class communities by outing prostitutes as sexually deviant women.<sup>97</sup> Debates over regulation in San Francisco reveal a similar appeal to a technology of power located in the medical field as a way of containing sexually transgressive non-middle-class women represented by prostitutes. Churchill’s counter bill represented a disruption of this power by requiring that the Board of Health include female doctors. This struggle over women’s bodies

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<sup>95</sup> Churchill, *The Social Evil: Which Do You Prefer?*, 9.

<sup>96</sup> D’Emilio and Freedman, *Intimate Matters*, 136.

<sup>97</sup> Walkowitz, *Prostitution and Victorian Society*, 4 – 5.

also reveals a larger struggle between middle-class men and women over women's right to control their bodies and their sexuality.

By responding to Holland through political channels, Churchill inserted herself into the political sphere. When Holland's bill was sent to the state legislature in 1872, Churchill hoped her bill would also be introduced, but instead discovered that it had been printed and distributed among senators as a joke. Not to be outdone, Churchill printed additional copies of her bill and sold them outside the state capitol building for twenty-five cents apiece while the legislature was in session. Her bold behavior drew criticism from senators appalled that she sought to turn a profit from her bill. She responded by pointing out the many ways senators were compensated for their labor. "Think you that I," she mockingly added, "who am only a member of the third house, and not a paid member either, and who pay full fare upon the railroad and also pay for the printing of these bills, can come here and spend my time in making laws for men and get nothing for it?" When the senators questioned her brazen defiance of cultural codes prohibiting women's political engagement, Churchill returned with a question of her own: "did it ever occur to you that it may be none of men's business what occupation a woman shall follow, any more than it is a woman's business what occupation men shall follow?"<sup>98</sup> For Churchill, these particular interactions were indicative of women's general lack of financial and occupational opportunity, which she argued was the primary cause of prostitution. While Churchill professed no moral objections to prostitution or dedication to the abolition of prostitution, she also did not openly condone sex work as a legitimate business venture for women.

Instead, Churchill was committed to fighting against what she regarded as the unfair characterization and punishment of women who had been forced into prostitution because of gender inequality. Inspired by Florence Nightingale who opposed the British Contagious Disease

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<sup>98</sup> Churchill, *The Social Evil: Which Do You Prefer?*, 13.

Acts in the 1860s, Churchill wrote the counter bill because she believed it necessary for women to defend their own interests. Churchill believed Holland's bill was one "calculated to relegate all single women who supported themselves to the level of the policeman's will."<sup>99</sup> Like Nightingale, Churchill was concerned that regulation would increase the male-dominated state's power over women and potentially subject any woman to police and medical intervention.<sup>100</sup> In her eyes, regulation represented inequality of legislation for women designed by men and was proof of the need for women's suffrage. Though she was exceptionally engaged in the political process and openly defied domesticity, she nonetheless drew on the cultural construction of feminine moral superiority in her political activism. For example, she questioned the moral fortitude of male lawmakers in her political narrative, "The Vindication of Martha," using a scriptural style, with which she sardonically presumed "the members of both Houses are supposed not to be familiar." In this way, Churchill claimed moral superiority, not unlike Peggy Pascoe's moral reformers.<sup>101</sup> However, Churchill used her moral authority to advocate for not for increased moral authority but for real political authority, as did other suffragists such as her colleague Emily Pitts-Stevens.<sup>102</sup> Churchill continued to agitate for women's rights in places like Denver where she launched campaigns to thwart regulation, and in Austin where she fought for women's privacy by prohibiting newsstands from selling the police gazette.<sup>103</sup>

Holland also continued his political career, though his was in the spirit of public health. When his bill failed to persuade state legislators in 1872, having been pocketed by the Senate Committee on Public Morals, Holland left California to study European systems of regulations

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<sup>99</sup> Churchill, *Active Footsteps*, 252.

<sup>100</sup> Churchill, *The Social Evil: Which Do You Prefer?*, 15.

<sup>101</sup> Pascoe, *Relations of Rescue*.

<sup>102</sup> Thompson, "From Travel Writer to Newspaper Editor," 57.

<sup>103</sup> Churchill, *Active Footsteps*, 252–253.

and strengthen his own case for regulation in San Francisco.<sup>104</sup> However, when he returned in November of 1873 he found that the city climate had changed and he abandoned his efforts there, relocating instead to Cincinnati.<sup>105</sup> The *Alta California*, which had championed Holland on his way to the 1872 legislative session, assigned his homecoming to “Sally Gableton,” their new contributor and gossip columnist. Gableton opposed regulation, which she argued would only encourage prostitution by sanctioning it as a lucrative occupation, allowing prostitutes the freedom to prostitute wherever they chose and making it more accessible for men. Worst of all, “[w]oman’s honor, that ethereal essence of a pure soul,” Gableton feared, would “become an article of legal traffic, sealed with the approval of a civilized government, and stamped with the attesting hand of a license collector.”<sup>106</sup> Concerned that Holland’s return would renew the debate over regulation, Gableton argued that an institution as shameful as prostitution belonged in darkness, where it would not taint the virtuous women, innocent children, and pious men of San Francisco. While she confessed that Holland “as a medical philanthropist [was] right enough,” Gableton asserted that in matters such as prostitution “the duty of the moralist comes first.”<sup>107</sup> Though Churchill claimed victory over Holland, Gableton’s column suggests that at the end of the regulation debate the dominant discourse of prostitution still held women responsible for

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<sup>104</sup> “From the Capital,” *Alta California*, 3 February 1872, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18720203.2.15&e=01-01-1870-31-12-1873>; “From the capital,” *Alta California*, 3 March 1872, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18720303.2.12&srpos=1&e=01-03-1872-31-03-1873>. The committee hearing on Holland’s bill was not transcribed; “Dr. Holland,” *Daily Union*, 31 October 1873, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18731031.2.27&cl=CL2.1873.10&e=09-02-1874-09-02-1874>

<sup>105</sup> “Cincinnati and the Social Evil Legislation,” *Alta California*, 9 Feb 1874, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18740209.2.11&srpos=2&e=09-02-1874-09-02-1874>

<sup>106</sup> Sally Gableton, “A Social Evil Outburst,” *Alta California*, 2 November 1873, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18731102.2.10&cl>.

<sup>107</sup> *Ibid.*

prostitution. It seemed that the true victors in the fight over prostitution were not the suffragists, the doctors, or even the moral reformers, but the middle-class moralists like Sally Gableton.<sup>108</sup>

After the defeat of Holland's Social Evil Bill, California politicians and newspapers continued to pursue the abolition of prostitution by discursively constructing prostitution as slavery. As I demonstrate in the next chapter, these efforts became intertwined with racial discourses of Chinese immigrant men and women as unfit candidates for American citizenship. Exclusionist politicians, editors, and laborers pointed to Chinese prostitution as an indication of the need to limit Chinese immigration. At the same time, newspaper editors and readers, along with labor rights advocates, constructed white prostitutes as slaves victimized by Chinese male laborers and opium dealers. Working and middle-class Anglo Americans united around discourses of prostitution as slavery to exclude Chinese Americans from the American Dream.

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<sup>108</sup> Though Holland had been defeated, the regulation movement had not entirely died. In the early 1880s Stockton, Sacramento, and Los Angeles contemplated regulation yet those attempts were also obstructed by the 1855 state prohibition on brothels. "Refusing to Do Damage," *Daily Union*, 5 April 1883, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18830405.2.10&srpos=1&e=05-04-1883-05-04-1883>; "Board of Trustees," *Daily Union*, 24 July 1883, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18830724.2.18&srpos=1&e=24-07-1883-24-07-1883>; "Certain Pregnant Municipal Considerations," 15 September 1883, *Los Angeles Herald*, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=LAH18830915.2.5&srpos=1&e=15-09-1883-15-09-1883>; In 1913 when the Red Light Injunction and Abatement Act closed the brothels on the Barbary Coast, San Francisco implemented a system of regulation until social purity reformers from around the nation threatened to boycott the upcoming Panama-Pacific International Exposition in 1915. Rosen, *The Lost Sisterhood*, 16–17.

#### CHAPTER IV. “FOOLISH VIRGINS” AND THEIR “VALIANT RESCUERS”

In the late nineteenth century, California newspaper readers would encounter stories of Chinese women trafficked into California expressly for prostitution and held captive in brothels under the watchful eye of Chinese organized crime syndicates known as *tongs*. They would also find tales of white women seduced into prostitution by opium addicted white men or, worse yet, driven to prostitution by their own opium addiction. Readers would also learn that other white women, unable to find work in a market dominated by low-wage Chinese male laborers, had been forced into prostitution out of economic want. The *Alta California* and *Daily Union* circulated these narratives of forced prostitution at a time when a growing number of working and middle-class Anglo Americans were searching for ways to stem the tide of Chinese immigration. When we consider these narratives at the intersection of social difference and cultural power, we find that through the reiteration of these narratives in newspapers and courtrooms late nineteenth-century Anglo Americans produced a racialized discourse of prostitution as slavery that they could utilize to further the Chinese exclusion movement.

Though California was racially diverse, newspaper narratives of forced prostitution focused almost exclusively on white and Chinese men and women, attesting to the significance of white and Chinese relations. Anglo Americans used the discourse of prostitution as slavery to support ideologies of white femininity as inherently chaste and of white masculinity as inherently protective. Anglo Americans also used this discourse to support ideologies of Chinese femininity as inherently hypersexual and submissive, and of Chinese masculinity as inherently sexually deviant and oppressive. At the same time, Chinese Californians struggled against these ideologies to reposition themselves in the discourse of prostitution as slavery. The Chinese



merchant class, for example, seeking to deflect anti-Chinese discrimination, contributed to this discourse by joining police in efforts to thwart Chinese prostitution. Chinese women challenged this discourse in California courtrooms where they insisted on their right to immigration. While exclusionists deployed the discourse of prostitution as slavery to obvious ends, I argue that this deployment produced a discursive field in which many different Californians contested and reified structures of race, class, gender, and sexual difference, locating both white and Chinese men and women, at different times, as “foolish virgins” and “valiant rescuers.”

To suggest that narratives of prostitution as slavery were largely cultural myths is not to deny that some women, many even, experienced prostitution as oppression. The tension between myth and reality in something as politically loaded as prostitution can create problems for historians. While historians such as Ruth Rosen have pointed to the vast number of convictions involving white slavery as evidence of its existence, other historians like Brian Donovan have demonstrated that some of these convictions were based on distortions of fact and ultimately reflected racial bias in the court system.<sup>1</sup> Historian Barbara Hobson was probably closer to the truth when she suggested that white slavery was a simplistic approach to a wide range of social problems including women’s economic inequality, “local government and police corruption from sex commerce,” “the spread of venereal disease,” and women’s changing sexual behaviors.<sup>2</sup>

Likewise, historians have approached Chinese forced prostitution with caution. Lucie Hirata and Benson Tong have thoroughly documented the exploitation and abuse of Chinese prostitutes in California, most of whom did in fact migrate to California as debt-bondage laborers

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<sup>1</sup> Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (The Johns Hopkins University Press,

<sup>2</sup> Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York: Basic Books, 1987), 140, 174.

required to work for Chinese brothel keepers until they repaid the debt of their passage.<sup>3</sup> Still, historians like George Pepper and Kerry Abrams have demonstrated that anti-Chinese newspapers and politicians exaggerated accounts of Chinese prostitution as slavery to disenfranchise Chinese Americans via anti-immigration policies and restrictions on citizenship.<sup>4</sup> For example, newspaper coverage of enslaved Chinese prostitutes increased during the 1880s even though the actual numbers of Chinese prostitutes had decreased suggesting that the discourse of prostitution as slavery was largely inspired by white anxieties over immigration and labor. Late nineteenth-century California newspapers seeking to increase their readership and maximize profits in a competitive market played on these anxieties by publishing sensationalized exposés of Chinatown.<sup>5</sup>

Other historians yet, particularly Sucheta Mazumdar, have argued that the political and social impact of the discourse of Chinese prostitution as slavery extended beyond immigration policies and ultimately bolstered white patriarchy in multiple ways. First, it served as a counterpoint to white suffragist claims of oppression by suggesting that white women had more freedoms than enslaved Chinese women and were therefore exaggerating Anglo American patriarchal oppression. Second, Chinese slavery served as evidence that the recently abolished American system of slavery was not as horrific as first imagined.<sup>6</sup> That ideologies of gender and sexual practices such as prostitution contributed to the racialization of both Chinese and Anglo

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<sup>3</sup> Lucie Cheng Hirata, "Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America," *Signs* 5, no. 1 (October 1, 1979): 3–29; Benson Tong, *Unsubmissive Women: Chinese Prostitutes in Nineteenth-Century San Francisco* (Norman: University of Oklahoma Press, 2000).

<sup>4</sup> George Pepper, *If They Don't Bring Their Women Here: Chinese Female Immigration before Exclusion* (University of Illinois Press, 1999); Kerry Abrams, "Polygamy, Prostitution, and the Federalization of Immigration Law," *Columbia Law Review* 105, no. 3 (April 2005): 641–716.

<sup>5</sup> For a discussion of the late nineteenth-century California press see Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850-1900* (New York: Cambridge University Press, 1994), 308–319.

<sup>6</sup> Sucheta Mazumdar, "Through Western Eyes: Discovering Chinese Women in America," in *A New Significance: Re-envisioning the History of the American West*, ed. Clyde A. Milner II (New York: Oxford University Press, 1996).

Americans indicate that what Omi and Winant call “racial formations” are also articulated through gender and sexuality.<sup>7</sup>

In this chapter I build on previous scholarship by comparing newspaper narratives of forced prostitution among white and Chinese women from the mid 1860s to 1890. As with previous chapters, my analysis relies heavily on digitized copies of two popular urban California newspapers, the San Francisco *Alta California* and Sacramento *Daily Union*, both of which were strongly anti-Chinese, like most late nineteenth-century Anglo-American California newspapers. These texts were central to social life in late nineteenth-century California, particularly in San Francisco, which ranked third in the nation for per capita newspaper circulation in 1880 though it was only the ninth-largest city.<sup>8</sup> As we saw in the last chapter, by the 1870s white women’s voices appeared more frequently in the papers as either paid contributors or as interactive readers, providing us with an opportunity to better understand their contributions to discourses of prostitution. Yet another late nineteenth-century shift in readership occurred when editors adopted a more sensationalized reporting style. Historian Philip Ethington has argued that this new format reoriented readers as consumers, rather than engaged readers.<sup>9</sup> This sensationalized approach to journalism in the 1880s most certainly contributed to the increase in hysteria over Chinese prostitution as slavery.

As I discussed in the Introduction, most of my research material was generated through a search for the terms “prostitute” and “prostitution.” However, as I worked through my results I discovered gaps in the archive that required fine-tuned searches for certain events or names. Although there is a rich archive of reformer tracts and fiction depicting enslaved prostitutes,

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<sup>7</sup> Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994); See also Donovan, “The Sexual Basis of Racial Formation.”

<sup>8</sup> Ethington, *The Public City*, 20.

<sup>9</sup> *Ibid.*, 308–19.

most of these accounts were produced in the eastern states and referred to white prostitutes. I limit my analysis to California newspapers because I am interested in a regional cultural history of these narratives. That said, the California press engaged eastern editors in debates over Chinese prostitution and exclusion, giving us a glimpse of the difference between eastern and western Anglo-American perceptions of Chinese immigrants. While a more sustained transregional and transnational analysis of forced prostitution narratives would certainly help us better understand how regional and national concerns shaped discourses of prostitution, such an analysis is beyond the scope of this chapter.

I focus specifically on news stories between 1865 and 1890 to emphasize the relationship between race, gender, sexuality, class and the frontier. The 1870s and 1880s shaped Chinese and U.S. relations via the rise of the anti-Chinese movement and the passage of key legislation such as the Page Law in 1875, which prohibited the immigration of “lewd” Chinese women, and the Chinese Exclusion Act in 1882, which limited the immigration of Chinese laborers for ten years and prohibited the naturalization of Chinese immigrants. Though the U.S. census would not declare the frontier closed until 1890, the passage of anti-immigration legislation in the two previous decades signified the limitations Chinese immigrants experienced in their efforts to capitalize on the frontier promise of the American Dream. While legal historian Kerry Abrams has argued that the 1870s mark the beginning of efforts to limit the expansionary power of the frontier by excluding the Chinese, I would place the beginning of these efforts in the 1860s.<sup>10</sup> During this decade Anglo Americans began to single out Chinese prostitution as an abhorrent system of slavery, effectively marking the beginning of the campaign for exclusion through discourses of prostitution as slavery.

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<sup>10</sup> Abrams, “Polygamy, Prostitution, and the Federalization of Immigration Law,” 715.

Many nineteenth-century Anglo Americans saw a clear difference between white and Chinese prostitutes, yet we cannot so easily separate the two groups of women. On the contrary, Anglo Americans' discursive construction of Chinese prostitutes informed that of white prostitutes, and vice versa. As I demonstrated in previous chapters, for much of the middle and late nineteenth century, white prostitutes in California were able to practice their profession with limited police intervention, while Chinese prostitutes were frequent brothel raid targets. On a practical level, we can attribute the discrepancy in anti-prostitution law enforcement to the fact that some white prostitutes had powerful patrons who could protect them from police interference. Yet, as I noted in the previous chapter, police, judges, and politicians often justified their discriminatory anti-prostitution strategies by arguing that Chinese prostitution was a greater nuisance. Though the police and courts had some community support in this regard, evidenced not only by letters to the editors but also by vigilante violence against Chinese brothels, their bias did not go unchecked. Judges and newspapers admonished police for not arresting white prostitutes with the same frequency, expressing concern that these women who were somehow more morally culpable than their Chinese counterparts.<sup>11</sup> To a certain extent, these responses to the racial profiling of Chinese prostitutes represented outrage over the presence of white prostitutes who represented the demise of middle-class Victorian femininity. Thus, while white prostitutes' membership to the dominant racial group often protected them from the legal ramifications of their profession, their gender and sexual transgressions embodied failed whiteness, which required attention. One of the ways to resuscitate the white prostitute's whiteness was through the emerging white slavery narrative which held that white prostitutes

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<sup>11</sup> "Last Session of the Recorder's Court," *Alta California*, 2 July 1855 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18550702&cl=CL1.DAC&e=-----en--20--1--txt-IN----->

had been coerced or forced into prostitution, rather than willingly entering it. In other words, these narratives positioned them as “foolish virgins” rather than women of ill fame.

While Anglo Americans maintained that white women became prostitutes through external pressures such as poverty, opium, and seduction, they frequently argued that Chinese women were naturally compelled to prostitution. During the 1850s, California judges, newspaper editors and readers, police, and politicians frequently operated on the assumption that prostitution among Chinese women was axiomatic. These assumptions were rooted in larger nineteenth-century Anglo-American discourses of the physical and behavioral sexual differences between Chinese and white women. For example, one popular nineteenth-century theory among Anglo Americans held that Chinese women had horizontal vaginas to match their almond-shaped eyes, an idea which lasted late into the century. Other examples of Anglo Americans’ exoticization and objectification of Chinese women can be found in the public display of women such as Afong May in 1834, and later Pwan-ye-koo and her handmaiden in 1850.<sup>12</sup> Anglo Americans constructed Chinese women as hypersexual, thereby naturalizing their participation in sexual commerce. Yet by the mid-1860s it became clear that Chinese women were not willing prostitutes but instead forced prostitutes. Anglo Americans also naturalized this position, referring to Chinese women as inherently docile and passive women, as “foolish virgins” in need of valiant rescuers. Either way, the prevailing attitude among Anglo Americans was that Chinese women could not help but be prostitutes – it was in their nature. At times, vitriolic anti-Chinese rhetoric cast all Chinese women as prostitutes, such as the 1882 *Alta California* editorial that decried male Chinese immigrants’ practice of sending money to their families in China, referring

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<sup>12</sup> Mazumdar, “Through Western Eyes: Discovering Chinese Women in America,” 159–160.

to the women as “prostitute wives.”<sup>13</sup> By constructing the Chinese woman as a slave, Anglo Americans effectively constructed the Chinese man as oppressive and dangerously lascivious. For example, in the mid-1880s, California politicians viciously proclaimed that Chinese men “sold their wives and killed their children.”<sup>14</sup> As anti-Chinese rhetoric strengthened its hold in California, Anglo-American perceptions of Chinese women as prostitutes and passive victims of a barbarian Chinese patriarchy increased. But this racial formation began in the 1850s.

Chinese women began immigrating to California in 1851, three years after Chinese men first made the journey to the Golden Mountain. Like male Chinese immigrants, these women hailed from cities such as Hong Kong and Canton, and the surrounding area. In the earliest years of the gold rush, Chinese sex workers immigrated to California as free laborers, some of whom were financially successful, like the famous San Francisco courtesan, Ah Toy.<sup>15</sup> The importation of Chinese women strictly for the purpose of prostitution appears to have begun around 1854 when Chinese organized crime syndicates known as *tongs* gained power in California. Though a majority of Chinese women did migrate to California as indentured servants and slaves during the mid to late nineteenth century, some of these women chose to enter into prostitution contracts in the hope of improving their financial situation; other women were forced into such contracts by their family. Still others were tricked into prostitution believing instead that they were going to America to work as domestic servants and find husbands, yet upon arrival found themselves forced into brothels.<sup>16</sup> Historian Peggy Pascoe found that many Chinese prostitutes viewed

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<sup>13</sup> “Gradual Action,” *Alta California*, 26 May 1882. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18820526.2.40&cl>

<sup>14</sup> “Congress – XLVIII Session,” *Alta California*, 4 May 1884, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18840504.2.47.1&srpos=1&e=04-05-1884-04-05-1884>

<sup>15</sup> Hirata, “Free, Indentured, Enslaved,” 8; Tong, *Unsubmissive Women*, 6–12.

<sup>16</sup> Hirata, “Free, Indentured, Enslaved”; Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the American West, 1874-1939* (Oxford University Press, USA, 1993); Tong, *Unsubmissive Women*.

“prostitution as an unpleasant but temporary necessity rather than a lifelong moral shame.”<sup>17</sup> Yet prostitution was the only aspect Anglo Americans recognized of Chinese women’s lives. One anti-Chinese organization embodied Anglo Americans’ popular perception of Chinese immigrant women when it alleged that “the bulk of the female portion of them are scattered through our towns and cities for the purpose of prostitution, demoralizing our youth and laying the foundation of future disease and sorrow to an unlimited extent.”<sup>18</sup> For exclusionists, Chinese immigrant women were vectors of disease and immorality who threatened the stability of Anglo American communities.

The actual numbers of Chinese immigrant prostitutes and the reasons why prostitution was overrepresented within the Chinese American community are topics of debate among historians. Drawing on San Francisco census data, Luce Hirata has put the number of Chinese prostitutes at 583 or 85 percent of the female Chinese population in 1860. The number of prostitutes nearly tripled to 1,426 in 1870 though the percentage of prostitutes had decreased to 70 percent. By 1880 the portrait of Chinese prostitution was markedly different with only 435 prostitutes counted, representing only 21 percent of Chinese immigrant women.<sup>19</sup> However, George Pepper is skeptical of the accuracy of these statistics and convincingly argues that the commercial sex market in 1870 simply could not sustain more than a thousand prostitutes. Moreover, Pepper contends that most of the census enumerators for both the 1870 and 1880 censuses overrepresented Chinese prostitutes because they were not fluent in Chinese, were

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<sup>17</sup> Pascoe, *Relations of Rescue*, 96.

<sup>18</sup> Dixon, F.R.J. “The Chinese on the Pacific Coast,” *Alta California*, 24 June 1869, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18690624.2.14&srpos=589&e=01-01-1846-31-12-1871>

<sup>19</sup> Hirata, “Free, Indentured, Enslaved,” 104; Benson Tong’s calculations are similar to Hirata’s. Tong, *Unsubmissive Women*, 94. Both scholars recognize the possibility that the 1870 numbers were exaggerated, but find them nonetheless representative of the urban landscape of Chinese prostitution. Lucie Hirata has urged caution in attributing the 1880 decline in prostitution to the Page Act, which was not entirely successful in preventing prostitutes from entering the country.



unfamiliar with customary Chinese living arrangements, and most likely influenced by pervasive anti-Chinese discourse in which all Chinese women were regarded as prostitutes.<sup>20</sup>

Though Anglo-American census takers embellished the numbers of Chinese prostitutes, Chinese prostitution in California was nonetheless extensive. Yet, once again, this is an area of contention among scholars. Hirata has argued that the debt-bondage system of prostitution in the Chinese community prevailed in the capitalist economy of the United States because it supported emigrant communities in China and “provided Chinese entrepreneurs one of the few opportunities to accumulate capital in a hostile society.” Moreover, Hirata has contended that prostitution thrived because male Chinese immigrants were unable to bring their wives or find suitable companions in California because Chinese patriarchal culture “discouraged or even forbade ‘decent’ women,” married or single, from leaving their family home.<sup>21</sup> However, Pepper has disputed that claim by arguing that an overabundance of wives and economic hardship in late nineteenth-century Chinese society would have lifted the restriction on married women’s migration.<sup>22</sup> What Hirata and Pepper both agree on is that the anti-Chinese climate in California discouraged male immigrants from sending for their families.<sup>23</sup> In short, Anglo-American discrimination against Chinese immigrants, often justified as attempts to abolish Chinese prostitution, in fact perpetuated Chinese prostitution. Moreover, while exclusionists often cited the absence of Chinese families as evidence that Chinese immigrants were poor candidates for citizenship, Pepper and Abrams have argued that restrictions on Chinese women’s immigration

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<sup>20</sup> Pepper, *If They Don’t Bring Their Women Here*, 6–7, 11, 89, 98–100. Pepper estimates the total number of Chinese prostitutes in 1870 at just under 1,000.

<sup>21</sup> Hirata, “Free, Indentured, Enslaved,” 3–6.

<sup>22</sup> Pepper, *If They Don’t Bring Their Women Here*, 5–6. See also Pepper’s comparative analysis of Chinese immigration to the United States and Australia in chapter two.

<sup>23</sup> Hirata, “Free, Indentured, Enslaved,” 7; Pepper, *If They Don’t Bring Their Women Here*, 14.

via the Page Law clearly indicate that Anglo Americans actively discouraged Chinese family formation in the United States.<sup>24</sup>

Late nineteenth-century Anglo-American emphasis on Chinese prostitution as a manifestation of racial difference and inferiority contributed to institutionalized anti-Chinese discrimination. In the years leading up to the passage of the 1875 Page Law and 1882 Chinese Exclusion Act there were few favorable representations of Chinese immigrants in California newspapers. In his survey of San Francisco and Sacramento newspapers, Pfeffer found that in the years between these two laws there were fewer overall reports on Chinese women, but when they did appear “the press unanimously informed [their readers] that nine of any ten Chinese women stepping off a Hong Kong steamer were certain to be prostitutes.”<sup>25</sup> Pfeffer demonstrated that this trenchant characterization of Chinese women impacted their legal rights as immigrants in a series of court cases testing the Page Law in 1882. In an effort to uphold that legislation, San Francisco port authorities denied entry to multiple Chinese women on the suspicion that they were prostitutes. The women responded to the charges in a series of habeas corpus trails in which they insisted on their status as respectable women. Major San Francisco papers, including the *Alta California*, reported on the trials and in each instance presumed the women’s guilt despite evidence to the contrary. The judge presiding over the first case found the women guilty of violating the Page Law and ordered their return to China. However, a judge in the superior court overturned that ruling for lack of evidence, which set the precedence for the release of the detained women in the other two cases.<sup>26</sup> Still, the lack of evidence did not deter the *Alta California* from sardonically concluding: “Immediately upon their release the women were

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<sup>24</sup> Pfeffer, *If They Don’t Bring Their Women Here*, 14; Abrams, “Polygamy, Prostitution, and the Federalization of Immigration Law.”

<sup>25</sup> Pfeffer, *If They Don’t Bring Their Women Here*, 79.

<sup>26</sup> Pfeffer, *If They Don’t Bring Their Women Here*. Chapter Six.

placed in hacks and driven to the Chinese quarters.”<sup>27</sup> Even when the courts acquitted Chinese women, the California press maintained their guilt.

Initial reports of trafficked Chinese women appeared in the late 1850s but were sparse and focused on individual women. However, by the end of the 1860s, both the *Alta California* and *Daily Union* frequently reported that Chinese men were trafficking Chinese women into California for prostitution. Journalists and readers of both newspapers agreed that the sufferings of these poor women were tragic and required stricter policing of Chinese brothels. When the California senate passed a bill specifically targeting Chinese brothels in 1866, Chinese women became the sole focus of anti-prostitution efforts.<sup>28</sup> The state legislation was actually a less stringent version of an 1866 San Francisco city ordinance targeting Chinese prostitutes. When the city ordinance passed leaders of San Francisco’s Chinatown responded to the attack on their community by hiring Frank Pixley to appeal to the Board of Supervisors on their behalf. A prominent San Francisco attorney, Pixley implored city officials to reconsider their current method of prosecution, which he claimed had the effect of driving Chinese prostitutes further into poverty and secrecy.<sup>29</sup> “These women are human,” Pixley argued, “and must be treated as such.” At the same time, he also argued that once a Chinese woman had become a prostitute her fate was sealed. “You cannot make virtuous women of Chinese prostitutes, and would not, if you could, send them into families for domestic servants,” he pointed out. “The fact is, they are prostitutes, nothing else, and never will be, and as such you must legislate them.” Using this logic, Pixley proposed a system of regulation to control prostitution as all attempts to abolish it

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<sup>27</sup> “Release of the Chinese Women,” *Alta California*, 26 May 1882, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18820526.2.17&cl>

<sup>28</sup> “An Effort to Rid the City of a Nuisance,” *Alta California*, 16 January 1866, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18660116.2.2&srpos=4&e=01-01-1866-31-12-1866>

<sup>29</sup> “The Chinese Prostitutes – Pixley Appears for Them,” *Daily Union*, 1 June 1866, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18660601.2.9&cl=CL2%2e1866%2e06&e=--1863---1863>

had proved futile. Yet, by reducing Chinese women to prostitutes, Pixley denied them their individual identities as women, mothers, daughters, wives, and so on. Moreover, lest the city officials mistake him for a supporter of prostitution, he concluded his speech by stating his opposition to prostitution, especially Chinese prostitution.<sup>30</sup> While in practice Chinese brothels had been the primary focus for law enforcement officials since the first anti-prostitution ordinances were implemented in 1854, the 1866 legislation for the “suppression of Chinese houses of ill fame” marked the first overtly discriminatory piece of anti-prostitution legislation in California and legitimated police harassment in Chinese communities.

In 1874 the state legislature removed the word “Chinese” from that act, thereby extending the law’s applicability to all brothels. The act for the amendment to the former law was introduced January 20<sup>th</sup> of 1874 and approved on February 7<sup>th</sup> after passing through both the Committee on Public Morals and the Judiciary Committee.<sup>31</sup> Neither the *Alta California* nor the *Daily Union* divulged details regarding the discussion of the amendment, and the California legislature did not publish their proceedings, therefore it is difficult to ascertain just exactly why the legislature eliminated the overtly discriminatory nature of the 1866 law. Yet the same legislative session likewise removed the word “Chinese” from the Anti-Kidnapping Act of 1870, which prohibited the importation of Chinese prostitutes. Legal historian Kerry Abrams has suggested that legislators changed the latter law so as to better conceal their discrimination.<sup>32</sup> This may very well also be the case with the amendment to the 1866 anti-Chinese brothel law.

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<sup>30</sup> “Board of Supervisors,” *Alta California*, 22 May 1866 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18660522&cl>; “The Chinese Prostitutes – Pixley Appears for Them,” *Daily Union*, 1 June 1866. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18660601.2.9&cl>

<sup>31</sup> F. P. Deering, ed., *The Codes and Statutes of California, as Amended and in Force at the Close of the Twenty-sixth Session of the Legislature, 1885* (San Francisco: A. L. Bancroft, 1886), 597.; “News of the Morning,” *Daily Union* 20 January 1874, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18740120.2.7&srpos=14&e=-01-1874-18-04-1874>; “California Legislature,” *Daily Union*, 10 February 1874, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18740210.2.4&cl=search&srpos=32&e=-01-1874-18-04-1874>

<sup>32</sup> Abrams, “Polygamy, Prostitution, and the Federalization of Immigration Law,” 677.

Historian George Peffer has demonstrated that in 1872 California politicians seeking exclusion shifted their strategy from the state to the federal level by appealing to Congress for modifications to the Burlingame Treaty obstructing anti-Chinese immigration laws.<sup>33</sup> This new tactical direction proved crucial when federal courts nullified the 1870 Anti-Kidnapping Act in August of 1874 as violation of that treaty.<sup>34</sup> To succeed, exclusionists had to circumvent the federal Burlingame Treaty. We might conclude then, that state legislators concealed their discrimination of Chinese prostitutes in the 1866 state law as a political ploy for more effective anti-Chinese legislation at the federal level.

The 1868 Burlingame Treaty protected the immigration rights of male Chinese laborers, who were the primary target of the anti-Chinese movement. Exclusionists found a way around this treaty by targeting Chinese prostitutes. After all, it was not difficult to justify the exclusion of women who were immoral, at best, and victims of human trafficking, at worst. This strategic shift proved successful in the 1875 unanimous passage of the Page Law, the first federal anti-Chinese immigration legislation. Sponsored by California Congressman Horace F. Page and supported by President Grant, the Page Law targeted Chinese women by giving immigration officials permission to prohibit the entrance of purportedly lewd women and made human trafficking a felony presumably as a way to curb prostitution.<sup>35</sup>

Under this law, Chinese women entering the San Francisco port underwent intensive questioning as to their character and personal history and were also required to sign a document stating that they were not under any contract to perform services of a lewd or immoral nature, which was then validated by a reputable Chinese merchant.<sup>36</sup> By compelling all Chinese women

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<sup>33</sup> Peffer, *If They Don't Bring Their Women Here*, 33.

<sup>34</sup> Ibid.

<sup>35</sup> Peffer, *If They Don't Bring Their Women Here*.

<sup>36</sup> Ibid.

to prove they were not prostitutes and that they had come to California of their own volition, the authors of the Page Law discursively constructed all Chinese women as potentially sexually immoral and oppressed, an extension of dominant discourses from previous decades. Because the category of prostitute was so broadly defined port officials and courts could apply the law to any Chinese woman who did not conform to Anglo-American normative femininity. What constituted “good character” was based on middle-class Victorian standards of gender and sexuality, thus one way for Chinese women to prove their innocence was by providing evidence that they were married.<sup>37</sup> However, legal authorities often accused Chinese immigrants of fabricating marriages. The intense vetting process established by the Page Law prevented the immigration of many Chinese women, not just prostitutes, therefore limiting Chinese immigrants’ ability to form families.<sup>38</sup>

Exclusionists also constructed Chinese men as undesirable citizens. By emphasizing Chinese men’s involvement with prostitution, exclusionists constructed Chinese masculinity as predatory, which bolstered white masculinity by contrast when white men appeared in the newspapers as the “valiant rescuers” of Chinese women. The *Daily Union* reported on December 12, 1864 that a Chinese doctor had sought the assistance of a Sacramento police officer in kidnapping the wife of a Chinese man who owed money to his friend. By selling the wife into prostitution, the doctor hoped to recuperate his loss. The propositioned officer decided to use this opportunity to undermine Chinese slavery by pretending to assist with the abduction and instead luring the Chinese men to the station where they were arrested. According to the *Daily Union*, the abducted Chinese woman “expressed great satisfaction at the course the officers had pursued,

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<sup>37</sup> Abrams, “Polygamy, Prostitution, and the Federalization of Immigration Law,” 674–677. Abrams has persuasively argued, one of the secondary functions of the Page Law was to protect middle-class Anglo American culture from the deviant sexual practices or gender behavior of racial others.

<sup>38</sup> Hirata, “Free, Indentured, Enslaved”; Peffer, *If They Don’t Bring Their Women Here*; Abrams, “Polygamy, Prostitution, and the Federalization of Immigration Law.”

and begged them to not let the bad men take her.”<sup>39</sup> The enslaved woman’s preference for her white knights in shining armor over her Chinese captors suggested that even Chinese women preferred white men. Historian Karen Leong has argued that the emphasis “upon the ways Chinese male behavior deviated from Anglo-American social norms,” was a common exclusionist strategy for articulating Chinese immigrants’ alien status.<sup>40</sup> In particular, Chinese men’s abuse and exploitation of Chinese women “provided a key means through which Anglo-American working men on the West Coast could read gender and race onto the foreign body of the Chinese male worker.” Leong concludes that “[b]y articulating their own white, American masculinity in opposition to the Chinese foreigner, they thereby claimed their own political and moral dominance within the sphere of national politics.”<sup>41</sup> This analysis is not to discount Chinese men’s abuse and exploitation of Chinese women, but to draw attention to how Anglo-Americans manipulated that reality into stereotypes that served to exclude all Chinese immigrants from the privilege of American citizenship.

Though Anglo Americans dominated the discourse on prostitution as slavery, Chinese immigrants were not silent. A group of prominent Chinese business owners who headed the Chinese Consolidated Benevolent Association in San Francisco commonly known as the Six Companies worked diligently to challenge these inflammatory depictions of Chinese men. From the middle of the nineteenth century well into the twentieth century, the Six Companies served as a political voice for Chinese Americans.<sup>42</sup> As accusations of Chinese men as sex traffickers dominated the news, the Six Companies conjured a more respectable representation of Chinese

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<sup>39</sup> “Conspiracy to Kidnap,” *Daily Union*, 12 December 1864, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18641212.2.12&srpos=396&e=01-01-1846-31-12-1871>

<sup>40</sup> Karen J. Leong, “‘A Distinct and Antagonistic Race’: Constructions of Chinese Manhood in the Exclusionist Debates, 1869-1878” in *Across the Great Divide: Cultures of Manhood in the American West*, ed. Matthew Basso et al. (New York: Routledge, 2001), 134.

<sup>41</sup> *Ibid.*, 135.

<sup>42</sup> Yong Chen, *Chinese San Francisco, 1850-1943: A Trans-Pacific Community* (Stanford, Calif: Stanford UP, 2000).

men by cooperating with police to stem the tide of prostitution washing onto the shores of San Francisco. In 1867 they published an open letter to San Francisco Chief of Police Patrick Crowley and Judge Alfred Rix notifying them of an incoming shipment of Chinese prostitutes. The notification had the effect of “reliev[ing] them from the charge of being in any manner implicated in the importation of female slaves for vile purposes,” as the *Alta California* editors put it. However, by expressing their concerns that “each steamer from China brings more or less of this class of women,” the Six Companies ultimately stoked the fears driving the exclusion movement.<sup>43</sup> When the Six Companies issued a memorial to show their disapproval of Chinese prostitution in 1868, they were again rewarded for their efforts. The *Alta California* lauded the presidents of the Six Companies as pillars of their community and an example for white men to follow.<sup>44</sup> Clearly, the Six Companies’ anti-trafficking efforts served them well politically, but their strategy of identifying working-class immigrant women as prostitutes and returning these women to China did nothing to redeem Chinese women’s reputation among Anglo Americans.

Moreover, the Six Companies’ victory was short lived. In 1869 the San Francisco press wrongly denounced the Six Companies as the culprits behind the Chinese prostitution industry.<sup>45</sup> By failing to differentiate between benevolent Chinese organizations such as the Six Companies and the organized crime syndicates known as *tongs*, the California press again painted all Chinese men as oppressors. The Six Companies defended their reputation once more late in the summer of 1873, when they informed the *Alta California* that the Hip Yee *tong* conspired to assassinate a Chinese man for refusing to pay the debt of a Chinese prostitute he had recently

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<sup>43</sup> “Chinese Prostitutes Coming,” *Alta California*, 14 September 1867 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18670914.2.3&srpos=489&e=01-01-1846-31-12-1871>

<sup>44</sup> “Honor to Whom Honor is Due,” *Alta California*, 27 June 1868. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18680627.2.3&srpos=535&e=01-01-1846-31-12-1871>

<sup>45</sup> “The Importation of Chinese Women,” *Daily Union*, 26 February 1869, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=SDU18690226.2.13&srpos=2&e=26-02-1869-26-02-1869>



married.<sup>46</sup> The following week, the *Daily Union* published an exposé on the Hip Yee *tong* alleging that it had begun trafficking Chinese women for prostitution as early as 1852.<sup>47</sup> According to their informants, Hip Yee had imported more than 6,000 women and amassed a wealth of \$200,000. While the reporter acknowledged the Six Companies' efforts to curb the importation of prostitutes in 1863, the reporter focused on the Hip Yee and Choy Poy *tongs'* army of 300 Chinese "fighting men equipped for war against Celestials who attempt to interfere with the illegitimate business carried on in the dens of infamy." The reporter concluded that this was how "the cute fellows who evade the law of this land manage to suppress any interference by brother Celestials of a moral tone and honest pretensions to decency."<sup>48</sup> That depictions of Chinese villains outnumbered depictions of Chinese valiant rescuers, indicates that oppressive Chinese masculinity was the norm against which the upstanding male members of the Chinese merchant class had to fight.

One of the Anglo-American community's greatest fears was that Chinese men would also induce white women to prostitution. In July of 1885 the *Alta California* and *Daily Union* published a summary of findings from a Chinatown investigation, with a particular emphasis on both Chinese and white women. According to the report, of the 1,385 women counted in the district, only 57 belonged to recognizable family structures, while the majority of the women and children were "herded together with apparent indiscriminate parental relations." The remaining women, approximately half of the total number, were counted as prostitutes. The *Daily Union* was particularly alarmed that prostitutes in Chinatown often lived in family dwellings, a sure

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<sup>46</sup> "The Chinese Rhadamanthus," *Alta California*, 31 July 1873. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18730731.2.19&cl=search&srpos=2&dliv=none&e=31-07-1873-31-08-1873>

<sup>47</sup> Tong, *Unsubmissive Women*, 10. Benson Tong confirms that the *tongs* were indeed importing Chinese women for prostitution but he puts the date at 1854, arguing that there are no records of Chinese women immigrating to California in 1852 or 1853, although he concedes that some women might have entered the state in late 1853 as evidenced by raids against Chinese houses of prostitution in early 1854.

<sup>48</sup> "Celestial Depravity," *Sacramento Daily Union*, August 6 1873, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18730806.2.14&cl=search&srpos=3&dliv=none&e=31-07-1873-31-12-1879>

indication that prostitution was “a recognized and not immoral calling with the race.” Such living situations made it “impossible to tell...where the family leaves off and prostitution begins.”<sup>49</sup> By pointing to evidence that prostitution was widely accepted in the Chinese community, proponents of Chinese exclusion naturalized Chinese prostitution and classified Chinese immigrants as a threat to white women. Although prostitution existed among Anglo Americans, they publicly denounced the institution via discourses of prostitution as greed, lawlessness, and moral contagion, which I have explored in previous chapters. Furthermore, city leaders had continually endeavored to segregate prostitutes from the rest of society, marking boundaries between “good” and “bad” women, often along lines of class and race. Investigators were shocked that inhabitants of Chinatown did not likewise segregate women. Yet, Chinese women were already racially segregated from middle-class white women and largely confined to the Chinese quarters of town where their proximity to prostitution made it difficult for Anglo-American observers to distinguish among chaste and wanton Chinese women. Consequently, Anglo Americans often perceived all Chinese women as potential prostitutes.

Another apparent fear among white Americans was the threat of interracial mingling between Chinese and white communities. The *Alta California* and the *Daily Union* reported in horror that a large number of white women were living with Chinese men as wives, mistresses, and prostitutes in Chinatown. “The number of degraded women who ply this vocation there is unknown,” the *Daily Union* reported. “But the point that will impress itself more strongly upon the ordinary minds,” the reporter continued, “is that these women obtain their patronage almost entirely from the Chinese themselves.” The *Daily Union* indicted the Chinese immigrant

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<sup>49</sup> “Startling Facts,” *Sacramento Daily Union*, 22 July 1885. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18850721.2.2&cl>.

community for white women's prostitution, which they linked to opium addiction.<sup>50</sup> As opium addicts these white women carried on in the Chinese way of life and were proof that Chinatown's dirtiness would seep into the Anglo community. Sensationalized reports such as these encouraged anti-Chinese sentiments in readers by suggesting that the foreign and barbarian Chinese way of life would one day dominate all of American culture.<sup>51</sup>

Despite declining numbers of Chinese prostitutes, the hysterical tone of news reports on Chinese prostitution increased in the 1880s, correspondent to the height of anti-Chinese rhetoric, indicating that the hype over forced prostitution within the Chinese immigrant community was not so much about the lives of actual Chinese women as it was about larger national issues of labor and immigration.<sup>52</sup> Late nineteenth-century white men and women feared competition with Chinese laborers at a time of economic recession and high unemployment in California. In the midst of a nationwide economic crisis, the Bank of California crashed in 1875 generating the demise of other banks across the state. As the largest city, San Francisco was hit hard. "Over the next two years," historian Kevin Starr has pointed out, "San Francisco began to fill with unemployed and restless men."<sup>53</sup> Such men organized into the Workingmen's Party of California, intent on providing justice for the working class. In July 1877 tensions between white and Chinese laborers culminated in riots when an evening Workingmen's Party rally got out of hand in San Francisco. For three days thousands of white laborers looted businesses owned or staffed by Chinese immigrants and assaulted Chinese men on the streets. Starr has argued that the riots were a symptom of prevailing discontent over the state's failure to regulate businesses,

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<sup>50</sup> "The Chinese Quarter," *Alta California*, 21 July 1885. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18850721.2.2&cl>.

<sup>51</sup> An editorial response to the *New York Times* in August 1885 suggests that Easterners received the special committee's report with skepticism.

<sup>52</sup> Pfeffer, *If They Don't Bring Their Women Here*, 105.

<sup>53</sup> Kevin Starr, *California: A History* (New York: Modern Library, 2005), 124.

and an indication that California had become a place of intense class inequality. The angst-ridden working class found an easy target in Chinese immigrants.<sup>54</sup>

By the 1870s white women had also joined the labor debate by articulating their need for fair wages. According to late nineteenth-century labor and women's rights activists, prostitution was what white women resorted to when they did not have access to reliable employment and decent wages. As early as 1871 the California Women's Suffrage Association declared that the root of prostitution was "in woman's pecuniary and dependent condition [and] from the customs that shut her out from the various fields of labor and enterprise."<sup>55</sup> Prostitution continued to dominate women's rights rhetoric across the nation, exemplifying their need for equal employment opportunities. In the 1880s the New York Women's Industrial League demanded that organized labor "show more liberality to the wage-earning women" so that they would not be driven to prostitution through competition with male Chinese laundry workers.<sup>56</sup> Chinese immigration had created competition between white women and Chinese men not only in laundry, but in factory and domestic service industries as well. According to labor activists, Chinese male immigrants' willingness to work for less than white women made it difficult for white women to compete, thereby driving them into prostitution. In this way, the discourse of prostitution as slavery also reflected working-class anxiety over declining nineteenth-century employment opportunities and wages, only now the enslaved women were white.

This appropriation of slavery as a symbol of oppression in relationship to class and labor was not entirely new. As historian David Roediger has demonstrated, white workers in the 1830s used the terms "white slavery" and "wage slavery" to symbolize their own labor exploitation.

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<sup>54</sup> Ibid., 125–127.

<sup>55</sup> "Woman's Suffrage Convention," *Sacramento Daily Union*, 28 January, 1871. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18710128.2.24&cl=search&srpos=11&dliw=none&e=18-10-1870-31-12-1905>

<sup>56</sup> "The Women Object," *Los Angeles Herald*, 18 November, 1888 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=LAH18881118.2.12&cl=search&srpos=40&dliw=none&e=03-04-1888-31-12-1895>

These terms had the effect of implying that such exploitation undermined the whiteness of the working class. For example, white female factory workers of the early nineteenth century complained that they worked under slave-like conditions while white men claimed that they were treated even worse than black slaves because they were disposable workers. This troubling rhetoric was not the only labor rhetoric of the time, nor was it unchallenged, but it was nonetheless popular. By the Civil War labor leaders replaced “white slavery” with terms like “free labor,” but the former term would resurface at the end of the century taking on gendered and sexualized connotations in reference to forced prostitution among white women.<sup>57</sup>

Historian Martha Mabie Gardner has argued that the anti-Chinese labor movement and “[d]esperate stories of white working women’s economic and sexual vulnerability” fortified white bonds across class and gender lines.<sup>58</sup> White working-class men found it necessary to unite with white women against Chinese immigrants who posed a threat to the economic security of the white working class and white middle-class family. The prostitution of white women was central to the labor movement’s attempts to unite against Chinese immigration by constructing white working women as potential victims of villainous Chinese men. Gardner argues that such discourses were particularly effective in San Francisco where accounts of the Chinese system of sexual slavery were well known.<sup>59</sup> Labor activists claimed that Chinese men would make prostitutes of all women.

Links between Chinese slavery and U.S. slavery became more pronounced in the 1880s as the anti-Chinese movement continued to grow. For example, in May of 1886, the editor of the *Daily Union* wrote:

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<sup>57</sup> David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class*, Rev. ed., The Haymarket Series (London ; New York: Verso, 1999), 65–87.

<sup>58</sup> Martha Mabie Gardner, “Working on White Womanhood: White Working Women in the San Francisco Anti-Chinese Movement, 1877-1890,” *Journal of Social History* 33, no. 1 (October 1, 1999): 76.

<sup>59</sup> *Ibid.*, 78.

Our Eastern friends who think the Chinese will make good citizens and constitute a useful element in the order of our civilization, should read our local accounts of the past few days of the rescue from the most horrible of all states of human slavery of two Chinese women. That they were owned more absolutely than the slave of the old South, since he at least had the liberty of entering into the state of matrimony, and at least was protected by the law, in some respect from the inhumanity of the master. He could at least entertain the hope of freedom in the ultimate of life or of rest from labor.<sup>60</sup>

Editorials such as this one not only likened Chinese prostitution to the recently abolished U.S. system of chattel slavery, but also constructed it as a far worse institution. The editor's argument seemed to rest on the notion that the American system of democracy and justice shielded African-American slaves from the horrors of slavery. Furthermore, the editor suggested that while some cruel southerners owned slaves, many other Americans had defended the "liberty" of slaves. Taken together, the editor implied that Americans were generally emancipatory people unlike Chinese immigrants who were largely inhuman slave owners.

In addition, the *Daily Union* editor painted all Chinese slaves as female and all African-American slaves as masculine. To be fair, one could interpret the editor's use of "he" as a generic pronoun referring to all African-American slaves, thereby including African-American women in his account. However, when we consider the multitude of news stories, editorials, letters to the editor, legislature, and political speeches focusing primarily on Chinese prostitutes as slaves, despite the proliferation of male debt-bondage laborers, this editorial is indicative of a much larger discourse of Chinese slavery as explicitly sexual and limited exclusively to women.

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<sup>60</sup> "Some Questions for Eastern Journals," *Daily Union*, 25 May 1886, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18860525.2.7&cl>

Railing against the Chinese system of sexual slavery enabled Americans to further distance themselves from their own legacy of slavery.<sup>61</sup> As one anti-Chinese movement speaker plainly stated: “It is because we want no slavery that we want the Chinese to go back to China.”<sup>62</sup> Such a statement served a dual purpose; it evoked the memory of the recently abolished U.S. system of chattel slavery and conjured a future of white slave laborers.

Opponents of forced prostitution relied on abolition legislation to emancipate Chinese prostitutes. In 1886 Lee Ah Dot and Yu Gim were charged with violating the thirteenth amendment of the U.S. constitution prohibiting slavery and the importation of “any colored persons” for the purposes of slavery. In the hope that the court’s decision would abolish the Chinese system of slavery in the U.S. the *Daily Union* published a highly sensationalized account of the trial. While the case clearly violated the Page Law, the prosecution attempted to expand the definition of slavery by incorporating Chinese forced prostitution. Dot and Gim had run a brothel in Sacramento where they allegedly held five Chinese women captive as prostitutes, four of whom were rescued in the police raid. One woman testified that she was married and not held captive, while the other three women swore that they had been purchased by the defendants and were eager to escape their servitude. Despite evidence that the women were indeed slaves owned by Dot and Gim, the U.S. District Court dropped the charges ruling that the thirteenth amendment had been “enacted many years before the introduction of the Chinese into this country and was not applicable to this case.” Moreover, the Chinese were not

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<sup>61</sup> Mazumdar, “Through Western Eyes: Discovering Chinese Women in America,” 164.

<sup>62</sup> “Anti-Chinese,” *Sacramento Daily Union*, 11 December 1885. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18851211.2.6&cl>. The same speaker also disavowed the sexual exploitation of African American slaves. “There are degrees of ill-doing, for when we compare the slave system of the South with that of the Chinese we shall find the Southern system was the more human of the two, for where will we find Southern planters importing women for the purposes of prostitution?”

considered “colored” in the same way as persons of African descent.<sup>63</sup> The judges’ refusal to convict Dot and Gim for violating the 13<sup>th</sup> amendment illustrates the limits of the discursive connections between Chinese and U.S. slavery and the complexity of racial formation in late nineteenth-century California. Chinese immigrants had been denied American citizenship because they were not white, but they were also not “colored” in the same way as racial others from previous eras when Anglo Americans first constructed laws to delineate racial difference and privileges.

Efforts to abolish Chinese prostitution were not strictly connected to the anti-Chinese movement. While some white women used the discourse of slavery as prostitution to agitate for suffrage, other women used it to assert, what historian Peggy Pascoe has called, “moral authority.” These were the middle-class women who established the Presbyterian Mission Home for Chinese women in 1874. Inspired by stories of hardship and suffering among Chinese women in Shanghai, which they saw duplicated in San Francisco, these moral reformers endeavored to create a safe haven for Chinese prostitutes by replicating the middle-class Protestant home. These moral reformers opposed anti-Chinese legislation in favor of “the inculcation of Protestant morality” and a “visible expression of female piety” as the antidote to Chinese slavery.<sup>64</sup> Some Chinese prostitutes found their way to the mission home after “their avenue of escape or financial gain was cut off.”<sup>65</sup> Still others were brought to the home against their will in brothel raids, some of which were organized by the mission home workers. Like labor leaders of the time, the Chinese Mission Home reformers believed that lack of economic opportunity was a cause of prostitution, thus they created opportunities for Chinese women to learn how to become

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<sup>63</sup> “Human Chattels,” *Daily Union*, 21 May 1856. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl>; “Alleged Chinese Slavery,” *Daily Union*, 24 May 1886. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl>; “A Question of Color,” *Alta California*, 26 May 1886. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18860526.2.24&cl>

<sup>64</sup> Pascoe, *Relations of Rescue*, 16.

<sup>65</sup> *Ibid.*, 96.



financially independent. For example, residents of the Chinese Mission Home were expected to perform chores, which helped to offset costs, keep them busy, and prepared them for domestic labor occupations upon release. Pascoe has argued that the Chinese Mission Home moral reformer's dedication to vocational training "reflect[ed] missionaries' determination to prepare their charges for self-sufficiency even at the cost of challenging the Victorian middle-class ideal of female economic independence."<sup>66</sup>

Marriage provided yet another opportunity for former Chinese prostitutes to avoid returning to prostitution and as Hirata has pointed out, while prostitution was by no means regarded as an honorable profession within Chinese culture, it did not carry the same stigma within the Chinese community as it did within the Anglo-American community. For this reason, re-entry was much less difficult for these women, particularly within the Chinese working class.<sup>67</sup> Pascoe also found that many of the women who already had plans to marry had to first escape prostitution and the rescue homes offered them this opportunity. In a formal arrangement between the Chinese woman, her betrothed, and the mission workers, the fiancé would bring the woman to the rescue home, pay for her board, and finally, at the end of six months or a year, pay for a formal marriage ceremony.<sup>68</sup> Taken together, while the Chinese Mission Home moral reformers challenged middle-class gender norms by preparing Chinese women for labor, many Chinese women actually sought out traditionally feminine arrangements like marriage.

Though Chinese Mission Home workers were dedicated to rescuing Chinese prostitutes, the relationship between these two disparate groups of women was fraught with racial and class tensions. Pascoe has pointed out that while the mission home reformers were well intentioned, their class and racial privilege made them oblivious to the intersectionality of women's lives,

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<sup>66</sup> Ibid., 84, 85.

<sup>67</sup> Hirata, "Free, Indentured, Enslaved," 19.

<sup>68</sup> Pascoe, *Relations of Rescue*.

such that gender was seen as the primary determinant shaping women's lives.<sup>69</sup> In her discussion of this complicated relationship, Pascoe has argued that as voluntary institutions, mission homes offered women with limited opportunities a chance to improve their situation. Yet Pascoe has also pointed out that this did not necessarily mean Chinese Mission Home residents wholly accepted the ideologies embedded within these institutions. Pascoe wrote, "[r]escue home entrants were neither powerless victims nor entirely free agents; they were women whose choices were constrained by a number of forces."<sup>70</sup> While social inequality, in general, limited the residents' life options and while the mission homes at times reproduced unequal power dynamics, Pascoe maintained that the mission homes still provided Chinese women with opportunities they might not otherwise have had. Mission home worker's efforts to rescue Chinese women from slavery simultaneously provided middle-class women with an opportunity to assert their "moral authority."

The spirit of the Chinese Mission Home was a departure from the dominant Anglo-American discourse of Chinese prostitutes as women who could not be rescued. Anglo-Americans perceived Chinese women as naturally docile and incapable of choosing to be anything other than a prostitute, even when given the choice. We see this most clearly in an 1884 headline for a report on five Chinese prostitutes rescued from a Chinese brothel: "Foolish Virgins, Valiant Rescue of Five Celestial Maidens...Delivered from the Yoke of Slavery They Pine Again for Bondage." According to this sensationalized report, only two of the rescued women were willing to stay in the mission home while the other three returned to the brothel. Though the report stated that the women expressed worry that they would be killed if they did not return to the brothel, the tone of the article was not sympathetic. Instead, the reporter wrote

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<sup>69</sup> Ibid., 53, 75.

<sup>70</sup> Ibid., 110.

that one of the women was “anxious to go to her ruin.”<sup>71</sup> Dominant Anglo-American perceptions of Chinese prostitutes reduced them to victims such that they could never be free.

Some Anglo Americans drew on this image of the oppressed Chinese prostitute to minimize middle-class women’s demands for suffrage by positioning white women as privileged in comparison to Chinese women. On February 17, 1870 the *California Farmer and Journal of Useful Sciences* reprinted a letter from *The Woman’s Journal* describing a white middle-class woman’s Sunday afternoon stroll through the streets of San Francisco and into Chinatown. Such a trip offered this woman a chance to experience the exotic East, where she could take pleasure in watching “the yellow women enjoying the sunshine.”<sup>72</sup> Like the reformers of the Chinese Mission Home, this woman rejected anti-Chinese discourse that cast all Chinese women as disreputable and found among the Chinese merchant class women not all that unlike herself. “[D]espite all you may read,” she wrote, “very respectable Chinese women take the air with their nurses and children.”<sup>73</sup> However, this observer was far less generous with working-class Chinese women, remarking that on this particular day, “[t]he scum of the population was out of doors, and women, not of the checked-handkerchief order – the badge of prostitution – were numerous.” Thus it would seem that her willingness to accept Chinese women as respectable extended only to the middle class, those women most like her, while she disdained working-class Chinese immigrants.

Yet, this onlooker was sympathetic to the young Chinese women whom she saw disembarking from a Pacific Mail Steamer, assuming they were trafficked into California to

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<sup>71</sup> “Foolish Virgins,” *Alta California*, 4 December 1884. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18841204.2.15&cl>

<sup>72</sup> “Our California Letter,” *California Farmer and Journal of Useful Sciences*, 17 February 1870, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=CF18700217.2.28&srpos=1&e=17-02-1870-17-02-1870>

<sup>73</sup> Merchants’ wives were comparable to the middle-class white Protestant women, but the latter saw them as being examples of “domestic confinement.” Pascoe, *Relations of Rescue*, 52.

work as prostitutes. Her treatment of Chinese women and attention to class differences suggest that poor Chinese women were despicable, but prostitutes were pitiful. Using terms like “freight” to describe the newly arrived Chinese women and likening them to “a drove of sheep or cows” the author made it clear that these women were treated more like imported goods than immigrants. Standing on the streets and looking into the crowd of what she further described as “innocent children of shame,” the author was overwhelmed by their oppression, by the “burdens they did not feel and the woes they did not know.” Such a scene reminded her of how far white women had come and how much more work they needed to do, not as political participants in democracy, but as moral reformers. “What will the right of suffrage be worth to you,” she asked her readers, “when the Asiatic waves of which these ripples are the warning, has fairly broken upon our shores?”<sup>74</sup> In her appeal to middle-class white women, this moral reformer not only insisted that suffrage was unnecessary, but that it was also a distraction from women’s true purpose as moral reformers.

Despite the prevailing Anglo-American perception of Chinese women as passive victims of Chinese patriarchy, many Chinese women found ways to resist oppression. They often escaped brothels, as evidenced by numerous trials whereby brothel keepers sought to reclaim their lost “property.” Other women, when given the opportunity to leave their position – usually through a brothel raid – chose to stick with their occupation rather than leave it for one of the state or church operated rehabilitation centers for Chinese prostitutes. Still others, like the famous Ah Toy, found prostitution a lucrative enterprise in the early years of the Gold Rush.<sup>75</sup> Chinese women also actively disputed accusations of prostitution. For example, Ah Fook successfully fought the California court system in 1874 overturned the 1870 state law prohibiting

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<sup>74</sup> “Our California Letter,” *California Farmer and Journal of Useful Sciences*, 17 February 1870, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=CF18700217.2.28&srpos=1&e=17-02-1870-17-02-1870>

<sup>75</sup> Tong, *Unsubmissive Women*, 7–12.

the immigration of lewd Chinese for which she was accused of violating. At one point in her trial the twenty year-old Fook, described by *Alta California* reporters as “obstinate and saucy,” asserted her good intentions in the courtroom and demanded court officials explain why she was on trial. Her act of resistance inspired her twenty co-defendants to begin “jabbering and screaming at the top of their lungs.”<sup>76</sup> The reporter’s derisive tone suggested that this outburst was evidence of the women’s guilt, suggesting they were angry because the courts had thwarted their criminal plans. However, when we consider that Fook fought the charges all the way to the California Supreme Court, it is more plausible that the outburst reflected the women’s anger at being treated unfairly by the courts. While debt-bondage prostitution was a reality for some Chinese women, stereotypes of Chinese women as sexual slaves had a negative impact on all Chinese women.<sup>77</sup>

Though both white and Chinese women engaged in prostitution, *Nation* reader Thomas Magee put the difference between white and Chinese prostitutes plainly in his 1882 letter to the editor supporting the Chinese Exclusion Act. “A white prostitute is a pitiable object, but she is in a position of wealth and honor compared with her Mongolian sister.”<sup>78</sup> Still, observers from the eastern states criticized the hypocrisy embedded within the anti-Chinese movement’s emphasis on Chinese prostitution, to the exclusion of white prostitution. After his visit to San Francisco in 1870, Boston merchant Curtis Guild reported that although the vast majority of Chinese women in the city were indeed prostitutes, in a nearby quarter one could find the “most open and unblushing” American houses of prostitution. Here, “in broad daylight these ‘Jennies’ and

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<sup>76</sup> “The Twenty-Two Chinese Maidens,” *Alta California*, 28 August 1874, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18740828.2.2&cl>

<sup>77</sup> Mazumdar, “Through Western Eyes: Discovering Chinese Women in America”; Annette White-Parks, “Beyond the Stereotypes: Chinese Pioneer Women in the American West,” in *Writing the Range: Race, Class, and Culture in the Women’s West*, ed. Elizabeth Jameson and Susan H Armitage (Norman: Univ of Oklahoma Press, 1997), 258–273; Tong, *Unsubmissive Women*.

<sup>78</sup> Thomas Magee, “The Chinese Question Once More,” *Alta California*, 22 May 1882. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18820522.2.23&cl>

‘Katies’ may be seen sitting in their open doorways,” he observed. “And if they are not so demonstrative as their Chinese sister in sin,” he concluded, “[they] seem equally brazen and shameless in their vocation.”<sup>79</sup> As this visitor pointed out, Chinese women were not the only prostitutes in the city. I propose that one of the ways Anglo Americans in California negotiated this cognitive dissonance was through narratives of white slavery and seduction.

In the 1860s, the *Alta California* and *Daily Union* began reporting on the enslavement of young white women in their teens and early twenties. In some accounts, these women, like Chinese prostitutes, had travelled to California under the assumption that they would be working in a much different industry – as a housekeeper, perhaps – only to find themselves in a brothel. In other cases, these women were seduced into prostitution by charming young men who promised to marry them and convinced them to become prostitutes as a way to gain enough money to start their lives together. And in other cases yet, these charming young men would lure young women into brothels and leave them there to spend the rest of their lives in prostitution. California press accounts of white slavery were not unlike the white slavery narratives that appeared in other newspapers, reform society publications, and in novels across the country. Built on captivity and seduction narratives of previous centuries, these stories were set on urban landscapes where a young woman, who had either just arrived to the city in search of employment or who was lured there by procurers, fell prey to the dangers of the city. If the woman was not led straight away to the brothel on her arrival, she might find herself seduced into the brothel by the dark and dangerous man she met at the dance hall, usually an eastern European Jewish immigrant or African American. In some scenarios these women were abducted, in others they were women who had entered the brothel of their own volition, but

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<sup>79</sup> “How It Strikes a Stranger,” *Alta California*, 30 July 1870. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18700730.2.27&cl>

found they could not leave. In either case the prostitute was a victim of forces beyond her control. The term “slavery” of course, recalled antebellum chattel slavery, and reformers, who perceived themselves as abolitionists, often made direct comparisons between white slavery and chattel slavery arguing that the former was far worse, not unlike arguments made by the anti-Chinese movement.<sup>80</sup> Scholars of nineteenth-century and early twentieth-century prostitution have argued that white slavery narratives were more often than not exaggerated.<sup>81</sup> These narratives provided social reformers a way to advocate on women’s behalf by demanding better working wages and job opportunities for white women while simultaneously encouraging prostitutes’ re-entry to society. In short, while white slavery narratives signified middle-class anxiety over the presence of independent women in the urban sphere, the middle class could also use these narratives to advocate for working women.<sup>82</sup>

One 1865 news report of white slavery in California aptly illustrates the main themes found in these narratives. Sarah Palmer, a Barbary Coast brothel keeper brought grand larceny charges against Lottie Day and Hattie Hall, two teenaged women in her employ. The defendants responded to the charge by claiming they had escaped the brothel with nothing but the clothes on their backs to avoid being forced into prostitution. According to Hall and Day, they had travelled to San Francisco under the assumption that they would be working as domestic servants and were frightened to learn they would be working as prostitutes in Palmer’s brothel until they could repay the debt of their passage and clothing, roughly \$200 apiece. The *Alta California* admitted that the story might be untrue, but asserted that it was nonetheless the court’s duty to

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<sup>80</sup> Brian Donovan, *White Slave Crusades: Race, Gender, and Anti-Vice Activism, 1887-1917* (Urbana: University of Illinois Press, 2006).

<sup>81</sup> Rosen, *The Lost Sisterhood*; Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco, 1849-1900* (Reno: University of Nevada Press, 1986); Jo Doezeema, “Loose Women or Lost Women? The Re-emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women,” *Gender Issues* 18, no. 1 (Winter 2000): 23–50; Donovan, *White Slave Crusades*.

<sup>82</sup> Hobson, *Uneasy Virtue*.

fully investigate the allegations against Palmer, which were not “uncommon or improbable,” for the safety of the community.<sup>83</sup>

The investigation revealed discrepancies in the story told by both the paper and the young women. For example, the paper initially reported that both girls had come from respectable backgrounds, suggesting they were sexually pure. However, in the course of the investigation, the girls confessed that they were not entirely chaste, as one had developed an “improper intimacy” with an older man and the other worked in an oyster bar, a common euphemism for a brothel. In fact, when Day and Hall left Palmer’s house they went to another brothel where they planned to join two young men whom they had met on the journey to San Francisco. The testimonies from the other women in Palmer’s employ also cast a shadow of doubt on the original story. According to the other prostitutes they all knew very well what line of work was required when they accepted the employment offer. In fact, they alleged that Day and Hall had fabricated the story in order to break their contract with Palmer. The court voided the young women’s contract, but found no wrongdoing on Palmer’s part and released all of the women involved. The reporter worried that if the girls did not return to their parents as instructed by the judge, they would “fall into a wanton’s life and fill in a few months, or years at most, wanton’s grave.”<sup>84</sup> This narrative of prostitution as slavery illustrated the risks awaiting white women who left the safety of the family to seek employment in urban communities.<sup>85</sup> Yet it also revealed a desire on behalf of the press to paint these young women as “foolish virgins,” rather than the more morally culpable women of ill fame.

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<sup>83</sup> “Infamous,” *Alta California*, 2 November 1865, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18651102.2.2&srpos=417&e=01-01-1846-31-12-1871>

<sup>84</sup> “The Waverly Place Case,” *Alta California*, 3 November 1865, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18651103.2.2&srpos=418&e=01-01-1846-31-12-1871>

<sup>85</sup> Donovan, *White Slave Crusades*, 22; Hobson, *Uneasy Virtue*, 63.



The *Alta California*'s description of Day and Hall as "very pretty and intelligent," and youthful in appearance, emphasized their chastity, despite evidence to the contrary. The characterization of the young women as innocent also supported the reporter's theory that Day and Hall had been lured to San Francisco by a trafficking ring "known to have depots in all the eastern cities, where young girls are collected for distant markets, the victims are held here in a species of servitude...as complete and hopeless as that in which the Chinese females are held by their importers."<sup>86</sup> By maintaining the portrayal of Day and Hall as Palmer's innocent victims, and comparing their circumstances to Chinese sexual slavery, the reporter absolved the two young women of any complicity in prostitution. I would argue that by exonerating them of voluntary prostitution, a crime and form of labor racialized in the previous decade as non-white, the reporter restored Day and Hall to whiteness. At the same time, by likening Palmer to Chinese slave holders, the reporter revoked her whiteness.

The *Alta California* continued to publish narratives of white "foolish virgins" forced into prostitution. In the spring of 1867 editors printed an account of a 15 year-old girl in the city who had been tricked into prostitution by a woman she met at a picnic with her family. The following year the paper followed two separate trials involving white Californians charged with enticing white women into prostitution. In 1871 one reporter recounted the story of 22 year-old Elizabeth Wallace who avoided a life of prostitution by discovering prior to her arrival in San Francisco that she would be working not as a housekeeper, but as a prostitute.<sup>87</sup> In each account, the *Alta*

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<sup>86</sup> "The Waverly Place Case," *Alta California*, 3 November 1865, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18651103.2.2&srpos=418&e=01-01-1846-31-12-1871>

<sup>87</sup> "The conspiracy case under examination," *Alta California*, 26 February 1868, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18680226.2.4&srpos=517&e=01-01-1846-31-12-1871>; "The Conspiracy Case," *Alta California*, 29 February 1868, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18680229.2.6&srpos=2&e=01-01-1868-31-12-1869>; "The Conspiracy Case," *Alta California*, 15 March 1868, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18680315.2.3&srpos=4&e=01-01-1868-31-12-1869> "The Brannigan-Skillman Case," *Alta California*, 11 February 1868, <http://cdnc.ucr.edu/cdnc/cgi->

*California* characterized the women as virtuous victims. However, newspapers narratives of Chinese slavery surpassed those of white slavery in the 1870s to meet the demands of a growing anti-Chinese movement. By the 1880s the California press had renewed its interest in the forced prostitution of white women as evidenced by the Chinatown exposés discussed earlier in this chapter. At the same time the press introduced a new villain – opium addicted white men who seduced white women into prostitution through false promises of marriage.

Female moral reformers had identified women's seduction into prostitution as a problem in the 1830s and by the 1840s they had successfully agitated for anti-seduction laws in New York and Boston.<sup>88</sup> California adopted anti-seduction legislation of its own in 1872, which would punish anyone, male or female, who "inveigle[d] or induce[d] any unmarried female, or previous chaste character, under the age of twenty-five years, into any house of ill-fame or of assignation, or elsewhere, for the purpose of prostitution."<sup>89</sup> Note that this legislation only protected women who were not sexually active and who would be seduced for the purposes of prostitution. The California supreme court further ruled that the state law could only be applied in cases in which the men intended to place the woman in a house of prostitution for other men, not just himself. The parameters of the California state law did little to protect women from the social consequences of the double standard of sexuality, paying attention only to the issue of prostitution. Though magistrates and editors in the 1880s would use seduction trials to demand a

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bin/cdnc?a=d&cl=search&d=DAC18680211.2.7&srpos=512&e=01-01-1846-31-12-1871; "Crime without Punishment," *Alta California*, 30 May 1867 <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl=search&d=DAC18670530.2.2&srpos=15&e=30-05-1867-31-12-1867--en--20--1--txt-IN-prostitution---#>; "An Innocent Girl Sent to California on an Infamous Errand," *Alta California*, March 20, 1871. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18710320.2.20&cl>

<sup>88</sup> Carroll Smith-Rosenberg, "Writing History: Language, Class, and Gender," in *Feminist Studies/Critical Studies*, ed. Teresa de Lauretis (Bloomington: Indiana UP, 1980), 31–54; Hobson, *Uneasy Virtue*, 68–70; Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1990), 100–102. While Hobson and Ryan tentatively hail the passage of anti-seduction laws as a small victory for female moral reformers, Smith-Rosenberg concludes that the late 1840s marked the defeat of the moral reform movement.

<sup>89</sup> "California Legislature," *Daily Union*, January 5, 1872, <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18720105.2.4&cl>

masculinity that sought to protect women's virtue, they were largely undermined by hung juries and gubernatorial pardons.

In 1884 James Powellson was charged with seducing 16 year-old Lily Nichols into prostitution for his own financial gain. Characterized by the papers as a "lover vagrant" and opium addict, Powellson had a reputation for consorting with prostitutes. Though Nichols herself had an unsavory reputation and therefore did not meet the legal guidelines requiring the victim's chastity for conviction, the jury nonetheless found Powellson guilty and the judge sentenced him to Folsom Prison for five years, the maximum penalty. As he handed down the sentence, the judge reprimanded Powellson for violating the code of honorable masculinity: "If you met a young woman striving to reform, it was your duty to assist her to an honorable career and not drag her down." The judge continued, "you are a young man, able to work, and you should have done so instead of seeking some woman to support you."<sup>90</sup> The judge proclaimed that he hoped to make an example of Powellson. For Anglo Americans, Powellson's behavior – smoking opium, seducing young women, living off the wages of a prostitute – was more representative of Chinese masculinity than white masculinity. Despite Powellson's transgression of normative middle-class masculinity, there was little evidence that he had violated the state law, and he was released from prison the following year.<sup>91</sup>

A year after Powellson's trial, Harry Brooks was twice tried for the seduction of 17 year-old Lizzie Davis. The girl's father charged that Brooks had lured her away from home and into a life of opium addiction and prostitution. The jury could not reach a verdict in either trial, yet the *Alta California*, *Daily Union*, and presiding judge had no doubts of his guilt. Before dismissing

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<sup>90</sup> "Powell's Sentence," *Alta California*, 8 October 1884. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18841008.2.5&cl>

<sup>91</sup> "San Francisco Items," *Daily Union*, 8 June 1885. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=SDU18850608.2.6&cl>

the jury for deliberation, the judge reminded them that Brooks' crime was one of the worst possible kind because it violated the dominant masculine imperative to "keep as far as possible the young, rising, female portion of our community free from contamination and pollution." The *Alta California* concurred, describing Brooks as "one of those miserable apologies of manhood whose highest ambition seems to be to live in luxury upon the wages of some woman's sin."<sup>92</sup> Though Brooks was not officially convicted for seduction, the tone of the newspaper, the judge's words, and the jury's indecisiveness indicate that Brooks's interactions with young Davis were troubling to say the least. Like Powellson, Brooks had violated the code of white masculinity that required men to protect women. That these proscriptions for white masculinity appeared frequently in California newspapers at the height of the anti-Chinese movement further indicates that these attempts were part of a larger racial formation defining Chinese and Anglo Americans. I would argue here that seduction narratives in the *Alta California* and *Daily Union* reflected Anglo-American men's anxieties about changing gender roles and interracial mingling. They believed they had to protect white masculinity under siege by Chinese culture, which threatened to destroy the male-dominated working class through labor competition and opium addiction. One of the ways white men could assert their masculinity was through their role as "valiant rescuers" of "foolish virgins."

These seduction cases also reveal a complicated portrait of white femininity. While historians such as Hobson have argued that anti-seduction law clauses requiring a woman's chastity assumed that she was "unchaste unless found otherwise," enforcement of the law in California illustrate the opposite to be true in the case of white women. Though the defense almost always attacked the complaining witness's virtue, for the most part these women were

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<sup>92</sup> "No Verdict," *Alta California*, 26 February 1886. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&d=DAC18860226.2.15&cl>; "Still No Verdict," *Alta California*, 28 April 1886. <http://cdnc.ucr.edu/cdnc/cgi-bin/cdnc?a=d&cl>. Brooks disappears from the newspapers after this report.

regarded as chaste unless proven otherwise. In fact, in Powellson's case, the evidence showed that Nichols had a wayward past, yet the jury still convicted him. This is a strong contrast to Chinese immigrant women whom law enforcement officials considered guilty until proven chaste. Even when the courts lacked sufficient evidence to find Chinese women guilty of prostitution, the California press maintained that conviction. For Powellson and Brooks to fail at masculinity by failing to represent "valiant rescuers," their victims had to be "foolish virgins."

Taken together, these various discourses of prostitution as slavery reflected Anglo-American Californians' anxious need to protect the U.S. from what they perceived as the Chinese threat to American freedom and equality. In the aftermath of the Civil War, Anglo-Americans found the Chinese system of indentured labor, particularly prostitution, an unwelcome reminder of their own history of slavery and evidence that the Chinese could never be American. The American Dream was something that many Americans – native born and immigrant alike – longed for, but opportunities to realize that dream were structured through systems of power and difference in the discursive field of prostitution as slavery.

## CHAPTER V. CONCLUSION

In this dissertation I have endeavored to demonstrate that prostitution was central to the social construction of identity, difference, and power in nineteenth-century California. Politicians, moral reformers, suffragists, and members of the press mapped discourses of prostitution as greed, moral bankruptcy, contagion, and oppression onto various bodies engaged in or suspected of engaging in sexual commerce. They constructed sex workers and their patrons as greedy and needy, corrupting and corrupted, infected and contagious, and finally, as oppressive and oppressed. These competing discourses shifted overtime reflecting and advancing structures of race, class, gender, and sexuality. From the height of the gold rush in 1850 to the end of the frontier in 1890 middle-class Anglo-American Californians used discourses of prostitution to police sexual behavior, enforce and challenge normative gender roles, control women's economic power, and limit Chinese immigration. In all, prostitution, as a gendered, racialized, and highly contested form of labor in nineteenth-century California signified the complicated relationship between gender, sex, race, class, and power on the U.S. Western frontier.

For nineteenth-century middle-class Anglo-American Californians, prostitution was an open signifier used to project a variety of ideologies onto different groups of people. The more they traded in these ideologies, the more currency the ideologies gained and the more significant they became to shaping racial, gendered, sexual, and class-based categories of difference and the power ascribed or denied to individuals based on their perceived identity. In this way, prostitution was a powerful discursive field that could be employed to multiple ends. As I established in Chapter One, working-class women who challenged gender norms by working for wages were vulnerable to accusations of prostitution, which in turn negatively impacted their

earning ability. As historian Nan Enstad has demonstrated, the bourgeoisie found working women morally suspect because they defied dominant cultural codes of femininity that located women in the home, rather than the male-defined workplace.<sup>1</sup> Per this logic the working woman had already debased herself by becoming a worker, perhaps she exploited her body in other ways as well. In Chapter Four I showed that newspaper editors, readers, and lawmakers categorically labeled Chinese women prostitutes, both reflecting and perpetuating stereotypes of Chinese women as lascivious and submissive. These findings suggest that gender, class, race, and sexuality are mutually reinforcing categories of difference.

Indeed, prostitution was pivotal to racial formation in California. In the 1860s newspapers began to report cases of women, both Chinese and white, forced into prostitution. In an effort to bolster the campaign for anti-Chinese immigration legislation, exclusionists depicted forced prostitution as an example of the dangers Chinese immigrants posed to Anglo American society. Chinese men were not only responsible for the prostitution of Chinese women, but also that of white women. Even when Chinese men were not directly involved in white women's prostitution, late nineteenth-century seduction narratives often blamed opium for women's prostitution, thereby implicating Chinese men – stereotyped as opium dealers – in the crime. Like prostitution, within the California courts and press, seduction had become racially coded as non-white. Male labor activists like those belonging to the Workingmen's Party of California (WPC), a vehemently anti-Chinese labor organization led by Dennis Kearney, argued that Chinese immigrants were driving white women to prostitution. Simply put, WPC rhetoric claimed Chinese laborers were taking domestic service jobs that belonged to white women thereby forcing these women into prostitution in order to survive. Taken together, narratives of

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<sup>1</sup> Nan Enstad, *Ladies of Labor, Girls of Adventure: Working Women, Popular Culture, and Labor Politics at the Turn of the Twentieth Century* (New York: Columbia University Press, 1999).

forced prostitution among white and Chinese women positioned Chinese men as a threat to American culture, requiring expulsion. Moreover, according to dominant discourse Chinese women were not only sexually deviant by nature, but also docile and incapable of resisting Chinese patriarchal forces, therefore they too were unsuitable candidates for U.S. citizenship.

It was not until the 1880s that California courts and moral reformers, along with newspaper editors and their audience, had fully transformed discourses of prostitution to implicate men who participated in sexual commerce. Though moral reformers started the conversation of men's complicity in prostitution and the need to establish a single standard of sexuality in the eastern U.S. during the 1830s, California did not adopt anti-seduction laws until the 1870s when women's rights advocates challenged Dr. Gustavus Holland's proposal to license and regulate prostitution. Members of the Women's Suffrage Association of California, like Caroline Churchill, were effective in their attempts to make male consumption of sexual commerce a salient topic. Holland's regulation bill died in the 1872 senate, but the anti-seduction law that had been introduced numerous times finally passed. Unfortunately, this legislation seemed to be a gesture more than anything else as cases of seduction in California did not become a feature of the legal landscape until the 1880s and even then the laws were not effectively enforced. Still, the seduction court cases I explore in Chapter Four reveal that even if men charged with seduction were not fully prosecuted, they were nonetheless regarded with scorn by newspaper editors and readers who charged them with failing to uphold middle-class Victorian codes of masculinity requiring them to protect women's virtue. Men accused of seduction also failed as providers because they lived off the prostitute's wages. If anyone who challenged dominant gender norms could be labeled a prostitute or a seducer, prostitution was a discursive construction that controlled the behavior of all nineteenth-century Californians.



Nonetheless, women and female sex workers continued to bear the brunt of social anxiety and penalties for prostitution.

Fictional representations of prostitutes have been a powerful source of cultural myths regarding prostitution. As cultural icons, these painted women symbolized the lawlessness of the frontier, which nineteenth-century Californians both romanticized and problematized. Early Western fiction written by Bret Harte and Joaquin Miller deployed the figure of the prostitute to symbolize the gender transgressions possible on the frontier landscape. Still, in their narratives the prostitute was pushed out or absorbed to make way for the process of civilization that was changing the frontier landscape Harte and Miller had captured in their writings. Ultimately, these writers glamorized the frontier prostitute as a hooker with a heart of gold whose generosity proved she was not an immoral woman. Despite such romantic notions, local police, politicians, merchants, moral reformers, and vigilance committees largely scorned real-life prostitutes. Laws prohibiting prostitution were selectively enforced against the most visible and least desirable of prostitutes, namely women of color and working-class women of all races. At the same time, prostitution was a misdemeanor thus the penalties were often minimal, indicating that in practice prostitution was more a nuisance than a real threat to society. Yet, while law enforcement officials might have “tolerated” prostitution, local merchants and newspapers of the vigilante variety openly denounced prostitution at every turn casting it as a threat of unprecedented proportions.

Middle-class white women, who perceived prostitution as a social problem, found an opportunity to assert cultural power in late nineteenth-century California. While the women who ran the Presbyterian Chinese Mission Home in San Francisco fought Chinese prostitution and established a “moral authority,” other women such as those in the California Women’s Suffrage

Association positioned themselves as political players in the debates over regulation. As I demonstrated in Chapter Three, feminists believed prostitution was symbolic of women's oppression and for this reason they challenged the courts. They identified with prostitutes, fearing that Holland's system of regulation would regulate the bodies of all women. Nineteenth-century feminist discourse on prostitution was embedded within a larger feminist discourse on gender relations that already perceived all women as victims of dangerous and dominant masculinity.<sup>2</sup> For nineteenth-century feminists prostitution symbolized patriarchal dominance and women's economic, political, and social oppression. As a symbol of oppression, the prostitute was not a woman with agency, but a woman who had been coerced into prostitution by economic necessity or seduction. For nineteenth-century feminists it was inconceivable that a woman would willingly choose prostitution. In other words, feminists responded to nineteenth-century prostitution in the only terms they could understand. Still, this limited focus on victimization prevented nineteenth-century feminists from challenging the narrow definitions of gender and sexuality that contributed to their oppression.

To acknowledge the sex worker as a woman with agency is not to deny the hardships of prostitution, instead it is a way to recognize her as a fully realized individual navigating complicated social structures in whatever way she can. In Chapter Four, I challenged feminist accounts of prostitutes as women lacking agency and suggested that such accounts served to further disenfranchise women, particularly Chinese women who were doubly oppressed by patriarchy and racism. This criticism runs the risk of discounting the significant contributions of early women's rights activism and vilifying them as oppressors. After all, nineteenth-century feminists believed all women were oppressed because all women lacked political and social

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<sup>2</sup> Ellen Carol DuBois and Linda Gordon, "Seeking Ecstasy on the Battlefield: Danger and Pleasure in Nineteenth-century Feminist Sexual Thought," in *Pleasure and Danger: Exploring Female Sexuality*, ed. Carol Vance (London: Pandora, 1992), 31–49.

power. In this sense, the prostitute was representative of all women, even the feminists themselves. Nonetheless, feminist identification with prostitutes had its limitations. These alliances were often fraught with tension over class, racial, and ethnic differences between white middle-class female reformers and working-class prostitutes, many of who were immigrant women. As historian Ruth Rosen has noted, “middle-class women’s efforts to employ the power of the state produced further oppressions of their working-class sisters.”<sup>3</sup> Moreover, accounts of failed reform efforts also indicated that prostitutes did not necessarily identify with reformers.<sup>4</sup> When given the chance to reform, young women like Josephine Jacha in Chapter One chose to remain in the sex industry rather than return to domestic servitude, the chief occupation available to working-class women. For some working-class women, prostitution was a viable opportunity for economic upward mobility.

While prostitution might have represented the American Dream for some women, for others it represented a nightmare. There were indeed wealthy prostitutes such as Fanny Seymour whose estate was valued at \$54,000 at the time of her death.<sup>5</sup> Mary Lee, a Sacramento prostitute killed in a fight with another prostitute also left behind considerable property for a mid nineteenth-century woman in the form of jewelry, \$1,520 in savings, and an impressive wardrobe.<sup>6</sup> Other examples of successful sex workers include the wealthy Comstock Lode madam Julia Bulette portrayed by Dee Brown as a significant contributor to the Virginia City

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<sup>3</sup> Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1983), 68.

<sup>4</sup> Rosen, *The Lost Sisterhood*, 68; For a discussion of nineteenth-century feminist and sex worker alliances in England see Walkowitz, *Prostitution and Victorian Society*; For a prostitute's perspective on moral reformers see Maimie Pinzer, *The Maimie Papers: Letters from an Ex-Prostitute*, ed. Ruth Rosen and Sue Davidson, 1st Edition (The Feminist Press at CUNY, 1997).

<sup>5</sup> J. Watkins, “Succession of Seymour,” in *The Southern Reporter*, vol. 24 (St. Paul, MN: West Publishing Company, 1899), 818–830; J. Monroe, “The Succession of Seymour,” in *The Southern Reporter*, vol. 26 (St. Paul, MN: West Publishing Company, 1900), 783–791.

<sup>6</sup> W.N. Davis, Jr., “Research Uses of County Court Records, 1850-1879: And Incidental Intimate Glimpses of California Life and Society Part I,” *California Historical Quarterly* 52 (1973): 260.

economy.<sup>7</sup> However, these examples are few and far between, suggesting that, for the most part, prostitution was an important part of the Western economy that yielded more hardship than profits for many of the female participants. In fact, historians such as Marion S. Goldman and Jacqueline Barnhart have demonstrated that overall it was landlords, liquor merchants, and corrupt public officials who reaped most of the financial rewards for commercial sex. It stands to reason that most of the women who worked as prostitutes experienced sexual commerce as poverty and oppression, most notably Chinese women who typically immigrated to the U.S. as indentured servants.<sup>8</sup> These myriad experiences in the commercial sex industry illustrate that prostitution was certainly a complicated form of labor that produced various outcomes. In this way, prostitution mirrored independent gold rush mining, which more often than not proved to be dangerous, both physically and financially.<sup>9</sup>

Though prostitution could be a lucrative enterprise not only for those directly involved in the industry – prostitutes, madams, and procurers – but also for landlords, lawyers, judges, policemen, dressmakers, furniture stores, and so on, nineteenth-century prostitutes were not given credit for these contributions.<sup>10</sup> Instead the dominant discourses of that era marked the prostitute as destitute or as unjustified in her financial success because she profited from an illegitimate enterprise. In many ways, prostitution was an important piece of the California economy, but because it was an industry that supposedly threatened to disrupt the family via

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<sup>7</sup> Dee Alexander Brown, *The Gentle Tamers: Women of the Old Wild West*, Bantam Book (New York: Bantam Pathfinder Editions, 1974), 80.

<sup>8</sup> Of course, even within Chinese prostitution, some women achieved wealth and worked their way up the hierarchy to become brothel owners themselves, such as Ah Toy. See Lucie Cheng Hirata, “Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America,” *Signs* 5, no. 1 (October 1, 1979): 3–29; Benson Tong, *Unsubmissive Women: Chinese Prostitutes in Nineteenth-Century San Francisco* (Norman: University of Oklahoma Press, 2000).

<sup>9</sup> Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: Norton, 1987).

<sup>10</sup> Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco, 1849-1900* (Reno: University of Nevada Press, 1986), 72–81.

violence, non-marital sexuality, and non-traditional femininity, moral reformers viewed it as a threat to social order and capitalism as well. For these reasons, middle-class Californians perceived prostitution as a threat that needed to be eliminated in order for their community to survive. Such was their American Dream on the western frontier.

If we understand the frontier as an opportunity to realize the American Dream as I have suggested in this dissertation, then we find that the frontier had different implications for different people. One could argue, that for prostitutes, the frontier ended with city ordinances prohibiting brothels in 1854. Sexual commerce was most viable during the earliest years of the gold rush when prostitutes encountered few and largely ineffective interference from the police. Historian Lucie Cheng Hirata has argued that the early 1850s were also a prosperous time for Chinese prostitutes who migrated to California as free agents and conducted their business without the oppressive oversight of the *tongs*.<sup>11</sup> For Bret Harte and Joaquin Miller the frontier era ended in 1870 when placer California was transformed into a commercially urban setting and literary California had nothing left to offer these writers.<sup>12</sup> For women like Caroline Churchill the frontier had only begun in 1870. “The half has not been told me,” Caroline Churchill exclaimed when she arrived in California in 1870.<sup>13</sup> Unlike Bret Harte who declared California “played out” by that time, Churchill found the region brimming with enough stories to fill two travel books.<sup>14</sup> For working-class Chinese immigrants, the frontier ended in 1882 when the passage of the Chinese Exclusion Act prohibited the immigration of Chinese laborers for ten years. Or perhaps it ended with the passage of the Page Law in 1875, which limited Chinese

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<sup>11</sup> Hirata, “Free, Indentured, Enslaved,” 8.

<sup>12</sup> Kevin Starr, *Americans and the California Dream, 1850-1915* (New York: Oxford University Press, 1986), 133–4. Starr notes that Harte and Miller, as well as other major literary figures like Ambrose Bierce left California.

<sup>13</sup> Caroline M. Nichols Churchill, “*Little Sheaves*” *Gathered While Gleaning After the Reapers* (San Francisco, CA, 1874), 3.

<sup>14</sup> Churchill, “*Little Sheaves*” *Gathered While Gleaning After the Reapers*; Caroline M. Nichols Churchill, *Over the Purple Hills: Or, Sketches of Travel in California of Important Points Usually Visited by Tourists*. (Mrs. C.N. Churchill, 1877).

immigrants' abilities to establish families in the West. And for the indigenous people of the West, such as the fictional Cherokee Sal and Delores in Chapter Two, the Anglo-American concept of the frontier represented the end of life as they knew it and marked the beginning of colonization, which was anything but a period of growth and opportunity for Native Americans and Mexicans.

Women like Fanny Seymour and her sister Sarah Hopkins stand out as examples of what we could learn about gender, class, and sexuality on the frontier. Born Sarah Henrietta Brown, Sarah Hopkins left her family's small Ohio farm for the big city of Cincinnati where she first tried her hand at domestic service. When that did not pan out she opened a brothel under the name Sal Woods. In 1849 Sarah took the overland trail from Cincinnati to Sacramento with her husband, who passed away during the arduous journey. Upon arrival she opened a saloon called the McCormack House. By 1850 Sarah had been cited for brothel keeping, as I mentioned in Chapter Two. It is unclear what type of labor she imagined for herself when she first set out on the trail with her husband. Many women in the West, particularly those who migrated with their husbands, went into the accommodations business when they discovered a market for domesticity.<sup>15</sup> Perhaps Sarah had initially envisioned the McCormack House as a respectable operation that would allow her to break free from her past as a prostitute. After her husband's death she might have returned to the familiarity of prostitution because it was the best way she knew how to survive. Then again, perhaps Sarah and her husband had intended to strike big in the sexual commercial market all along. Either way, she kept her business operating for over twenty years and willed it to her brother when she died in 1872. Though she was a fallen woman,

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<sup>15</sup> Edith Sparks, *Capital Intentions: Female Proprietors in San Francisco, 1850-1920* (University of North Carolina Press, 2006).

for all intents and purposes, Sarah lived a seemingly stable life and was a successful entrepreneur.<sup>16</sup>

Sarah's life looked very different from that of her sister, Rachel, better known as Fanny Seymour who I discussed in Chapter One as an example of the complicated relationship between upward mobility and prostitution. Like Sarah, Fanny became a sex worker as a teenager in Cincinnati after a brief stint as a domestic servant. In 1850 she joined her sister in California working as a brothel keeper first in San Francisco, then in Sacramento. Fanny appeared frequently in the newspapers as a result of her repeated encounters with the law, some of which she initiated in order to recoup financial losses. When she shot and wounded one of her brothel patrons in 1852 she left California for New York and New Orleans. Though these cities were also well-known venues for sexual commerce, Fanny eventually retired from sex work and married, twice. She passed away a wealthy woman at the age of 70.<sup>17</sup> While Sarah appeared to have a stable life, Fanny's life was characterized by chaos. Surely their contemporaries would have argued that Fanny's life was chaotic because of her lifestyle of vice. Historians such as Ann Butler and Marion S. Goldman have argued a similar point regarding prostitutes in the West.<sup>18</sup> Yet, the differences between Fanny and Sarah's experiences with prostitution provide an interesting case study for historians to explore the extent to which prostitution represented a viable means of upward mobility without the attendant violence, poverty, and early death so frequently associated with that occupation.

This dissertation is part of a much larger project to interrogate the relationship between gender, power, and desire in the figure of the sexually transgressive woman otherwise known as

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<sup>16</sup> Watkins, "Succession of Seymour"; J. Monroe, "Succession of Seymour," in *Southern Reporter*, vol. 26 (St. Paul, MN: West Publishing Company, 1900), 783–791.

<sup>17</sup> Watkins, "Succession of Seymour"; Monroe, "Succession of Seymour."

<sup>18</sup> Marion S. Goldman, *Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode* (Ann Arbor, MI: University of Michigan Press, 1981); Anne M. Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90*, Second Edition (Urbana: University of Illinois Press, 1987).

the “woman of ill fame.” Much like the words “prostitute” or “woman of ill fame” in the nineteenth century, the words “whore” and “slut” continue to define the parameters of acceptable gendered and sexual behavior for women. Third wave feminists such as Jessica Valenti have explored contemporary cultural problems with women’s sexuality in works like *The Purity Myth*.<sup>19</sup> The power of the word “whore” is that it can be used against any woman for any reason. Just as in the nineteenth century, to be identified as a whore, as a woman who has stepped out of line, who has challenged gender and sexual norms, is to risk losing the privileges accorded to those individuals who perform their proscribed gender identity correctly. Feminist historians Ellen Carol DuBois and Linda Gordon have argued that contemporary sex radical feminism was made possible in the early twentieth century by feminists who rejected fears of prostitution. No longer afraid of being labeled prostitutes, these women challenged the double standard of sexuality not by enforcing a more repressive sexual model for men and women, but by creating a new model that allowed for women’s sexual desires.<sup>20</sup> Feminists today must continue to challenge the false dichotomy between “bad” and “good” women that limits every woman’s ability to navigate the public sphere and negotiate intimate relationships.

A future phase of this project would involve an examination of how cultural myths of frontier prostitutes have continued into the present day in popular western television shows. Recent examples of frontier prostitutes include Inara from the futuristic frontier of *Firefly*, Trixie and Joanie Stubbs from the mining town of *Deadwood*, and Eva from the transcontinental

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<sup>19</sup> Jessica Valenti, *The Purity Myth: How America’s Obsession with Virginity Is Hurting Young Women* (Berkeley: Seal Press, 2009); Jaclyn Friedman and Jessica Valenti, *Yes Means Yes!: Visions of Female Sexual Power and A World Without Rape* (Berkeley: Seal Press, 2008).

<sup>20</sup> DuBois and Gordon, “Seeking Ecstasy on the Battlefield: Danger and Pleasure in Nineteenth-century Feminist Sexual Thought.” DuBois and Gordon do note that the early twentieth-century sex radicals did not fully overturn patriarchal constructions of sexuality instead they created a space in that system that would also allow for women’s sexual desire.



railroad camp of *Hell on Wheels*.<sup>21</sup> As was the case with Harte's and Miller's fictional prostitutes, these women embody the stereotypical hooker with a heart of gold. Why do these representations persist in the face of continued anti-prostitution agitation? That is, why do Americans glamorize the fictional prostitute while simultaneously punishing real-life sex workers and "women of ill fame"? Feminist scholars and activists must interrogate popular culture's romance with sexually transgressive women and challenge oppressive political responses to prostitution.

The narratives of prostitution as slavery that I presented in Chapter Four are reminiscent of the narratives of human trafficking in our contemporary media. Sex work activist and researcher Jo Doezema has convincingly argued that contemporary narratives of prostitution as slavery are extensions of early twentieth-century narratives of white slavery.<sup>22</sup> I agree with Doezema and would add that modern day hysteria over the global traffic in women is also an extension of nineteenth-century discourses of Chinese prostitution as slavery. Historians have already demonstrated that white slavery and Chinese slavery were representative of anxieties over immigration and women's changing social roles. Scholars such as Doezema and Kamala Kempadoo have convincingly argued that the contemporary discourse of prostitution as slavery is also a manifestation of anxieties over immigration.<sup>23</sup> Twenty-first century women are on the move like never before, crossing geopolitical borders in pursuit of economic, political, and social freedom not unlike the westering women of the nineteenth century.<sup>24</sup> The global north is third world women's frontier and, unfortunately, discourses of prostitution as slavery regulate their

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<sup>21</sup> *Firefly*, Adventure, Drama, Sci-Fi (Fox, 2002); *Deadwood*, Crime, Drama, History, Western (HBO, 2004); *Hell on Wheels*, Drama, Western (AMC, 2011).

<sup>22</sup> Jo Doezema, "Loose Women or Lost Women? The Re-emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women," *Gender Issues* 18, no. 1 (Winter 2000): 23–50.

<sup>23</sup> Kamala Kempadoo and Jo Doezema, eds., *Global Sex Workers: Rights, Resistance, and Redefinition* (New York: Routledge, 1998).

<sup>24</sup> Barbara Ehrenreich and Arlie Russell Hochschild, eds., *Global Woman: Nannies, Maids, and Sex Workers in the New Economy* (New York: Holt, 2004).

behavior today.<sup>25</sup> Nineteenth and early twentieth-century attempts to abolish prostitution have primarily pushed it underground where sex workers are much more prone to exploitation and incapable of seeking help because they are involved in illegal activity.<sup>26</sup>

One of the major differences between prostitution in the nineteenth and twenty-first centuries is that now prostitutes' voices are audible. When prostitutes have had the opportunity to speak for themselves, they reveal stories much more complicated than the stories so frequently told about them. For example, sex worker and scholar Kari Kesler has expressed ambivalence about her work in the sex industry, claiming that "the everyday reality of prostitution [is] far more similar to most 'regular' jobs than non-prostitutes generally want to admit."<sup>27</sup> At the same time, Kesler has acknowledged that a sex worker's experiences depend largely on the worker's own background and the type of prostitution. For her, working in an escort agency or as an independent call girl has provided flexibility, a healthy income, and the right to choose customers. Still, for Kesler, prostitution is always a "process of negotiation...for access to the female body between two socially and economically unequal parties."<sup>28</sup> Jill Nagle's 1998 anthology *Whores and Other Feminists* offers a multitude of first-person narratives of prostitution, written by feminist sex workers who seek to challenge stereotypes that reduce them

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<sup>25</sup> Priscilla Alexander, "Feminism, Sex Workers, and Human Rights," in *Whores and Other Feminists*, ed. Jill Nagle (New York: Routledge, 1997), 83–97. Alexander rightly points out that anti-trafficking laws restrict women's migration, particularly women who have worked in the sex industry. If a sex worker wanted to migrate for better economic opportunities, perhaps to leave sex work even, any prostitution conviction on her record would prohibit that movement.

<sup>26</sup> Ibid.; For an overview of feminist debates on the legalization of prostitution see Kimberly Klinger, "Prostitution Humanism and a Woman's Choice," *Humanist* 63, no. 1 (January 2003): 16. At first glance, Nevada, where prostitution is legal outside of Las Vegas and Reno, stands out as an exception to this rule. However, the *NY Daily News* recently reported that an increasing number of Nevada sex workers are plying their trade illegally in Las Vegas, where they can avoid paying hefty brothel fees. While such findings necessitate further investigation, a discussion of contemporary prostitution in Nevada is beyond the scope of this dissertation. David Knowles, "A Bad Economy and Independent Prostitutes Running Nevada Brothels Out of Business," *NY Daily News*, May 10, 2013, accessed May 30, 2013, <http://www.nydailynews.com/news/national/bad-economy-shutting-nevada-brothels-article-1.1340972>.

<sup>27</sup> Kari Kesler, "The Plain-Clothes Whore: Agency, Marginalization, and the Unmasked Prostitute Body," in *Jane Sexes It Up: True Confessions of Feminist Desire*, ed. Merri Lisa Johnson (New York: Thunder's Mouth Press, 2002), 235.

<sup>28</sup> Ibid., 237.

to victims.<sup>29</sup> Of course, many of these sex workers speak from positions of privilege and their experiences cannot be generalized to all sex workers, many of whom experience a much wider gap in power between customer and worker than the one Kesler described. Still, male, female, and transgender sex workers from all levels of sex work are also making themselves visible in labor organizations the world over agitating for the decriminalization of prostitution, better protection from exploitation and violence, improved healthcare and STI prevention, and an end to stigmas that marginalize them.<sup>30</sup>

Prostitution is more than a cultural trope. Sexual commerce involves real workers who are sometimes abused and exploited and other times empowered. These experiences are often structured through race and class much like earlier periods of prostitution. We need to abandon metanarratives that reduce the complexity of human experience to cultural myths. We need to pursue scholarship and activism that critically engage women's real life experiences with prostitution. Only when we challenge cultural myths of "women of ill fame" can we find ways to create a world where women's sexuality and economic opportunities are not limited by the stigma of prostitution.

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<sup>29</sup> Jill Nagle, ed., *Whores and Other Feminists* (New York: Routledge, 1997); For an account of a working-class prostitute's experiences in middle of the twentieth-century northern Europe see Jean-Luc Hennig, *The Little Black Book of Grisélidis Réal: Days and Nights of an Anarchist Whore* (Semiotex, trans. Ariana Reines (Los Angeles: Semiotext(e), 2009).

<sup>30</sup> Nagle, *Whores and Other Feminists*; For examples of global sex worker rights organizations see Parts Three and Four of Kempadoo and Doezema, *Global Sex Workers*; For an account of exotic dancers organizing a labor union see Vicky Funari and Julia Query, *Live Nude Girls Unite!*, Documentary (First Run Features, 2000).

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