

I SPY WITH MY LITTLE EYE: A HISTORY OF THE POLICING
OF CLASS AND GENDER RELATIONS IN
EUGENE, OREGON (USA)

by
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ABSTRACT

My thesis is that local police in Eugene and Lane County, Oregon, have been integral parts of a process of governmentality which was directed at the constitution and reconstitution of various forms of social order. In terms of class relations we find police mediating and managing a number of antagonisms. This management role took both coercive and consensual forms and was largely concerned with the historical regulation of the proletariat. We witness a more passive role for police in the field of patriarchy. Here law enforcement strategies were non-interventionist vis a vis domestic violence, rape and prostitution. This passivity tended to reproduce the sovereign powers of men over women. In order to grasp the historical function of policing I argue that we must consider its utility in terms of both class and gender relations. While selective policing served to ensure the ongoing governability of the increasing numbers of male wage workers, it also allowed men in general to remain as sovereigns within families.

In Section I I draw upon Marxism, Feminism, Poststructuralism and Phenomenology to make explicit my theoretical and methodological approach. My recognition of the importance of human agency is reflected in my use of qualitative sources such as oral histories, government documents, newspapers and court archival material. These sources are augmented by a guarded quantitative analysis of census data, crime statistics and police annual reports. Sections II and III provide historical outlines of national, state and local levels of class (II) and gender (III) relations respectively. In Section IV I discuss the rise of local policing and its relationship to other forms of governmentality. This leads me into a detailed appreciation of the policing of class (V) and gender conflict (VI).

I finally broke into the prison

I found my place in the chain.

Leonard Cohen, The Old Revolution

ACKNOWLEDGMENTS

This study could not have been completed without the help of numerous people. I am indebted to the staff at the newspaper library, Oregon Historical Collection and the Documents Section of the University of Oregon (UO) Library, Eugene; the City Recorder's office in Eugene and especially Karen Goldman who assisted me in finding a number of materials and who generously provided me with virtually unlimited access to them; the staff of the Lane County Court Archives and especially Lois Royce who allowed me to read transcripts outside of the hours set aside for public use; the Lane County Historical Museum; Stephen Kincaid, Oregon Law Enforcement Data System, Salem; Keith Richard, archivist at the UO Archives.

My research benefitted greatly from conversations with a number of individuals including Phyllis Taylor, Administrative Manager of the Lane County Court; Robert Clark, President of the UO (1969-75); Richard Maxwell Brown, UO Department of History; Mike Hibbard, UO Department of Public Policy and Management; John Kline, UO Department of English; Mark Kaplan, University of Illinois, Urbana-Champaign, School of Social Work. I would also like to thank Ed Starnes, Court Smith and Bart Hacker of the Oregon State University Social Science Research Group for their helpful comments and suggestions.

The help of both Lieutenant Eric Mellgren and Sergeant Tim McCarthy of the Eugene Police Department was critical in getting this research venture off the ground. These officers provided me my first contacts with oral history respondents. The names of the 23 respondents remain anonymous. Their contributions permeate the thesis and constitute an invaluable historical record. I thank them greatly.

I am grateful to Gay McKinlay for the loan of her family diaries documenting the overland trek to Oregon and for many conversations relating to the content of my work. I would also like to thank Kathy Weinman for her love and support during some of the hard times associated with writing this thesis.

The staff of the Department of Human Rights and Education have helped me tremendously over the years. In the early years of my research Margherita Rendel offered invaluable advice and constructive criticism. As my Ph.D. supervisor, Eva Gamarnikow's contribution to the completion of this research venture was vitally important. Her insightful ideas and practical guidelines are evident throughout the body of the thesis. Her challenging and yet friendly presentation of alternative ways of seeing social-historical issues and of constructing them through the written word, have been both a source of learning and inspiration to me. I thank her greatly.

Joann Brady has typed the drafts and final version of this work. Her skill, speed and organizational ability have never ceased to amaze me. Her kindness and friendship have helped me to finish this work.

My mother Molly, my father John and sisters Jill and Judy have helped me in numerous ways over the last few years. I love them and thank them.

This study has been "lived through" by my wife Amy. Her love, labour and encouragement have been crucial in bringing it to fruition. I cannot find words of sufficient stature to express my gratitude to her or my love for her.

Finally I want to thank my daughter Mia who is just now beginning to enter the world of language and government. Her smiles and tears have touched my heart and these pages.

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INTRODUCTION

In my M.A. dissertation entitled May The Force Be With You (1983), I examined the rise of police-school liaison schemes in England and Wales. I related this rise to various crises in the fields of class, gender and race relations. By examining the specific nature of these liaison programmes I sought to demonstrate the manner in which police-school liaison officers were involved in the perpetuation of various forms of social discipline. This early research into law enforcement fired my interest in the social mechanisms whereby police were able to serve as legitimate reproducers of specific forms of "social order."

My concern in this Ph.D. thesis is to extend and develop these earlier interests in policing and the social reproduction of "order." For a number of personal reasons the geographical setting for my doctoral research is the town of Eugene, which is situated in Lane County, Oregon on the West Coast of the U.S. The thesis considers the emergence from the mid-19th century until the late 1970s of local (municipal and county-wide) policing strategies and the manner in which these strategies contributed towards the governing of the community. The key analytical tool I utilize is Foucault's notion of governmentality. This term refers to the way in which the various institutional practices of the state supervise and orchestrate the health, wealth and longevity of its resident populations.

The governmentality of populations is a complex notion which, as I will show later, transcends traditional sociological theories of the state. My purpose is to trace the way in which the Eugene Police Department (EPD) (and to a lesser degree the Lane County Sheriff's

Department) have been involved in the maintenance of social order. This order is a political construct insofar as it does not denote the existence of a harmonious society characterized by the regular performance of role expectations. Rather the "ordered" social life managed by local police consisted of sets of social relations distinguished by ongoing tension, antagonism and conflict. Societies are fractured along multiple lines of tension and power is deployed systematically in a number of ways. I have elected to focus upon two major modalities of power and their relationship to policing. These modalities are those of class and gender.

A major concern of this study is to demonstrate the manner in which local police contributed towards particular kinds of "order" by mediating and managing power relations in ways that sutured these lines of social tension. In particular I am at pains to point out the relative institutional autonomy of local police as a crucial aspect of their role in governing populations. The police were not mere instruments of capital. Neither did they unproblematically reproduce the power relations of patriarchy. Rather the role of the police in the process of governmentality was highly complex. This role consisted of law enforcement agencies being much more than legitimate arms of the state. Rather I employ the notion of governmentality in the Foucauldian sense of attempting to show how social discipline was instilled through both the state and civil society. My analysis is therefore pitched at the complex relationship between hegemonic discourses, social and institutional practices and law enforcement strategies in general.

My use of poststructuralist analytical tools reflects a deliberate attempt to move away from cruder Marxist instrumentalist accounts of policing. In particular I have sought a theoretical approach which recognizes that power is the lifeblood of sociation. As such, power

cannot be derived exclusively from the workings of the capitalist economy. The structure and organization of policing in Eugene and Lane County is therefore seen to be intimately associated with the government of not only workers in a capitalist workplace, but also men and women under regimes of compulsory heterosexuality. Indeed if space permitted, my analysis might be extended to include other modalities of power, e.g., race, age.

As I will discuss in more detail in Section I, in addition to poststructuralism my theoretical approach draws upon Marxism, Feminism and Phenomenology. I recognize the significance of shifting structural constraints and I also strive to emphasize the importance of human agency in the construction of social life. Human agents are not seen as "oversocialized" bearers of social forces. Neither are they portrayed unproblematically as autonomous willful actors sitting outside of the social world. Rather I examine the way policing encourages the growth of certain subjectivities in general, in order to render the social body as a whole more governable.

My desire to incorporate human agency into the study generated a methodology that draws upon qualitative primary sources such as oral histories. The problems associated with this methodological approach are discussed in Chapter 4. The concern to include oral history data was also associated with the problem of appreciating the phenomenon of policing in historical context. It is far too easy to take our present day understandings of the term "policing," and transpose them back into times gone by. Insofar as history tends to be a history of the present, there will always be difficulties with this type of backward projection. By using the experiences of police officers who worked in those earlier times it is possible to move away from the pitfalls of surgically implanting present day meanings to preceding periods.

The thesis itself is organized in the following way. Section I provides the theoretical and methodological framework upon which the entire project is based. Of particular importance here is my analysis of the tension between Marxian notions of social reproduction and the Foucauldian concept of governmentality. These two concepts share a number of points of similarity. I use these similarities as a touchstone to demonstrate how local police were an integral part of the governmental mechanisms directed at the regulation of the capitalist workplace and the patriarchal family.

Sections II and III provide a brief historical outline of the power relations of capitalism (II) and patriarchy (III) at national and state/local levels.

In Section IV I begin my analysis of policing. Chapter 11 considers historical changes in the structure and organization of municipal and county-wide law enforcement agencies. The idea here is to provide important data on the duties of police officers, their relationship to the polity, management strategies, technical innovations, training schemes and the rise of bureaucratic modes of operation. My analysis is augmented by oral history data which reminds us that attempts to discipline police officers were not always successful. This reflects the much wider issue of resistance to strategies of governmentality in general and recalls our earlier caution of the need to take note of human agency and the ways in which subjects frustrate, evade and subvert the dictates of discipline. In short, Chapter 11 reminds us that a "disciplinary" police organization, like a disciplinary society, is not in fact a disciplined unit.

In Chapter 12 I build upon the information presented in Chapter 11 and trace the links between local policing and other forms of governmentality. My purpose here is to sketch the outline of a

disciplinary network that includes institutions such as compulsory education, the Oregon reform school movement, the militia, the state penitentiary and state insane asylum. It appears that policing was one part of an institutional strategy that was directed at the insertion of certain norms of "ordered" behavior. The establishment of these norms was part of an economy of power in government. This economy was an attempt to encourage people to govern themselves by adopting what Foucault has called technologies of the self. These technologies were to be utilised to maximize personal health, productivity and happiness. To use the language of Marxism we might say that policing developments were directed at the production and reproduction of social order. The Foucauldian notions of governmentality and technologies of the self serve to remind us that this production/reproduction process was effected through subtle, unforeseen, often hidden tactics of subjection, which in Gramscian terms we might describe as consensual social control.

Local police contributed towards the constitution and reconstitution of social order at a number of levels. The form and character of local law enforcement bears the hallmark of various attempts to manage the power relations of capitalism and patriarchy. In Section V I examine the way in which the EPD was involved in governing the social order of rising capitalist economy. The three chapters in this section are organized around different periods in the emergence of the local capitalist mode of production. While governmentality encompasses the supervisory measures directed at capitalist production, I do not suggest that we can read off the character of local policing solely by analyzing the economic contradictions of capitalism. On the other hand it is clear that forms of policing in different periods of capitalist development were linked in a number of ways to class relations and class struggle. One of my more important efforts in this section is to

highlight the way the EPD was able to legitimately encourage and inculcate certain subjectivities that were consistent with the reproduction of capitalist social relations. This reproduction process was a critically important and central component of the more far reaching phenomenon of governmentality.

The final section (VI) of the thesis discusses the manner in which police institutions were involved in governing patriarchal relations. Perhaps the most remarkable characteristic of the policing of gender relations is the widespread passivity of police officers towards offences against women, particularly wives. The active policing of male wage earners in Lane County provides a powerful contrast with the passive non-policing of gender relations. My historical evidence on the non-policing of domestic violence, rape and prostitution reminds us that while men were policed in public in ways that tended to reproduce capitalist social relations, they were loosely policed vis a vis domestic violence, rape and prostitution in a manner that tended to reconstitute patriarchal relations. In a sense we might argue that the policing of families was subcontracted out to male heads of household. These observations lead me to a critical discussion of the concept of governmentality vis a vis the links between capitalism and patriarchy. If I reach any conclusion or indeed present any formal thesis, it is that policing and governmentality in general were institutional practices designed to supervise wage workers and families. To talk of one form of supervision without the other is both inadequate and misleading. We are forced to ask the question, was governmentality in fact a trade off which sought to secure the compliant participation of (mostly) male wage earners, by leaving untouched the sovereign rights of those men over the bodies of their wives and other women?

My attempt to write a history of local policing by using the Foucauldian notion of governmentality opens up a number of new avenues of inquiry in the field of police studies. To my knowledge there are no historical studies that examine the rise of policing strategies vis a vis both class and gender relations. In this sense my work moves towards extending the parameters of conflict theory in criminology and the social history of crime. There are a number of other approaches in more specific areas where this study breaks new ground. My extensive use of oral history data contrasts with most of the histories of policing written up to this point. This data was particularly useful in coming to terms with the policing of prostitution, rape and wife battering. In Section VI I utilize data from divorce case transcripts to offer long term (1853-1960) insights into the incidence of wife battering. My empirical presentation of this data, along with documentary evidence from the case files provides new insights into the history of domestic violence.

In short I have attempted to write a history of policing in Eugene and Lane County that throws new light on law enforcement processes. In doing so I have tried to carefully weigh the respective tensions between social structure and social action and teleology and historical relativism. This seems to me to be consistent with the spirit of sociology.

SECTION I

THEORETICAL BACKGROUND AND METHODOLOGY

CHAPTER 1

POLICE AS AGENTS OF GOVERNMENTAL DISCIPLINE

The new bureaucratically organized police forces which emerged in Western Europe and the United States during the 19th century were primarily directed towards the constitution and reconstitution of an ordered social body. This "ordered" body was a political construct. Law enforcement agencies only addressed specific forms of deviance, criminality and disorder. In so doing police were involved in attempting to suture various lines of tension in the expanding social body. One means of trying to guarantee order was to increasingly expose the citizenry to a range of normalizing judgements. These judgements were associated with the rise of the human sciences and the birth of the knowable or calculable citizen. This knowledge about people bore a complex relationship to ideological currents and social structural phenomena. Growing police surveillance of the social body served to open up that body and render it more susceptible to the dictates of these increasingly scientific normalizing judgements. Herein lies the disciplining effect of policing. It is not so much what the police did physically to manage "deviant" populations, although this was important. Rather the major historical role of the police derives from their reconnaissance work and the unprecedented access that this began to give government to the lives of the citizenry. Policing emerged as a central means through which the power of government came to be realised.

This chapter is concerned with demonstrating the manner in which policing constitutes a form of governmentality. With this goal in mind I discuss theories of policing; deviance; social control; ideology and

hegemony; power and discipline; and finally the links between governmentality and policing.

Theories of Policing

Samuel Walker (1976) has identified three different theoretical perspectives that have been employed to explain the development of urban police. These are the conservative, liberal-progressive and Marxist accounts. Most conservative models draw upon Hobbesian social contract theory.¹ Hobbesian type approaches to law enforcement are best developed in the area of British police history. These approaches stress that individuals act in accordance with their passions, desires and self centredness. To avoid anarchy a social contract is formed and people forfeit certain liberties in return for protection from others. Police forces emerge to guarantee the contract.

However, there are a number of drawbacks to the Hobbesian type conservative model. For our purposes the main problem is the denial of the part played by power in the initial construction of an agreement or contract. It is clear from my own historical evidence that the law was arrived at through struggle. Legal codes did not merely reflect a type of magical consensus. Neither can we see society as basically ordered. For example, American history is replete with conflicts such as the Civil War (1860-65), widespread urban rioting (1830-60) and extensive violence connected with labour disputes (1877-1937). In Lane County my own research reveals extensive gender conflict within marriage. The reality of systematic social disorder militates against the notion that people largely agree about social issues and as a result form a contract that is subsequently policed. One final problem with this approach lies in its view of human nature. Individuals appear to be too detached from

society. There is no recognition of the dynamic interplay between individual and society.

The majority of studies of American police history have been conducted within what Walker has called a liberal-progressive theoretical perspective.² In these histories

"The development of the modern police is seen as the natural and perhaps even inevitable response to the problems of an urban industrial society." (1976:253)

This perspective sensitizes us to the fact that urban police departments emerged as part of a wide ranging historical process associated with urbanization, population growth and immigration. According to liberal-progressive theorists these historical developments led to growing crime, public disorder and riot. Police departments arose to deal with these problems. We see in these theories the application of Weber's arguments on rationalization. Policing was a rational response to the problems of city life, crime, industrialization, etc.

A number of the studies in the liberal progressive tradition combine Weberian and functionalist analytical approaches. Many of these studies recognize widespread social disorder, e.g., high levels of crime, urban rioting, etc. but paradoxically rely on a functionalist view of society as deeply ordered. For example, Lane notes,

"Most American police systems developed . . . in response to specific problems of riot, theft and disorderly behaviour, which were generally condemned." (1967:118)

In a similar vein, Richardson adopts a functionalist explanation of the policing of strike related disorder. He sees the role of the police as follows,

"Their function was to maintain the peace and good order of the community against the minority which refused to abide by the rules of the game." (1974:179)

While liberal-progressive studies have provided a wealth of data on the history of American law enforcement, they have failed to contextualize policing developments against a wider framework of power relations. Sociality is not seen to be imbued with tension and discord. Rather conflict is caused by distinct phenomena, events or individuals. Lane, for example, argues that urban disorder in 19th century Boston, stemmed from cultural heterogeneity. He argues it was,

"Increases in the proportion of immigrants and the children of immigrants which continued to create social problems and friction." (1967:85)

Beneath these social problems we find a basically ordered society. Legal rules reflect consensus which is expressed at one level through the "democratic" machinery of government. This premise is not helpful since it denies the difference between formal and substantive equality. Some studies (Miller, 1977) go even further and stress the important influence of 19th century American democracy upon policing organization, without recognizing the inability of black people and women to vote. This type of oversight warns us of the need to examine the institutions of American government as problematic phenomena. In Chapters 2 and 3 I shall explore a number of the criticisms levelled at the liberal-progressive models. I will now provide some theoretical background on the notion of deviance.

Deviance

The notion that deviant behaviour is "sick," "immoral" or in some way "pathological" lies at the root of biological and psychological theories of deviance. In these theories the individual's physiological or psychological makeup is the cause of their tendency to deviate. The sociology of deviance transcends these approaches by arguing that society itself generates deviance.

For Durkheim, deviance is a source of innovation and as such is important for social change. In traditional-primitive societies with a high degree of social cohesion levels of deviance and crime are low. The commission of a deviant or criminal act and its subsequent punishment provides the community with an opportunity to reaffirm its commitment to a core of moral values. In these so called "normal" societies deviance was inevitable since not all members were equally committed to the collective moral order. With the emergence of urban-industrial society we see a breakdown of the collective unconscious and a growth of deviance and crime. This growth is linked to the rise of a forced division of labour which directs workers into occupations that are not necessarily consistent with their aptitudes. In these pathological societies rising anomie and egoism generate deviance and crime which no longer serve as a mechanism for reinforcing collective sentiments.

For Durkheim then, social control stemmed largely from the regulating moral influence of the conscience collective. This core of values continuously restored normative order. When apprehended and punished, deviants served as a vehicle for the reaffirmation of moral consensus. Likewise Parsons argued that social control ensured social stability by imposing sanctions on deviant behaviour thereby diffusing the disintegrative tendencies of deviance. Functionalist approaches therefore maintain a conceptual distinction between "deviant behaviour" and the "social control" of that behaviour, even though as we have seen with Durkheim deviance in "normal" societies functions to maintain solidarity.

Robert Merton extended Durkheim's work by exploring the ways in which individuals in particular social positions adapt to the problems of anomie. For Durkheim anomie referred to a state of normlessness

which arose from the decay of collective sentiments. For Merton anomie is located in the disjuncture between culturally defined goals and the legitimate means of realising those goals. Under Mertonian theory, individuals deal with anomie by conforming or by adopting one of four deviant adaptations. For Merton it is those individuals at the lower levels of the social structure who have fewer legitimate opportunities who engage in deviant adaptations. Most of these people resort to what Merton calls "innovation" in an attempt to reach the goals of the American Dream (wealth, success) through illegal means rather than hard work, etc. Like Durkheim, Merton's theory of deviance is based on the functionalist idea of underlying consensus. It is only when there is a malintegration of goals and means that deviance rises. Unlike Durkheim (excepting Durkheim's study of suicide), Merton's theory can be used to explain how certain individuals or social groups engage in deviance while others do not.

A number of theorists built upon Merton's ideas. Richard Cloward and Lloyd Ohlin (1960) for example noted that Merton assumed that illegitimate opportunities were there for the taking. Rather Cloward and Ohlin argue that cultural conditions offer a variety of illegitimate opportunities which affect the type of deviance that a person can engage in. Albert Cohen (1965) criticized Merton for failing to take adequate account of the way in which other actors influenced the choices made by would-be deviants. Additionally Cohen argues that Merton tended to ignore the role played by social control institutions in influencing these choices. While acknowledging the important effect of anomie in the generation of deviance, Cohen sought to add an interactionist perspective in order to explain how deviance develops out of the interplay between the deviant individual and society. As a "deviant

career" develops (to use Howard Becker's phrase) the deviants' experience of anomie also changes.

The importance of the social reaction to deviance came to be embodied in what has been called "New Deviancy Theory." This approach was rooted in the attempts by interpretivists to expose the flaws in positivist criminology. Edwin Lemert (1967) drew attention to the way deviance became amplified by the reactions of agents of social control. At times this reaction generated more serious forms of deviance which in turn attracted greater opprobrium. Deviants who were labelled as such, were treated differently from other (non-labelled) individuals who committed the same acts. Deviance came to be seen not as an inherent quality of a particular act but rather as a product of the labelling process.

The distinction between deviance and social control begins to break down with the interactionist approaches. Here, as we have seen, social control is a prime contributor to deviance. However, there is a contradictory tendency in the approach of these theorists towards social control. On the one hand interactionists emphasize the importance of individual meanings and on the other there is a tendency to depict social actors as the passive recipients of socially controlling labels. In other words once the label has been applied and (to use Lemert's term) secondary deviation has been embarked upon, the development of career deviance is "determined" by the forces of social control. The failure of the interactionists to deal with the problems of determinism remind us that considerable analytical caution has to be exercised with the concept of social control. It is imperative that we specify the exact form this control takes and identify the reactions and resistances to control measures. It is for this reason that I prefer to use the term "governmentality" because this term (as used by Foucault) carries

with its notions of resistance and evasion that guard against deterministic assumptions. In short I reject suggestions that either social control or governmentality result in a social paralysis whereby the behaviour of oversocialized people is determined by social pressures, sanctions and ideological constructs.

There have been a number of criticisms levelled at New Deviancy Theory. While the theorists exposed the dangers of structural determinism in the earlier functionalist accounts of deviance and confronted the problems of positivist methodologies in criminology, they failed to examine the labelling process in a wider social context. In particular there was no explanation of the possibility that "deviance" arose out of the struggle between conflicting groups in society. The social reaction school had no theory of power as a phenomenon which was deployed systematically over time throughout society.

Conflict theorists have criticized the interactionists for failing to locate social control within a wider framework of structural constraints. Rather labelling theorists have been content to understand the social reaction to deviance as the outcome of definitional processes which are rooted in liberal democracies. Steven Spitzer for example asks

"If deviance is simply a status, representing the outcome of a series of control procedures, should our theory of deviance be reduced to a theory of control? In what sense, if any, is deviance an achieved rather than an ascribed status? How do we account for the historical and structural sources of deviance apart from those shaping the development of formal controls?" (1985:408)

What Spitzer seems to be saying here is that we need to grasp the significance of formal controls (e.g., the law, policing, the court system, etc.) amidst the operation of much wider more deeply seated controls, which, for Marxists are located in the capitalist workplace.

Conflict theories argue that deviance arises as a product of social conflict and that groups "in power" are able to foist their definitions of deviance on subordinate groups. Explanations of deviance in terms of social conflict have developed in a number of directions that tend to derive from Weberian, Marxian and to a lesser extent Feminist approaches. Drawing upon Weber and Dahrendorf, Austin Turk (1966) accounts for deviance and crime in terms of the conflict between those groups in authority and those groups subjected to them. In a similar vein Richard Quinney argues that those "segments" of society who have the power to formulate and apply laws are those elements which will tend to escape the label of criminal.

Theories deriving from the Weberian tradition have been criticized by Marxists for ignoring the fact that social conflict is deeply rooted in the social relations of industrial capitalism rather than a reflection of a pluralism of interests.

Marx and Engels themselves wrote little about deviance and crime. In The Condition of the Working Class in England Engels cites the degradation of capitalist factory production as the reason behind increased crime levels (1984:159-62). He argues that poverty in an increasingly competitive society provided the motivation for crime. This criminal motivation was not checked because the demoralized families who worked in the factories were incapable of providing a proper moral education.

In Capital Marx argues that crime is a product of bourgeois society in general. The implication here is that crime would decrease in communist societies. In The Civil War in France Marx notes that the ascendancy of the working class in the Paris Commune was an important reason for the virtual elimination of crime.

One of the first "conflict" oriented studies to move beyond micro-sociological analysis and yet retain a stress on human agency, was Stanley Cohen's Folk Devils and Moral Panics (1972). Here Cohen discusses the social construction of a moral panic. He argues that Mods and Rockers became symbols of a much wider phenomenon centred on the lawlessness of youth. Concerns about youthful deviance were amplified and directed at scapegoats whom Cohen named "Folk Devils." Moral panics which diverted attention from more deep seated economic problems, tended to arise at times of rapid social change when the dominant value system was under fire.

It has been hotly debated whether deviance and crime constitute a legitimate area of Marxian theory. Paul Hirst has argued that,

"There is no "Marxist theory of deviance," either in existence, or which can be developed within orthodox Marxism. Crime and deviance vanish into the general theoretical concerns and the specific scientific object of Marxism. . . . The objects of Marxist theory are specified by its own concepts; the mode of production, the class struggle, the state, ideology, etc. Any attempt to apply Marxism to this pre-given field of sociology is . . . 'revisionist.'" (1975:204)

Others have sought to understand deviance and crime by making use of Marxian concepts. For example, a number of writers have interpreted crime as a form of adaptation or resistance to class domination (Taylor et al., 1973; Hay et al., 1975; Thompson, 1975; Greenberg, 1981). This emerging approach located the social reaction to deviance within an essentially Marxian structure of class and power. Hall et al. (1978) extended the radical paradigm and re-employed the notion of moral panic in connection with the phenomenon of "mugging." The social construction of mugging as a moral panic was related to the crises of the British capitalist state. This construction was part of the shifting balance between coercive and consensual social control. Muggers, like Cohen's folk devils, came to symbolize the problem of social and political

disorder which Hall et al. traced to the structures of capitalism and racism.

Steven Spitzer has argued for an understanding of deviance in Marxian terms. He stresses the need to grasp the concept of deviance through its relation to the mode of production. His Marxian approach stresses the ways in which deviant populations are produced through the contradictions of capitalism. For example, Spitzer emphasizes the importance of relative surplus populations as a means of keeping wages down. At the same time he sees these populations as problematic insofar as they question the legitimacy of capitalism by undermining the ideology of equality. According to Spitzer,

" . . . deviants are culled from groups who create specific problems for those who rule. Although these groups may victimize or burden those outside of the dominant class, their problematic quality ultimately resides in their challenge to the basis and form of class rule." (1985:409)

Social Control

Having mentioned the term social control at several points with an implicit understanding of its meaning, it is useful to offer a formal definition. Stanley Cohen sees social control as

"the organized ways in which society responds to behaviour and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable in some way or another." (1985:1)

We can broadly identify two main types of social control; coercive and consensual. The former relies on the use of physical force while the latter seeks to obscure or downplay conflictual relations and persuade those who are to be "controlled" that their submission or acquiescence is inevitable or natural. Coercive social control brings conflict and antagonism into sharp focus. For this reason coercive techniques are often less effective as a means of guaranteeing long term compliance. In contrast consensual mechanisms are pitched more at the

level of ideas and knowledge. It is in the direction of consensual social control that I now turn with a discussion of ideology and hegemony. Suffice it to say at this point that I elect not to use the term social control since the word "control" tends to imply conformity and the restoration of normative order.

Ideology and Hegemony

For Marx, consciousness is shaped by human activity in society. His notion of ideology derives from this observation and refers to various distortions in thought which come to dominate discourse and serve to conceal and thereby reproduce various social contradictions. We find this negative connotation of ideology most forcefully expressed in The German Ideology. The domination of the bourgeoisie in capitalist society is therefore assured by an ideology which depicts this ascendancy as natural. If the proletariat accept this status quo as natural or "God given," it is because of their false consciousness. In later writings both Marx and Engels at times see ideology in more general terms as embracing the totality of forms of consciousness.

For Durkheim and the structural-functionalists society is primarily a moral order. This order reflects a collective conscience that is based on a commitment to shared norms and values. For Durkheim the character of social solidarity changes from a mechanical nature in primitive society to an organic form in Modern society. These forms are associated with ever increasing specializations in the division of labour. Therefore with both Durkheim and Marx we find a "fit" between material conditions and systems of belief. Given the widespread array of forms of social conflict that I address in this study, I find structural-functionalist notions of a normative system far less

convincing than Marxist arguments which depict structural-functionalism (rather crudely) as bourgeois ideology.

We see a number of parallels between Durkheim's work on beliefs and Althusser's structuralist interpretation of ideology. These two approaches are of course opposed in their particular underlying view of society and the nature and extent of social conflict. As Kenneth Thompson notes, the two approaches intersect in their discussion of systems of representation as being

"composed of concepts, ideas, myths or images in which people live their imaginary relations to the real conditions of existence." (1986:24)

Althusser moved away from Marxist notions of ideology as deriving from true/false distinctions and instead saw ideology as directed at the constitution of specific forms of subjectivity. These subjects came to accept their roles within the system of capitalist social relations. As Peter Miller notes, Althusser's approach was a novelty within the field of Marxism. This new angle

"opened up the prospect of a theory of the production and reproduction of society without recourse to the philosophical a priori of constitutive subjectivity." (1987:3)

I will return to other aspects of Althusser's work in Chapter 2. His ideas on subjectivity were extended by poststructuralists who sought to situate the construction of subjects within particular discourses. Foucault's contribution is valuable here insofar as he sought to demonstrate how governmentality was effected through discourses concerning psychiatry, medicine, the human sciences, prisons, sexuality, etc. These discourses constructed individuals as the objects of a specialized knowledge. This knowledge was directed at governing these individuals in particular ways. The articulation between these discourses, the human/institutional practices associated with them and their social effects was not one of easy correspondence. In Foucault's

work we do not find the structural-functionalist role of beliefs operating to reproduce an "ordered whole." Neither do we find the Althusserian relationship between ideology and capitalist social relations. Rather we find a complex interrelationship between knowledge and power that opens up new avenues of inquiry.

Gramsci's interest in the creation of "consenting subjects" through hegemonic processes that are not reductionistically linked to capitalist social relations offers a number of points of commonality with Foucault's work on discourses, institutional practices and governmentality. I explore these connections in more detail as I consider the role of what I call "hegemonic discourses" in the development of policing. (See Section V.) The similarities between Gramsci and Foucault are in part traceable to their concern with concrete historical currents.

Gramsci's notion of hegemony is helpful in interpreting the manner in which class domination is maintained through consent. Hegemony refers to the ideological predominance of dominant classes. This predominance cannot be mechanistically derived from economic class interests in politics and culture. For Gramsci, hegemony is constructed through class struggle. His notion is therefore cognisant of the importance of resistance. It is underpinned by the fact that the manufacture of consent is a precarious social process. Gramsci's approach stresses the importance of actors' rational choices. Consent is not reduced to false consciousness. When consent is weak the state maintains capitalist social relations through more coercive measures. The historical balance between consent and coercion is central to the understanding of social control.

Williams (1960) sees hegemony as,

"An order in which a certain way of life and thought is dominant, in which one concept of reality is diffused through

society in all its institutions and private manifestations, informing with its spirit all taste, morality, customs, religious and political principles, and all social relations, particularly in their moral and intellectual connotations." (1960:588)

This definition highlights the pervasiveness of hegemony and is very much in tune with Gramsci's separation of state and civil society. Gramsci's approach stresses the historical significance of culture as well as the role of the state in the construction of hegemony. I find this perspective much more helpful than that of structuralists such as Althusser and Poulantzas who have tended to overplay the part played by the state. I also favour a Gramscian approach because the American state was poorly developed during critical periods of class struggle.

The manufacture of ideology and hegemony represents the most insidious use of power in the social body. To secure the compliance of the governed without the governed necessarily knowing they are complying involves the very subtle and often hidden deployment of power. This observation moves us into the area of power and discipline.

Power and Discipline

Power

The phenomenon of power is illusive and it is difficult to specify its exact nature. In this sense power resembles the notion of energy in natural science. When power is deployed it has observable historical effects. Throughout this thesis I identify the effects of the deployment of power. Weber provides us with a useful starting point in moving towards a definition of power. He sees power as,

"The chance of a man or a number of men to realise their own will in a communal action even against the resistance of others who are participating in the action." (1972:180)

Weber tends to see power as a property. This is reflected in his observation that power is subject to expansion. In discussing "structures of power" he reasons that,

"Not all political structures are equally expansive. They do not all strive for an outward expansion of their power."
(1972:159)

His interest in institutional power and the will of actors is directed at the manner in which subordination is produced. For Weber, the deployment of power within the state apparatus and bureaucracies in general is a central concern. In my thesis I want to stress the association between power and sociality in general. I will demonstrate that it is the locus of power which marks the domain of the political.

Parsons' view of power stems from Weber's definition. Both theorists see power as a property. Whereas Weber's approach stresses the way in which certain individuals and groups hold power at the expense of others, Parsons argues that power derives from society as a whole and functions for that society rather than as in the Weberian case on behalf of sectional interests. Under the Parsonian scheme the more efficient social systems are those that are better able to realise the goals prescribed by their members. These systems possess more power. Levels of power can therefore be increased by improving the way in which collective goals are realised. For Parsons, the deployment of power therefore benefits all members of society. For Weber there is only a certain amount of power to go around. His approach therefore is sometimes called the "constant-sum" notion of power and contrasts with the Parsonian "variable-sum" concept.

Liberal theories of power are also based on Weber and stress the diffusion of power among competing groups in Western democracies. While elite groups hold disproportionate amounts of power, these groups compete in a healthy way for the right to represent the interests of

supporters. So-called pluralist theory therefore rejects notions of a ruling class and instead celebrates the virtues of liberal democracies.

Both Parsonian functionalist and pluralist concepts of power underplay the importance of systemic social conflict between, for example, classes and genders. They adopt an uncritical approach to the problem of governmentality. In each case liberal democracies are portrayed unproblematically as the legitimate mouthpieces of a largely consenting population. This ignores the manner in which structural constraints act to check the ways in which formal political issues are initially raised, debated and resolved. At a deeper level there is an appreciation of power as a phenomenon whose locus can be traced largely to the machinery of government and the democratic state.

In wanting to broaden the analysis beyond the state and liberal democracy to the politics of sociality in general I will now move forward to discuss the way in which the structuralist/poststructuralist debate offers us useful tools for a more wide ranging definition of power.

Structuralists such as Althusser argue that Marx's historical materialism took the form of a science. This science prioritised the notion of the social formation as an explanatory tool. According to the Structuralists, Marx denies the importance of human agency in history. Althusser was at pains to reject Hegelian idealistic notions of the human subject.

Poulantzas (1978) sees power as the capability of one class (or class fraction) to realize its interests against other classes or fractions. Under this analysis "power" is in fact "class power" and as such power cannot be extricated from economic and class relations. In the final analysis an exploration of the workings of power depends upon some form of appreciation of the mode of production. Poulantzas'

definition of power stipulates that power involves more than struggles between individuals. He does acknowledge that class fractions compete with each other and that the power of the state, while protecting the long term structure of capitalist production, does not necessarily reflect all the interests of the dominant class.

Unlike classical Marxist theory, Poulantzas' approach stresses the relative autonomy of the political sphere from the economic domain. The world of politics cannot be simply explained by reducing it to its utility to capital. This poses a useful alternative to the economic reductionism of classical Marxist arguments about base determining superstructure, etc. However, leaving aside the issue of whether the term "relative autonomy" is an oxymouron, we are still left, in the final analysis, with a problem of functionalism. According to Poulantzas, the capitalist state still reproduces the capitalist social formation. In other words one system (the capitalist state) still appears to meet the needs of the entire social system (capitalist social formation).

Poststructuralists such as Foucault transcend this approach and reject totalizing theories. Rather Foucault demonstrates the effects of the deployment of power in general and its role in creating human subjects. Like the Structuralists, Foucault's position is anti-humanist and anti-subjectivist. Unlike the Structuralists, Foucault refuses to reduce the workings of power to total structural explanations, e.g., class. Instead Foucault identifies totalizing theories and their "wills to truth" as aspects of a much wider deployment of power. I follow Foucault insofar as my class and gender analyses are not presented as totalizing theories. Rather I regard the relations of capitalism and patriarchy as particular axes along which power is deployed. My analysis departs from Foucault insofar as I am concerned to document the

ideas of human agents and the parts played by these ideas in the construction of history. However, I follow Foucault in that human agency is located within a given domain of power. A closer look at Foucault's appreciation of power is now in order.

Foucault sees power as constitutive of social relations. Power is not given, taken or possessed, rather it is exercised. Unlike Weber, Foucault does not see power as a property. Like energy, power cannot be created or destroyed. As power is deployed political struggle takes place. Foucault's appreciation of power allows for the analysis of politics at both macro and micro levels. Whereas Weber dwells on the deployment of power for the purposes of subordination, Foucault usefully stresses that power can be exercised productively as well as repressively. The notion of resistance is implicit in Foucault's work. This ties in well with my own appreciation of human agency as a real historical force. Consequently the actors in this thesis are presented as agents with choices rather than as "overpowered" individuals. At the same time Foucault also informs us that power is written into the fabric of society. This means that there is an aspect of power that transcends intentionality. In other words individuals make choices but they do so within certain social constraints. The multitudinous workings of power therefore echo the tensions within sociology between the notions of social structure and social action.

The many faces of power permeate the entire body of this thesis. I highlight the overt and covert exercise of power. As Lukes (1974) has noted, the use of power does not merely result in getting a person to do something that s/he would not otherwise do. Neither is it simply the conscious or unconscious prevention of certain issues being raised by the subterfuge of influential parties. Power can transcend coercion, influence, authority, force and overt manipulation. The supreme

exercise of power involves the inculcation of certain desires by affecting thought. As I mentioned earlier this represents the most insidious and yet the most effective use of power since it prevents conflict arising in the first place.

Discipline and the Emergence of Disciplinary Societies

Any analysis of capitalist production or any discussion of social control in general, must direct itself towards the manner in which the workforce is disciplined. Weber is helpful here insofar as he reminds us of the connection between power and discipline. He observes,

" . . . of all those powers that lessen the importance of individual action, the most irresistible is rational discipline." (1972:253)

The development of capitalist work discipline was an integral part of the diffusion of a broad range of disciplinary techniques.

Both Weber and Foucault trace the phenomenon of discipline to military organizations. Weber notes,

"The discipline of the army gives birth to all discipline No special proof is necessary to show that military discipline is the ideal model for the modern capitalist factory." (1972:261)

Barry Smart in commenting on Foucault's approach, reminds us that the rise of the capitalist wage labour force was dependent upon the transformation of "life-time" into "labour time." Smart notes,

"This is achieved through discipline, through particular methods which have made possible a precise control of the operations of the body. The effect of which has been a maximization of the body as a useful force and a reduction or regulation of the body as a political force." (1983:114)

Foucault has argued that the Classical age

"discovered the body as object and target of power."
(1977:136)

Disciplinary procedures had long been at work in monasteries, armies and workshops. However, during the 17th and 18th centuries these disciplines became,

"general formulas of domination." (1977:137)

In their original enclosed settings these disciplinary techniques were directed at the production of a rational, controlled and efficient functional unit. This was achieved through a number of mechanisms. Firstly, units such as monasteries, barracks, workshops and schools were organized by the cellular division and subdivision of space. Each working person was placed in a particular space within which their performance could be accurately assessed. The roots of this process of differentiation of spatial units lay in the monastic cell. We see, for example, the earliest factories being based on the monastic model, even to the point of starting the day with prayer (Foucault 1977:149).

Secondly, we witness the importance of the regulation of activity. This was achieved through the "timetable." Again we note origins in the religious orders. However as factories, armies and schools began to utilize the timetable, we observe the more detailed breakdown of time. The use of the timetable began to move away from the mere prevention of "time wasting" and towards the maximization of these ever more minute periods of time. Foucault puts it nicely,

"Discipline . . . arranges a positive economy; it poses the principle of a theoretically ever-growing use of time: exhaustion rather than use; it is a question of extracting, from time, ever more available moments and, from each moment, ever more useful forces." (1977:154)

Put simply, the timetable made the most of time.

Thirdly Foucault draws attention to the importance of training and the graduated inculcation of a greater number of increasingly complex skills. The phenomenon of training meant that tasks were linked serially. This further regulated the performer of those tasks and gave

the observer new insights into the performer's place in a time or activity sequence.

Finally we observe a combination of these disciplinary forces into a tactics. During the classical era individuals come to be valued less for their own skills and more for the way their skills could be integrated into a system. The strength of the soldier was superceded by the requirement that he fulfill his role in an overall strategy. These tactics, which involve the intermeshing of correctly situated bodies, coded activities and trained aptitudes represent, as Foucault argues,

"the highest form of disciplinary practice." (1977:167)

One of the key means of effecting this intermeshing is through a system of calculated, specific and economic command.

The refinement of techniques of discipline in enclosed institutions was associated with systems of micro-penalty that addressed and punished inappropriate behaviour, movements, gestures, timing, attitudes, etc. These systems operated in areas that were not touched by the law. By punishing inappropriateness and rewarding good behaviour, these techniques were useful in setting up a means of comparing individuals. This process of comparison led to the establishment, insertion and regulation of norms.

For Foucault, a disciplinary society begins to form when mechanisms of discipline come to permeate the entire social body. In other words we witness a diffusion of techniques from enclosed institutions to processes of sociation in general. This diffusion process begins with the extension of techniques from one enclosed institution to another and advances as the mechanisms penetrate the social body. The process of permeation was both constituted by, and, later, constitutive of, a number of "disciplines." The power to regulate the politicality of a body and at the same time sharpen its productive utility was linked

synergistically to the emergence of an increasingly expansive body of knowledge which took the form of the human sciences, e.g., psychiatry, psychology, clinical medicine, penology, political economy, etc.

During the period of the Enlightenment we observe two key processes. The first is the growth of the notion of "liberty" and universal rights. The bourgeoisie became the ascendant class during the 18th century by masking its political presence with systems of representative democracy. The second is the emergence of the disciplines. The disciplines emerged as the "dark side" of these formally egalitarian developments (Foucault, 1977:222). In contrast to the extension of certain rights, privileges and responsibilities, through the democratic state, the disciplines were "counter-law." They inserted the norm vis a vis health, criminality, productivity, sexuality, politicality, etc. as opposed to celebrating individuality.

The discipline of criminology/penology is of particular interest for our purposes. The delinquent gradually came to be diagnosed as a pathological person rather than a mere offender. Slowly the law breaker came to be punished more for his/her character than for the actual act of transgression. This meant that delinquents were to be trained, salvaged and made useful rather than be executed or physically mutilated. In 19th century Western Europe the locus of punishment shifted from the body to the soul and we witness the birth of the prison. This historical tendency in the field of punishment was part of a wider shift in the government of modern era populations. This shift was characterized by the increased use of disciplinary power which came to be a more effective management strategy than the more spectacular deployment of sovereign power (e.g., executions) that especially characterized monarchial domination. As Sheridan observes disciplinary power is,

"not triumphant, excessive, omnipotent, but modest, suspicious, calculating. It operates through hierarchical observation, normalizing judgement, and their combination in the examination." (1970:152)

The search for the "flawed" individual (criminal, lunatic, sick person, etc.) rather than the deviant act provided a justification for the ever more detailed surveillance of much larger segments of modern era populations. This surveillance was achieved in a number of ways. We may note the proliferation of carceral institutions and the growth of knowledge about the management of populations. Of especial interest for our purposes is the rise of modern bureaucratic police.

Disciplinary Developments and the Rise of Modern Bureaucratic Policing

During the classical era we note a number of developments in Europe's police apparatuses. In France, Louis XIV centralized the police and gave them a very broad range of duties (1667). These duties included the supervision of baptisms, burials, markets, brothels, weights and measures, meetings, marches, floods and fire, the poor, etc. (see Bowden 1978:Chapter 6). The Paris police were primarily a centralized paramilitary unit designed to overtly support the formal political regime in power. After the revolution (1789) the new police continued to be directed at spying and intelligence work in an attempt to stave off a royalist counter-revolution. We see the establishment of similar forces elsewhere in Europe during the Classical Period (e.g., Vienna, 1754; Berlin, 1742; St. Petersburg, 1768) (see Bowden, 1978).

It was not until the establishment of the London Metropolitan Police Force (1829) that we witness the appearance of a more decentralized, autonomous and community based form of law enforcement. By the mid 19th century a number of other countries used the London force as a frame of reference for the development of their own policing

systems. Even Napoleon III gleaned reform ideas from the Metropolitan Police. Likewise police systems in Berlin and New York borrowed from the British example. We might say that the London police were the leading edge in terms of preventative policing. They were more in tune with the Enlightenment philosophy of reform and rehabilitation. As Silver (1967) has argued, the Metropolitan police were organized in response to fears of a threat to social order. This was partially a response to the class antagonisms engendered by the rise of British capitalism (1967:4). Previous social control strategies had been too blatantly classist and excessively coercive (e.g., Yeomanry and the Peterloo Massacre). The rising bourgeoisie were less willing to engage in self defence than the landed (and more militaristic) aristocracy. The Metropolitan police were therefore a compromise arrangement, which emphasized the legitimate and more intimate proactive management of the urban poor and unemployed by various forms of beat policing.

Robert Storch stresses the importance of the new police in the industrial districts of northern England as a means of preserving the very fabric of society. Prior to the 19th century urban disorder in England had not necessarily been viewed as a threat to the social order. However by the 1830s fears of the dangerous classes had grown.

"By this period popular disorder of any type, even manifestations usually devoid of overt political content--public house affrays, dog fights, races, popular fetes of any type--seemed to constitute a clear and present danger to the social order." (Storch, 1980:87)

The new bureaucratic police, for Storch, were an extension of the moral and political authority of the state into the minutiae of everyday public life.

My purpose in briefly overviewing these developments in Western European police systems is to demonstrate how bureaucratically organized law enforcement agencies have been seen as an aspect of securing the

governability of populations. Policing was a means of disseminating discipline throughout the social body. Foucault notes this shift in the 18th century French police who extended an "intermediary network" beyond the influence of carceral institutions such as workshops, armies and schools. This more penetrating form of policing

"disciplined the non-disciplinary spaces." (1977:215)

We might say that the new 19th century bureaucratic police forces served as bridging links for the diffusion of the techniques of discipline which had been utilized in enclosed or carceral institutions. These forces assured that

"discipline reigns over society as a whole." (Foucault 1977:216)

As I have already noted, the rise of a disciplinary society was associated with and in turn fed into the emergence of industrial capitalism. We can therefore relate a number of policing developments to the rising contradictions of capitalism. (In Chapter 2 I discuss the studies which attempt to do this.) However discipline and policing was also related to a number of scientific advances, a change in the nature of juridico-political apparatuses (e.g., the rise of representative democracies) and major population increases (especially floating populations). Knowledge-power relations and the rise of discipline and policing cannot be interpreted solely as a product of class struggle. Rather we must look at the manner in which the police have contributed to the production of society or social order in general. As Pasquino notes,

". . . the science of police is all about . . . a great labour of formation of the social body, or rather a labour whose principal result is what today we call society or the social body and what the 18th century called the good order of population." (1978:47)

There appears to be a point of contact here between consensual and conflictual images of society. Pasquino's quote can be used to describe

a form of policing that maintains normative order. It may also be utilized to denote a type of law enforcement that mediates and manages the antagonisms and tensions of an inherently conflictual society. The former usage is reminiscent of Durkheimian social theory, while the latter is consistent with Foucault. Barry Smart notes this point of contact between the two theorists,

". . . the reality defined by Durkheim as the subject matter of sociology, namely the social, is synonymous for Foucault with the network of disciplinary power." (1983:112)

Whatever our view of society (consensual, conflictual, etc.) it seems reasonable to argue that the police have been historically active in creating the social body.

Governmentality and Policing

The term governmentality is preferred to social control because the former recognizes the ubiquitous operation of both power and resistance. Governmentality therefore is sufficiently fluid to accommodate the argument that a "disciplinary" society is not a "disciplined" society. The word "control" on the other hand tends to imply conformity and the restoration of normative order.

In contrast to Marxian notions of social reproduction which are concerned with perpetuating capitalist social relations, the concept of governmentality addresses power relations in general. As such governmentality is an all embracing analytical tool that can be directed at both class and gender power relations. This means that Foucault's use of governmentalization goes beyond traditional theories of the state. Foucault is concerned to demonstrate how the state comes to know its subjects in more detail. These knowledges appear to be directed at the greater and more penetrating regulation of the citizenry. This regulation sought the construction of subjects who adhered to the

dictates of normalizing judgments. These judgments persuaded citizens to police themselves in certain ways vis a vis their health, sexuality, criminality, productivity, etc.

This type of argument moves us away from seeing the state or police agencies as being concerned primarily, in the final analysis, with the use of force. Rather we are directed at the manner in which government is achieved through the production, circulation and utilization of hegemonic discourses. In this way we come to see the rise of modern bureaucratic police forces as an aspect of the deployment of disciplinary power. As we have said this form of power produces "knowable subjects" and targets the soul of the policed citizen. Disciplinary power is deployed frugally insofar as it requires a minimal number of state agents (e.g., police officers) to produce a certain level of compliance or "order" in what is basically a conflictual society. We are not talking about Durkheimian social control here. It is not my argument that the police successfully facilitated the reaffirmation of norms that most citizens adhered to. Rather we are talking about the management of antagonisms in strife ridden societies. This is an entirely different proposition to the maintenance of consensual order.

The role of the police in producing knowable individuals is a major part of my project. I also devote considerable space to mapping the organizational changes associated with an economy of power in police organization. However we must not lose sight of the operation of another form of power which Foucault has called sovereign power. This is the power to take life rather than to regulate it, to brutalize bodies rather than to train them, and to move bodies rather than have them move themselves. Prior to the Modern era Foucault notes that sovereign power was deployed at the execution where it was visible,

spectacular and violent. As modern societies emerged sovereign power was less efficient as a means of securing "order" because it actually highlighted social conflict. As a means of supervising the "public" disciplinary power with its measured, subtle and hidden effects took over from sovereign power. Foucault sees sovereign power as,

"essentially a right of seizure: of things, time, bodies and ultimately life itself; it culminated in the privilege to seize hold of life in order to suppress it." (1980(a):136)

For our purposes one of the most enduring forms of sovereign power is that of husband over wife in modern families. As I note later, it is possible to argue that the widescale operationalization of disciplinary power in modern police forces was accompanied by and perhaps made possible by the non-policing of a number of offences against women. In other words governmentalization strategies were economic in that they did not address every form of disorder and antagonism. Hostilities within families were not addressed. The sovereign powers of husbands were untouched, while husbands, as wage earners, were themselves the targets of disciplinary power in other social sites, especially the capitalist workplace. Women were therefore policed by husbands and other men rather than directly by police agencies. It is with this in mind that we might partially understand the frequent observation made by criminologists that women have traditionally been involved in much less crime than men.

My analysis of policing situates law enforcement strategies within a tactics of government. Under this scheme it is equally as important to discuss what the police did not do, that they indeed might have or should have (legally) done. Policing then comes to occupy a similar place to that of penalty vis a vis surveillance and supervision of populations. This observation recalls Foucault who argues,

"Penalty would then appear to be a way of handling illegality, of laying down the limits of tolerance, of giving

free rein to some, of putting pressure on others, of excluding a particular section, of making another useful, of neutralizing certain individuals and of profiting from others . . . penalty does not simply "check" illegalities; it differentiates them, it provides them with a general 'economy.'" (1977:272)

In short governmentality is a useful notion in that it allows us to conceptualize the regulation and supervision of a citizenry that is fractured along a number of lines of tension. The nature of policing as a form of governmentality cannot therefore be neatly explained away in terms of the way law enforcement mediates and manages any one of these lines. Rather we must recognize these multiple lines and the manner in which they intersect and augment each others' effects. Policing bears a complex relation to this process of intersection and augmentation. The management of the antagonisms of capitalism and patriarchy has to be somewhat distanced from those lines. For example as I will show in later chapters, the police did not instrumentally "intervene" on behalf of capital. To have done this in any consistent way would have threatened the legitimacy of law enforcement. Rather we see a relative autonomy in local police institutions which mediates and manages power relations in a selective manner. The institutional detachment of local police was nevertheless articulated within and continuous with the multiple lines of power of patriarchal-capitalist society.

If we see politics in general terms as being concerned with the deployment of power, then my interpretation of policing as a form of governmentality differs from the approach of "radical criminology." Rather I would argue that my analysis is better described as political criminology.

Conclusion

In the course of this chapter I have presented a theoretical backdrop for the development of the structure of this thesis. By discussing certain theoretical approaches to police history, deviance, ideology and hegemony, power and discipline and governmentality I have argued for an appreciation of policing as a form of governmentality. Of especial importance is the fact that policing has been directed at the constitution and reconstitution of particular kinds of social order. We noted that this "order" was a political construct and stressed the historical pervasiveness of a number of modalities of power in the social body. Bearing in mind that the locus of governmentality is the social body itself, I will now go on to explore how class and gender relations operate as axes of government.

References and Notes

¹This Hobbesian approach is poorly developed in American policing history. Conservative themes are found at times in the "house histories" of particular urban police departments, i.e., Sprogle (1974); Flinn (1887); Woods (1919); Walling (1887). See Fuld (1909), Fosdick (1920) for more conservative wider ranging approaches dealing with police administration and organization.

²Most of these studies have either covered the growth and development of various urban police departments (Richardson, 1970; Lane, 1967; Alfors, 1975; Cei, 1975; Anderson, 1979; Levine, 1971; Maniha, 1970; Marchiafava, 1976; Reichard, 1975; Rider, 1971; Rousey, 1978) or have considered general developments by discussing trends in urban policing (Bacon, 1939; Ketcham, 1967; Levett, 1975; Monkkonen, 1981; Richardson, 1974; Smith, 1960; Walker, 1977).

CHAPTER 2
THEORETICAL BACKGROUND ON CLASS AND ITS
RELATIONSHIP TO POLICING

In the previous chapter I identified policing as a form of governmentality. Following Foucault I defined governmentality in terms of the management of Modern Era populations that are systematically fractured along a number of lines of tension and conflict. One such line is the axis of class. It is my intention in this chapter to provide a theoretical background on the way in which sociologists have conceptualized class. The approach to class which I operationalize in this thesis emerges out of this discussion. This leads me into an analysis of the relationship between class and policing. Here I examine the contribution of researchers who have argued that policing can be understood largely in terms of its utility to dominant classes. The chapter culminates in a discussion of the problems associated with these studies and a reaffirmation of the need to grasp the essence of policing through the flexible concept of governmentality. This reaffirmation is based on the fact that governmentality takes into account multiple axes of power and their influence upon policing. My stipulation that we must explore multiple axes of power invites the analysis of gender which follows in Chapter 3.

The phenomenon of class represents one of the basic forms of social stratification. The main theoretical debate about class derives from the work of Weber and Marx.

For Weber,

". . . classes, status groups and parties are phenomena of the distribution of power within a community." (1972:181)

These phenomena of the distribution of power are relatively autonomous. For example, members of a dominant class may not enjoy high status or political power. Weber speaks of a class when,

"A number of people have in common a specific causal component of their life chances, insofar as this component is represented exclusively by economic interests in the possession of goods and opportunities for income, and is represented under the condition of the commodity or labour markets." (1972:181)

Classes can be,

"possible, and frequent, bases for communal action." (1972:181)

Class struggles begin for Weber with the appearance of a money market which supercedes an economy based on barter. He recognised the ownership of property as the basis of all class situations. However, Weber also argued that class situation could be influenced by a variety of factors which affect the realisation of rewards from the capitalist market.

While common market situation may provide the basis for communal action, this is not always the case. Weber recognises that status and party (e.g., political party, trade union, pressure group) affiliations can form independent bases for communal action and that such affiliations do not necessarily stem from class situation. Status groups differ from classes in that they are normally communities. Weber defines status situation as

"every typical component of the life fate of men that is determined by a specific, positive or negative, social estimation of honour." (1972:187)

Status groupings do not necessarily correspond to class categories and often stand,

"in sharp opposition to the pretensions of sheer property" (1972:187).

For Weber, status groups can create divisions within classes and thereby frustrate the development of class consciousness and activism.

This follows since members of status groups are almost always aware of their common status situation. In contrast he argues that members of the same class often do not have an awareness of their class situation.

Weber employs the notion of power as property when he talks of parties. These are groups concerned with the "acquisition" of social power (1972:194). This includes formal political parties. He argues,

"parties may represent interests determined through "class situation" or "status situation" and they may recruit their following from one or the other. But they need be neither purely "class" nor "status" parties. In most cases they are partly class parties and partly status parties, but sometimes they are neither." (1972:194)

We find the importance of these conceptual distinctions between class, status and party articulated in Weber's historical work. Here a number of different struggles share centre stage as key historical themes. For example, the struggle between classes, nations, ethnic communities and status groups all appear to be of primary importance at various times. Underpinning all this is the growth of rationalisation which touches all institutions in western culture.

For the purposes of my thesis I elect not to operationalize Weber's three-fold system of stratification. The main reason for this is that the struggle between classes in Oregon seems to have been such an important historical phenomenon. In Eugene at municipal level, the links between political domination and class are so strong as to cast doubt on the complete analytical autonomy of classes and parties. Instead I elect to use a Marxian model of class.

While Weber's ideas on rationalisation are helpful I am at pains to point out the importance of local regimes of rationality which do not necessarily form continuities with a more global development.

Unlike Weber, Marx sees class struggle as the motive force of history. In the Communist Manifesto he argues that,

"The history of all hitherto existing societies is the history of class struggles." (MESW:1:35)

For Marx, a surplus appears when the productive capabilities of a society develop beyond the means of ensuring survival. The availability of this surplus creates the material conditions necessary for exploitation. This exploitation occurs when one group appropriates the surplus produced by the work of another group. The nature of exploitation depends upon the particular mode of production in a society. In capitalist society exploitation is rooted in the wage relation between capitalists and workers. Capitalists buy the labour power of the worker for the working day. During that day, the actual labour of the worker produces a value that is in excess of the wage earned. Marx called this excess the surplus value or profit. The amount of surplus value generated depends upon the struggle in the workplace over the intensity and conditions of work. It is from this struggle at the point of production that classes form, develop and mature.

In capitalist society the ownership of private property provides the access to surplus. The capitalist purchases the labour power of the worker for a specified time period. He/she also has the right to keep whatever he/she can realise for the products of that labour. In other words the capitalist owns the product of wage workers' labour. This places the capitalist in a position where he/she can constantly create new value by hiring employees. Marx called this minority group of owners the bourgeoisie. In fact the value of employer's establishments such as factories etc. is seen by Marx to be nothing but the accrued surplus value generated through the capitalist wage relation. In stark contrast the majority of producers do not own property and are consequently denied access to the fruits of exploitation. As capitalist development proceeded increasing numbers of workers were deprived of

land and traditional rights that ensured a modicum of independent survival. More and more workers were forced to sell their labour power in the capitalist market. Marx called this exploited majority class of propertyless wage-earners the proletariat.

Under capitalism workers appear to be free to sell their labour power to whomever they choose. Likewise wage agreements appear on the surface to be freely entered into on both sides. These appearances characterize the nature of capitalist exploitation. This contrasts with the direct use of force or other non-economic means to ensure the appropriation of surplus in non-capitalist modes of production. This observation is directly relevant to policing. Just as the capitalist wage relation works most effectively when its exploitative nature is hidden, Marxists argue that policing in capitalist society is most beneficial in reproducing the social relations of production when its purpose appears to be legitimate and beneficial to all classes.

Marx recognised the existence of other classes which bore different relationships to the means of production. In 19th century France he identified seven classes; the financial bourgeoisie, industrial bourgeoisie, mercantile bourgeoisie, petty bourgeoisie, peasants, proletariat and lumpen proletariat. According to Marx, class struggle led to the emergence of a revolutionary proletariat. In the Communist Manifesto he noted,

"Of all the classes that stand face to face with the bourgeoisie today, the proletariat alone is a really revolutionary class. The other classes decay and finally disappear in the face of Modern Industry." (MESW:1:44)

This means that classes other than the bourgeoisie and proletariat are transitory and eventually tend to join one of these two antagonistic classes. (I will return to other interpretations of this polarization process a little later.)

Marx presents the relationship between base and superstructure in different ways. In the Communist Manifesto and Capital he adopts a deterministic approach and depicts economic class struggle as conditioning political struggle. In this view the superstructure (state and social consciousness) is not autonomous and relies upon the social relations of production for its character. In Capital Marx comments,

"It is always the direct relation of the owners of the conditions of production to the direct producers . . . which reveals the innermost secret, the hidden basis of the entire social structure . . . in short the corresponding specific form of the state." (Capital:III, Chapter 47, Section 2)

In other works Marx's approach is less open to charges of economic reductionism. For example in Class Struggles in France and The 18th Brumaire of Louis Bonaparte he departs from the notion of the state as an exclusive instrument of class domination.

Structuralists such as Althusser have reinterpreted Marx and argued for the relative autonomy of the economic, political, ideological and scientific levels in capitalist society (1969:111). These levels are not seen to be in correspondence. Changes in the economy do not for example result in parallel shifts in the polity. At any particular historical "juncture" the economy finally determines the "specific effectivity" of the political, ideological and scientific levels. Althusser cites Marx's observation in Capital in support of the specific effectivity of levels. Marx noted,

"It is the manner in which the Ancient World and the Middle Ages gained their livelihood which explains why in one case politics in the other case Catholicism played its chief part." (Capital I, Chapter 1, Section 4)

Althusser sees the social formation as a structure in dominance. Drawing upon the above quote from Capital Althusser regards the political level dominating in the Ancient World and cultural level (reflected through religion) dominating in the Middle Ages. These relatively autonomous levels are only determined in the final instance

by the mode of production. In reality this moment of determination is endlessly delayed and the specific effectivity of political and cultural currents run their course.

The structuralist view of the social formation also led to a critique of the historicism in some Marxist histories. Althusser warned against seeing history as a process conditioned by the unfolding of the laws of the economic base. His appreciation of the complexity of the social formation at particular historical junctures, leads him away from seeing capitalism as an "expressive totality." His argument that incommensurate levels produce a complex historical effect or over-determination is incompatible with economic reductionism. The unevenness of the relation between these levels means that history itself is uneven and characterized by "discontinuity." Structuralists therefore reject the notion of the inevitability of a proletarian revolution based upon the unfolding of economic contradictions.

We need not be concerned with the numerous implications of the Structuralist critique. I will only focus upon those problems of the critique which are relevant to my thesis. In attacking economic reductionism Althusser and other structuralists have themselves been accused of structural determinism. Like the structural-functionalists, Althusser et al. adopt what Dennis Wrong (1961) has termed the "over-socialized conception of man." Individual agency disappears and subjects are imprisoned by structural constraints. As I have already noted, my approach emphasizes the pivotal importance of human experience.

Another important aspect of the structuralist debate in Marxism concerns the manner in which classes are defined. Poulantzas, drawing upon Althusser, argues that

"A social class is defined by its place in the ensemble of social practices, that is by its place in the ensemble of the

division of labour which includes political and ideological relations." (1982:101)

By using economic, political and ideological criteria to assign individuals to classes, Poulantzas breaks with traditional Marxist analyses based on the economic relationship of workers to the means of production. He ends up by arguing that the working class consists only of workers who directly produce surplus value. While most white collar employees earn wages they are placed among the ranks of the new petty bourgeoisie because they do not produce commodities. Wright has challenged the way in which Poulantzas defines "productive labour" and has stressed that there is little difference between the economic interests of what Poulantzas calls productive and unproductive workers (1980:251).

In assigning definitional importance to political and ideological factors, Poulantzas places managers who control (but do not own) the means of production among the ranks of the bourgeoisie. Zeitlin (1974) has attacked the definitional significance of "control" over the means of production and has stressed the fact that in the majority of corporations key policy decisions are made by owners rather than day to day managers. Wright also questions the notion of control. He argues that it is more appropriate to place non-owning managers in what he calls "objectively contradictory" class positions.

The concept of objectively contradictory positions is helpful and warrants further analysis. Wright usefully acknowledges that,

"All class positions are "contradictory locations" in that class relations are intrinsically antagonistic contradictory social relations." (1982:113)

His point is that certain positions are "doubly contradictory locations" insofar as,

"They represent positions which are torn between the basic contradictory class locations of capitalist societies." (1982:113).

For convenience it is these doubly contradictory positions which Wright calls contradictory class locations. He identifies managers and supervisors between the bourgeoisie and the proletariat, certain semi-autonomous employees between the working class and the petty bourgeoisie, and small employers between the petty bourgeoisie and the bourgeoisie all as occupying contradictory class locations.

I do not wish to imply that class is a purely objective or even structural phenomenon. For E. P. Thompson the phenomenon of class consciousness is an integral part of "class." By class consciousness we mean either an individual's sense of himself as a member of a particular class, or, those features of a person's world view which might be explained by reference to their class position. This meshing of consciousness and material conditions is reflected in Thompson's work.

"I do not see class as a structure, nor even as a category, but as something which happens (and can be shown to have happened) in human relationships.

More than this, the notion of class entails the notion of historical relationship. Like any other relationship it is a fluency which evades analysis if we attempt to stop it dead at any given moment and anatomize its structure." (1980:8)

This viewpoint that class consciousness is constitutive of class must be distinguished from the more classical Marxist tradition which sees class consciousness as derivative of class (or as understandable in terms of class). The classical position rests upon more of a separation of consciousness from material conditions. This separation is reflected in Marx's observation that a class "for itself" develops and matures from a class "in itself." In the Poverty of Philosophy Marx notes,

"Economic conditions had in the first place transformed the mass of people into workers. The domination of capital created the common situation and common interests of this class. Thus this mass is already a class in relation to capital, but not yet a class for itself. In the struggle . . . this mass unites and forms a class for itself."
(Chapter 2, Section 5)

There are a number of problems with the classical position, not the least of which is the assumption that the shift from the economic to the political domain is unproblematic. In other words the members of a class who experience certain objective material conditions are presumed to eventually organize "for themselves" and engage in political activism. This assumes that the economic base determines the superstructure and that political life is a mere reflection of the economy. While I opt to retain the terms "in" and "for itself" in the empirical sections of my thesis, I do so for organizational convenience rather than out of any allegiance to a deterministic Marxist position. Let me explain what I mean by this statement and then go on to note the contradiction between the "in-itself" "for-itself" dualism and Foucault's concept of governmentality.

In the chapters which follow classes "in" and "for" themselves are best seen as polarities on a continuum which reflects the degree to which collective organization and political activism has proceeded. It must be emphasized that classes in themselves are no more devoid of class consciousness than classes for themselves have become revolutionary. My use of the terms in and for itself should not therefore be taken as a sign that human agency is seen as unimportant. In my study it was simply helpful to highlight those periods when both the bourgeoisie and the proletariat became "schematically" classes for themselves. For example, in Chapter 8 I discuss the way in which substantial numbers of workers across the local wage working spectrum began to engage in a range of political activism in the 1930s. This activism included wide scale unionization campaigns, strikes and violence. It was during this period that the local proletariat became a class for itself. As I go on to argue in Section V, highly significant changes appeared in law enforcement as a working class "for itself"

emerged in Lane County during the Great Depression. (Instead of in and for itself we could use the terms less and more politicized respectively.)

Foucault's notion of governmentality does not view political activism as a mere reflection of the economy. There is no deterministic relationship between base and superstructure. While retaining the in itself-for itself dualism as an analytical tool for the discussion of the axis of class relations I must re-emphasize that my theoretical prioritisation of power over class limits the explanatory impact of class. This follows since class becomes relativized alongside other historically enduring modalities of power, e.g., gender. For the purposes of this thesis the history of hitherto existing societies is much more than the history of class struggles. Other axes of power cannot be reduced to the workings of class struggle. In other words, government is concerned with the mediation and management of multiple and intersecting lines of tension and conflict in the social body. Politics does not therefore just mirror the economy.

Having provided a theoretical background to the issue of class, I will now discuss the relationship between class and technology in order to introduce some of the key debates that I enter into later.

Marx usefully stresses that capitalist work discipline was amplified through the application of technology to production. He argued that factory style production resulted in the "real subordination" of workers. This corresponded to the generation of relative surplus value. These observations provide a useful context for interpreting the way in which the bourgeoisie operationalized notions of discipline and applied technology to production.

I do not see technological developments as the inevitable result of a global growth in rationality. I reject Daniel Bell's (1974) argument

that technology itself specified methods for the efficient mass production of commodities. Instead I cautiously pursue leads provided by Harry Braverman (1974), who theorizes that technology increasingly became an adjunct to capital in an attempt to control the wage labour force.

Braverman argues that capitalists applied technology in the workplace and reduced jobs to simple repetitive tasks. Factory employees, who originally worked more collectively, became separated from each other as scientific management techniques were introduced. Workers were slowly deprived of their traditional knowledge of the overall production process and subordinated to machine discipline. This deprivation made them more expendable. Fragmentation and de-skilling continued as capitalists secured more control over the workforce. Eventually white collar work was subjected to the same processes. This led to the proletarianization of the white collar employees.

As Aronowitz has argued, Braverman's thesis,

"constitutes a productivist version of the Weberian bureaucratic iron-cage." (1988:519)

Aronowitz is alluding to certain parallels between Braverman and Weber. The latter often likened bureaucracies to machines. Braverman's workers appear to be as tightly controlled as the employees in one of Weber's rational bureaucracies. Working class cultural resistance is absent from Braverman's study. This absence has important implications for it appears as though Braverman is only dealing with a proletariat "in itself." This position is unacceptable. As Giddens (1982:173) has argued, the knowledge of workers extends well beyond the understanding of tasks required in the labour process. We must discuss the political consciousness of workers (i.e., their awareness of the deployment of power) vis a vis the capitalist work relation as a whole. Giddens draws attention to a number of studies documenting the significance of the

resistance of the American labour force to the dictates of work discipline (1982:173, footnote 37). My own research shows that proletariat resistance was alive and well in Lane County, Oregon from the earliest appearance of large scale lumber manufacture. As I argue in Chapters 5, 6, and 7 the resistance of the working class reached a sufficient level to warrant making an analytical distinction between a class "in itself" and a class "for itself."

Class Relations and Policing

In the field of police history, Marxist historians have made a useful contribution. They have argued that American urban police forces emerged as part of a battery of social control institutions directed towards the reproduction of the social relations of capitalism (Harring, 1976, 1977, 1983; Harring and McMullin, 1975; Hoffman, 1979; Hoffman and Webb, 1986; CRCJ, 1975).

As we have seen Marx and Engels did not develop a theory of crime and deviance (O'Malley, 1987; Cain and Hunt, 1981). However, both writers emphasize the role of poverty, demoralization, competition and alienation as sources of crime in a capitalist society. Marxist historians of the American police have taken their lead from Marx and Engel's basic premises on criminality. In particular the Marxists have usefully stressed that the criminal code is a problematic social construct rather than an objective set of rules. This observation has led to the analysis of the way forms of criminality changed as the capitalist mode of production emerged. Harring (1983) has sensitized us to the political significance of the rise of vagrancy, drunkenness and public disorder offences. These offences came to constitute new policing foci during the later 19th century. The new foci reflected the emergence of class control policing. Law enforcement activities were

directed at working class recreation, strike related disorder and the unemployed rather than, for example, breaches of health and safety regulations in the workplace. This selective targeting therefore addressed "deviant" phenomena that threatened the orderly accumulation of capital. In Section V I discuss the rise of "new" forms of local crime amidst the tide of class struggle.

Marxists have usefully explored the meaning of American democracy and exposed glaring differences between formal and substantive equality. At the level of law enforcement they have raised important questions about the administrative control of police forces. For example, Harring and McMullin (1975) have noted that the Commissioners and Superintendents in the Buffalo police department were drawn from the ranks of the bourgeoisie. At the level of rank and file officers these authors point to the way in which ethnic divisions and rivalries were exploited to break down working class political cohesiveness. These officers were often drawn from the ranks of well established working class immigrant groups such as Germans, who were used to police more recent immigrants such as Poles (1975:12).

The class bias behind the policing of strikes is a prominent theme in the Marxist histories. Harring and McMullin (1975) note that peaks in police personnel hiring followed the years of most intense strike activity in Buffalo. Other studies have also confirmed this relationship between hiring rates and strikes (Harring, 1982:113-37; Cej, 1975:161, 187-91; Rousey, 1978, Chapter 7; Hoffman, 1979:105-110; Anderson, 1979:285-335).

Critiques of the Marxist Position

There are a number of problems with the Marxist approach which, when addressed, throw valuable light upon the rise of urban police

departments. Perhaps the biggest drawback is instrumentalism. Police forces are portrayed as tools of the ruling class. The proletariat appears to play very little part in the shaping of law enforcement policies and practices. (This is particularly true from the 1880s when police departments became much better organized.) Human agency, as Harring (1983) admits, plays only a secondary part in the shaping of history. There is little room for individual officers to subvert the dictates of wider class forces. Structural determination therefore militates against the negotiation of outcomes. One of the ways I attempt to avoid structural determinism is by exploring the meanings of social actors through oral histories (see Chapter 4). Evidence from my oral history interviews clearly shows that local law enforcement was, to a certain degree, a negotiated social activity. These observations are consistent with earlier interactionist studies (Piliavin and Briar, 1964; Bittner, 1967). Later studies have extended interactionist approaches by framing negotiated encounters within the wider context of class relations. These approaches, unlike Marxist histories of the American police, recognize the importance of human agency (e.g. Cohen, 1972; Hall et al., 1978).

According to Johnson (1976), Marxist instrumentalist arguments are more accurately directed to the actions of state and private police forces. For example Johnson draws attention to the anti-labour activities of the Pinkerton Detective Agency. It was this agency which was used to produce the evidence required to convict the Molly McGuires in the Ohio Valley in the 1870s and the Mafia in the South between 1900 and 1910. In both situations local police could not be relied upon to act against their Irish and Italian labour organizations (1976:97-8). From 1869-92 the Pinkertons broke 77 strikes. Johnson goes on to argue that municipal police forces have "taken care of labour" (1976:91). He

cites the 1894 Pullman Strike as an example. This argument is supported by other evidence from the studies of Cei (1975:133) and Marchiafava (1976:66-73). In the Pullman situation urban police were unwilling to break the strike. Finally, private, state and federal forces had to be used to crush labour. Evidence from other studies supports Johnson's arguments. For example, some cities relied upon the state militia or National Guard to break strikes (Rousey, 1978, Chapter 7; Anderson, 1979:289-310; Holmes, 1971:169). Hacker (1969) draws attention to the use of the U.S. Army for strike control. Other research argues that the 19th century American bourgeoisie hired private police to further their own interests (Walker, 1977, Chapter 1; Rider, 1971:427; Anderson, 1979:15). Johnson (1976:94) makes the useful point that private police were much more effective than local urban police departments since they were able to cross state jurisdictional lines.

Having noted some of the internal problems with the Marxist approaches to the history of the police, we are now in a position to reaffirm once again the desirability of recognizing the influence of multiple axes of power on the formation of urban police forces. The Marxist accounts completely ignore gender relations. To a large extent they have not addressed the historical role of race relations. My attempt to utilize Foucault's notion of governmentality as an analytical tool to explore the history of the police, is an effort to assess the possible points of intersection between different axes of power and their influence on policing. The historical trajectory of policing was as much about the management of families as it was about economies. By seeing policing as a form of governmentality we leave ourselves open to exploring this possibility.

Conclusion

In this chapter I have provided a background theoretical discussion of the phenomenon of class. I detailed the reasons for preferring a Marxian to a Weberian model of class. In addition I pointed out some of the problems with the Marxian approach to class and especially highlighted the contradiction between the in-itself for-itself dichotomy and Foucault's notion of governmentality. This discussion led me into a brief analysis of the Marxist studies of the history of the police. I closed the chapter by noting the limitations of these studies and argued once again for seeing policing as a form of governmentality.

CHAPTER 3

GENDER RELATIONS: ESTABLISHING A THEORETICAL FRAMEWORK
FOR THE ANALYSIS OF POLICING AND PATRIARCHY

Governmentality is a process of management and regulation which permeates the entire social body. Within that body we find the domain of gender relations as a key axis along which power has been systemically deployed. In this sense gender resembles the analytical categories of class and race. My purpose in this chapter is to offer a theoretical overview of the issues in the field of gender relations. This outline will provide a frame of reference for the historical analysis of gender relations (Section III) and the more detailed discussion of policing and patriarchy (Section VI). Chapter 3 is therefore organized in such a way that the subheadings lead us into these later sections of the thesis. My analysis of patriarchy begins with a discussion of marital relations and the family, sexuality and male violence in the family. This discussion draws us into the relationship between patriarchy and capitalism. The chapter culminates in a critical analysis of the policing of patriarchal relations.

Marital Relations and the Family

According to functionalist theory, compulsory heterosexuality is essential for the reproduction of the human race. The family is the institutional mechanism which organizes compulsory heterosexuality to meet society's needs. As western industrial societies became more differentiated in terms of occupational roles, the family became ever more specialised. For Parsons and Bales (1956) the "nuclear" family was

an advance on the pre-industrial "extended" type insofar as it prepared people for the diversity and difficulties of industrial life. The nuclear family became the focus for both the reproduction and socialisation of children. Given the increasing demands of industrial wage labour this family became an ever more important site for the provision of emotional support. This support was offered to growing children by a husband and wife team that harmoniously performed complementary roles. Men were "instrumental," while wives were "affective." These roles stemmed directly from biology in that they reflected women's "natural" ties to childbirth and childrearing.

It is not necessary to discuss in detail all the criticisms that have been levelled at this theoretical position. Suffice it to say that it is questionable whether the rise of capitalist industrialization resulted in the attenuation of kinship ties and the production of an isolated nuclear family unit that differed markedly from a distinctly "extended" type (Anderson, 1971; Laslett, 1977). At another level considerable doubt has been cast over the functionalist notion that the nuclear family exhibited greater equality between spouses. This progressive rise of equality is seen to stem from the tendency in industrial societies of spouses to select their partners for reasons of companionship rather than as in pre-industrial times a means of blending family property or traditions.

The assumption by functionalist theorists that the family is a consensual unit has been exposed as problematic by a number of different feminist analyses (Firestone, 1974; Rich, 1980; Barrett, 1980; Hartmann, 1981; Delphy, 1984).

The classic materialist analysis of the family is that of Engels (1940). In early human history where there was no surplus, Engels draws attention to the existence of matriarchal domination. As the material

base changed and surplus was produced we witness the rise of class struggle. The class members who appropriated that excess needed to be sure of passing it on to their biological heirs. Men therefore reversed matriarchal domination and instituted a regime of monogamy whereby they could be sure that their offspring were really theirs.

Engels observes that the rise of the monogamian family was a sign of the beginning of civilisation. He notes that this family is based on the,

"supremacy of man; its express aim is the begetting of children of undisputed paternity, this paternity being required in order that these children may in due time inherit their father's wealth as his natural heirs." (MESW:1970:500)

There have been numerous criticisms levelled at this work. We need only mention a few. Engels identified the bourgeois family as a site of oppression for wives. He contrasted this with the "true sex love" between husband and wife in proletarian marriage. Engel's rationale was that inequality in bourgeois families stemmed from a husband's ability to purchase legitimate heirs by providing food and shelter for wives. In proletarian marriage husband and wife were on an equal footing because they were both exploited as wage labourers under capitalism. Engels' argument ignores the exploitation of wives in proletarian marriages (Walby, 1990:71). At another level Engels fails to adequately explain why it is wives who work in the area of "reproduction" and husbands who perform productive labour. The only possible reason is that Engels assumes that women's capacity to bear children "naturally" predisposes them to also rear those children and engage in the attendant (unpaid) labour. In other words there is a biologism which permeates Engels' work, which does not recognize that the patriarchal domination of women by men is politically problematic. This domination is assumed to be part and parcel of ensuring the survival of the human species (Friedman, 1982:13). There is also a failure to acknowledge that the

work involved in production and reproduction can in fact be the same. Walby points to the similarity between food provision in the home by wives and the commercial production of bread and sexual servicing by wives and prostitution (1990:62). As Christine Delphy (1984) observes it is not the physical actions performed by wives and wage workers in the respective spheres of reproduction and production which constitute a crucial point of difference. Rather it is the social relations in which these actions are embedded that determine whether they are reproductive or productive.

Sylvia Walby criticizes the work of Louis Althusser insofar as it depicts the family as an ideological state apparatus. Walby points to the similarity between this form of Marxist functionalism and Parsonian functionalism in that both approaches tend to identify housework as a cultural activity. This downplays the economic and material contribution of women's work. It is clear from a number of studies that housework, even though unpaid, is engaged in at great length by wives as opposed to husbands. This gendered asymmetry follows even if both spouses are engaged in full time paid labour (Oakley, 1974; Elston, 1980; Hartman, 1981).

At the other end of the scale it is also clear that the leisure time of women is less than that enjoyed by men. Walby (1990:64) quoting an Equal Opportunities Commission study (1987) notes that if men and women are in full time paid jobs then the former enjoy 33.5 hours per week free time compared to only 24.6 hours for women.

Sexuality

It is clear from both historical and cross cultural studies that sexuality, like gender, is a social construct. This observation has not

been fully incorporated into either functionalist or Marxist theories of gender.

Functionalist theory depicts male sexuality as initiatory and active while females are allegedly "responsive" and more "passive." These images are rooted in biological reductionism. Using this logic functionalists have adopted uncritical approaches to phenomena such as prostitution and pornography. Kingsley Davis attempted to explain prostitution by starting with the question,

"Why is it that a practice so thoroughly disapproved of, so widely outlawed in Western civilization, can yet flourish so universally?" (1937:744)

Davis answers this question by arguing that prostitution complements marriage by providing a sexual outlet for a husband whose sexual needs cannot be satisfied through the limitations of monogamous marital arrangements. As the prostitute-client relationship is commercial, impersonal and transitory it does not threaten the marital bond.

Polsky (1967) extended Davis' arguments to explain that pornography was a functional alternative to prostitution. Drawing upon Durheimian logic Polsky argues that pornographers act to help maintain the boundaries of the acceptable norms of sexuality.

In contrast to the functionalist interpretations of prostitution and pornography as phenomena that maintain order, Marxist approaches stress that the objectification of women reflects their general plight under capitalism. As unpaid reproducers of labour power in the family, reserve workers or relatively unskilled/lowly paid wage workers, women resort to prostitution as a means of economic survival. According to Marx,

"Prostitution is only a specific expression of the general prostitution of the labourer." (1964:133n)

In the classical Marxist tradition prostitutes were typically impoverished working class women who served the needs of wealthier men who were able to purchase sexual services outside marriage.

The feminist position on prostitution emphasizes the importance of patriarchy and the construction of forms of compulsory heterosexuality that depict women as being sexually available for men. Prostitution is therefore akin to marriage and represents a system of exploitation. Nanette Davis (1990) draws attention to recent studies which reveal high levels of victimization reported by prostitutes (James, 1978; Millman, 1980; Barry, 1981; Edwards, 1984; Hatty, 1989; Hunter, 1989). These women were raped, sexually and physically assaulted and murdered. Erbe (1984) concluded that over 70% of the prostitutes in her survey had been the victims of sexual assault. Davis argues that

"prostitution is an extension of a culture that devalues women and provides unconditional sexual access so that some women are available for purposes of sexual abuse and exploitation."
(1990:3)

This type of feminist approach downplays the choices of individual women and tends towards portraying prostitutes as "determined" by forces (especially economic and patriarchal) largely beyond their control. Other feminists have sought to emphasize the potentially liberating aspects of prostitution. De Beauvoir for example argues,

"to make the man pay . . . is to change him into an instrument. In this way the woman avoids being one. The man may think that he 'has' her, but his sexual possession is an illusion; it is she who has him." (1974:632 quoted by Tong, 1984:54)

Other studies have utilized the notion of choice in an historical setting. Judith Walkowitz is at pains to point out that prostitutes who were the "unskilled daughters of the unskilled classes" were victims and survivors at the same time (1983:423). She emphasizes that we must consider both the agency and victimization of prostitutes.

Foucault has challenged the Marxist argument that sexuality has been repressed as capitalism has advanced. He discusses the construction of the repression thesis as follows:

"By placing the advent of the age of repression in the 17th century, after hundreds of years of open spaces and free expression, one adjusts it to coincide with the development of capitalism; it becomes an integral part of the bourgeois order . . . if sex is so rigorously repressed, this is because it is incompatible with a general and intensive work imperative." (1980(b), 5-6)

Instead Foucault takes a different direction and argues that discourses on sexuality have been an integral part of the constitution of the truth of the modern subject. By arguing that sexuality is socially constructed and by linking that process of construction to discursive-institutional practices Foucault identifies the "polymorphous techniques of power" (1980(b):11) that come to touch and shape the sexual subject. These techniques of power are not reducible to the economy of capitalism and its need to channel non-reproductive oriented sexual energy into productive and value generating activities. Rather these techniques are part of the production of sexuality in modern era societies. They are an aspect of the growing multiplicity of social sites where sex can be observed, scientifically analysed and discussed. We might say that the proliferation of discourses on sex, rather like those on order and crime, serve to aerate the social body and open it up to the ever more penetrating gaze of normalizing judgments. As Bidy Martin puts it, Western culture has produced and multiplied "sexuality,"

"as a way of policing society through procedures of normalization rather than prohibition." (1988:8)

Foucault traces a differential concern with sex to the bourgeoisie. But he argues this class did not elaborate a knowledge about sex to repress other classes. Rather the bourgeoisie used the growing discourse on sex to reaffirm the,

"high political price of its body, sensations, and pleasures, its well-being and survival What was formed was a political ordering of life, not through an enslavement of others, but through an affirmation of the self." (1980:123)

Sylvia Walby points out that Foucault's analysis of the bourgeoisie fails to confront the fact

"that one gender within the bourgeoisie might be using sexuality to control the other" (1990:117)

Other feminists have addressed the gaps in Foucault's work.

Diamond and Quinby note that,

"Foucault might have given new status to discourse, but he fails to take into account the relations between masculinist authority and language, discourse and reason." (1988:xv)

For some feminist writers sexuality lies at the heart of gender.

Catherine MacKinnon argues that,

"The feminist theory of power is that sexuality is generated as gender is sexualized. In other words, feminism is a theory of how the eroticization of dominance and submission creates gender" (1988:107)

In contrast to the functionalist analysis of pornography as a "safe" outlet for the male libido which cannot be satisfied within the confines of monogamous marriage, feminists have characterized pornography in terms of the objectification of women. Some feminists have explored the links between violence and the sexual domination of women which permeates much pornography. They point to the degradation of women and the misrepresentation of women's sexual needs (Dworkin, 1981; Steinem, 1980). Susan Griffin (1981) focuses upon the continuities between pornography, anti-semitism and sadism.

Other feminists have explored the field of the "representation" of men and women in general. Combining Lacanian psychoanalytical theory with poststructuralist ideas on representation Kaplan (1983) asks whether the gaze is male. She concludes that it indeed is and notes,

"In patriarchal structures . . . woman is located as other (enigma, mystery), and is thereby viewed as outside of male language." (1983:310)

Kaplan notes that for Lacan,

"Woman cannot enter the world of the symbolic, of language, because at the very moment of the acquisition of language, she learns that she lacks a phallus, the symbol that sets language going through a recognition of difference." (1983:310)

A central question in the field of sexuality is the predominance of the institution of compulsory heterosexuality. Weeks (1981) has attempted to explain the relationship between the rise of capitalism and the growing stigmatization of male homosexuality. This stigmatization stemmed from the incompatibility between homosexuality and the rising monogamous bourgeois family. D'Emilio (1983) takes a different approach by emphasizing the manner in which capitalism has been the source of new forms of sexuality. He points to the similarities between gay men and lesbians. Rich (1980) notes the possible points of difference between gay men and lesbians and argues that lesbian relationships can be seen as a form of resistance to patriarchy. A similar point is made by MacKinnon (1988:121). The important point from these studies is that heterosexuality is not natural. Rather it is socially constructed.

The feminist research discussed above exposes the hetero-reality of functionalist and Marxist theories of the family as an aspect of patriarchy rather than an expression of the (biological) need to reproduce the species.

Violence and Sexuality

If the representation of sexuality through pornography constitutes a form of symbolic violence, then phenomena such as rape, sexual assault and sexual harassment are evidence of the intimate linkage between sexuality and the actual violence which underscores gender relations. At this point I will briefly discuss the issue of rape.

It is clear that rape is vastly underreported (Wilson, 1978; Walby, 1990). Any theories of rape which rely on official statistics can be

seen at best as tentative. Psychological explanations have attempted to show that rapists are a product of a defective or maladjusted personality. This approach tends to feed into the notion that the rapist is a sex-crazed psychopath and that the phenomenon of rape is isolated rather than systemic. Walby criticizes this approach because it contradicts the available empirical evidence which demonstrates that the courts do not deem many rapists to be in need of psychiatric assistance (1990:130).

Other studies have attempted to argue that rapists commit rape because of the powerlessness they feel over their class position in a capitalist economy (Wilson, 1983; Gelles, 1972; Strauss, Gelles & Steinmetz, 1980). This argument has been criticized on methodological grounds for a failure to consider the differential processing of rapists by a classist and racist criminal justice system (Walby, 1990:133). Evidence from Russell (1982) suggests that both race and socioeconomic background are not positively correlated with the commission of rape.

At another level, radical feminists have criticized the class-based explanations of rape for their failure to consider patriarchy. The radical feminist position argues that rape is an integral part of compulsory heterosexuality and the gender relations of a patriarchal society. Rape should not be something that surprises us. As a crime of power rape merely reflects the manner in which sexuality and gender relations are saturated with power.

Brownmiller (1976) emphasizes that rape is a violent power trip which reflects the connections between patriarchy and violence in general. Her documentary analysis of rape situations during riots, wars and revolutions by police, soldiers, prison guards and parents presents a general picture of male domination through violence. Tony Eardley

(1985:91) criticizes the universalism and biological essentialism in Brownmiller's approach. He argues that

"by retaining the viewpoint and the interpretive framework of her own late 20th century culture, she fails in the end to distinguish the historic and cultural specifics of others."
(1985:91)

Some feminists feel that this type of criticism is misplaced because Brownmiller does in fact analyse the effects of phenomena such as militarization on the rape rate. In other words, she examines rape within different cultural milieu at different times (Walby, 1990:135).

Any study such as Brownmiller's which stresses the importance of rape as a violent aspect of patriarchy leaves itself open to charges of classism and racism. Davis (1981) has argued that Brownmiller uncritically accepts the fact that a number of black men were found guilty of raping white women in the U.S.A. Davis charges that Brownmiller's assumption ignores the racism in the American criminal justice system. According to Dowd-Hall (1983) rape involved more than a crime of violence against women. Rather she argues we should contextualize the phenomenon of rape in the post-Reconstruction South, as an integral part of a generalized mechanism of terror that affected black men in particular as victims of lynching. She argues,

"that there is a significant resonance between these two forms of violence The purpose of looking more closely at the dynamics of repressive violence is not to reduce sexual assault and mob murder to static equivalents but to illuminate some of the strands of that tangled web." (1983:331)

MacKinnon moves in a different direction to Brownmiller on the question of rape. Instead of seeing rape as an expression of violence she argues it is better theorized as an extension of male sexuality in a society which is underpinned by compulsory heterosexuality. She argues,

"Rape is not less sexual for being violent; to the extent that coercion has become integral to male sexuality, rape may be sexual to the degree that, and because, it is violent."
(1987:141)

MacKinnon moves towards questioning the notion of a woman's ability to consent to sexual intercourse with a man. She continues

"Calling rape violence, not sex, thus evades . . . the issue of who controls women's sexuality and the dominance/submission dynamic that has defined it. When sex is violent, women may have lost control over what is done to us, but absence of force does not ensure the presence of that control."
(1987:144)

MacKinnon's arguments push us towards the issue of consent to sexual intercourse and the meaningfulness of that notion within marriage. Legally, a husband's right to sex was akin to his other property rights. Tong traces the source of this "right" back to Sir Matthew Hale, who proclaimed

"The husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up her self in this kind unto her husband which she cannot retract." [Pleas of the Crown, p. 628-9. London 1678. Emely (ed.). 1947] (Tong, 1984:94)

In the U.S.A. in 1982 approximately 36 of the 50 states exempted a husband from charges of raping his wife provided he was living with her (Finkelhor and Yllo, 1990:293). Currently in England a husband cannot be charged with raping his wife. This places sexual intercourse within marriage on a par with prostitution insofar as if consent cannot be given, it cannot be withheld.

Leaving the consent issue aside for a moment it is clear from empirical studies that marital rape is common. Spector (1980) found that 36% of the 304 women surveyed in shelters in Minnesota had been raped by the man they lived with. Other studies have yielded similar results (Giles-Sims, 1979; Pagelow, 1980). Studies of the general population have revealed that marital rape is the most common form of forced intercourse (Russell, 1980). In his study of unreported rapes in Brisbane, Australia Wilson noted that nearly 70% of the rape cases involved rape by a friend, relative or acquaintance. He stressed

"Family rape is probably one of the most unreported forms of rape that there is." (1978:40 quoted by Hill, 1982:47)

From the brief overview presented here it is clear that rape is an integral aspect of the process of governing women. Tina Hill puts as follows,

"Not all men have to rape all women for rape and its threat to be an effective form of controlling women. . . . The social control of women is achieved not just by the act of rape, or the threat of rape, but by the power and control men gain from their protector role. . . . The mere fact that rape is so underreported shows its effectiveness as a form of social control." (1982:50)

The social response to rape has been mediated through the ideology of a patriarchal society. Rape victims have been stigmatized and made to appear to be at least partly responsible for their own dilemma by implicitly consenting to sex. Raped women have been depicted as dishonest or as sources of temptation for men. This ideology permeates the criminal justice system and acts to discourage women from prosecuting rapists.

Wife Battering

There are a number of parallels between the theoretical approaches to rape and wife battering. Psychological approaches to wife beating stress the low incidence of male violence and the psychiatric abnormalities of the men involved. Class based analyses stress that men from lower social classes engage in this form of violence much more than others. In both approaches the social locus of male violence is limited. Functionalist emphasis upon the complementarity of harmonious marital roles has militated against the recognition of systemic violence within marriage. In any case this violence would be theorized away under the functionalist paradigm as a mechanism for maintaining order within the social system as a whole.

These positions have been challenged by radical feminists who argue that wife battering is systemic and that male violence in this situation is either a means of securing domination or a reflection of male power in general (Hanmer, 1978; Hanmer & Saunders, 1984).

According to Schneider (1980), one third to one half of all women who are involved in a heterosexual relationship with men will experience violence or the threat of violence. Fully 41% of women who are killed in the U.S.A. are killed by their husbands (Schneider cited by Tong, 1984:124). Diana Russell's (1982) survey of 930 women in San Francisco revealed that 21% of those who had been married had been the victims of violence perpetrated by husbands.

This evidence strongly supports the radical feminist argument that both rape and wife battering are systemic aspects of a set of gender relations characterized by male domination.

The Relationship Between Patriarchy and Capitalism

The above discussion of marital relations, sexuality and violence prefaces and prepares us for the development of the main arguments in this thesis. Marriage and the mode of household production it enshrines; sexuality, and its insistence on defining woman as the hidden "other" and the manifestation of this through pornography and prostitution; male violence and its consistent expression in wife battering and its links with compulsory heterosexuality through rape, are all aspects of patriarchal domination. At this point it is necessary to define the term patriarchy and discuss some of the problems associated with the use of that term, before we can explore the relationship between patriarchy and capitalism.

Walby defines patriarchy as,

"a system of social structures and practices in which men dominate, oppress and exploit women." (1990:20)

This general definition finds form through the analysis of six specific structures which constitute,

"emergent properties of practices." (1990:20)

Patriarchal relations are therefore articulated through the particular social and historical practices associated with unpaid work, paid work, the state, male violence, sexuality and cultural institutions. Walby argues that this broad network of practices avoids some of the previously narrower analyses of patriarchy which emphasized reproduction (Firestone, 1974) or rape (Brownmiller, 1976). These earlier feminist approaches have tended to offer universalistic accounts of male domination across cultures and different time periods. Post-structuralists have attacked such accounts on grounds of essentialism. Walby's framework is sufficiently broad to incorporate diverse areas of social, economic and political life. In this way she takes heed of poststructuralist concerns with the tyranny of categories while at the same time retaining those terms such as "man" and "woman" which most people in their everyday lives appear to use as key frame of political reference. Doubtless the debate over essentialism will continue. In this thesis I elect to work with class and gender divisions. It seems to me that the only alternative is to see power as irretrievably dispersed and relational. The political implications of this position are both clear and chilling.

By working with both patriarchy and capitalism the question immediately arises as to how we might best understand the experiences of men and women. Do we give pride of place to the former or the latter, or do we attempt our historical work by somehow combining these two analytical categories?

I have already discussed the work of Engels (1940). He epitomizes the position of the early Marxists on the woman question. Capitalism is

seen to be responsible for the plight of women. The removal of capitalist social relations will bring with it the liberation of women. As we have seen this position ignores the different experiences of men and women under capitalism and, if anything, subsumes patriarchy to capitalism.

Eli Zaretsky (1973, 1974) extended these earlier arguments by recognizing that the oppression and exploitation of women predates capitalism. He argued that capitalism acted to effect a separation between private and public life, thereby leading to the exploitation of women as reproducers of the labour force. This exploitation paralleled that of the proletariat. As with the earlier Marxists, Zaretsky fails to explore the significance of the differences between men and women within these separate private and public spheres. For example he does not address the benefits accruing to men from the housework performed by their wives.

Heidi Hartmann has argued that Marx's theory of the development of capitalism is a theory of the development of "empty places." She stresses that,

"Just as capital creates these places indifferent to the individuals who fill them, the categories of Marxist analysis . . . do not explain why particular people fill particular places. They give no clues about why women are subordinate to men inside and outside of the family and why it is not the other way around. Marxist categories, like capital itself, are sex blind." (1981:10-11)

Hartman goes on to argue that the partnership between capital and patriarchy is not inevitable. She identifies male control over women's labour power as the crucial locus of oppression. However, she notes that while most men have interests in keeping their wives at home to service husbands, some men (e.g., capitalists) require women as cheap sources of paid labour.

With the rise of the capitalist economy in the U.S. and Britain women and children were utilized as cheap sources of labour. For the first time large numbers of women began to work outside the home and beyond the control of their husbands and/or fathers. This shift threatened the provision of household services for husbands. Male unionists excluded women from their ranks and argued for the payment of a "family wage" so that men as "sole providers" could support their families.

Leaving aside the issue of whether a "family wage" has ever been sufficient to "provide for" a family, Hartmann argues that,

"Family wages may be understood as the resolution of the conflict over women's labour power which was occurring between patriarchal and capitalist interests at that time." (1981:22)

Although Hartmann's conceptualization of patriarchy has been criticized as narrow (Walby:40) and her analysis of the relationship between patriarchy and capitalism has been challenged on a number of grounds (Sargent, 1981), her work does illustrate the crucial point that the two modes of oppression and exploitation intersect, augment and conflict with each other in diverse ways in specific social-historical contexts. While we must recognise the independent momentum of each mode we must at the same time be alive to the complexities of intersection. The need for this sensitivity has been evident recently in studies of the capitalist workplace.

A growing body of literature has drawn attention to the fact that hierarchies at work cannot simply be understood in terms of class (Acker, 1988:482; Knights and Willmott, 1986; Gamarnikow et al., 1983). Jobs are also "gendered." According to Knights and Willmott a gendered job,

"Occurs where its unacknowledged informal responsibilities extend well beyond what the formal grading structure could demand, and are elaborated in a way that is dependent upon the gender and life cycle of the job holder." (1986:8)

Having identified the labour market as a site of both class and gender struggle, feminists began to explore labour history and the work process from new angles. These issues are too numerous to summarize here but a few observations need to be made which are pertinent to the development of later chapters.

It is clearly important to ask what role labour unions played in the maintenance of workplace patriarchal control. In a similar vein we need to discover how work acted to reinforce, confirm and reproduce "masculinity" and "femininity." Bearing in mind Braverman's (1974) work on de-skilling it is crucial to point out as Veronica Beechey (1982) has, that de-skilling has meant different things to men and women. For example, in America women were excluded from many skilled craft occupations. Consequently they did not experience the same loss of autonomy and fragmentation in the workplace as men.

Davies and Rosser (1986) draw attention to the way in which women have been seen in debates concerning the labour process. Much of the space devoted to gender in the debates has documented women's position within the reserve army of labour. Considerable emphasis has been placed upon the way women have been used to replace men. This type of approach asserts the primacy of capitalism over gendering. Thompson (1983), for example, ends up arguing that capitalism "takes over" patriarchal relations (Davies and Rosser, (1986,98). Davies and Rosser argue that it is potentially more useful to focus upon the way jobs are already gendered in the labour process (1986:99).

Perhaps one of the most fruitful approaches to the analysis of the capitalism-patriarchy debate is that of Judy Lown. She has advocated looking for the ways in which gender and class are constructed simultaneously (1983:32). In order to do this Lown argues that

historians must let go of the notion that the drive for profit under capitalism is the root cause of women's oppression. Lown notes,

"The constant reification of capitalism obscures the historical reality of both capitalists and workers as gendered beings with differing interests and stakes in the material features of employment and marital relations." (1983:36)

One of the strengths of Lown's work is that she cites concrete historical data to flesh out her argument. She observes that Courtaulds silk manufacturers in the 19th century was more than willing to employ a predominantly female labour force. At the same time Courtaulds was also committed to organizing mothers meetings and inculcating a respect for domesticity in young women workers (1983:38-41).

Lewis sees potential in extending Lown's arguments to the post-World War II period when capitalist production expanded and women entered the paid labour market in large numbers. At the same time gender ideology was reconstructed to justify women's positions while at the same time reasserting the primacy of their household responsibilities (Lewis, 1985:117).

My approach to the relationship between capitalism and patriarchy stresses the need to examine both sets of social relations in concrete historical contexts. Both involve the deployment of power and the accompanying exercise of resistance. It is towards the management of those lines of power-resistance in patriarchal relations that my analysis now turns.

Patriarchy and Policing: A Critical Overview

Before discussing the studies of the relationship between policing and patriarchy we must first note how the discipline of criminology and its more recent antagonist the sociology of deviance, have both constituted an essentially masculinist paradigm. This paradigm has not critically addressed the deviance and criminality of women or the

management and regulation of deviance and criminality directed at women. Criminology with its heavy reliance on statistics, is underpinned by a political desire to subsume the diversity of human experience to an objectively verifiable code of analysis. This recalls Dorothy Smith's observations on the conceptual imperialism of sociology in general. She argues,

"The kinds of facts and events which are facts for us have already been shaped up and given their character and substance as facts, as relations, etc. by the methods and practice of governing." (1987:87)

The "truths" that arise from criminology have been integral parts of the government of gender relations. I will illustrate this with a few examples of the way in which the criminality and deviance of women have been theorized in a manner which reproduces patriarchy.

The study of female offenders has been riddled with explanations that confuse sex with gender. Lombroso was unable to apply his theory of atavism to females because he argued that women had failed to progress up the evolutionary tree far enough to produce the type of genetic throwbacks seen among men. Lombroso (1895) found fewer "stigmata" among female offenders. Among men these stigmata were a clear indication of the "born criminal." It was only among female prostitutes that we find a closer resemblance to atavistic man.

Although Lombroso's arguments have long since been dismissed, the theme of biological reductionism continued to permeate explanations of female crime. W. I. Thomas (1923) argued that men and women had different sexualities and that women's sense of passivity and submissiveness complemented men's aggressiveness. Thomas explained the prevalence of prostitution in socially disorganized parts of cities in terms of the failure to socialize women into domestic roles.

According to Otto Pollack (1950), the sexuality of women required them to be skillful in the art of concealment. Being the passive

partners in heterosexual relations, women were taught to hide their feelings of sexual arousal. They had also been socialized to conceal their menstruation. As a result of this learning women were better equipped than men to conceal their criminal offences and thus escape detection. It was for this reason, and not because women were necessarily less criminal than men, that women were underrepresented in crime statistics.

Historical research has also revealed a tendency to define deviance in terms of aberrant sexuality. Schlossman and Wallach in discussing the gendered nature of delinquency observe,

"In the Progressive period the abundant literature on delinquency was riddled with stereotypical assumptions about women These laid a basis for more punitive treatment of delinquent girls than delinquent boys. Girls were prosecuted almost exclusively for "immoral" conduct."
(1978:68)

This immoral conduct consisted of sexual experimentation that was inconsistent with a girl's predetermined calling to be a wife and mother. Analogous behaviour among boys was not deemed to be delinquent.

Studies of gender and crime reveal an important point for the purposes of this thesis. For the most part it appears that women engage in much less crime than men and certainly appreciably less violent crime. This seems to be a cross cultural phenomenon. It follows from this that police have not been involved with female offenders to anything like the degree to which they are with men. I will return to this rather obvious but nevertheless essential observation in my subsequent discussions of governmentality.

The sociology of deviance, like the field of criminology, has also ignored gender. Feminists have pointed to the fact that deviance has tended to be a gendered phenomenon. They argue that existing theories of deviance have been blind to this fact. As Gelsthorpe and Morris note

"theories which do not address gender are not merely incomplete; they are misleading." (1988:98)

They go on to add the proviso that,

"feminist criticism assumes 'sexism' in only those theories explicitly relating to women. This is an untenable assumption. Theories applied to men are also riddled with stereotypical images of men, masculinity, men's needs and desires and so on." (1988:98)

Few studies in the field of the history of policing address the issue of gender. Those that do confine their analysis to the negotiated policing of prostitution as an aspect of the selective enforcement of vice laws. Harring, for example, in discussing the policing of saloons in Chicago in the 19th century, assumes that the passivity of police towards prostitution can be understood solely as an aspect of class struggle (1983:154). None of the studies mentioned in Chapter I in either the conservative, liberal-progressive or Marxist accounts of police history, address the non-policing of domestic violence and rape. All of these studies uncritically accept the fact that policing has been a male preserve. Neither do they explore the limited entry of women into law enforcement as a gendered phenomenon. [For a discussion of this entry see Horne, 1980:Chapter 3; Price & Gavin, 1982:400; Radford, 1989:14-15.]

More recent feminist studies of contemporary policing have situated the non-policing of domestic violence within a framework of patriarchal relations (Edwards, 1986; Hanmer, Radford & Stanko, 1989). Much has come out of work in this area. It is clear that the more recent responses of police to wife battering have been inadequate. A number of researchers cite evidence of the low level of intervention and arrest (Shapland & Hobbs, 1987; Edwards, 1986; Hatty & Sutton, 1986; Casey, 1987; all cited by Stanko, 1989:49). This also appears to be the case with rape where estimates vary over the extent of non-reporting, police apathy, police antipathy towards victims, etc. (Chambers & Miller, 1983;

Kelly, 1988). Stanko notes that an arrest made in a domestic altercation does not carry the same degree of prestige as other arrests (1989:51). She goes on to develop the argument that the organizational structure of policing and particularly the insensitivity of command personnel to the frustrations of rank and file officers, form substantial blocks to changing the policing of battering.

These studies provide new angles with which to explore the historical relationship between policing and patriarchy. One is of course cautious not to simply take the issues of the "present" and project them back into the "past." We must be sensitive to the nuances of history and culture. Nevertheless, it is also the case that the non-policing of offences against women has formed a theme of continuity in the reproduction of patriarchal relations. The policing strategies, practices, rationalisations, biases, etc. at the heart of this non-intervention are passed on and modified by successive generations of officers. This does not mean that we are required to trace a linear line of development which propels all "intervening" phenomena towards the present. Rather the present provides us with clues with which to construct the past. This is another way of saying that at some level all history is the history of the present.

The radical feminist analysis of male violence and the non-policing of that violence situates these phenomena within a wider field of gender relations. However, it is important not to lose sight of the fact that the historical character of policing is shaped by the intersection of multiple modalities of power. These modalities act both independently and in concert with each other. A comprehensive analysis of policing must attempt to be alive to these intersecting modalities. It is with these criticisms in mind that I employ the concept of governmentality. In short I argue that the historical passivity of police to domestic

violence, rape and prostitution has been achieved in tandem with the more active enforcement of law against male wage workers. In other words, the government of modern era populations has been underscored by a trade off, whereby the sovereign powers of men have been given free rein at the expense of women and in order to maintain the institution of compulsory heterosexuality. This free rein was accompanied by a more stringent regulation of male working class activities. Those activities may have formed the political seeds of class resistance. My approach therefore links the policing of class and gender relations in an overall tactics of subjection.

Conclusion

By outlining the different theoretical themes and studies that permeate a number of aspects of patriarchal relations I have sketched in a theoretical frame of reference for later chapters. My focus has been on marriage and the family, sexuality and violence, the links between capitalism and patriarchy and finally the small but growing body of literature on policing and patriarchy. My underlying theme has been that gender relations constitute an axis of power akin to class relations. For this reason we must consider both the relatively autonomous workings of each modality of power while at the same time synthesizing the intersecting effects of these axes as aspects of the phenomena of policing and governmentality.

CHAPTER 4

METHODOLOGY

Introduction

In the preceding chapters I argued for a political criminology which debunks the objectivist posturing of scientific sociology. With regard to my present project my stress on governmentality militates against seeing the history of the EPD as a string of "social facts." Law and order issues both past and present cannot, I contend, be regarded as something "out there" awaiting discovery. Neither is it possible to envision the history of the EPD as a closed phenomenon or as something that has "taken place." Rather we gain access to the past only through the politics of the present. This observation lies at the root of my guarded approach to the construction of what appears to be continuities in history. While I do not deny the political importance of tracing continuities, I am at pains to stress the connections between these apparent currents and the Weltanschauung of historians. By utilizing an ascending analysis of power I attempt to move from the dispersed deployment of power and the seemingly disconnected phenomena of the past, towards localized patterns or regularities between events, ideas and social practices. This political interest in the dispersed ebb and flow of power directs me towards certain points and recesses in the social body. The concern to gain access to these sites has shaped my research methodology. This means that the history I construct is inseparable from the methods and data that I have used. In a nutshell "the history" I produce is "a history" and it is a history not of the past but rather a political analysis rooted firmly in the present.

Many writers have drawn attention to the marginalization of women in historical discourse. As John Scott has noted, writing women into history means more than simply adding women to established discourse (1986:1054). Rather it means writing a new history; one which is cognizant of subjective experiences and the ways these experiences are situated within frameworks of power.

Feminists have identified traditional "names," "dates," and "places" histories as androcentric insofar as they tend to celebrate the political "achievements" of a small number of famous men. These histories adopt a descending analysis of power in that they see power located in the hands of a few influential economic and political leaders. The leaders wield power against the "powerless" majority whose lives are of little significance or interest. Traditional histories are therefore seen to be part of a political ideology which denies the power of subject individuals and their ability to engage in resistance. Such a strategy acts to maintain the status quo, one example of which for the feminists is the institution of patriarchy.

By debunking the objective posturing of androcentric histories and exposing them as ideological, feminists have tapped into wider currents that expose the intimate associations between knowledge and power. This exposure directs attention to the political dynamics of the research process itself and questions the bedrock assumptions of social science which depict social reality as something "out there" waiting to be discovered. Instead, feminists among others, have argued for more subjective "ascending analyses" of power which recognise and draw upon the experiences of the marginalized and excluded. Ascending analyses of power involve much more than simply adding "the discarded" to the annals of history and knowledge. Rather these analyses incorporate a new strategy for generating knowledge. This strategy relies less upon the

imposition of an observer grid by the researcher and more upon accessing human experiences as related by human beings. Ascending analyses of power therefore tend to move away from the epistemological imperialism that underpins "descending" approaches.

While feminist theory has drawn upon the field of phenomenology in its appreciation of the perspective of the subject, this does not mean that there need be an implicit acceptance of the philosophical a priori of the constitutive subject. Rather feminists have borrowed from Marxism and Poststructuralism to explore the ways in which subjects are created in particular historical settings. In other words human agency is important and at the same time problematic.

The feminist challenge to androcentric historical discourse has pointed to a number of new sites of inquiry. Instead of focusing upon achievements which reflect the power of leaders, feminists have argued for the resurrection of experiences born of oppression and exploitation. Instead of celebrating the passage of legislation by famous politicians we are directed to those subjects who were not capable of voting in that legislation. Rather than channelling our historical curiosity into victories of warfare, we are invited to explore the underbelly of intrafamilial warfare reflected in domestic violence and marital rape. I have found this refocusing of the historical lens to be a fruitful tool in the analysis of the form and character of policing. Ascending analyses of power have directed my work towards a number of hitherto taboo areas in the field of the history of law enforcement. In particular I explore the policing strategies directed at offences against women. As I go on to discuss in Section VI, the enforcement of laws in regard to domestic violence, rape and prostitution was a very low key, passive affair. The passivity of the police vis a vis the illegal aspects of patriarchal domination goes hand in hand with the

descending analyses of traditional history that have effectively portrayed women as silent subjects. It is my intent to confront and explore this silence.

My attempts to appreciate the positions of subjects themselves amidst shifting frameworks of power, directed me towards a number of data sources. Information was gleaned from oral histories, newspapers, county court case files, the proceedings of the Eugene City Council, the Eugene Civil Service Commission, Eugene Police Department (EPD) annual reports, city ordinances, state laws, U.S. Bureau of Census, Oregon Employment Division statistics and secondary sources. I will now discuss each source.

Oral History

City, state and federal laws, newspaper crime reports, crime statistics, administrative data from the EPD and other primary sources offer valuable insights into a wide range of law enforcement related issues. However, these sources do not tell us about the negotiated daily encounters between police and policed. Neither do they tell us much about the autonomy and discretion of individual officers and how this differed at various points in the policing hierarchy. Oral histories were, therefore, undertaken with 17 retired or active police officers in an attempt to understand the way these officers viewed the world and the way their values, perceptions and meanings influenced the way they did their work, used their discretion and deployed their power.

In a similar vein the interviews with four ex-city councillors attempted to reveal those aspects of the workings of municipal government and its relationship to law and order issues, that could not be gleaned from other primary sources. Newspapers usually carried a summary of council business and often provided background details on

some of the issues. However, by talking to these ex-councillors it was possible to arrive at a more comprehensive understanding of both the obvious and more subtle factors that were an integral part of local government politics.¹

The list of interviewees was drawn up with the help of Sergeant Tim McCarthy, head of Community Relations at the EPD. Officers and ex-officers were selected on the basis of length of service. The only exception to this was the inclusion of three women officers who were hired from 1971 onwards. Their inclusion among the ranks of oral history respondents was felt to be essential. These women provided invaluable insights into the policing of gender issues particularly domestic violence, rape and prostitution. Their contributions permeate many of the arguments made in Section VI of this study.

Contacts with ex-city councillors were made personally and on the basis of information from the Proceedings of the City Council.²

Most respondents had law enforcement or local government experience dating back to the late 1940s or early 1950s in Eugene. Two interviewees were active in policing in Eugene from the late 1920s and one from the mid-1930s.

A covering letter was sent to each potential interviewee explaining the nature of the study (Appendix A). I enclosed some sample questions and noted that other issues would probably arise in the course of conversation. The letter pointed out that the best way to accurately gather interview information was to record and transcribe. Confidentiality was guaranteed. No one objected to the recording, but some officers expressed concerns about how the material would be used. Having EPD Sergeant Tim McCarthy as a frame of reference provided a useful source of legitimacy.

All 21 interviews were of the focused type. While a certain number of core topics were covered, questions were open ended and asked in different forms at different stages of each interview. A card containing key words was used to check off topics as they were discussed (Appendix E). Key words were easier to visualize than whole questions and they allowed the interviewer to formulate the question in relation to the flow of the conversation. The key words approach ensured continuity and good eye contact. Potentially sensitive questions were only asked once a certain rapport had been established. Most of the interviews took place in the respondents' homes and this probably helped them feel more at ease.

The interviews lasted from 1-2½ hours and each one was different in terms of information obtained and rapport established. Responses to the open ended questions were often long, detailed and unique. Consequently it was not possible to code them. When results were analysed it was found that responses did emerge in certain patterns that roughly corresponded with certain clusters of key words. This format clearly defied quantitative analysis and interviews were written up around topics that emerged as common themes. For example, responses relating back to key words such as transient, pauper, vagrancy, unemployment, etc. were written up around the framework of "Policing and the Unemployed." Verbatim extracts from conversations were frequently used to accentuate trends that appeared in the data. A considerable amount of collation and editing went into the writing up of these oral histories. Selection of verbatim statements was based upon that material and those conversations that seemed to most accurately and succinctly convey the nature of a trend. With 21 different sources of input on, for example, "Policing and the Unemployed, 1930-60," it is clear that from a practical standpoint collation of material, editing

and final selection of verbatim extracts was essential. This editing process clearly constitutes a subjective component of this type of research.

Any comparisons that were made between interviews were qualitative. Discrepancies, anomalies and inconsistencies were carefully considered against the weight of observations from other respondents. Wherever possible, other primary sources were used to clarify and augment the respondent's comments, but in many cases this was not possible. The inability to verify some of the oral history data with other primary sources, points to the importance of establishing rapport and ensuring, as far as is possible, openness, honesty and trust during the course of the interview.

Problems of Interpretation

As already noted there was a practical need to filter out a large proportion of oral history data and use that selected material which reflected general themes and responses from the data as a whole. This inevitably excluded some information and at times resulted in subjective judgments being made about what constituted a trend. The evaluative criteria used in this editing process did not follow any hard and fast rules. The collation, synthesis, editing, categorisation and construction of data, tendencies and historical trends, represents a significant source of subjectivity.

The guarantee of confidentiality created real problems in terms of presenting information and integrating it into the rest of the study. Respondents were told that they would not be identified by name. For some this did not go far enough. Several respondents revealed what they thought to be sensitive or possibly incriminating information only on the promise that I turn the tape recorder off or that I give further

guarantees about safeguarding their identity. Others told me that it was fine to talk over sensitive issues, but that trying to write about them was another matter. One officer, for example, recalled his/her frustrations with a prominent politician and insisted, through fear of future reprisal, that I turn the tape recorder off.

Using data obtained under more stringent guarantees, or information written by hand after the interview, proved very difficult. Sensitive information emanating from an easily identifiable source was not used in a direct manner. As far as possible this data was employed in more general statements or formed parts of more speculative suggestions. At times it could be used to provide new leads in research. In the final analysis the need to protect the respondents' interests was paramount. As a result some very useful information on the deployment of political power could not be included in this study. Likewise the attitudes of certain officers were not disclosed at their specific request. One officer, for example, felt that using female police officers to pose as prostitutes in order to catch "johns" was tantamount to entrapment.³ This respondent made a specific request that his/her feelings not be revealed even through the anonymity of a respondent number.

Aside from the political bias of the respondents or their inability to recall events accurately, there were other more serious problems connected with the oral histories which highlight difficulties with personal interviewing in general.

There is good evidence to suggest that respondents' replies can be strongly influenced by the nature of the social interaction between him/herself and the interviewer. Reactions to the interviewer can vary according to the interviewer's sex, age, race, class, etc.⁴ More specifically, the respondent might frame his/her reply in such a way as to avoid disapproval or to impress the interviewer. Responses, as a

consequence, do not necessarily reflect the beliefs, attitudes, life experiences, etc. of the interviewee. Rather they represent a specifically focused impression filtered through the medium of the interview interaction itself. Phillips (1971) has called this the "social desirability effect" or "evaluation apprehension."

There were some limits to this type of distortion. Once I realized certain key pieces had been omitted, for whatever reason, this generated fresh leads, and new avenues of inquiry. It also improved the interview schedule which necessarily changed as the number of interviews completed and transcribed increased. Respondents knew the extent of the study and were aware of the fact that I was conducting 20 or more interviews. Glamourizing or misrepresenting situations was in many cases not difficult to pick up on, although it is difficult to say how confident or concerned the respondents themselves felt about trying to put one over on me. Many situations were not difficult to cross check and respondents would have been aware of this.

The image of the police as a closed cohesive group or community was not upheld by these oral histories. There were important differences between the respondents' philosophies and these were freely discussed. The possibility that officers were banding together to protect each other was remote. Officers were willing to discuss sensitive issues if these issues were raised, but they were in many cases reluctant to bring up sensitive topics themselves. This meant that the earlier oral history interviews were generally less informative than the later ones.

One difficulty experienced with all the sources of data was the order in which those sources were tapped. It took over a year to conduct the oral histories and it might be argued that the data realized from the interviews would have been more detailed and revealing had the newspapers and/or council proceedings minutes been read beforehand. On

the other hand, it might equally well be argued that the oral histories provided invaluable leads that consistently led to new ideas and approaches throughout the study. The "yield" from an oral history interview depends in part upon how well prepared the interviewer is and how well prepared/informed he/she appears to be to the respondent. This was particularly true with the officers in question, who had access to a specialised, and to a certain extent, "privileged" body of knowledge. The extent of their disclosure was strongly influenced by their perceptions of the receptivity of the interviewer. This factor reflects the subjectivity and precariousness of the oral history interview as a source of data.

Newspapers

The newspapers published between 1858 and 1975 constituted a major primary source for this study. The number of different papers in Eugene and other towns and cities in the U.S. diminished considerably during this time (Turnbull, 1939:1-17, 268-83). Newspaper history in Eugene has been interpreted largely in terms of party politics. Price (1976) for example has identified the Eugene press with a variety of positions on the Republican-Democratic continuum. (A full list of the newspapers used in this study is included in Appendix G.)

Democrat voters originating largely from the midwest predominated in Eugene and Lane County between 1858-80. Their political outlook reflected a pre-Civil War acceptance of slavery (although not slavery in Oregon), anti-Reconstructionism, pro-secessionism, a hostility to industrialization and an antipathy towards taxation (Burton, 1970). The Democrat newspapers actively reflected these views. The Eugene Guard was the main Democrat paper from 1867-1930, although at various times and on certain issues it espoused an independent position. The

Republican papers were generally anti-slavery, pro-Reconstruction, anti-secession, pro-taxation and largely in favour of industrializing Oregon. The main Republican newspaper in Eugene was the Oregon State Journal which ran with one owner between 1864-1909. It was joined by the Eugene City Register in 1885.

Republican voters from eastern U.S. cities and Europe came to predominate after 1880 as industrialisation increased in Oregon. The Guard and the City Register became dailies in 1891 and 1895 respectively, while the Oregon State Journal remained a weekly publication between 1864-1909. The estimated circulation of the Guard, Register and State Journal in 1890 in Eugene was 1082, 750 and 850, respectively, while the population of Eugene was roughly 3086 (Price, 1976:50-4).

The Guard had 10 different publishers and six different owners from 1867-1906, while the Register had 13 different publishers and five different owners from 1884-1907. In spite of these organizational changes, the Guard and Register continued to represent issues within the Democrat-Republican framework.

During the Progressive Era (circa 1900-20) an important development took place in newspaper history in Eugene. Associated Press (AP), which by 1900 was selling news to 700 of the 2200 newspapers published in the U.S., began selling to the Republican Eugene Morning Register from 1902 and to the Guard from 1906. By 1920 AP had nearly doubled its distribution business across the U.S. This trend towards the collection and dissemination of information through a large news agency meant that the reading public in Eugene was increasingly exposed to a growing body of knowledge dealing with national and international events. This knowledge, as I will show at various points, was linked to the deployment of power in a number of domains including class and gender.

In 1927 Alton Baker used his share of the family fortune to purchase the Eugene Guard for a little less than \$100,000. According to Price the Guard worked hard for the business community in Eugene (1976:208). This was facilitated through Baker's membership of the Eugene Chamber of Commerce and the Rotary Club.

In November 1930, Baker bought the Register for \$244,000. The two newspapers then merged to form the Register-Guard. From its inception the Register-Guard was a pro-business newspaper which was not tied to any one party political viewpoint. Bluemle argues that between 1928-52 the Guard, Register and Register-Guard exerted a powerful influence over the voting decisions made by electors with regard to issues and candidate selection (1953:191-5). In its early years the Register-Guard received token competition from the pro-business Eugene Daily News. However, from 1942 Baker's newspaper became the only one to be published in Eugene.

Information from press reports was noted on the basis of whether or not it added significantly to an understanding of social, economic and political history in Eugene, Lane County and Oregon. This necessarily covered a vast amount of material.

Problems of Interpretation

In an historical sense, newspapers in Eugene have typically presented a range of issues within certain hegemonic limits that were largely defined by a commitment to formal "party political" democracy. Certain taken for granted assumptions were regularly reinforced. In the 19th century the notion of women voting was ridiculed at various times. Likewise Oriental labour was often blamed for the unemployment problem. The family was greatly revered. In the 1870s in the Guard, for example, there was a "for the ladies" section which constructed and reaffirmed

gender stereotypes. Undercurrents of domestic violence and intimidation were rarely, if ever, noted. Polarities of press coverage served in many ways to define the possible limits of social discourse.

Assumptions of consensus meant that any reporting of enduring social inequities was unsystematic, occasional and largely insignificant. The press in Eugene, along with schools, families and churches in many ways served to reproduce a certain set of social relations and reaffirm moral boundaries. As an institutionalized source of social knowledge the press took on an air of respectability and authority. This was in part related to the social, political and economic standing of their owners who tended to be businessmen, lawyers, political advocates or wealthier independent writers. For many people, social reality was in part shaped by the newspapers.

It is important to ask questions that transcend the immediacy of the information, editorials and other arguments made by the press and ask for example, "Who benefits, or what ideologies are bolstered, by selecting and presenting social knowledge in such a way?" or "What kinds of social relations, tensions and struggles do not receive attention?" At the same time it is also important to note that newspapers can tell historians a lot about class relationships without ever systematically discussing social inequality. Editorials within the Republican-Democrat framework can be insightful sources of social criticism. For example, although the Democratic Press's criticism of railroad monopolists for abusing public land grants and bribing voters was never systematically framed in terms of class antagonism, the editorial arguments presented are clearly consistent with a class analysis.

The reporting of apparently "isolated" events or the coverage of county government business can provide clues and leads to other sources and issues. For example, the rare references (perhaps 3 or 4 times

between 1870-1900) to wife beating and the lists of divorce case outcomes from circuit court hearings led me to new avenues of research on domestic violence. Similarly letters and editorials condemning women's suffrage speeches led to press sources such as the New Northwest (1871-87) which advocated women's suffrage.

It is essential to note the subjectivity of newspaper historical data which generates a view of social reality that has been filtered by a variety of conscious and unconscious selection processes. These processes are political and as such are as integral a part of newspaper history as the information that actually appears in print. The assumptions underlying the selection process, the systematic omission and exclusion of certain potential news items, the groups not represented and the interests not served, all provide clues and ideas about areas of social life that initially either appeared as marginal, unimportant or insignificant, or that for a variety of reasons escaped press awareness altogether.

However it is important not to lose sight of the fact that newspaper data is part of a public discourse that is related in complex fashion to the dominant values. Differences between extremes of press opinion often reflect only the polarities within that public discourse rather than the limits of all available opinions. Discourse construction forms an important focus of Section V of this study.

County Court Divorce Transcripts

This material was used to learn more about the relationship between men and women in marriage and also to gain insights wherever possible, into the policing of marital violence.

The proceedings of Lane County Court are available on microfilm dating back to the first sitting of the Court in 1853. Divorce cases

are indexed with other cases. Case numbers are allocated by date and then alphabetically. Reasons for granting divorces were therefore randomly arranged in the county court index of cases.⁵ Random samples were taken from 1853-1912 and 1913-60 to enable comparison of the periods before and after Oregon women won the vote in 1912.⁶

For each divorce case selected, the reasons for bringing the action were noted. These reasons fell into one of six categories. Sometimes more than one reason was given. These reasons were,

1. Impotency existing at the time of marriage and continuing to the commencement of the suit.

2. Adultery.

3. Conviction of a felony.

4. Habitual gross drunkenness contracted since marriage and continuing for one year prior to the commencement of the suit.

5. Wilful desertion for the period of one year.

6. Cruel and inhuman treatment or personal indignities that had rendered life burdensome. This category was of particular interest since it covered physical violence which may or may not have been policed.

A strict distinction was made between allegations and proven statements. Allegations were statements made by the parties to the divorce proceedings that were not confirmed as accurate by the trial judge, or were rejected as untrue by the judge. Statements made by parties in cases which were later dismissed were always coded as allegations even if these statements had been supported by a referee or notary public. In earlier 19th century cases it was not always clear whether divorces were finally granted and on occasions judgments were not recorded. Once again, these statements were categorized as allegations, in spite of the fact that they may have been true. On some

occasions the newspapers were used to confirm whether a divorce was granted if the case file did not contain this data. Proven statements were those accepted as true by the judge either explicitly in his judgment or implicitly because of the outcome of the decision itself. Criteria for reasons to enter the category of "proven" were therefore strict.

Appendix H contains a list of all the cases sampled in both periods. The interpretation of this data is discussed in detail at appropriate points in Section VI which deals with the "Policing of Gender Relations." Nevertheless a discussion of some general problems is in order at this stage.

Problems of Interpretation

1. Much marital violence that resulted in divorce proceedings may not have been revealed in trial testimony and might simply have been discussed by the respective parties in their lawyer's offices prior to the rendering of a general and succinct statement. In some cases "cruel and inhuman treatment" was given as a reason for granting a divorce. On occasions it was not specified what form this cruelty and inhumanity took. In such cases violence was assumed not to have occurred although there is a good possibility that this was an incorrect assumption.

2. Relatively few marriages ended in divorce, especially in the 19th century. The divorce rate only began to increase considerably in the later 1960s. This means that divorce materials can only be seen as indicators of what might have been happening in marital or heterosexual relationships generally. The evidence from these materials provides a window into marriage and the family, that is not available from other historical sources. From the results it is clear that there was widespread violence and cruelty directed at married women in Lane

County. Divorces granted on grounds of violence usually contained evidence of multiple incidents of battering.

3. As mentioned in Chapter 2, a husband was seen by the judiciary to have a right to use violence on his wife from time to time, provided it was not excessive and did not result in permanent injury. What may have seemed oppressive to a wife, might well have been understood by lawyers, husbands and judges to be an acceptable expression of patriarchal control. The results of this study therefore reflect the deliberations of a patriarchal legal system. The parties to this system, that is the judges, clerks, lawyers, court officials, law enforcement personnel and newspaper reporters were all men. In domestic violence cases the only woman in this situation was the victim herself. Women's definitions and opinions counted for little and the categories of reasons for granting a divorce and the criteria that had to be satisfied in connection with this, were all set up by men. These limitations meant that many women who endured what lawyers and judges might have perceived as occasional, trivial or negligible violence, would not have pursued divorce as a possible remedy to their oppression.

4. Some women might have perceived male violence as "normal" and "legitimate" and therefore not even considered divorce as a possibility.

5. Another problem concerns the statements of women that constituted "allegations" rather than "proven" statements for the purposes of this study. "Allegations" may very well be just as accurate a reflection of what happened in terms of violence as "proven" statements were. There is a hierarchy of credibility operating here and the historical validity of "alleged" and "proven" categories has to be weighed against the background of who made the definitions, interpretations and final decisions. It does not follow that women's statements of violence experienced at the hands of their husbands are

any more or less valid if they are held to be proven by the male judiciary.

Proceedings of the Eugene City Council

The first white settlers arrived in the Eugene area in 1846 and the town was named in 1851. Eugene City became the Lane County seat of government in 1853 and received its city charter from the State Legislature in 1864. The first election of mayor and council took place in April 1865. The minutes of the council meetings were written up by the city recorder (1865-1944) and later by the city manager (1945-75). These weekly minutes provide invaluable insights into the workings of city government and contain rich detail on a wide range of city hall activities.

Unlike newspapers and oral histories, council records offer detailed accounts of organizational changes in local government, the introduction of civil service, city managerialism, council committees, the relationship between government and law enforcement and the issues related to budgeting, expenditure and salaries. The minutes also contain data on pressure group representations, letters from the community, changes in city ordnancing, information on local voting patterns, council appointed civic groups and procedural tactics. It is also possible to learn more about various political alliances in the city and the preferential access, attention and privilege granted to various groups.

Problems of Interpretation

Records of the Proceedings are only available from 1883, which leaves the period between 1865-83 without full handwritten accounts.

The 1865-83 period is covered in the press, but newspaper reports were usually only summaries.

Not all events at the proceedings were written down by the City Recorder. When city officials made monthly reports, this was noted in the minutes but no details or summaries of the reports were given. The monthly report of the marshal in the 1883-1900 period was read aloud and then filed, but these reports have not survived.

While the records contain considerable detail about the way decisions were arrived at, including summaries of arguments by different factions, they do not record the informal meetings that took place between these city politicians. These individuals had many contacts through business and social affairs. Councillors were usually involved in fraternal lodges in town, as well as in the Chamber of Commerce. The churches were another important informal meeting place. Many decisions were taken outside council chambers and this is obviously not recorded. As late as February 1954, William Tugman, editor of the Register-Guard, disclosed that city zoning problems were being discussed covertly at the mayor's private residence. Apparently five city councillors met privately with the mayor on 2 February 1954. The mayor was known to call councillors on the telephone prior to important votes and see which of them favoured his position.⁷

Advisory committees set up and appointed by the council made their reports to the council. In many cases details of the deliberations of these committees are not present in council minutes. On some occasions it is clear that such committees disagreed with the council but this fact only emerges when the council voted to reject a committee proposal. For example, in the early 1950s the Planning Committee made numerous recommendations to the council concerning "zoning." There was a lot of controversy about a 2000 foot long stretch of land between the railroad

tracks and the University of Oregon (UO) campus. The council argued that the land had to be zoned as "heavy industrial," since the extra taxation realized would be essential for the welfare of the city. The Planning Committee favoured one of the alternative zoning categories for example, "business," "light industrial" or "residential." One reason data on this particular issue surfaced was that the press found out about the clandestine meeting at the mayor's house on 2 February 1954. Another reason is that the council had continuously rejected the proposals of its own planning committee and the issue had become a political hot potato.

From reading the council minutes alone this controversy would not have come to light in any substantive way. Alternatives to the ideas of the council that originated outside the ranks of the councillors are not recorded in detail. It is not suggested here that there was any conspiracy to suppress dissenting ideas and information. Advisory committee statements that backed council ideas were also not reported in detail.

Nevertheless, it must be remembered that these minutes are forms of knowledge that are constructed for the purpose of running municipal government along rational lines. Consequently such data does not always render itself convenient for historical analysis.

Civil Service Data

Civil service was introduced into the police and fire departments in 1936 and was replaced by collective bargaining procedures in 1973. An understanding of the activities and workings of the Civil Service Commission is essential in order to grasp the political significance of civil service procedures in Eugene city government. The council appointed the three-person commission which indirectly controlled hiring

and promotion through its own testing procedures. The Commission also heard cases of unfair dismissal. The proceedings of the Civil Service Commission are available along with a full set of rules and guidelines dating from 1936.⁸

Problems with Interpretation

The significance of the introduction of civil service procedures is discussed at length in Section V. One of the main problems with using this material is that there is little information on how the members of the commission came to be appointed in the first place. The makeup of the commission was fairly consistent, with two members usually being businessmen and a third from the UO. While the civil service rules are clearly laid down, little is known about the informal contacts between municipal department heads and individual members of the commission. For example, Morgan was a member of the commission in the 1950s and he also knew individual police command officers both professionally and socially. As a councillor, Morgan took an active interest in policing and when asked about the workings of the commission, especially as regards grievances, the conversation developed as follows.

I: "Did the police officers get a fair hearing?"

Morgan: "They (the Commission) didn't have many gripes from the police officers. . . . Our principal job was interviewing new applicants and promotions to sergeant, lieutenant and captain. Some of them that came through . . . I'd watched them in the field. Plus you put in a little scuttlebutt (rumour, gossip) that comes from some of the men that 'so and so wouldn't be a good lieutenant over them.'"

I: "What role did the police chief have in the Civil Service Commission? Did he have any input at all?"

Morgan: "It's supposed to be an independent agency. But I'm sure through casual conversation that I learned his opinion regarding an officer."

This informality did not find a place in the Civil Service Commission records, which essentially record examination results for

candidates and the outcomes of any grievance hearings. These hearings did not necessarily rubber stamp the decisions of the police chief. Only a few grievance cases were heard. These occasionally resulted in a reversal or modification of police department disciplinary rulings.⁹

EPD Annual Reports

The information obtained from these reports permeates Sections IV, V and VI of this study. The reports date back to 1948 and provide comprehensive crime statistics from 1946. Prior to 1946 scattered crime statistics appear in the Proceedings of the City Council or in the Press. Analysis of the Annual Reports provides useful data on organizational change, personnel levels, departmental specialization, administrative and budgetary issues and various statistics related to the running of the jail.

Problems of Interpretation

When interpreting these reports it is important to bear in mind that they were public documents written by the Police Chief to the City Manager. The City Manager was responsible for drawing up a budget and presenting it to the council for approval. These reports were probably written in as persuasive a manner as possible, in order to ensure that the council looked favourably upon such financial requests.

City Ordinances

The original City Charter of Eugene was drawn up by the Oregon State Legislature in 1864 and finally approved by that body on October 22, 1864. Eugene City voters voted by 27:1 to accept the charter which took effect from the first Monday of December 1864 (OSJ, 17 Nov. 1864).

The first city council was appointed as were the Recorder, Marshal, Treasurer and Street Commissioner.

The city charter is an extremely useful document since it outlines the limits of municipal government jurisdiction, including the responsibilities of the Marshal. As the town grew the document was amended and new laws were added. The basic duties of respective municipal officers developed from the initial base of the 1864 charter.

Problems of Interpretation

While all the amended city charters from the original 1864 version are available, there is little information on the processes involved in framing laws, duties and responsibilities. For example, little information is available on how J. B. Underwood came to be appointed as President of the first municipal council in 1864 or how C. H. Fox came to be marshal. As ordinances changed and legal definitions were rewritten there was no accompanying rationale published to explain the changes. This information has to be teased out from other sources.

State Laws

The General Laws of Oregon are laid down by the state legislature and new laws are added every two years as the legislature sits. Again the original statement of laws is an important document for the purposes of this study. Law enforcement in Eugene was the responsibility of the Marshal from 1864, but the Sheriff also had legal authority in the town of Eugene. The Sheriff policed the county in accordance with state law and this law defined his duties as the chief executive and preserver of the peace in the county.¹⁰

Problems of Interpretation

The same difficulties arise with state laws as with the city ordinances. Little is known about the political processes that produced them. In regard to law enforcement, few of the deliberations as to how the duties of sheriffs were arrived at were actually recorded. For example, one of the duties of the Sheriff was to arrest and commit to prison all persons guilty of "public" offences. There is little clarification of what "public" actually means. From the policing of marital violence it is clear that "public" does not necessarily mean intrafamilial disorder, but this is difficult to glean from the laws themselves. The legislative enactments serve as a guideline but they have to be read as only a part of legal history.

Census Data

The first census was taken in Oregon in 1845 by Joseph Meek, Sheriff of the Provisional Government. The first federal census was taken in 1850 after Oregon became a Territory in 1848. Thereafter the census was taken once every ten years. Data from the census has provided useful background information on age, sex, race, marital status, occupations, industry and population change.

Problems of Interpretation

Census data concerning occupations is inconsistent with the Marxian type model of "class" used in this thesis. Patterns of ownership and control are not readily discernible from census material.

The nature of women's work as unpaid domestics is simply not available. We know little of types of housework and hours worked.

Comparisons between sets of data from different censuses are fraught with difficulties. For example, the definition of an unemployed

person changed several times between 1900-60, as did the description of gainful workers. In 1930 certain groups of people, namely, retired workers, some inmates of institutions, recently incapacitated workers and seasonal workers neither working nor seeking work at the time of the census, were all included as "gainful workers." In 1940 these people were not included as "gainful." New workers up to and including the 1930 census were not counted as gainful, but from 1940 they were. The 1940 labour force figures are restricted to persons 14 years and older, whereas gainful workers prior to 1940 included people 10 years or over.

In the 1850 census no women were listed as employed even though it is clear that women worked in a variety of occupations that did not include housework. It is worth stressing that for the entire 1850-1960 period housework was not seen as gainful employment. Occupational categories were not differentiated with respect to sex until 1870. This means that much speculation must be pitched at the 1850 and 1860 census statistics.

Changes in census dates also affect comparisons. For example, in 1900 the census was taken over the week beginning June 1, 1900. In 1910 it was taken from April 15, 1910 and in 1920 from January 1, 1920. By the 1930 and 1940 censuses, the data had changed to April 1. These changes had a pronounced effect on the size of the group returned as gainful workers, especially in agricultural areas.

Statistics on occupations and industry reported in the census may conflict with comparable data collected from other sources. Employer reports to state employment agencies or other employer groups use different categories. Likewise data obtained from detailed interviews with individual workers also differ from that obtained by the census method of house to house enumeration.

These difficulties with interpretation make it necessary to exercise considerable caution with census statistics. However, it is still possible to use census data to indicate trends in occupational structure and demography.

State Employment Division Data

The State of Oregon Employment Division, Department of Human Resources, began compiling detailed employment, unemployment and strike data on a statewide basis from 1948. Similar data is available for Lane County from 1958. This differs from census data in that these statistics are generated on a monthly basis and therefore provide useful insights into annual cycles of unemployment and shifts in occupational fields.

Problems of Interpretation

While these figures cover strike activity they do not specify in which industries the strikes occurred or how long they lasted. Neither do these statistics tell us the issues involved. However, by knowing the main months of strike activity in any one year it is possible to piece together background details from other sources.

Secondary Sources

In this section I begin by distinguishing between primary and secondary sources of data and then proceed to identify some of the problems associated with using secondary sources in general. Finally I discuss secondary sources in relation to Oregon history and introduce some of the difficulties associated with using these sources.

The distinction between primary and secondary sources is not altogether clear. The sources discussed so far in this chapter have

been primary in that they present original data. Secondary sources are those which report, analyse and interpret research performed by others. A work which reviews, surveys and explains a piece of original writing may be seen as secondary. However, if in that process of reviewing, surveying, and explaining, original ideas and conclusions are offered, then such a work may also be seen as primary. For the purposes of this thesis, books and articles on U.S. and Oregon history generally fall under the umbrella of secondary sources.

General Problems with Secondary Sources

1. Verification. Checking the validity of data contained in a secondary source or pursuing the line of information and ideas presented can be a problem if that source does not contain adequate footnotes, references and a bibliography. In the current study this was a problem particularly in regard to texts dealing with U.S. history. For example, Howard Zinn's A People's History of the U.S. contains no footnotes. Numerous quotations are used in the text which the reader cannot easily pursue or authenticate. In Morison et al.'s A Concise History of the American Republic references to legal cases are incomplete, making it much more difficult to pursue leads.

2. The Social Construction of Knowledge. Secondary sources of knowledge are not produced within a political vacuum. Class and gender power relations often lie behind the struggle to get materials published. This selection process can occur at various stages in the commissioning, initial reviewing or final editing of a book or article. Works containing ideas contrary to dominant values are published much less frequently.

It is not suggested here that there has been a general conspiracy as to what finds its way into print. However it is important to

remember that publishing houses are businesses and that views which are consistent with the hegemonic imperatives of industrial capitalism or patriarchy are generally more marketable.

The political generation of secondary sources results in certain forms of knowledge being presented more frequently than others or certain types of studies being recognised as more "credible" than others. This fact is reflected in the limited availability of certain secondary sources concerning Oregon history.

There is a considerable amount of information available on party political organizations, progressive Era reform in Oregon, general changes in the electoral system, voting patterns and legislative change.¹¹ Data is sparse on radical working class political organizations such as the Socialist and Communist Party, although there is a small but growing body of literature related to labour unions and the Industrial Workers of the World (IWW), particularly in connection with the lumber industry.¹²

There are relatively few studies of the history of women in Oregon. Most of the information that is available has come from works concerned with the Women's Suffrage Movement (Moynihan, 1983; Duniway, 1971), oral histories and diaries (Lockley, 1971), research into pioneer women's legal rights in frontier states (Matsuda, 1985) or from employment or demographic data derived from census analysis (Bowen, 1978; Newton and Gill, 1978; Locke, 1982).

While research on the policing of patriarchal relations in Oregon is non-existent, it is almost as difficult to find data on the relationship between law enforcement agencies and working class activism. The small body of material on the policing of class relations falls into two categories. The first category considers the introduction of various forms of legislation which acted against the

interests of labour radicals. Of particular importance here is the use of Criminal Syndicalism laws, Immigration laws and deportation strategies (Cline, 1933; Stone, 1933; Preston, 1963). The second category of studies looks at the response of police agencies to labour radicalism (Hoffman, 1979; O'Connor, 1981; Hoffman and Webb, 1986). (Both categories feature prominently in Section V of this study.)

Conclusion

In the above methodological discussion I have shown how my concern with the notion of governmentality led to the exploration of specific historical sources in certain ways. My main concern was to tap sources which exposed the historical role of human agency within the context of class and gender power relations. I have also highlighted many of the problems associated with the approaches I adopt.

Having introduced theoretical and methodological themes, I now proceed to overview class and gender relations. These sections preface the analysis of organisational changes in law enforcement (Section IV) and the discussion of the policing of class (Section V) and gender (Section VI) relations.

References and Notes

¹See Appendix C for clarification.

²Interviews with municipal government officials covered different issues than the interviews with law enforcement personnel. The interview schedule used with ex-councillors is found in Appendix C.

³A "john" is a man who solicits the services of a prostitute.

⁴See Phillips (1971) quoted in Bilton et al. (1981:673).

⁵This was confirmed in a discussion with county court administrative manager, Phyllis Taylor.

⁶Over the 1853-1912 period there were 1166 indexed divorce cases. The number of cases to be sampled from these 1166 in order to obtain a random sample with less than a 5% margin of error was 290. The actual number of cases sampled was 323. Over the 1913-60 period there were 15,622 indexed divorce cases. The number of cases to be sampled from this total in order to generate a random sample with less than a 5% margin of error was 376 cases. The actual number of cases sampled here was 404. These selection criteria are based on Krejcie and Morgan (1970). For a list of the cases sampled, with dates and case numbers, see Appendix H.

⁷Oral history interview with Strong.

⁸See Rules of the Civil Service Commission of Eugene (1936). See also the file on the Proceedings of the Civil Service Commission, City Hall Archives, Eugene.

⁹For example, on July 14, 1941, the Civil Service Commission overturned the suspension and demotion of Roy Wilcox. See Council Minutes 11:515.

¹⁰General Laws of Oregon, Chapter 13, Title III, section 968.

¹¹See Blankenship (1966); Burton (1970); Carey (1935); Dodds (1977); Johannsen (1935); Johansen and Gates (1967); Pomeroy (1965); Swenson (1983); Woodward, R. C. (1956); Woodward, W. (1913); Baker (1960); Fenton (1902); George (1902); Hendricks, B. J. (1911); Hendricks, R. G. (1951); Howe (1911); Neuberger (1939).

¹²See De Lorme (1986); Schwantes (1987); Dodds (1977:210-13); Tyler (1967); Robbins (1985); Tripplett (1961); Dembo (1985).

SECTION II

CLASS RELATIONS: AN HISTORICAL OUTLINE

CHAPTER 5

CLASS RELATIONS AND THE RISING REPUBLIC

Introduction

The standard periodisation approach typically used to analyse U.S. history glosses over class relations. When time periods are broken down in this way the construction of history is divorced from deep rooted social, economic and political change. In this chapter I attempt to avoid a fragmented narrative by employing a Marxian class analysis which identifies major changes in the mode of production and teases out key shifts in class relations. This type of approach is intended to be thematic rather exhaustive and illustrative of trends rather than fine detail. For convenience I have used subheadings and distinguished between material related to class structure and arguments concerning class antagonism and conflict.

The separation of class structure from class antagonism and conflict is used to highlight different phases of class relations. These phases, e.g., "class in itself," "class for itself," provide crucial frames of reference for the discussion of strategies of government (see Section V). Having imposed this somewhat arbitrary distinction between "structure" and "antagonism/conflict," it is at once acknowledged that such a dichotomy does not rest easily with a Marxian class analysis. For Marx, the concept of class is imbued with the notion of conflict. Classes exist because of their differential access to the ownership/control of the means of production. In theory one cannot have a class structure without social tension and discord and without a divergence of economic interests. However, for the analytical

purposes of this thesis it proved useful to distinguish between structure and conflict. Antagonism and conflict refer to such phenomena as the struggle to pass class legislation, strike activity, repression of labour militants, demonstrations, etc.

In addition to discussing inter-class conflict the chapter also considers intra-class discord. Again it is important to bear in mind that divisions within classes are related to the struggle between classes. Poulantzas, for example, stresses the significance of class fractions within the dominant class in capitalist societies. These fractions struggle with each other and form various alliances with subordinate classes at particular "conjunctures." The state in capitalist societies possesses a relative autonomy from these bourgeois fractions while acting in the long term to reproduce capitalist social relations. As such the state appears to be a legitimate representative of all classes. The relative independence of the state enables it to act in the long term interests of the bourgeoisie while in the short term opposing the particular demands of any one bourgeois fraction. This relative autonomy extends to the point of passing legislation that at times meets the immediate demands of subordinate classes. In a sense, even these concessions serve to further bourgeois interests, although Poulantzas in differing from Marxists like Lukacs, denies the analytical distinction between classes "in" and "for" themselves.

We may also note the significance of gender divisions within the working class. Cynthia Cockburn (1985) has noted the way certain jobs have remained "male" preserves under capitalism. In particular men have retained a hold over the technical occupations because,

"technology, as a medium of power, will be developed and used in any system of dominance to further the interests of those on top." (1985:8)

Men, as masters of technical skills, have therefore placed themselves in an advantageous position in the labour force. A mastery of technology insulates male workers from the incursions of management control strategies and the dangers of deskilling. At the same time this mastery reproduces male domination in general. We can see how male wage workers might come to constitute a class fraction which cautiously accommodates technological developments in order to reaffirm their patriarchal control over women. At a party political level these gendered divisions within the working class may lead to the adoption of policies which serve male working class interests while further shackling women to housework and childcare responsibilities.

These divisions can therefore frustrate and delay the development of a broad based class consciousness and political activism. Intra-class antagonism is therefore an important factor in the shift from "class in itself" to "class for itself."

This chapter briefly overviews class relations during three different stages in the development of the capitalist mode of production. These stages are (i) the Pre-Civil War rise of laissez-faire, (ii) post-Civil War expansion and the beginnings of monopoly, (iii) the age of monopoly capitalism.

A similar theoretical analysis is used to discuss class developments in Oregon and Lane County. Taken together, the arguments concerning class relations provide an essential touchstone for the analysis of the policing of class relations (Section V).

I. The Pre-Civil War Rise of Laissez Faire Capitalism

(a) Shifts in the Mode of Production, 1780-1860

In 1790, 90% of the U.S. population was involved in agricultural production. By 1870 this proportion had fallen to 75%. The system of

agriculture differed in the northern and southern regions. In the north larger farmers hired labourers on the open labour market. In the South the plantation system was based on slavery which embodied an entirely different economic organization and style of life.

The major change in the mode of production over this period was the gradual growth of laissez-faire capitalism and the rise of manufacturing industry in the northern states. The first factories appeared in connection with textile production during the early 1800s.

(b) Class Structure

According to Zinn (1980:98) roughly 3% of the U.S. population in the late 18th century were wealthy. This elite was made up of the emerging northern bourgeoisie who had interests in shipping and manufacturing and the southern aristocrats who owned large numbers of slaves and dominated the plantation agriculture system.¹ These two fractions of the wealthy elite lived in a continual state of tension.

Approximately one-third of the population were petty bourgeois farmers during the Revolutionary period. These farmers, unlike their feudal ancestors in Europe, mostly owned their land. In the South these smaller farmers owned slaves and were responsible for producing a large portion of the cotton crop. Lower class or landless farmers were those poorer whites who were engaged in tenant farming or share-cropping. In addition agricultural labourers could also be considered as a distinct class the members of which occasionally engaged in wage labour.

As the number of wage workers in the cities increased the urban proletariat began to appear. This increase was particularly marked between 1830 and 1860 when immigration from Europe picked up. The exploitation of wage labour hastened the growth of cities. This trend

was particularly noticeable in the North. Of the 15 largest cities in the U.S. in 1860, only New Orleans was in the South.

In addition to the northern bourgeoisie, southern aristocrats, farmers and wage workers, there were a large number of individuals who were members of the petty bourgeoisie. These were the independent artisans who perhaps owned their own workshops or tools, small shopkeepers and businessmen and various professionals such as doctors and dentists.

Finally it is possible to identify what Marx called the lumpen-proletariat. This grouping stood on the periphery of the class system insofar as its members were not properly integrated into the division of labour. Included in this group were the unemployed, criminals, tramps and other individuals without a clearcut trade. The membership of this group fluctuated wildly with the rise and fall of the emerging capitalist economy.

Perhaps the most significant observation to be made on pre-Civil War class structure was the difference between North and South. In the former, economic relationships gradually became more like market relationships with workers increasingly being forced to sell the only thing they had, i.e., their labour power. In the latter, the ownership of slaves resisted the development of market relationships with regard to labour and worked against the development of a wage earning class.

(c) Class Antagonism and Conflict: Government, Class Struggle and the Civil War

New forms of economic and political domination replaced the Colonial rule of the British who were defeated in the War of Independence (1776-83). These forms were reflected in the U.S. Constitution, written in 1787. Beard (1935) has argued that the framers of the Constitution had vested interests in the establishment of a strong

federal government. These interests were those of the northern bourgeoisie and southern aristocrats. For example, manufacturers needed protective tariffs and slaveowners sought federal security against slave revolts.

As Zinn (1980:98) has argued, the U.S. Constitution gave enough rights and liberties to small property owners, middle income mechanics and farmers, to build a sufficiently broad base of support. The Constitution, written in the language of universal rights, was a compromise which reflected, among other things, class based interests. Notably the interests of Black slaves, Native Americans, very poor whites and all women were not represented at the constitutional convention.

As W. A. Williams has argued, the origins of the Civil War are to be found in the competition between the northern bourgeoisie and the southern aristocrats for the spoils of the westward expansion (1961:280-93). These two antagonistic elites were fundamentally opposed over the issue of the development of free labour markets in an expanding economy.

These differences over the organization of production in an expanding country finally manifested themselves in the form of civil war (1861-5) that the northern bourgeoisie won due to their vastly superior financial and industrial resources. This victory signalled the accession of the capitalist mode of production.

II. Expanding the Economy of Industrial Capitalism in the Post Civil War Period, 1866-1896

(a) Shifts in the Mode of Production, 1866-96: An Overview

The victory of the northern bourgeoisie in the Civil War ensured the development of an extended labour market in which labour power could

be sold as a commodity. The Civil War provided a tremendous boost to the northern capitalist economy. Labour saving technology was applied across the board to production. Examples here include the Howe sewing machine and the agricultural reaper. Work discipline was tightened through the growth of factory style production. Between 1860-80 the number of U.S. factory employees doubled. By 1894 the U.S. was the world's leading manufacturing country.

Competition between capitalists increased as the system of factory production emerged. Between 1866 and 1896 prices declined. Trusts first appeared from 1882 (Standard Oil) in an attempt to stabilize profit returns by practically fixing prices in the market. However this strategy was largely unsuccessful and the increasingly chaotic capitalist economy continued to be plagued by periodic slumps. These slumps (e.g., 1873-9, 1893-6) with their attendant poverty and unemployment exerted a profound effect upon class relations. I now turn to discuss those relations.

(b) Class Structure 1866-96

Class structure over this period reflected the economic, social and political antagonisms of a fast changing society. Of particular importance was the shift from agrarian self sufficiency to industrial capitalism. This generated new forms of class relationships as increasing numbers of workers were required to sell their labour power.

The industrial and financial bourgeoisie, fresh from their Civil War triumph, emerged as the dominant forces in the ever-changing class system. The relationship between these two fractions became increasingly intimate as trusts and monopolies began to appear from the 1880s onwards. This intimacy was characterized both by mutual back-scratching and tension and antagonism. Meanwhile wage workers, skilled

and unskilled, black and white, immigrant and native, male and female, formed the backbone of the growing proletariat.²

After the Civil War laissez-faire capitalism began to exert a powerful influence upon agriculture. In the South the old aristocratic planters retained their land and divided it up into small holdings which were farmed by tenants or sharecroppers instead of slaves. This circumvented the need to pay small farmers a wage. It was rare for these small farmers ever to become farm owners.

As the population expanded westwards the small diversified self sufficient farm of pre-Civil War days tended to be superceded by the larger staple crop farm which used labour saving machinery for harvesting. Produce was increasingly sold for cash.

In the post-Civil War period the petty bourgeoisie began to experience the adverse effects of growing monopoly. Independent artisans found it more difficult to match the prices of the mass produced commodities from factory manufacture. Small shopkeepers in larger cities began to struggle to compete with larger operations. This squeezing of the petty bourgeoisie signalled the decline of laissez-faire capitalism.

(c) Class Antagonism and Conflict

(i) The Struggle to Govern

The 19th century shift from agrarian to industrial capitalist production was accompanied by an extension of the franchise, e.g. to black and poorer white males.

This apparent "political freedom" to choose who governed, developed into a socially constructed rhetorical pride in "democracy." This rhetoric tended to obscure class exploitation and the fact that it was largely wealthy men who held the reins of government. However, the

bourgeoisie did not have unfettered control of local, state and national politics. In fact prior to the age of monopoly capitalism the reins of government were scattered with respect to class. In particular, wealthier farmers and members of the petty bourgeoisie such as lawyers and doctors all had access to political office. However, between 1866 and 1896 a trend emerged whereby the polity became increasingly responsive to the demands of capitalist production.

The fundamental change in the mode of production during the 19th century was reflected in the platforms of the main political parties. The Republicans emerged as the party political edge of the laissez-faire capitalist order on the eve of the Civil War. By 1896 they were firmly established as the party of big business and received important backing from leading financiers and industrialists. The Democrats relied on the support of the working class and immigrants to whom they catered through their ward machines. Petty bourgeois and landless farmers also tended to vote Democrat.

(ii) The Struggle Between Capital and Labour: The Growth of Unions

The Civil War generated enormous profits for employers. In its aftermath labour unions began to form on a national scale for the first time. By 1870 there were 32 national unions (Foner, 1:345). As the mode of production shifted towards factory manufacture, work discipline and control of the employee in the workplace became increasingly important factors in maximizing profit returns. Labour violence punctuated U.S. history from 1877-96, e.g., national railroad strike (1877), Haymarket (Chicago) anarchist bombing (1886), Homestead Steel strike (1892) and Pullman Railroad strike (1894).

Aside from workplace controls large employers developed other strategies for dealing with labour. Different ethnic and racial

rivalries were exploited to divide workers. Strikebreakers were brought over from Europe. Convict labour was used across the country to drive wages down. Labour organizations were infiltrated and monitored by private police. Blacklists of militant workers were circulated among employers.

Employer response to labour's initiatives was often coercive. However, towards the end of this period there were signs that the bourgeoisie was also beginning to adopt more consensual tactics involving legal, political and ideological approaches. The powerful monopolists within the bourgeoisie were becoming more cohesive and skilled in controlling their labour forces. In contrast the rapidly expanding ranks of the proletariat were still poorly defined. It was much more difficult for this larger fragmented class to organize politically. Aside from the obvious problem of a lack of resources, the emerging proletariat was also divided internally.

(iii) Turmoil Within the Working Class: Intra-Class Antagonism and Conflict

The first labour organization of national significance was the Knights of Labour (KL). The Knights opposed factory style production and backed the demands of trade unions for better working conditions and higher pay. However by the mid 1880s the Knights were split over whether to pursue a path which supported workers cooperatives (Lassalleian socialists) or whether to push forward with its traditional union demands (see Foner:2:75-92). These divisions were amplified in the aftermath of the Haymarket bombing in which a number of labour demonstrators and police were killed. This incident was blamed on the KL and used to depict the Knights as anarchists. From this point on the already divided Knights faded as a political force.

The American Federation of Labour (AFL) took over the mantle of the labour movement. This federation was dominated by skilled white male workers who sought compromises with employers. More radical labour organizations, e.g., socialists, formed a political party (Socialist Labour Party, SLP) to challenge the forces of capitalism through the ballot box. Other socialists shunned the ballot box and identified the polity with bourgeois control, e.g., German Socialists in Chicago (Foner:1:495). These different fractions within the emerging proletariat were to reappear in different forms in the 20th century.

(iv) The Struggle Between Farmers and the Bourgeoisie: The Effects of Monopoly Capitalism on Agriculture

Petty bourgeois farmers were adversely affected by the growth of corporations. Of particular importance was the vulnerability of farmers to the charges levied by transportation monopolists for the movement of produce to markets.

Farmers' political organizations date back to the formation of the Patrons of Husbandry, otherwise known as Granges, which first appeared in 1868. These Granges were formed in response to the post-Civil War poverty experienced by farmers as crop prices fell dramatically. By the 1873 depression Granges had formed in every state and in 1875 there were 20,000 of them with 800,000 members.

During the 1870s legislation backed by the Granges introduced strong curbs on corporations. However, the effects of the Granger cases were reversed during the 1880s as it became clear that the polity was becoming increasingly amenable to the demands of monopoly capitalists.

(v) Class Conflict and the 1896 Election: The Beginnings of a Bourgeoisie "For Itself"

The possibility of mounting a serious party political challenge to the bourgeoisie by bringing together the forces of farmer and labour organizations was realised when the Peoples (Populist) Party was formed in 1891. Roughly two-thirds of the delegates at the 1892 Peoples Party Convention were from farmers organizations, which, like the Granges, opposed monopoly. Just over a quarter of the delegates were from the trade unions.

The Peoples Party advocated the introduction of the 8-hour day, adequate safety procedures in factories and mines, a range of labour legislation, a number of reforms in the electoral system aimed at breaking the electoral connections and advantages enjoyed by the bourgeoisie, and the municipal ownership of public utilities. The Party drew support from wage workers, the unemployed, small farmers, sharecroppers and agricultural labourers. In the 1892 election the Populists won 10 seats in the U.S. House and 5 in the Senate to become the first "third party" since the Civil War.

The 1893-6 Depression witnessed another slump in the capitalist economy. The unemployment rate reached 20%. Populists supported the march of the unemployed on Washington, D.C. led by Jacob Coxey in 1893. The Peoples Party also backed labour in the 1892 Homestead Steel Strike and the 1894 Railway Strike. These demonstrations of support were seized upon by the bourgeoisie and used to create an image of the Populists as "anarchist," "Socialist inspired" and "Un-American."³

Prior to the 1896 election the Populists fused with the Democrats in an attempt to erode the growing strength of monopoly capitalists. The 1896 election represented the confluence of class tensions that had been developing since the Civil War. The Republicans with vastly

superior financial resources scored a resounding victory.⁴ The failure of Populism stemmed in part from the preponderance of farming interests and its distance from the swelling ranks of the working class.

III. Class Relations in the Age of Monopoly Capitalism 1897-1960

(a) The Rise of the Interventionist State

The continued accumulation of capital by the bourgeoisie was mediated through an increasingly interventionist capitalist state. This intervention took off during the Progressive Era when it became clear that economic consolidation through mergers was not enough to stem the tide of competition. Progressivism was that movement which secured the passage of a number of "reformist" laws which purported to regulate monopolies and corporations, make the polity more accessible to the electorate and ensure better wages and working conditions for the expanding working class.

The New Deal was introduced by the Democrats in 1933 to cope with the effects of mass unemployment and poverty during the Great Depression. It represented a new form of growing government intervention in the process of capital accumulation. In spite of this intervention the economy did not pick up again until the stimulus of World War II.

By 1955 the U.S. was producing half the world's goods with only 6% of the world's population (Morison et al.:703).

(b) Class Structure 1897-1960: An Outline

Throughout this period the bourgeoisie with its industrial and increasingly important financial fractions retained and consolidated its position as the dominant class.

The proletariat expanded rapidly as industrial production increased. As a greater proportion of the working population became subjected to the conditions of the wage labour market other classes tended to merge into the working class. In the mid 18th century 90% of the U.S. population was engaged in agriculture. By the mid 20th century 90% was not. The proletarianization of self sufficient farmers and farm labourers represented a significant shift in the class structure.

The proletariat also consisted increasingly of wage earning white collar employees who, like blue collar workers, had suffered fragmentation, loss of autonomy and deskilling in the workplace. Many workers were displaced by labour saving machinery at various times during this period. For example, between 1947-62 the number of workers in coal mining declined from 400,000 to 123,000. This decline was due to technological changes introduced to maximize profit returns from employees.

While the 20th century proletarianization of agricultural labourers and the petty bourgeoisie is consistent with a Marxian model of class, the 20th century appearance of contradictory class locations is less easy to reconcile to Marxian approaches. During this century the "ownership" of productive forces has become increasingly divorced from the "control" of such forces. Certain managerial executives appeared who exerted a strong influence over corporate decision making. The independence and autonomy of these executives resembled that enjoyed by bourgeois "owners." The fact that these executives were usually salaried employees likened them to wage workers. Some had substantial shareholdings while others resembled wage workers who held no shares. Many of these managers can be located within contradictory class locations (see Chapter 1).

(c) Class Antagonism and Conflict

The strike related violence of the last quarter of the 20th century highlighted the class based tension between capital and labour. The coercive methods used to discipline labour and the unemployed inflamed this tension and further emphasized the exploitative power relation between the two antagonistic classes. In the wake of the 1893-6 Depression the bourgeoisie emerged as a more cohesive political force.

It was during the Progressive Era that the first signs of working class organization "for itself" began to appear. The Socialist Party was formed in 1901 and by 1912 boasted 1200 public officials in 340 municipalities, including 79 mayors in 24 states (Weinstein:1969:35-6).

The Industrial Workers of the World (IWW), whose members were known as Wobblies, was formed in Chicago in 1905. This radical labour organization associated the polity with bourgeois control. Consequently the Wobblies shunned party politics and adopted a form of political activism which aimed at retarding or sabotaging production.

Unlike the AFL, the IWW attracted the support of hitherto unorganized unskilled workers involved in mining, farming and lumbering.⁵ Importantly the IWW appealed to workers of all racial, ethnic, gender and skill backgrounds. The Wobblies organized many strikes between 1907 and 1919. Their radicalism touched a nerve among the ranks of the bourgeoisie which used extremely coercive methods to repress their militancy.⁶

By the end of the Progressive Era the first wave of small scale working class radicalism had been countered by a combination of consensual and coercive methods. Most of the working class did not belong to unions and those that did tended to be connected with the moderate AFL. The bourgeoisie was able to construct an image of labour radicals as "unpatriotic anarchists" and thereby fed into fears of

socialism whipped up after the Bolshevik Revolution in 1917. The labour movement declined during the 1920s as union membership decreased by 29% from 5.1 million (1920) to 3.6 million (1929).

During the Great Depression a much more deeply rooted working class militancy appeared. This development signified the emergence of a "class for itself" albeit in a highly rudimentary and fragmented form.⁷ The mass unemployment and poverty of the Depression of 1929-39 and the lack of upward social mobility served to heighten deprivation and fire a revival of working class radicalism.

The party political face of the capitalist state changed from Republican to Democrat in 1932. The Democrats introduced a variety of welfare programmes and through the National Recovery Act (NRA) permitted trade unions to organize. Leading industrialists often found ways to establish "company unions" while still adhering to NRA guidelines. This kept grass roots union activists outside many company gates.

In spite of the NRA concessions to labour, there was a series of spontaneous and highly successful strikes during 1934, including the San Francisco General Strike, the Teamsters Strike in Minneapolis and the National Textile Workers Strike (Zinn:387). By May 1935 the Democrat administration further refined its New Deal strategy by passing the National Labour Relations Act (NLRA). This Act outlawed discrimination against union members, guaranteed collective bargaining and provided for "cease and desist" orders against unfair employment practices. Many employers resisted these changes and the labour movement had to adopt increasingly militant tactics between 1935 and 1937 to realise its newly won legal guarantees.

The expression of proletarian radicalism took several forms during the Great Depression. Many of the radicals joined the Communists and Socialists. The labour movement was split in 1935 over how best to

fight employers. The Congress of Industrial Organizations (CIO) was more militant than the AFL. CIO members developed the use of the sit down strike in 1936-7 to great effect against corporations such as General Motors, U.S. Steel, Chrysler and General Electric. In 1936 there were 48 such strikes. The following year saw 477 sit down stoppages. These tactics forced reluctant corporations to adhere to NLRA guarantees.

Once established as collective bargaining organizations the unions began to purge their own ranks from within. During World War II many labour radicals were removed. In wartime the CIO and AFL agreed with the government not to strike. Working class radicalism faded as wartime production restored full employment. Jingoistic ideology created a patriotic fervour which militated against proletarian dissent.

At the close of the war class conflict resurfaced as 8 million workers struck between 1945 and 1947 to win large pay increases. This renewed militancy led to a swift counter reaction from the bourgeoisie, which was buoyant after accumulating enormous capital reserves during the war. The Taft Hartley Act (1947) outlawed the closed shop and the secondary boycott. It made unions liable for breach of contract or damages stemming from jurisdictional disputes between unions. The Act also authorized 80 day injunctions against strikes which might affect national health and safety. The purging of communists from unions was achieved by requiring union officials to sign affidavits saying they were not communists. Refusal to sign meant that unions could not appear on the NLRB ballot and could not therefore be certified as collective bargaining representatives.

These legislative attacks on the unions led to the expulsion of many radical members of the labour movement. CIO membership declined

27% from 6.3 million (1946) to 4.6 million (1954). In 1955 the CIO and AFL merged into a large bureaucratically run organization.

Conclusion

In the course of this chapter I have outlined major changes in class structure, antagonism and conflict by using shifts in the mode of production as a main frame of reference. In adopting this approach I have focused upon long term historical trends rather than the minutiae of names, dates and places which tend to characterize the "standard periodisation" approach. As we will see in Section V, shifts in the nature of policing appear to have been associated with a number of changes in the field of class relations.

References and Notes

¹According to Morison et al. (204), only 2-3% of slaveowning families in the slave states owned 50 or more slaves in 1850.

²The proletariat continued to expand as waves of European immigrants entered the U.S. This was particularly pronounced during the 1880s.

³These ideological themes exerted a powerful influence upon the development of policing in the U.S. In Section V I discuss the construction of similar discourses in relation to disciplinary initiatives in Eugene, Oregon.

⁴Many voters were bought off. A large number of employers threatened sackings or wage reductions if their workers voted Democrat or if the Republicans did not win (Foner:2:339-40).

⁵The representation of agricultural labourers by the Wobblies was indicative of the fact that as a class these labourers were moving closer to the proletariat.

⁶For example, 26 people were killed by the state militia in a coal mining strike in Ludlow, Colorado, organized by the IWW in 1913.

⁷It lies beyond the scope of this chapter to analyse the reasons for the failure of the proletariat to develop a revolutionary stance. I refer the reader to the classic work of Sombart (1976) for an introduction to these issues.

CHAPTER 6

THE EMERGENCE OF CAPITALISM IN OREGON

Introduction

The colonization of Oregon during the later 19th century marked the closing of the Western frontier. This closure imposed temporary geographical limits on the expansion of American capitalism. In the course of this brief chapter I will examine the class relations which characterized the shifts from self agricultural production to Laissez-faire and monopoly capitalism in Oregon.

I. The Agrarian Mode of Production and the Rise of Laissez Faire Capitalism

a. Shifts in the Mode of Production

Farming

The early settlers were self sufficient farmers who mostly owned their land. The early Oregon economy was based upon barter. Wheat became the legal tender of the Provisional Government which was established in 1843. Self sufficient agriculture was the dominant mode of production until the turn of the 20th century. Wheat remained the most important crop although the Oregon economy became money-based after the California Goldrush in 1849.

Early Manufacturing

Most of the 19th century manufacturing ventures employed a small number of workers. As rail connections developed from the early 1880s

the size and number of flour, lumber and woolen mills increased. Between 1880 and 1890 the number of manufacturing employees increased by 441% from 3,473 to 18,798, compared with a population increase of only 70%.

Railroads

The latter quarter of the 19th century witnessed the rise of laissez faire capitalism in Oregon. This was greatly facilitated by the development of railroads. Rail links which enhanced local trading were completed between Eugene and Portland in 1872 (Ganoe, 1924; Hedges, 1930).

Transcontinental railroads connected Oregon with the U.S. interior from 1884. With this network in place the Pacific Northwest was ripe for exploitation by the lumber barons who were planning to move their operations westward from the increasingly depleted Great Lakes region (Cochran, 1970).

b. Class Structure

The bourgeoisie in Oregon consisted of bankers, financiers, transportation monopolists, the owners of the early larger manufacturing ventures and large landowners. This small but growing class enlarged its capital reserves through the buying and selling of labour power, investment returns and ground rent.

An ever increasing number of wage workers formed the beginnings of a proletariat. These employees were mostly associated with the growing manufacturing establishments.

As laissez faire capitalism emerged the petty bourgeoisie became increasingly important. This class was made up of independent artisans,

small shopkeepers and professionals such as doctors, dentists and lawyers.

Farming classes were important elements in 19th century Oregon class structure. Many of the settlers who came to Oregon owned their land by virtue of the 1850 Donation Land Act.¹ Larger farmers employed labourers in the harvesting season, if not all the year round. Tenant farming over this period was limited. Larger farmers constituted the bourgeoisie of agriculture, while the majority of farmers might be termed the petty bourgeois farming class. The subsistence and/or tenant farmers comprised a lower farming class. It is also possible to identify a class of agricultural labourers in 19th century Oregon. These individuals worked as hired hands on farms and often received board and lodging. As the harvest season approached their ranks increased.

Finally it is possible to identify a lumpenproletariat, the membership of which was in a constant state of flux. These displaced individuals worked sporadically. Many dabbled in agricultural labouring. Others were unemployed manufacturing workers or occasional railroad/lumber employees. Some were vagrants while still others lived off of crime.

c. Class Antagonism and Conflict

In this section the narrative will focus upon the struggle to govern, the early tension between capital and labour and the resistance to the growth of monopoly capitalism.

i. The Struggle to Govern

The first wave of settlers to Oregon came from the Democrat dominated farming areas of the mid west. Democrats therefore dominated

early party politics in Oregon (1859-1880). As laissez faire capitalism began to gain a foothold and the railroads arrived the Republican Party took over the reins of government. The railroad magnates were able to manipulate the state legislature through a number of corrupt connections with mostly Republican politicians (Dodds:135).

ii. The Early Tension Between Capital and Labour

The emerging bourgeoisie had the capital to influence political decision making. At a cultural level, capitalist financial backing underpinned educational institutions and the media. For example the railroad magnate Henry Villard was a major economic force behind the survival of the University of Oregon (UO) in Eugene. In August 1881 Villard paid off a debt of \$7000 which the UO had incurred. Two years later he donated \$60,000 to the UO (OSJ, 28 April 1883). The most important Republican newspaper in the state, the Oregonian, was purchased by someone connected with the Villard interests in November 1881 (Gu, 5 Nov. 1881).

Wage workers had neither the financial clout or the political connections of the early Oregon capitalists. These workers sought strength through collective organization. Prior to the establishment of a large number of wage workers these collective organizations had limited impact. The first labour union appeared in the Pacific Northwest in 1853. The strike was first employed as a bargaining strategy by Oregon fishermen in 1877. In this situation employers successfully deployed strikebreakers. The effective use of boycotts by the Portland Federated Trades Assembly in 1888 and 1889 led to the state legislature outlawing the boycott in 1891.

iii. Early Resistance to the Growth of Monopoly Capitalism in Oregon

The national mobilization against the forces of monopoly capitalism was directed against capital concentration in a variety of economic sectors. In Oregon the movement was primarily aimed at transportation monopolists. Oregon farmers, working through organizations such as the Granges, objected to the stranglehold the transportation monopolists had over the movement of produce to market.

The 1893-6 Depression reduced the number of Oregon manufacturing workers by 50%. Large scale unemployment became an issue that was taken up by Oregon populists. Harvey Scott, editor of the Oregonian, blamed the plight of the unemployed upon the exorbitant wage claims of the unions. These unions,

"began to accuse and denounce society and government for conditions resulting from their own imprudence." (quoted by Johansen and Gates:364)

The Oregonian equated Coxeyism with vagrancy. Scott commented,

"The industrial armies marching about the country are nothing in the world but organized vagrancy." (18 April 1894)

(I return to the hegemonic construction of folk devils in Chapter 13.)

In a manner consistent with national developments, the Oregon Farmer's Alliance, labour unions and representatives of the unemployed joined together at the 1895 Congress of Labour. Due to the disparate class interests voiced through this merger, the Congress was unable to mount a serious challenge to the small, politically more cohesive ranks of the emerging bourgeoisie.

II. The Coming Age of Monopoly: 1897-1960

a. Shifts in the Mode of Production

The development of the Oregon economy from laissez faire to monopoly capitalism was characterized by a number of key shifts. Simple

manufacturing processes that used small numbers of workers continued to grow between 1890 and 1910. Competition between these smaller establishments was most intense between 1904 and 1909. During this period these establishments increased in number by 40.2%. As the Progressive Era unfolded corporate ownership of manufacturing establishments increased (see Tables 6.1 and 6.2). Skilled human participation in the production process began to diminish as machinery and technology came to be applied in the workplace.

TABLE 6.1. To show patterns of ownership in manufacturing industry in Oregon 1914-29

	Year		
	1914	1919	1929
Number of manufacturing establishments owned by			
(a) Corporations	710	934	1,133
(b) Individuals/Other	1,610	1,773	1,330

TABLE 6.2. To show the number of wage earners employed under different patterns of manufacturing ownership in Oregon, 1914-29

	Year		
	1914	1919	1929
Number of employees working for manufacturing establishments owned by			
(a) Corporations	24,087	50,860	57,965
(b) Individuals/Other	4,782	7,699	7,540

Source for both tables in U.S. Bureau of Census, 1930.

At the same time as manufacturing became more machine based agricultural production was transformed. During the first half of the 20th century farming became more mechanized. Industrially produced chemicals were used more frequently. Self sufficient agriculture faded

as farming became more capital, and less labour, intensive. While one-third of "gainfully employed" workers were engaged in farming in 1890, this population had fallen to one-tenth by 1960.

Lumber production was the most important form of Modern Industry in 20th century Oregon. The old 19th century establishments employing a small number of workers gave way to corporate ventures which introduced machinery to generate greater surplus value. From the turn of the 20th century the traditional bull (oxen) team and skidroad logging were replaced by steam power. This dramatically altered the pace of work. Unlike the oxen, steam powered machines did not tire. This enlisting of technology as an adjunct to capital increased the incidence of injury and death in the woods. Power chains were introduced in 1940 enabling more trees to be felled by fewer workers (Robbins, 1985, 1986; Schwantes, 1987).

The larger lumber corporations were best able to introduce expensive technology to diversify from felling to processing in order to further maximize profits. This was accompanied by a proportionate shift in workers from primary to secondary sectors. Between 1947 and 1960 the number of loggers decreased by 27.4%. Over the same time period the proportion of manufacturing workers employed in veneer and plywood plants increased from 3.9 to 15.1%.

b. Class Structure

Developments in the Oregon class structure reflected wider national developments. One significant historical trend was the growth of the proletariat as a class and the accompanying decline in importance of farming classes. Between 1897 and 1960 a polarization of classes was evident across the bourgeoisie-proletariat axis. The bourgeoisie comprised that elite in the economy who owned and/or controlled the

means of production. This class included lumber barons, railroad magnates, financiers and bankers, landowners and other smaller but still significant employers. The size of the proletariat relative to that of other classes, continued to increase between 1897 and 1960. Its backbone was the growing number of wage workers in the manufacturing sector. However, there were also employees in the expanding retail trade, construction, transportation and communication, health and education, who were increasingly subjected to the capitalist wage relation. With the decline in importance of farming, Oregon's agricultural labourers experienced proletarianization. The Oregon proletariat gradually came to reflect the occupational variety of an increasingly diversified economy.

c. Class Antagonism and Conflict

i. The Struggle to Govern and the Rise of the Interventionist State

The blatantly corrupt polity of the 19th century gradually gave way to the more legitimate and nationally celebrated "Oregon System" of liberal-progressive representation (Hendricks, B. J., 1911; Hendricks, R. G., 1951; Howe, 1911).

The most significant piece of "progressive" legislation was the Initiative and Referendum, introduced in 1902. This enabled any voter to gather a petition of sufficient size in support of a particular issue. Having obtained a required number of signatures the issue could be placed on the ballot and presented to the electorate in referendum form. This was effectively a form of "direct legislation" for if the issue in question was passed by referendum, it automatically became law.

The Initiative and Referendum was an extremely popular piece of legislation. It was passed in 1902 by 62,024 votes to 5,668.² On the

surface it appeared as if members of any class could circumvent the state legislature and generate their own form of popular law. However, it appears that it was the bourgeoisie who had the financial resources required to make the most of the Initiative and Referendum. Labour unions found it cheaper to lobby law makers in traditional ways, rather than engaging in expensive campaigning. On occasions labour unions successfully fought off employers and introduced legislation favourable to the working class. This was the case with the passage of the Employers Liability Act (1910) and the Workmen's Compensation Act (1913). Both these laws were bitterly opposed by employers of all kinds and yet still pushed through by the unions who utilized the Initiative and Referendum method (Tripplett, 1961).

The exorbitant costs of running an effective Initiative and Referendum campaign usually operated against working class interests. In spite of the reformism of the New Deal in Oregon during the 1930s and the "progressive" stance of the then dominant Democratic Party, the Oregon System in 1939 still enabled business groups to force through what the St. Louis Post Dispatch called,

"the most dramatic anti-labour law on the nation's statute books." (quoted in Pomeroy:238)

The anti-labour law was passed by Initiative and Referendum and virtually outlawed strikes in the manufacturing and marketing sectors. Sympathy strikes were banned and boycotts and picketing vigorously controlled.

ii. The Struggle Between Capital and Labour

As the lumber corporations emerged to dominate production at the turn of the 20th century, there was an accompanying upsurge in the growth of unions. On May 2, 1902 delegates representing 10,000 workers

formed the Oregon State Federation of Labour (OSFL). From this point onwards unions were organized on a statewide basis.

The IWW were the most radical edge of proletarian political activism. They were active in Oregon between 1907 and 1923 (Tripplett, 1961; Tyler, 1967; Dodds, 1977). The lumber industry proved to be a fertile recruiting ground for new Wobblies. Lumber workers were mostly single males who knew how to survive off the land.³ With no family ties and good survival skills these men were well situated to respond to the IWW calls for radicalism. In addition, the hazardous conditions in logging tended to amplify the exploitative nature of the capital-labour work relation.

A Wobbly led strike during World War One (WWI) paralyzed West Coast lumber mills and seriously threatened the American war effort. In the short term workers won important concessions. However, in the long term the U.S. government introduced the Loyal Legion of Lumbermen and Loggers (4L) as the only official union in the industry. Strikes and boycotts were outlawed (Hoffman and Webb, 1986).

In the aftermath of WWI and in the wake of the Socialist Revolution in Mexico (1917) and the Bolshevik Revolution in Russia (1917) the American bourgeoisie closed ranks quickly. Both coercive and consensual strategies of government emerged to monitor and regulate the radicalism of the fledgling working class. (I discuss coercive policing strategies in Section V.) Nationalism and racism emerged as ideological weapons in the attempt to justify the growing class disparities associated with the rise of monopoly capitalism. In Oregon the Ku Klux Klan emerged during the 1920s as a wave of patriotic fervour to depict labour radicals as seditious (Swenson, 1983; Saalfeld, 1984).

The conflict between capital and labour re-emerged on a much wider scale during the Great Depression. An expanded proletariat became

subject to an unprecedented degree to poverty and unemployment. Under these conditions various forms of political activism developed. Class "for itself" began to be expressed in ways ranging from moderate trade unionism to militant communism.

World War II production restored near full employment. Both the AFL and CIO in Oregon agreed not to strike in support of the war effort. Oral history evidence strongly suggests that the power struggle between the communists and moderate unionists was resolved in favour of the latter. This struggle began from the mid-1930s and its resolution was reflected in the conservative post-war demands of the unions and their implicit acceptance of the social relations of capitalism. In the immediate post-war period there was an upsurge in strike activity although the focus of issues had shifted to securing adequate company health and welfare programmes, holidays, and pension plans.

Conclusion

In this chapter on class relations in Oregon I have argued that a bourgeoisie developed as a small politically cohesive dominant class "for itself" during the Progressive Era. In contrast the much larger proletariat appeared "in itself" prior to the Great Depression. The translation of a working class "in itself" to a working class "for itself" began in earnest during the dire economic conditions of that Depression.

Having established a framework for political activism the working class was beset with problems. These problems stemmed from the social control initiatives of the bourgeoisie, the changing face of monopoly capitalism (especially during and after World War II) and divisions within the proletariat itself.

The New Deal (as discussed in Chapter 5) institutionalised bargaining relations and acted to construct the socially acceptable limits of worker militancy. This reformist development in the polity, coupled with the wartime economic boom in Oregon did much to dampen working class activism. In the post-war period the expression of proletarian militancy was limited.

References

¹The Donation Land Act of 1850 enabled married couples who arrived prior to December 1, 1850 to claim 640 acres of free land, with 320 acres going to each spouse. Single adult white males could claim 320 acres. These provisions were consistent with the "Organic Legal Code" set up by the Provisional Government in 1843 and therefore served to confirm the legality of prior claims. Married couples arriving between December 1, 1850 and December 1, 1855 could claim 320 acres of free land with 160 acres going to each spouse. For more details see Acts of Congress: Relating to Public Lands in Oregon, September 27, 1850, Section 4, in Matthew Deady:85-6.

²The Lane County vote in favour was 3130:309.

³In 1910 it was estimated that 90% of lumbermen were unmarried. (Robbins:1986:9).

CHAPTER 7

CLASS RELATIONS IN EUGENE AND LANE COUNTY, OREGON

Introduction

In the preceding chapter I identified a number of key shifts in the field of class relations in Oregon. I demonstrated how these shifts tended to mirror national developments. In Chapter 7 it is my intention to examine the manner in which national and statewide historical changes found voice in the local milieu of Lane County. This chapter is principally concerned with the shift from self sufficient agricultural production to laissez-faire, and later, monopoly capitalism.

I. Self Sufficient Agricultural Production and the Rise of Laissez Faire Capitalism, 1853-96

a. Shifts in the Mode of Production

Farming

Agricultural production dominated the economy of Lane County throughout the 1853-96 period. Farms ranged in size from large scale commercial ventures to small subsistence units. Surpluses were sold in the local market, traded with neighbours or exported. Most farmers in Lane County owned their own farms as a result of the Donation Land Act (1850).

Transportation

Eugene, like many 19th century Oregon towns, grew up alongside a river. The Willamette River provided water power and a means of

transportation. Bettis (1969:16) notes that the James Clinton, a side-wheel steamboat, was used to move farm produce to Portland from March 1856. Faster and more reliable rail transportation appeared from 1871 in the form of Ben Holladay's Oregon and California Railroad (OCR). Holladay monopolized river and rail transportation from August 1871 (Gu, 26 Aug. 1871). By 1873 local farmers were paying the equivalent of 1½ bushels of wheat for every bushel transported on the OCR.

Early Manufacturing

Until the arrival of the lumber corporations at the turn of the 20th century, manufacturing was small scale and often related to agricultural production. Establishments included flouring mills, a sash and door factory, planing mills, a small wagon factory, a hosiery mill and a fruit drying and canning plant.

As capitalist production techniques emerged we witness the introduction of machines which either displaced workers or degraded the work process. As early as 1876 local capitalist W. H. Abrams invented an automatic sawmill carriage device which dispensed with the labour of two employees at his planing mill (Gu, 1 April 1876). Two decades later we see the introduction of scouring machines at the Eugene Tannery (DG, 11 Feb. 1896). This saved the work of 3-5 employees. In other establishments more traditional production techniques were kept alive. We learn that in 1896 Sach's Gun Factory employed skilled artisans to make entire guns from scratch (Gu, 4 Jan. 1896).

b. Class Structure

Patterns of ownership in farming changed little over the 1853-96 period. The majority of farmers in Lane County owned their land and farming implements (see Table 7.1). The bourgeoisie of agriculture

comprised that small elite who owned the large farms and acted as significant employers of labour. Most farmers were petty bourgeois and worked farms of between 50 and 500 acres. Their ownership of land and implements and their potential to act as small scale employers at harvest time distinguished them as a class from sharecroppers, tenant farmers, farm labourers and the nascent proletariat.

TABLE 7.1. Percentages of Lane County Farmers Owning, Renting or Sharecropping Land in 1880

Type of Farmer	% of All Lane County Farmers
Owner - Over 1000 acres	2.8
Owner - 500 - 1000 acres	8.6
Owner - 50 - 500 acres	67.0
Renters - All sizes	5.3
Sharecroppers - All sizes	12.1
Others	4.2

Based on U.S. Census of Agriculture: 1880:82-3, Table V.

The non-agricultural bourgeoisie in Lane County was that small class of employers who ran the early manufacturing ventures, local bankers, financiers and transportation monopolists. Members of the bourgeoisie had financial interests in different sectors of the economy. For example J. B. Underwood, the first mayor of Eugene, had interests in flour manufacture, the woolen mill, insurance and the railroad. T. G. Hendricks was involved in the mercantile business before becoming president of Lane County's first bank in 1884. During the early 1890s Hendricks was one of the founder members of the Packing and Cannery Company of Eugene, as well as being a major landowner.

The petty bourgeoisie was composed of artisans, small producers, independent professionals and shopkeepers. These individuals were generally self employed. Artisans included L. T. Bragg who owned his

own harness shop and made saddles (PJ, 17 July 1858). J. N. Gale ran the city bookstore (PJ, 26 June 1858). Professionals in 1869 included 9 lawyers, 5 doctors, several teachers and dentists, and the clergy attached to 6 churches.

As the free wage labour sector began to appear, the proletariat began to emerge. Many of the early wage workers were employed in small manufacturing industries. According to the Oregonian there were 60 manufacturing workers in Eugene in 1890 (quoted in Gu, 27 Sept. 1890).¹ This figure is an underestimation since it does not include the small number of wage workers in the sawmills.

To summarize, the key developments in terms of class structure were the gradual rise of the non-agricultural bourgeoisie and proletariat against the backdrop of a predominantly agricultural economy. The slow emergence of these antagonistic classes signalled the rise of the capitalist mode of production.

c. Class Antagonism and Conflict

In this section I will concentrate on the struggle to govern at a local level, the early signs of tension between capital and labour and the much more significant resistance to the growth of monopoly capital.

i. The Struggle to Govern

In this section I will examine local government personnel and the policies they introduced.

Personnel

Under Section 11 of the City Charter (1864) the mayor and six city councillors were not to be paid for their municipal duties. This meant that the individuals involved had to be of independent wealth with

sufficient time to devote to city business. Consequently the local polity was manned literally by members of the bourgeoisie. This was particularly true in the case of the key political position, that of mayor. The mayor had the casting vote in the case of a tie between councillors and also had the power to appoint councillors to various committees. It is clear from Appendix I that the mayors of Eugene over the 1864-96 period were drawn from the ranks of wealthy landowners, bourgeois farmers, property holders, larger employers and financiers. Many of these men were also involved in politics at state level.

Policies

As the 1864-96 period unfolded the sphere of influence of the local polity expanded. Money was raised through taxation for schools, public works, public health, welfare provision, fire protection and policing. This expansion was reflected in the increase in specialized council committees between 1864 and 1896 from four (finance, judiciary, streets and printing) to seven (the aforementioned plus health, policing, fire and water). The extension of tax based services created the economic infrastructure favourable to the local growth of laissez faire capitalism. This extension of services was controversial. Disputes over how to reproduce social relations in general broadly fell within the parameters of the Democrat-Republican discourse. The former, with their commitment to self sufficient agriculture held sway and kept taxation lower until the latter's influence became ascendant after the arrival of the transcontinental railroads (circa 1883).

ii. The Resistance to Capitalism

Bourgeois farmers usually had multiple economic interests and in addition to their rural farm holdings sometimes had a financial stake in

the newly emerging manufacturing enterprises. Other bourgeois farmers owned property in Eugene from which they collected rent. As larger producers the bigger farmers enjoyed bulk transportation rates on railroads such as the OCR. This bulk concession actually enhanced their class position vis a vis petty bourgeois farmers. These factors tended to limit the extent of the bourgeois farmer's resistance to the rising urban bourgeoisie.

The main resistance to competitive capitalism came from the ranks of the petty bourgeois farmers. Local granges formed from 1873 to enable petty bourgeois farmers to fight transportation monopolists. Within a year there were 17 granges in Lane County with a combined membership of 700 (Gu, 28 Feb. 1874). The paramount political objective of the granger movement was the "ennobling of labour." Granges celebrated the social contribution of "direct producers." This celebration linked petty bourgeois farmers to farm labourers and the nascent proletariat. Other objectives included the establishment of cooperative ventures, for example to store and grind their own wheat (Gu, 8 May 1875). These attempts to cut out middlemen and reduce transportation costs (flour was cheaper to transport than wheat) failed due to a lack of capital. This lack of capital also meant that petty bourgeois farmers, unlike railroad monopolists, were not able to raise large sums of money to bribe voters and politicians (Gu, 18 June 1870; Gu, 5 Nov. 1870; Gu, 25 May 1871).²

The ineffectiveness of farmers' organizations was reflected in the fate of the Independent Party in Oregon in 1874. This party was formed by farmers and drew support from the membership of the 175 Oregon granges. As Dodds notes, while the Independent Party was numerically strong in both House and Senate in 1874, it was unable to translate this

strength into legislation which challenged transportation monopolists (1977:157). The Party gradually faded into political obscurity.

The political activism of local self sufficient farmers was reignited as Populist sentiments surfaced nationally between 1892 and 1896. Broad links were formed between self sufficient farmers, the newly emerging proletariat and the unemployed. All shared a common bond as actual or potential direct producers. However, this bond was weakened by disparate class interests. The local failure of Populism paralleled national divisions between petty bourgeois farmers and wage workers.

The Early Tension Between Capital and Labour

Given the small size of the local proletariat we find little evidence of direct struggle between capital and labour in the forms of strikes, boycotts, demonstrations, etc. We might best describe the early tension between these rival classes as discursive or hegemonic insofar as antagonisms were articulated through press coverage of national class conflict. The parameters of this discourse were framed within the polarities of Democrat-Republican politics, with the former being more sympathetic to labour without challenging the efficacy of capitalist social relations. Consequently we find scattered references to the need for "responsible" wage bargaining (OSJ, 22 May 1869), the ineffectiveness of the strike as a negotiating weapon (OSJ, 15 Jan. 1887) and the evils of socialism (OSJ, 26 March 1887).

II. The Age of Monopoly, 1897-1960

a. Shifts in the Mode of Production

Farming

Large scale capitalist production techniques were relatively slow to enter agricultural practices in Lane County. Table 7.2 shows that the number of farms in the county increased between 1880 and 1940. Contrary to statewide trends the average size of these farms decreased 54% over this period.³ From 1940 we witness the rise of capital intensive farming, a marked drop in the number of farms and a sharp increase in farm size.

TABLE 7.2. The change in the number of farms in Lane County between 1880 and 1960, as reflected by census data

Year	Number of Farms	Percent Change
1880	1200	
1910	2826	+ 136
1940	4454	+ 58
1960	1182	- 73

(Source: U.S. Bureau of Census: Agriculture, 1880, 1940, 1960.)

Railroads

As conveyors of goods and passengers the location of rail lines continued to exert a powerful effect upon the development of towns and the organization of business. This was particularly true with regard to the lumber industry. The relationship between railroads and lumber was a synergistic one. Railroads facilitated and then in turn thrived upon the exploitation of natural stands of timber in Lane County. The

Southern Pacific Railroad Company (SPRC) did not begin to extend its lines in Lane County until the turn of the 20th century. Eugene's population expanded dramatically over the next decade and social life changed as large numbers of railroad and lumber workers gained access to the town (Appendix F).

The synergistic relationship intensified during the growth decade of the 1920s. Lumber production peaked at the end of the 1920s and SPRC built a new rail terminal in Eugene during the mid 1920s bringing an estimated 500 families to the town (MR, 19 Aug. 1926). The population swelled 78% from 1920-30 and building permits indicate colossal growth between 1923 and 1928.

Manufacturing

The period of competitive capitalism continued into the 20th century as a variety of new industries appeared in Lane County. Examples included a planing mill (1903) employing 8 workers and a cannery which operated for six months of the year. Taking the 1897-1960 period as a whole the most important trend was the growing domination of the very large lumber corporations. The first of these giants was the Booth-Kelly Lumber Company organized by Robert Booth in 1895 with a capital stock of \$50,000. By 1901 the stock was worth \$1.25 million and the company was one of the largest in Oregon (OSJ, 6 April 1901). Booth moved to Eugene in 1901 in order to coordinate the activities of his three nearby mills in Wendling, Coburg and Saginaw.

The large lumber companies changed the face of employment in Lane County in two ways. Firstly, hundreds of workers were brought together in one location to produce lumber. This scale of employment was hitherto unheard of in the county. For example 300 men found regular employment at the Wendling mill which operated 24 hours per day. Only a

decade earlier the Eugene sawmill at full capacity offered work to only 20 men (OSJ, 23 March 1901). Secondly, and perhaps most importantly, the form of the work process was radically changed. Large numbers of wage workers were harnessed to a production process which was geared to machinery. This tendency reflected the attempts by lumber barons to exert more control over workers in the workplace. This development marked the beginnings in Lane County of what Marx called "Machinofacture."

b. Class Structure

As noted in Chapter 4, census data can be used guardedly to provide a tentative overview of trends and directions in local class structure. This data uncritically adopts the occupational categories of the capitalist division of labour. As such it obscures the generalizable nature of labour and ignores more subjective phenomena associated with the work process e.g., alienation. Nevertheless, in Table 7.3 I explore class structure in Lane County.

From Table 7.3 the most important changes in the class structure can be seen to mirror national and state level trends. Firstly, the

TABLE 7.3. Estimation of class membership for 1905, 1930 and 1960 in Lane County. Ranges given are percentages of the total workforce in the socialized labour market. (See Appendix R for a full explanation of figures)

Class	Year		
	1905	1930	1960
Bourgeoisie	0.6- 5.7	0- 2.1	0- 9.9
Proletariat	8.0-26.4	47.6-66.3	50.5-72.4
Petty Bourgeoisie	17.7-25.6	1.5-32.2	10.1-41.9
Contradictory Class Locations	0.1- 1.9	0.2- 9.2	2.2-18.4
Farmers (no breakdown)	48.5-49.8	16.1	2.1
Agricultural Labourers	0-14.2	4.9	1.1

rise of the proletariat is perhaps the most marked shift in class structure. This rise is accompanied by a corresponding decline in the proportion of farmers and farm labourers. Self employed artisans and small shopkeepers in particular, found it increasingly difficult to compete with larger more capital intensive operations. As these groups declined we witness the growing presence of clerical, supervisory and technical workers amidst the ranks of the ever changing petty bourgeoisie. Thirdly there is a notable increase in the number of persons occupying contradictory class locations. This tendency stems from the growth of professional/technical occupations and the rise of managers and other company officials who enjoyed varying degrees of control over production and possibly owned part of the means of production.

c. Class Antagonism and Conflict

i. The Struggle to Govern

Personnel

As in earlier periods the mayor and city councillors were drawn from the ranks of the bourgeoisie. (See Appendix I.) For example, G. R. Chrisman served two terms as mayor from April 1901-April 1905. He also worked as Chairman of the Lane County Republican Committee for a number of years in the late 19th and early 20th centuries. Tax returns reveal that Chrisman was consistently one of the wealthiest citizens in Lane County. He owned several farms and was a well established producer of cattle and wheat. Chrisman also started his own private loan company. In 1886 he was one of the first incorporators of the First National Bank in Eugene. Records also reveal that he served as the President of the Eugene Water Company.

Policies

During the Progressive Era the municipal government assumed responsibility for providing essential services (firefighting, sewage, building inspection) and utilities (water, light, electricity). The increased reliability stemming from this socialization of costs was particularly beneficial to the forces of capital.

The process of rationalizing the supply of services and utilities was not extended to the field of local government employment practices. Throughout the Progressive Era the patronage system of ward based appointments continued to operate. This meant that the interests of local councillors militated against meritocratic hiring. The patronage system was not replaced by civil service hiring practices in until 1936. From this point councillors were no longer able to directly insert individuals into local government jobs in order to repay favours. This change was allegedly introduced to improve the rational efficiency of government. City councillors were further distanced from the everyday affairs of city hall in 1945 when the office of city manager first appeared. The manager was an administrative expert who took over the daily running of government.

These developments in the local polity (i.e., socialization of costs, civil service procedures, city managerialism) reflected a number of shifts in the complex process of governmentality. As I have already argued, these shifts cannot be read off exclusively from their operational utility to the economic base.

A Working Class in Itself

As large scale capitalist production began in Lane County, wage workers began to organize to secure the best possible deal from employers. In 1903 the Guard was able to observe,

"the union movement in Eugene is advancing rapidly." (DG, 13 March 1903)

The local union movement continued to grow throughout the Progressive Era only to decline during the 1920s. Between 1900 and 1930 the numerical base of the working class grew. However, as Table 7.3 shows, a broad base upon which to build a strong political movement did not appear until the 1930s.

The radical edge of working class political consciousness was represented in Lane County by the Socialist Party and the IWW. Both local organizations challenged the efficacy of industrial capitalism. The Socialists enjoyed very limited success at the polls in the progressive era. In contrast the IWW tended to identify voting as a form of co-optation. Wobblies instead attacked employers at the site of production, where they argued, classes were formed in a capitalist society. IWW militancy in Eugene and Lane County dates from 1912. Like the local union movement, the Socialists and IWW were unable to draw upon a broad base of working class support. For this reason, I argue rather schematically that the proletariat remained a class "in itself."

The Rise and Decline of a Working Class for Itself

The greatly expanded local proletariat experienced hitherto unseen levels of poverty and unemployment during the Great Depression. Amid this political milieu a number of forms of working class militancy emerged. The Communists were particularly active, distributing literature urging workers in a wide variety of jobs to strike. A hardcore of 2523 Lane County Socialist voters supported Socialist presidential candidate Norman Thomas in the 1932 election. At municipal level mayoral candidates backed by labour unions did well. In 1929 Mayor Wilder won with the backing of the Eugene Central Labour Council

(CLC). In 1936 labour candidate Fred Beard only lost to incumbent Mayor Elisha Large in the final count.

The National Recovery Act (NRA) campaign in Eugene was led by local businessmen and supported by moderate labour organizations such as the Eugene CLC. Between September 1933 and July 1934 the local labour movement made historic gains and won important wage concessions.

The radical wing of the labour movement was critical of the NRA and argued that local business and political leaders had done little to help working people (MN, 3 Aug. 1933). From September 1933 the Socialists sought to organize one big union which cut across occupational lines (MN, 6 Sept. 1933). This radicalism, in all likelihood exerted a powerful influence on local employers and encouraged them to extend NRA concessions to employees. However, these concessions were limited and they acted to soothe some of the more pressing problems of poverty and unemployment while leaving the social relations of capitalism intact. The labour radicals identified this "soothing" as co-optation.

While a number of local employers and politicians engineered a certain level of consent vis-a-vis New Deal reformism, they utilized other more coercive tactics in an attempt to negate the more militant fractions of labour. In July 1934, in the wake of the San Francisco General Strike the Eugene headquarters of the Communist Party was ransacked. Local communists and other labour radicals received death threats. This vigilantism was traced to the local press to the ranks of businessmen and world war veterans.

With the introduction of legitimate institutionalized wage bargaining the militant fringe of the proletariat lost an important source of potential support as a number of rank and file workers accepted short term gains. Between 1937 and 1949 local labour radicals were purged from the ranks of the AFL and CIO. The bourgeoisie emerged

triumphant from World War II and the labour movement clawed back some of the employer's profits as higher wages, sickness and pension benefits, holidays, etc. However the post World War II imperatives of labour radicalism had shifted from seriously challenging the social relations of capitalism (especially from 1933-4) to reaching the most acceptable accommodation through "legitimate" channels with a more firmly established capitalist order.

Conclusions

In this chapter I have outlined the manner in which the broad themes of local economic and political history have reflected wider state and national developments. At the same time I have discussed some of the idiosyncracies of local history which serve to remind us that the relationship between local, state and national historical phenomena is of the order of a complex articulation as opposed to a mechanical mirroring.

References and Notes

¹These employees worked in the lumber, sash and door factory (38), foundry, and machine shop (8), flour mill (6) and the tanning factory (8).

²For examples of this kind of corruption see Gu, 18 June 1870; Gu, 5 Nov. 1870; Gu, 25 May 1871.

³U.S. Bureau of Census: Agriculture, 1880 and 1940. The decline in average farm size was from 302 to 139 acres.

SECTION III

GENDER RELATIONS: AN HISTORICAL OUTLINE

CHAPTER 8

INTIMACY AND SUBJECTION: A BRIEF POLITICAL
HISTORY OF GENDER RELATIONS IN THE USAIntroduction

In Section I I noted how the institution of marriage served to oppress women. For example, I introduced the issues of wife's unpaid domestic labour, husband's conjugal rights and male violence. In essence I argued that the deployment of power in gender relations was critically linked to compulsory heterosexuality and marriage. The subordination of wives to husbands in allegedly "intimate relationships" set firm limits on the way in which women entered the labour market, voted and enjoyed legal rights. These limitations were inevitably linked to racial, ethnic and class issues. In the course of this chapter I will adopt a transhistorical thematic approach to examine shifts in marriage and the family and the relationship of these shifts to legal rights, intrafamilial violence, employment, prostitution and voting rights. This discussion provides the context for my analysis of the policing of gender relations before (Chapter 16) and after (Chapter 17) women received the vote in Oregon.

Marriage and the Family

As Kessler-Harris (1982) has demonstrated, the tradition of British patriarchy was continued in Colonial America. In spite of the abundance of land and scarcity of workers, patterns of land ownership and entry into skilled employment were gendered. The colonial household economy was based upon agricultural self sufficiency. A gendered division of

labour operated here. Men were more active in agriculture, hunting and buying and selling in the market. Women worked mostly from home in cooking, spinning, weaving, making clothes, soap and candlemaking, breadbaking and food processing. Home and work were intimately connected and the economic contribution of both spouses was valued.

The entry of women into the public sphere during the 19th century was associated with changes in the economy and changes in patriarchal relations. What we see is a long term shift from women being essential contributors to a household economy towards women engaging in both isolated unpaid housework and gendered occupations under capitalism. This broad shift was accompanied, supported and justified by a changing patriarchal ideology which increasingly depicted women as more passive, vulnerable and in need of protection. This ideology was particularly vehement in the area of sexuality.

Eighteenth century marriage manuals and evidence from divorce data involving adultery attest to the apparently "active" sexual needs of women. These needs appear to fade from patriarchal discourse, especially from the second half of the 19th century (Degler:250-4). The parallels between the ideological depiction of wives as passive sexual partners and wives as isolated unpaid houseworkers is striking.

Colonial childbirth was a social event for women during which midwives oversaw the delivery process. From the beginning of the 19th century in some of the early urban centres, male physicians began replacing midwives. This trend marked the thin end of the wedge towards the male dominated medicalization of childbirth. Physicians used newly acquired scientific knowledge to remove childbirth from the domain of women thereby diffusing the political empathy women shared. Consequently childbirth was gradually transformed into a more solemn sterile affair. Giving birth was effectively privatized, thereby

linking it historically to housework as a form of political domination. The decline of midwifery lasted over a century and was an historical trend fractured across class and racial lines. The "expertise" of the male physician was expensive and both poor working class and black/immigrant women used midwifery with much greater frequency well into the 20th century.

The power relationship between men and women and its specific articulation through marriage and the family lay at the base of patriarchal domination. This base underpinned the experiences of men and women in a number of areas of social life. I will now discuss some of those areas which are particularly relevant to the elaboration of my thesis.

Patriarchy and Legal Rights

There is considerable debate as to whether Colonial women enjoyed more legal control of their affairs than post-Revolutionary women. Sachs and Hoff-Wilson (1978) have argued that Colonial women enjoyed more legal autonomy than their post-Revolutionary counterparts. Prior to the Revolution, women had been "feme sole traders" and had been allowed to conduct businesses, sue and be sued, enter into contracts, sell real property and have power of attorney in the absence of their husbands. Colonial women had also been involved in the writing of wills, in addition to being beneficiaries of wills, dowries and dower.

Other writers have argued for a gradual improvement in the legal status of women from the Colonial period. Mary Lynn Salmon (1980, 1983 and 1986; quoted by Basch, 1986:101) in analysing a variety of legal sources pertaining to divorce, dower, conveyancing and equitable estates, concludes that between 1750 and 1830 married women's ability to own and control property actually improved. Likewise, Suzanne Lebsack

(1984) documents a similar improvement in the economic autonomy of both white and black women in Petersburg, Virginia, between 1784 and 1860.

Great care must be taken in interpreting the significance of legislation which appears to liberate women. Both 19th century property and divorce law fall into this category. As Basch (1986) has observed, a question of central concern for feminists is to ask why male legislators began to pass property laws from 1839, bearing in mind these rights had been denied to women for centuries. Prior to the Married Women's Property Acts (MWPAs) a wife could not sue or be sued, execute a will or enter into contractual relations. Without liberal interpretation of common law statutes or prior equitable settlements, husbands owned their wives' possessions and managed their real estate. In spite of women's disproportionate involvement in childrearing it was the husband who had the legal right to appoint guardians of the children. While the rules of equity operated to protect wealthier women, the common law doctrine of coverture applied rigourously to most wives.

The first Married Women's Property Acts (MWPAs) were passed in Mississippi (1839) and Maryland (1843). By the end of the Civil War 29 states had such Acts (Speth, 1982:70). As Norma Basch (1986) observes these early Acts appear to have benefitted those husbands who were entrepreneurs in a rising laissez faire capitalist economy. The Acts released wives from liability for their husband's debts. This left husbands with a shelter for family property and a buffer against bankruptcy in an increasingly speculative investment market. Friedman (1973), Rabkin (1960) and Thurman (1966) all concur that these early Acts did not stem from feminist pressure.

Violence

The legal advantages of husbands extended to the sphere of exerting direct physical control over wives. Under English common law the law of chastisement allowed a husband to beat his wife provided the circumference of the rod was less than the girth of the base of his right thumb. The right to chastise was accepted practice in American marital relations and was confirmed by a Mississippi court in 1824. A North Carolina court overturned the so-called "finger switch rule" in 1864. However, this decision only outlawed excessive violence or violence which resulted in permanent injury. Courts continued to invoke the "curtain rule" whereby the law maintained its distance from family matters (Tong, 1984:128). By 1910, 35 out of 46 states allowed divorce on grounds of physical cruelty and many states had laws which made wife battering an assault. However, as Okun notes, these laws made little difference in terms of preventing assaults on wives (1986:6).

Employment

With the rise of laissez faire capitalism in the first half of the 19th century, single women and children broke new ground by working in factories. As more household goods were mass produced fewer women were needed at home for household production.

We must understand the pull of unmarried women into socialised labour in terms of both capitalism and patriarchy. Gendered jobs were created within a capitalist economy dominated by men. One of the most significant developments in terms of manufacturing work for women occurred in the Lowell, Massachusetts, textile mills from the 1820s. Here mill owners emphasized that the female workforce, drawn largely from the daughters of New England farmers, were to be kept in strict "all female" dormitories and be prepared for marriage and motherhood

through disciplined labour. In order to pull these young women to work, mill positions had to be created that were compatible with the patriarchal ethos of New England's agrarian culture.

As manufacturing developed, men and women came to occupy different positions in the increasingly complex capitalist division of labour. Men generally worked in "skilled" positions, women in "unskilled." Men had greater access to training and promotion and received higher wages. Domestic ideology permitted employers to pay women less on the grounds that women's work was merely supplemental to family income or a nestegg prior to marriage. Among the ranks of the emerging bourgeoisie a sign of success was the man who could "afford" to keep his wife at home. The homemaker became eulogised as the moral guardian of the family. Bourgeois wives guaranteed that family life would insulate members from the misery of industrialization.

Between 1820 and 1865 women's wages declined. There was an accompanying decrease in the availability of "given out" work which women did at home for income. By the Civil War gender segregation in the labour market was pronounced. Census returns show that 90% of all domestic servants were female. Sixty six percent of the textile factory operatives and half of the total manufacturing workforce was female (Kessler-Harris, 1982:71). Again gendering is critically important to understanding the distribution of the female workforce. In manufacturing for example, women's involvement was heavily concentrated in the clothing, laundry and textile sectors. These sectors mirrored women's work in the home and helped reinforce the association between job type and gender.

As larger numbers of men moved into the capitalist labour market from farms, domestic ideology was intensified and this led to growing pressures on married women to assume total responsibility for housework

and childcare. As older unmarried daughters increasingly worked for wages outside the home and other children began to attend school (circa the 1830s) wives became increasingly isolated houseworkers. This housework was unpaid and became increasingly devalued as capitalist mass production cheaply produced items originally made by wives. The character of household activities changed. For example, in New York State from 1825 to 1855, household spinning and weaving died out (Kessler-Harris, 1982:26).

As the capitalist economy took off after the Civil War, technological shifts led to a continued decline in household production. The census of 1900 reveals a marked concentration of women in a small number of occupations. Kessler-Harris notes that women were found in 194 out of a possible 303 occupations. However she observes that in only 43 occupations were there more than 5000 women working (1982:141).

Nineteenth century patriarchal discourse continued to assert the connection between wives, motherhood, unpaid housework and the undesirability of wage labour. These concerns were intensified between 1890 and 1920 as married women entered the labour force in large numbers. Kessler-Harris notes that in 1890 just 3.3% of married women earned wages; by 1920 the proportion had risen to 9.0% (1982:119). An enormous wealth of data was published by the Federal Government showing concerns about the effects of women's labour upon their potential for bearing children and caring for them. The Progressive Era marked the rise of an interventionist state which mediated gender as well as class relations. Through education and training programmes the government created a supply nexus which complemented the gendered occupations of the economy. The National Education Association offered women,

"courses of instruction . . . for work in distinctly feminine occupations." (Kessler-Harris, 1982:176)

The simultaneous intersection of class and gender modalities of power was evident in the struggle to pass "Protective legislation." Protective laws prevented women from becoming taxi drivers, meter readers and elevator operators. The more controversial laws restricted the hours women might work in certain sectors of the economy. Between 1909 and 1917, 19 states passed laws restricting the length of women's wage working day (Kessler-harris, 1982:184-5).

Women's primary commitment to housework and childcare was the rationale behind these laws. Both the conservative wing of the Women's Rights Movement (formerly AWSA) and the AFL supported protective legislation. All of the late 19th century concerns about women's wage labour came to a head in the case of Muller v. Oregon (1908; 208 U.S. 412). The U.S. Supreme Court upheld the legality of Oregon's maximum hours laws for women. This case had national ramifications and served as a precedent for the flood of protective legislation between 1909 and 1917. As Nancy Erickson has argued, Muller was based on two interconnected premises. The first was that women were unable to protect themselves in the workplace. The second was that the state had a right to protect women because of their childbearing potential (1982:155).

Protective legislation affirmed and reinforced gendering in the capitalist workplace. In 1928 the Women's Bureau (a government agency) estimated that only 60,000 out of 8 million women wage earners lost their jobs due to protective legislation. However, as Kessler-Harris argues, these 60,000 women were at the forefront of women's labour breaking down stereotypical barriers (1982:211). Notably women agricultural workers and domestics were not protected by these laws. Likewise the notion of protecting the isolated housewife from maximum hours never entered the "protective discourse."

During the Depression state networking developed to provide a range of support services for the family. The notion of the "family age" underpinned the patriarchal ethos of the New Deal. In the final analysis the American family in the 1930s was still portrayed as an "affectional" refuge in hard times. Government agencies and trade unions called for married women with wage earning husbands to cease wage work. This freed women to provide "emotional support" for families and opened up jobs for men.

Although there was a dramatic influx of women into the labour market during World War II the net effects on the gendering of occupations was minimal. War time wage earning women broke new ground in aircraft, metal, chemical and rubber industries, but after the war men reclaimed these jobs. According to Kessler-Harris during the immediate postwar period women left jobs at 2-3 times the rate they were discharged. The discharge rate was higher in areas where women had broken new ground.

Prostitution

In the few urban centres towards the end of the 17th century, the number of unmarried women increased. Patriarchal discourse discouraged women from engaging in more lucrative skilled work or from owning land independently. Many of these women therefore joined the ranks of the poor and became a "burden" on community resources. Some turned to prostitution to survive. Rosen notes that in larger urban centres such as Boston, New Amsterdam and Philadelphia, local clergy had begun to complain about "lewd" and "licentious" women who roamed the streets in the late 17th century (1982:2). The first American law against bawdy houses was passed in 1672 and by the mid-18th century prostitution was well established in the cities.

It is not until the 1830s that we begin to see a rise in the level of prostitution and a change in its form. During this decade in the larger towns and cities zones of prostitution emerged. Prostitutes began to work for madams and pimps rather than as independent operators. These changes were linked to shifts in the relations of capitalism and patriarchy. We have already noted the movement of daughters out of 19th century households into the cities to work as domestics or early factory employees. As technology was applied to production the subsequent displacement of female factory employees by male wage workers resulted in the impoverishment of these unmarried women. Rosen also notes the plight of domestics and the predominance of ex-domestics among the ranks of prostitutes (1982:155-6). She argues that these young single women were subjected to the sexual advances of employers and as a result often became pregnant. Options then included returning home in disgrace with an illegitimate child, abortion, subsistence level wage labour or prostitution. It seems that many chose the last option.

Prostitution rose sharply from 1850-1900 and was linked to the growing poverty of unmarried women. The new ideology of sexuality justified prostitution as a necessary social evil which tapped off the innate sexual aggressions of men. This supposedly lowered the rape rate and the sexual burden placed upon passive, subordinate wives by their husbands.

Victorian attitudes to prostitution were saturated with gender, class and racial constructs. Poorer working class prostitutes (the majority) were ideologically portrayed as uneducated. Black slaves who were forced into prostitution in the South were seen as deflecting the sexual energy of white men away from white women. Nineteenth century brothels were visibly associated with working class neighbourhoods. As Rosen notes, this location created the impression that bourgeois men

did not have access to prostitutes (1982:6). The middle class women behind the Social Purity Reform Movement of the Progressive Era saw the prostitute as the antithesis of true womanhood. For the reformers, prostitutes subverted the ideal of women as moral guardian of the family.

Voting Rights

Having discussed the rise of a new patriarchal order which involved the appearance of the isolated unpaid housewife, larger numbers of prostitutes, new forms of sexual ideology and women's limited entry into the gendered capitalist economy, we are now in a position to discuss the emergence of a women's suffrage movement.

Voting rights was one of the issues to emerge from the Seneca Falls Convention (1848) which marked the beginning of the organized Women's Rights Movement in the U.S. Elizabeth Cady Stanton and Susan Anthony both awaited the passage of a women's suffrage amendment in recognition of women's participation in the union war effort. However the post-Civil War Republican Party remained firmly focused on the potential of 2 million black male votes in the South and did not grant the vote to women. This failure to win the vote split the Women's Movement. Cady Stanton and Anthony formed the National Women's Suffrage Association (NWSA) and more conservative women formed the American Women's Suffrage Association (AWSA). The former organization recognized women's oppression as being rooted in marriage. AWSA, contrary to NWSA, allowed men into its ranks and narrowly sought suffrage rights.

It is well beyond the scope of this brief chapter to discuss in detail the possible reasons for the passage of the 19th Amendment (1920) which granted women the vote. Suffice it to say that in Western states where women had voted (e.g., Colorado, Utah, Wyoming, Idaho)

"Prohibition" had not been introduced and prostitution and gambling were still alive and well. In other words traditional male preserves in the public sphere had not been broken down. The suffrage campaign itself between 1910 and 1920 also adopted a national (as opposed to state by state) orientation that emphasized the special qualities women could bring to the public sphere. This strategy therefore moved away from the position of the radicals who clearly sought to attack the power base of the patriarchal family. The important point here is that the 19th Amendment was not an expression of a move towards de-escalating gender oppression. This fact is clear from the failure of the Equal Rights Amendment (first rejected 1923) to pass. It is not surprising therefore that another Women's Movement would resurface during the 1960s to confront the old issues of marriage and patriarchy.

Conclusion

I have demonstrated how the power relations of gender pervaded family life in both Colonial and Post Colonial America. The sovereign rights of husbands over wives remained intact and for all intents and purposes were not challenged. Marital violence and rape continued. As women entered the public sphere and household production became less important we find a number of other shifts in the fields of sexuality, childbirth, legal and voting rights. In short, we see a double edged effect. New legal and voting rights and limited public sphere activities appear as the harbingers of emancipation. Underneath this we see the marital bond and its links with unpaid isolated domestic labour and violence.

CHAPTER 9

PLANTING THE SEEDS OF PATRIARCHY IN OREGON

The settlement of Oregon began in earnest in the second half of the 19th century. Settlers came with ideas about how best to organize the economy and how to structure gender relations. The latter philosophy was shaped by patriarchal ideology. As noted in Chapter 8, Americans from rural and urban areas had differing and ever changing notions of gender. Male and female settlers to Oregon had differing job skills. They had experienced a wide range of legal constraints related to marriage, property ownership and voting rights. Patriarchal ideology was continuously reshaped as the settlers experienced the hazards of the overland trail and met fellow settlers from other regions on their way to Oregon. This dynamic interplay between ideology and experience meant that early Oregonians constantly reformulated gender identities in relation to the cultural developments of a new state. This is not to say that there was any radical restructuring of gender relations. On the contrary compulsory heterosexuality and the institution of marriage remained as a powerful underpinning.

By adopting the same format as that used in the preceding chapter, I will discuss the institutions of marriage and the family as the historical axes upon which the power relations of patriarchy turned. This leads me into an outline analysis of legal rights and patriarchy, intrafamilial violence, employment and gender, prostitution and voting rights.

Marriage and Family Life in Oregon

Marriage was the socially acceptable framework within which to develop family life. McFarland notes that in smaller communities the few single or unmarried women who attempted to support themselves were the subjects of gossip, ridicule and scandal (1984:39). In most cases these single women survived through teaching, sewing or domestic work. Having children out of wedlock drew sharp criticism. Matilda Delaney recalls how she was whipped by her father at age 13 for merely going out with Mary Allen who had been born out of wedlock (Lockley, 1981:8-10).

In 19th century Oregon the domain of sexuality was saturated with power. The birthrate in Oregon in 1850 was 50% higher than the national average. In rural areas of the state it was 30% higher than in the towns. Frontier women in Oregon had on average 8 children (Moynihan:107). This meant that families were large, especially in rural communities. Children were actively involved in home production. It also meant that mothers, more so than fathers, spent a lot of time rearing children.

As I will show a little later, the lure of free land was used to attract women to Oregon to serve as wives and mothers. Many wives lived in what Abigail Scott Duniway called a state of 'enforced maternity' (quoted by Moynihan, 1983:115). The enforced habituation of women's bodies to childbirth became the focus of political struggle. Women resorted to the crimes of abortion and infanticide to ease the burden of childbirth and childrearing. Duniway, who led the struggle for women's rights in Oregon, refused to blame women for committing criminal acts. Rather she argued that the only way of removing this form of cruelty was to grant women economic and political rights.

Women's reproductive status and health became a focus for political debate from the late 1850s. In rural areas farmers' wives were cut off

from other women. Many of these women married young and had not learned about abortion, birth control and childbirth from their own mothers. Midwives were in short supply on the frontier and those that were available were being squeezed out of childbirth by the political advance of male physicians. Non-medical or 'alternative' approaches to women's reproductive health emphasized the importance of diet and sexual restraint. This conflicted with the drug-oriented philosophy of physicians. Ada Weed, a young hydropathic doctor, began working in the Willamette Valley from 1858 and became well known for alternative reproductive health strategies. Asahel Bush, a leading Oregon Democrat likened Weed's work to 'political radicalism,' which is exactly what it was.¹

The politics of multiple childbirth had severe effects upon women's bodies. Duniway herself suffered from an obstructed bladder and a prolapsed uterus. These were common ailments among 19th century women in Oregon and were directly related to bearing too many children. As a result of these ailments many mothers lived out their lives as semi-invalids (Moynihan:81). From the 1850s Duniway and other women's rights activists called for a reduction in childbearing. This directly challenged the emerging edifice of patriarchy in Oregon and served as a rallying point for the Women's Rights Movement in later years. Duniway also called for the hiring of single girls on farms to help overworked farmers' wives (Moynihan:69). This drew sharp criticism from farmers who themselves were beginning to lock horns with transportation monopolists as laissez faire capitalism began to emerge. These cross currents again demonstrate the complex intersection of class and gender issues.

Legal Rights and the Establishment of a Patriarchal Base

The granting of certain legal rights to women in the new Western states seems to have been connected with the encouragement of white colonization and settlement (Jeffrey, 1979). It has also been argued the granting of these rights stimulated the growth of Western capitalism (Horwitz, 1977). The gendering of legal rights in Oregon also reflects the establishment of patriarchal relations which were rooted in compulsory heterosexuality, marriage and the family. The relationship between patriarchy and the law is complex and ever changing. Liberal reforms in the arena of law do not necessarily effect an amelioration of the tension and conflict which characterizes patriarchal relations. This observation is reinforced in Section VI where I discuss the complex relationship between marital violence and voting rights.

Prior to Oregon becoming a state in 1859 there was a marked preponderance of men over women. Males over 18 years old outnumbered females by 2:1 in the 1840s. In Portland in 1850 the male to female ratio in the 20-29 age range was 9.2:1 (Bowen, 1978:14-16, 53-8). This meant that many men were deprived of the "advantages" of marriage. These differences in the number of men and women provides a context against which to frame the passing of the 1850 Oregon Donation Land Act (DLA).² This Act was unique among federal land grant statutes insofar as it allowed women to own land. As Chused notes, in passing this Act the U.S. Congress was clearly influenced by the need to encourage female migration to Oregon (1984:45).

The DLA specifically targeted married women as the recipients of these unique land owning rights. Only wives were entitled to 320 acres of free land. Single women, unlike single white men, did not qualify. This legislative strategy was therefore intimately connected with the establishment of patriarchy in Oregon. This argument is supported by

evidence which suggests that it was husbands who largely benefitted from their wives' 320 acres. Moore et al. note that when DLA land was sold there was no record of any wife receiving her share of the sale (1949:44). A husband's right to 'manage' his wife's land continued in accordance with American legal tradition. Oregon land accruing to wives under the DLA was not exempt from the debts incurred by their husbands.³

The rise of women's legal rights in Oregon must be seen in terms of class and gender. New legal rights which appeared to give women more financial independence also acted to bolster the economic stability of the patriarchal family. These rights first appeared in the state constitution (1859). A clause was introduced which protected the property and pecuniary rights of married women if acquired by gift, devise or inheritance, from husband's debts and contracts.⁴ Nevertheless the money or property acquired by married women through their own labour remained subject to the debts, contracts and liabilities of their husbands.

As the economy of laissez faire capitalism began to emerge across Oregon in the 1870s, the Women's Rights Movement took firm root. Supporters of the railroad in Oregon also backed Women's Rights. Alliances were formed between leading businessmen, lawyers, Republican politicians and the nascent women's rights leaders. In the early 1870s Ben Holladay's OCR stimulated capitalist development as it moved south from Portland. In the same year as the OCR reached Eugene, 1872, the Sole Trader Bill became law. This law allowed women to carry on a business in the absence of their husbands and keep property without being liable for the husband's debts. As business began to pick up again after the Depression (1873-8) the Married Women's Property Act (MWPA) (1878) was passed. This Act permitted women to own property, keep wages and manage, will or sell their own property. The legislative

fight for the passage of this bill was led by the powerful pro-Railroad Republican lawyer J. N. Dolph.⁵

The changes in Oregon vis a vis women and property effected in 1859, 1872 and 1878, all acted to protect the family as an economic unit. In particular the MWPA (1878) allowed wives to maintain a financial safety valve against the potentially ruinous speculative activities of their husbands in a rising capitalist economy. This was particularly useful to bourgeois and petty bourgeois families. This tendency to preserve family economic stability, like the family itself, served the long term interests of men.

Married women were not entitled to act as executors or administrators of wills.⁶ A will made by an unmarried woman was deemed revoked by any subsequent marriage.⁷ Neither married nor single women could act as jurors,⁸ election judges or election clerks.⁹ Control over the binding out of children into apprenticeships rested with the father and reverted to the mother only upon his death or incompetency.¹⁰ The father was also the parent able to prosecute for injury to the child or death of the child or for seduction of his daughter. These rights only passed to the mother if the father died or deserted.¹¹ A mother could not appoint a legal guardian for her children in her will, although her husband had this right.¹² There was no legal provision for a married woman to hold property in her own name to support herself and her children if he absented himself for long periods of time. The only possible redress a wife had in this situation was to seek divorce on grounds of desertion.¹³

Intrafamilial Violence

The complex relationship between patriarchy and the law was also reflected in the manner in which the Oregon legislature attempted to

address the issue of wife battering. We have noted how a number of rights were extended to women in the Western states. In Oregon this tradition continued in one sense in the form of the 1905 whipping post law. This law held that wife batterers were to be whipped in public. We might see this in terms of the Oregon legislature being sensitive to the plight of battered women. On the other hand it might be argued that the legislature was insensitive to the danger to women of a whipped husband returning to the household. Oregon was the last of only three states to pass such legislation (others were Maryland (1882), Delaware (1901)) but according to Pleck (1987) the whipping post laws did little to reduce domestic violence. Pleck could find no information on the enforcement of these laws in Oregon. This concurs with my own research which failed to uncover any examples of husbands being whipped.

Pleck notes that the use of the whipping post as a form of punishment disappeared during the Progressive Era (1987:120). This disappearance and the apparent lack of use of the whipping post law in Oregon, presents us with yet another contradictory twist in the relationship between legal change and patriarchal relations. (I return to these contradictions in much greater detail in Section VI.)

Employment

Women's work in 19th century Oregon was mainly concerned with domestic production in the family household unit. Typically this unit was based on agricultural self sufficiency. Housewives produced a large number of items for home consumption. There is also evidence of women being involved in hunting, fishing, canoeing, horseriding, sailing and rowing. According to McFarland, gender stereotypes were often relaxed when it came to physical labour (1984:26). Abigail Scott Duniway butchered hogs with her husband in addition to making a sizable

contribution to the household economy by churning butter (Duniway, 1971:49-50).

As the capitalist economy began to develop in Oregon, household production diminished and more women were drawn into the socialized labour market. (See Table 9.1.) Most of these women were unmarried.

TABLE 9.1. Percentages of Oregon men and women gainfully employed according to census enumerators for 1850, 1900, 1910 and 1960

Year	% Men	% Women
1850		0
1900	87.0	14.9
1910	87.3	19.3
1960	76.0	34.1

Women in 19th century Oregon who worked in the socialized labour market tended to be clustered in a narrow range of less well paid jobs, e.g., clothing manufacture. Men dominated other manufacturing industries, e.g., lumber, woolen mills, flour production (Gleason, 1931). Women were slow to enter certain professions. The first woman doctor in Oregon was Mary Sawtelle who qualified in 1873 (Duniway, 1971:59). The state legislature granted women the right to become lawyers in 1885.

As in other areas of the country, when household production decreased, larger numbers of younger unmarried women engaged in wage labour. Of the 18,315 wage earning women aged 14 or over in 1900, two-fifths performed domestic or personal service work. Another fifth worked in manufacturing and mechanical industries where women's pay was extremely low. As the trend towards women's wage labour continued and technological developments reduced household production, the connections between low paying jobs for women, marriage and increasingly isolated

housework, unemployment, pauperism and prostitution became all the more intimate.

From 1900-20 there was a marked decline in the number of women working as domestic servants.¹⁴ This reflected the decline in household production and the application of technology to housework. The decline in the need for domestic servants continued to flood the labour market with cheap female workers. Prior to the passage of the Oregon minimum wage law in 1913 MacColl notes that,

"Oregon's working class women were slaves to a system that treated them almost like animals . . . in some cases worse" (1979:10).

The Oregon Consumers' League discovered in 1912 that women working in Portland canneries and box factories were earning as little as \$3 per week. At that time the League recommended \$8 per week in order for women to support themselves.

Throughout the 20th century, men occupied better jobs than women and dominated prestigious and powerful positions in business, medicine, law and higher education (see Newton and Gill, 1978). Women increasingly worked in the white collar sector, retailing, nursing and teaching. A higher proportion of wage earning women than men worked as part-time or temporary workers. Married women entered the labour force in larger numbers during the 20th century. Gendering was highly pronounced in manufacturing and was related to women's stereotypical connections with housework. Prior to the Great Depression women predominated in the production of clothing and knitwear. There was a preponderance of women in woolen mills, fruit and vegetable canning and apple packing industries. Men predominated in flour and cereal industries, meat packing, coffee, spices, extracts, creameries and bakeries. In 1929 the lumber industry employed 21,371 men and only 954 women (Gleason, 1931:11).

Oregon labour unions were male dominated and very slow to attract women members. Of the 81,075 wage earning women in 1929, only 1667 (1.4%) were union members. Even when women did join unions and win wage increases, these increases were often less than those awarded to men. For example, during the Oregon Worsted Strike in 1937 male strikers received a 10% rise compared to women's 6%. (Both men and women were members of the United Textile Workers Union (RG, 22 May 1937).)

Prostitution

We can trace rises in prostitution to various shifts in class and gender relationships. It appears that prostitution gained a firm foothold in Oregon's major city, Portland, from around the time that laissez faire capitalism took root. It was during this period also (circa 1870s onwards) that we witness the emergence of the ideal of the bourgeois wife as moral guardian of the family. As we have seen in Chapter 6, the dutiful bourgeois wife was allegedly in possession of a more submissive and passive sexuality. This sexuality made it necessary for bourgeois husbands to satisfy their (innately) aggressive sexual urges among the ranks of prostitutes. Those ranks appear to have swelled during the progressive era as the decline in the need for domestic servants pushed more and more single women into poverty. According to MacColl there were 3000 prostitutes in Portland in 1912 (1979:409). Likewise the visibility of prostitution increased during the Great Depression as large numbers of Oregon women felt the pinch of poverty.

The Birth of the Oregon Women's Suffrage Movement

Reform proposals in the arena of sexuality threatened male power in marriage. Activists like Abigail Scott Duniway argued for women's

control over their own bodies. This challenged the premise that husbands had a right to use women's bodies for their own sexual ends and therefore questioned and exposed 'conjugal rights' as a gendered construct.¹⁵ These issues were linked to the call for women's suffrage in Oregon. Duniway began the suffrage campaign in the early 1870s and drew support from Susan Anthony, who toured Oregon in 1871. Anthony identified marriage as a crucial site of oppression for women and stressed the importance of the vote for women as a vehicle to fight for their own legal, political and economic rights. The New Northwest was published between 1871 and 1887 in pursuit of these goals.¹⁶

Early resistance to the Women's Rights Movement in Oregon came from Prohibitionist women in the churches. These women supported a particular political dynamic within marriage and the family. Fathers were seen as breadwinners and sources of authority. Mothers were housewives and childbearers. On a national level these Prohibitionist women formed the Women's Christian Temperance Union (WCTU) in 1874. A branch was organized in Oregon in the same year.

For the WCTU drinking threatened the 'natural' (god-given) harmony of the family and was identified as a precursor of unemployment, poverty and crime. At first the WCTU objected to women's suffrage because it contradicted the bourgeois construct of passive-decorative womanhood. Later the WCTU advocated women's suffrage as a means of securing prohibition and thereby harmonizing the patriarchal family. This advocacy had a profound effect upon the Women's Suffrage Movement in Oregon and suffragists were often confused with Prohibitionists. This confusion cost the suffrage cause many votes, especially among working class men. After 1906 the WCTU split from the suffragists led by Duniway and the vote was eventually granted to women in 1912. As Duniway noted, the amendment was passed due to a significant reversal in

working class male support (Duniway, 1971:265). This reversal was effected in part through mass organizing and campaigning by the suffragists, the distancing of the suffrage cause from prohibition, the support of the Portland Central Labour Council, Socialists and unions, and finally, the general tendency towards the legitimation of the increasingly interventionist capitalist-patriarchal state during the Progressive Era.

The granting of female suffrage in 1912 seems to have exerted little radical effect upon intrafamilial power relations. (As I will argue in Section VI there seems to have been little change in the levels of violence and intimidation experienced by wives and few shifts in the policing of these offences.) Neither were voting women able to affect levels of vice. Prostitution remained as a testament to the double standard in gender relations in Oregon. Few women entered the Oregon polity and relatively few broke new ground in the wage labour sector.

Conclusion

In the course of this chapter I have broadly outlined the manner in which patriarchal relations were established in Oregon. As with the case of national and statewide class relations, I have attempted to demonstrate both the continuities and discontinuities between national and state level gender relations. At both levels, gender relations were underpinned by a regime of patriarchy that was embedded with marriage and the family. This theme of continuity was punctuated with a number of idiosyncracies peculiar to Oregon. These idiosyncracies were evident in the arena of legal rights (especially married women's rights to free land under the OLA (1850)), the paradoxical legislation directed at wife batterers (whipping post laws (1905)) and the early acquisition by Oregon women of the right to vote. In all of these areas I emphasized

the complex and shifting nature of the articulation between patriarchy and the law. Unique land-owning rights, the unusual confrontation of batterers and the receipt of the vote did little to liberate women, since the oppression and exploitation of women is centrally located in marriage and the family. My discussion of employment and prostitution has also been based on the recognition of the central and pivotal significance of marital relations as a major societal axis for the deployment of power.

Notes and References

¹For a good general discussion of these issues see Moynihan (1984) especially pp. 63-4.

²Section 4 of the DLA granted 320 acres to each spouse if they had settled by December 1, 1850 and cultivated their land for 4 years. Single men similarly received 320 acres while single women could not claim. Settlers arriving between 1850 and 1855 were granted half these amounts.

³This proviso was consistent with all other federal land grant statutes.

⁴State Constitution. General Laws of Oregon, Chapter 32, Section I in Deady, M:786-7.

⁵Dolph was the attorney retained by both Ben Holladay and Henry Villard. As such Dolph had a vested interest in the rise of the capitalist mode of production in Oregon.

⁶Civil Code, Chapter 15, Section 1076, p. 418. Deady, M.

⁷General Laws, Chapter 62, Section 7, p. 936. Deady, M.

⁸Civil Code, Chapter 12, Title 1, Section 918, p. 337. A juror had to be a white American male citizen, over 21 and in sound mental health.

⁹Civil Code, Chapter 13, Title 2, Sections 4 & 5.

¹⁰General Laws, Title 3, Chapter 12, Section 36, p. 687. Deady, M.

¹¹Civil Code, Title 3, Chapter 1, 533, 34, p. 146. Deady, M.

¹²See Clark, R. C., p. 716-8 for a discussion here.

¹³See Chapter 4 for details of the duration of the husband's absence required to constitute grounds for divorce.

¹⁴The decline in the proportion of women 'domestics' between 1900 and 1920 was from 40% to 26.7%.

¹⁵Up until 1978 in Oregon it was legally impossible for a husband to rape his wife.

¹⁶Duniway edited this newspaper. A full collection is available on microfilm in the University of Oregon newspaper library.

CHAPTER 10
THE ESTABLISHMENT AND CONSOLIDATION
OF A LOCAL PATRIARCHAL REGIME

The marked predominance of males which characterized the period of early settlement in Lane County (from late 1840s) had all but disappeared by the mid 1870s (Gu, 25 Sept. 1875). This demographic shift owed a lot to the gendered incentives of the DLA (1850). As we saw in the preceding chapter these incentives reflected the local historical crystallization of compulsory heterosexuality through marriage. My purpose in this chapter is to sketch in the various lines of linkage between the core patriarchal relations articulated through marriage and the family, and historical phenomena such as intrafamilial violence, the gendering of the economy and prostitution. While tracing the deployment of sovereign male power in these local domains I am nevertheless at pains to highlight the operation of resistances in various forms. My focus here is the agitation for women's rights.

Marriage and the Family: A Local Perspective

Patriarchal ideology in pioneer Lane County (1846-60) was underpinned by a biologism which identified women as natural child-rearers and household producers. Marriage was the social institution through which biological roles were to be lived out. This biologism served and continues to serve as a touchstone for the justification of compulsory heterosexuality.

In Lane County derivative ideologies emerged which suggested different ways in which women might earn money, enjoy legal rights and

have access to the polity. These derivative ideologies tended to be related to the style of life associated with the settlers' place of origin. Distinct differences arose in the local Democrat and Republican press over the roles of men and women in marriage and the family. As mentioned in Chapter 7, the majority of the early settlers were Democrats who originated from the midwest. They tended to see women's purpose in life as being to bear and rear children while at the same time making a significant contribution to a household based economy. Republicans also recognized the "final determinacy" of women's reproductive capacities and the patriarchal organization of these capacities through marriage and the family. However, Republicans also saw women as potential consumers, businesswomen and cheap sources of labour in the emerging capitalist market.

In 1869 the Democrat Guard remarked,

"Good advice to women . . . The home is the first kingdom of the woman." (Gu, 3 July 1869)

And

"A woman must have a sweet temper to soothe her husband when he comes at night from work Men who were not provided with good food and pleasant surroundings by their wives would seek it elsewhere." (Gu, 1 May 1869)

Southern women were held in high esteem by the Guard. One editorial in 1868 praised Southern women as,

"Gentle, tender, loving, confiding, generous, refined and pure as the snowy lilies of the valley." (Gu, 1 May 1869)

Among such women we find,

"No strong minded womanism, no female rights howling, no lecturing and henism." (Gu, 1 May 1869)

In contrast to the Guard, the Republican OSJ favoured women's pursuit of paid labour, argued that marriage should be a dissolvable civil contract, and advocated a number of political rights for women

(OSJ, 26 Feb. 1870). On the issue of women entering medicine the OSJ remarked,

"We cannot see why women should not study medicine . . . and we regard the spirit which would debar them from this field of usefulness as a spirit essentially narrow, prejudiced and unintelligent." (OSJ, 25 Dec. 1869)

The tension between these two ideological poles was amplified between 1869-73. We find a growing number of articles dealing with the roles of men and women. This reflected the rising importance of Republican ideas in the wake of the Civil War victory by the northern bourgeoisie. These ideas increasingly came to challenge the hegemony of local Democrat views on women.

As the numbers of men and women evened out after the early pioneer days, we witness some important shifts in local gender relations. These shifts are traceable to the 1869-73 period when the economy of laissez faire capitalism began to take off.

The Guard published statistics from the Lane County Clerk's Office showing 20 divorces and only 47 marriages in 1869. Table 10.1 draws attention to an appreciable increase in the local divorce rate between 1869 and 1871. This represents a significant legal reshuffling of heterosexual partners.

TABLE 10.1. Divorce rates in Lane County for certain years between 1853 and 1960. Divorce rate measures the number of divorces per 1000 population. (See Appendix J for a full explanation.)

Year(s)	Divorce Rate	Year(s)	Divorce Rate
1853-59	0.4	1919-21	2.9
1869-71	2.6	1930	2.6
1879-81	0.8	1940	2.7
1889-91	1.6	1950	4.0
1899-1901	1.8	1960	3.2
1909-11	1.6		

As mentioned in Chapter 7, the period from 1869-73 witnessed the arrival of the OCR in Eugene. This arrival was accompanied by soaring property prices, the construction of new buildings and marked population increases. At this time in the Republican press we begin to find calls for "order" and a celebration of "community settlement." In a critique of gambling the OSJ stressed that,

"In half civilized and uninformed societies this vice may be tolerated, but when a community has become settled and is desirous to attract the more industrious class of citizens, it should be promptly suppressed." (10 Feb. 1872)

While gambling was contrary to notions of capitalist work discipline, it was also inconsistent with the rising ideology of the settled family. In these families men were breadwinners and women had fewer children. These wives played a lesser role in household production. Although these changes began to appear initially among the ranks of the rising bourgeoisie, they were indicative of much wider shifts in patriarchal relations. These trends were greatly accelerated as the capitalist order took firm root in Lane County. While the form of the family continued to change, the gradual decline of household production by wives and their tendency to have fewer children remained as long term historical trends. One feature of family life which persisted was the theme of wife battering. I will briefly mention the manner in which this phenomenon surfaced in local patriarchal discourse.

Intrafamilial Violence

While the 19th century local press was vocal on issues such as women's suffrage, equal rights and biologically determined roles in marriage, it was silent on the issue of domestic violence. Male newspaper owners and editors were able to use their power to censor the dissemination of information on this form of assault. This political

control through exclusionary strategies conveyed the impression that marital violence was infrequent and isolated.

One of the few Oregon State Journal (OSJ) references to domestic violence noted that,

"Marriage improves a woman's beauty. Some of them never have a lovely pair of black eyes until after they are married a year or two." (29 Sept. 1879)

In one of the isolated Guard references the idea was conveyed that marital assault was a wife's responsibility.

"Albany has a wife beater. She deserves it if she continues to live with him." (30 June 1894)

In a later reference the Daily Guard reminded its readers that wife beating only carried a \$50 fine and,

"was not a penitentiary offence." (28 July 1896)

I discuss the frequency of wife battering in detail in Section VI. It is sufficient at this point to emphasize that a husband's right to assault his wife was similar to his right to have sex with her with or without her consent. Again we trace this exploitation to the institution of marriage and the family.

Men and Women in the Emerging Capitalist Economy

Consistent with statewide trends women slowly moved into the socialized wage market in Lane County. This occurred as their contribution to the household economy gradually began to decline in the second half of the 19th century. This effect was again fractured across class lines. Bourgeois women increasingly became symbols of their husband's economic and political success. Their households were attended by 'hired girls.' Moore et al. inform us that Mr. Belshaw, a successful "druggist" paid his helper \$15 per month, \$8 of which went to rent (1949:60). For poorer unmarried women domestic service was one of the few ways of earning a living in later 19th century Eugene. In the

early 1890s women began to advertize their services as domestics.¹ Unmarried women from bourgeois or petty bourgeois families sometimes worked as teachers. In this field women consistently earned less than men.²

The shift away from household production in Eugene was accompanied by new developments in the sphere of women's work in the home. These developments were most pronounced in bourgeois households. Slowly but surely housework and/or childcare came to be performed by household servants. Ideological discourses emerged which suggested appropriate activities for wives from wealthier homes. The Guard carried a column in the 1880s entitled "Women and Home." This contained articles from across the U.S. on new forms of (unpaid) employment for women. One such article discussed cake baking and painting. Both these activities were consistent with the rising patriarchal ideology of the bourgeois wife which depicted her as a subordinate decorative success symbol (Gu, 2 Feb. 1884).

This 'domestic ideology' was amplified in the 1890s as capitalism began to take firmer root in Eugene. In 1895 the OSJ drew its readers' attention to a book called The Mirror of Womanhood and observed it to be,

"a book fitted to the times. It will be a vast service to many mothers and daughters by showing them how they may practically conform their lives to the bright pictures of womanly virtue." (8 June 1895)

This particular ideological tract was directed at the bourgeois wife and her daughters. As the 1893-6 Depression deepened the domestic ideology moved closer to its biologicistic base and sought to manufacture a certain consent across class lines. These ideological developments were all the more significant since they appeared in the OSJ, which up to the 1890s had been supportive of women entering the paid labor market and supportive of women's suffrage and divorce rights. Early in 1895 we

find an article in the OSJ espousing the "cardinal points of difference between the sexes" (23 Feb. 1895). Later that year in an article on 'women's position' the OSJ noted,

"It will be admitted by even the most radical of the so-called Women's Rights advocates, that, in conformity to her peculiar physical organization, the female of the human race has been especially created to perform a specific work in the domestic economy. This is comprehensively stated, to bear children and maintain the home." (9 Nov. 1895)

This is an important quote. The reference to "and maintain the home" suggests that this article was directed at working class women (Bourgeois wives had domestic servants). Unmarried working class women, squeezed into the local labour market by the decrease in household production, were now being reminded of their 'true calling.' The implication was that an unmarried woman should either get married or return to the 'household economy.' This would lessen the gender competition for scarce jobs. In a sense this was a 'counter squeeze,' especially for poorer women.³ It appears that this counter squeeze corresponded with a marked rise in the local visibility of prostitution. (I will return to this point a little later.)

The rise of capitalism cannot be understood without an appreciation of gendering. The emergence of wage labour in Lane County was in reality the appearance of gendered wage labour. Gendering in Lane County appears to date from the establishment of more substantial manufacturing production in the mid-1880s. We know little of the exact nature of women's paid work at this time. Nevertheless it is possible to piece together evidence which demonstrates the existence of a sexual division of labour in the new manufacturing sector.

The Eugene Cannery applied the principles of machinofacture to processes originally carried out by women in the household. Women workers at the cannery appear to have been more intimately connected with food. In October 1891 we find 25 women preparing tomatoes and no

mention of male workers (OSJ, 10 Oct. 1891). Ten years later a force of 30 girls was preparing cherries for canning while only a few male workers were present (OSJ, 19 June 1891). Within the Cannery it was not only women's traditional connections with food which shaped the nature of their work. Notions of 'mobility' also seem to have been important. It appears that men did jobs which entailed more movement, more spatial freedom. By 1910 the Guard informs us that there were 50 industrious girls working "at the cannery tables" and 25 men "working about the rooms" (Gu, 8 Sept. 1910).

While the U.S. Census provides statistical data on occupational categories and the sexual division of labour, it tells us little of the individual experiences of workers. This means that it is possible to draw only tentative conclusions concerning gender in the manufacturing sector. However, these conclusions can still be useful. From the 1890 census it is clear that the notion of 'skill' was framed in relation to gender and age. Of the 60 manufacturing workers in Eugene at that time, the 36 men were all classed as 'skilled.' This contrasts sharply with the 24 women and minors who were all categorized as 'unskilled.' Skilled workers earned \$3.50 per day while their unskilled counterparts earned just \$1.50. While it lies beyond the scope of this thesis, the implications of the 1890 census data are profound. One cannot argue a convincing case for Braverman's (1974) de-skilling thesis with respect to all workers in manufacturing production in Eugene. This follows since women employees were never 'skilled' in the first place.⁴

Gendering had become a firmly established feature of the capitalist economy by the Progressive Era in Lane County. This was supported by a patriarchal ideology which included maximum hour laws for women. Larger numbers of unmarried, and later married women, entered the labour force between 1900-60. Their entry was mediated through this gendering

process. Newton and Gill (1978) note that occupational sex segregation over the 1900-60 period seems to have increased.

Gendering continued to develop in the capitalist workplace. For example, associations between women and food, and men and spatial freedom still pervaded the canning industry in the 1930s and 1940s. In the Springfield Cannery up to 700 women worked for upwards of \$2 per day in what Leona Zilkowski described as "desperate work."⁵ In the telephone industry, women earned appreciably less than men and again enjoyed much less spatial freedom at work (MR, 26 June 1919).⁶

Unions did not organize women telephonists or cannery workers. In response to this lack of interest women organized themselves to fight as a gender and as members of the working class. They adopted strategies of resistance as both women and wage earners. At the Telephone Strike in Eugene in 1919, the local press held that the struggle for improved wages did not concern women workers because they were not unionized (MR, 26 June 1919). However, this did not stop women walking off the job and later forming a branch of the union (MR, 12 July 1919). Likewise the hesitancy of unions to enlist women did not stop Leona Zilkowski from attempting to organize a women's union at the Springfield Cannery in the mid-1930s. She met fierce resistance from employers who placed her on the night shift. Nevertheless, Zilkowski organized a union which was later recognized by the NLRB.

As capitalist production increased dramatically during World War II the aspirations of local women may well have changed significantly. Married, as well as unmarried women entered the local labour force to fill positions hitherto closed to them on grounds of gender. The SPRC in Eugene was one of the first yards in the country to employ scores of railroad women (MN, 10 Jan. 1943). The wartime suspension of gendering did not last. In the post-war period the sexual division of wage labour

resurfaced. Nevertheless the adaptability of women during wartime and their ability to fill traditional "male" jobs might have served to increase women's resistance to being displaced by men returning from war. (In Chapter 17 I discuss the implications of this possibility with respect to the apparent rise in marital violence during the post-war years.)

Patriarchal Ideology and the New Deal

We have already seen how levels of unemployment rose sharply during the Great Depression. As with the 1893-6 Depression, the effects of unemployment were fractured across lines of gender. We note two distinct ideological currents here. Firstly, the reformist ideology of the New Deal was underpinned by calls for a "family wage." This family wage was to be paid to wage working husbands so that they could support their "dependent" wives and children. The New Deal represented the first major institutional legitimation of the patriarchal family. Secondly, we see calls for married women to give up their jobs in favour of widows or younger unmarried women.⁷ For example, in 1938 the Eugene City Council passed an ordinance which effectively barred married women from working in city hall jobs.⁸ We do not witness calls for unmarried men to give up wage work in favour of married male breadwinners. This created the impression that all men were breadwinners and all women were potential or actual wives and/or mothers.

Prostitution

It is clear from a number of sources that prostitution was an integral part of social life from mid 19th century onwards in Eugene. Moore et al. refer to the presence of prostitutes in the town from the earliest times (1949:45). There are also references to prostitution in

divorce case transcripts. For example in Mitchell v. Mitchell (1872, Lane County Court Case No. 1456), we learn that David Mitchell committed adultery at a whorehouse in Eugene. Mary Skipworth Corum (1969) recalls being able to watch men enter and leave a bawdy house located opposite her school in 1897.

The social silences surrounding prostitution resemble those concerning domestic violence and rape. We find a few scattered press references to prostitution during times of economic depression (e.g., 1893-6) and a full blown moral panic about bawdy houses in 1936. This panic occurred at a complex intersection of class and gender tensions. It appears that the visibility of prostitution sharply increased during the 1930s. At the same time, as we have seen, New Deal ideologies surfaced to reinforce the patriarchal status quo. The moral panic seems to have been related to renegotiating this excessive visibility which threatened marriage by further exposing the double standard. (I return to this in Section VI.)

Local Agitation for Women's Rights

While I devoted considerable space to the limitations and constraints arising out of patriarchal relations I do not want to suggest that women were powerless. The agency of women and the forms of resistance they engaged in at a local level is of the utmost historical importance. In this brief discussion I will sketch in some of these themes.

The politicization of women in 19th century Eugene and Lane County took many forms. "Ladies only" sewing societies met in the homes of local women. Some of these women were involved in the local women's rights movement.⁹ Although we have no data on the activities of these groups the mere fact they excluded men marks them out as "political."

Susan Anthony lectured at the Lane County Courthouse in Eugene on two nights in November 1871. She argued that women already had the vote under the amended U.S. Constitution. However, Anthony expressed concerns that women might not be able to exercise their vote. The OSJ noted that Anthony's speeches generated arguments between husbands and wives where none had existed before (25 Nov. 1871).

Abigail Scott-Duniway, speaking at the Lane County Courthouse a few months later, argued that when women voted the saloons would close and prostitution would disappear (OSJ, 3 Feb. 1872). Duniway lectured in Eugene on several occasions during the 1870s and 1880s and the cause of Women's Suffrage was never far from the press. Many local suffragists recognized the oppression of women in marriage, the problems related to intemperance, the extent of male violence and the connections between images of women's sexuality, the double standard and the prevalence of prostitution in Eugene. Many women saw winning the vote as a means of attacking intemperance. Others saw it as giving women a chance to acquire other legal rights, for example, the right to serve on juries. Still others sought economic rights for women. The notion of equal rights underpinned many strategies and linked diverse groups of women. Both WCTU and non-prohibitionist women's rights activists attended a meeting in Eugene in 1874 to organize an Equal Rights Society. This Society had the stated aim of striking out the word male from the Oregon Constitution thereby giving equal rights to women (Gu, 4 April 1874).

The agitation for women's rights led to the formation of a politicized core of women in Lane County. The willingness of this group to demonstrate to protect its rights was displayed in the struggle over voting for school board representatives in 1897. Under the Oregon Session Laws of 1878 citizens over 21 could vote for administrative candidates at school district elections if they had (a) paid their

property tax, and (b) resided in the district for 30 days prior to the election. In March 1897 the Eugene School Board denied women this right. In response to this denial at least 100 women marched on city hall to demand the restoration of this right (OSJ, 13 March 1897).

A little later that month a lawsuit was taken out against the School Board by Laura Harris, one of the aggrieved women. In county court the School Board pleaded Article II Section 2 of the State Constitution which stated that,

"In all elections not otherwise provided for by this constitution, every white male of the U.S. aged 21 and upwards . . . shall be entitled to vote."

However, Judge Fullerton held that Article 8 Section 3 gave the legislature plenary power to determine who shall vote at school elections. He noted that the legislature of 1891 had given women over 21, with 30 days residency and property taxpaying status that right.¹⁰ Fullerton decided in favour of Laura Harris and awarded her \$50 in damages. This decision was affirmed by the Oregon Supreme Court in Harris v. Burr et al (1898).¹¹ These were important decisions and served to further politicize local women. This tradition of resistance continued with the establishment of an Equal Suffrage League at the U.O. According to the Guard this League drew upon women from a variety of economic backgrounds (31 March 1912).

At local level women did not enter the polity in large numbers after they acquired the vote. To this day no woman has ever served as mayor of Eugene. Not one woman prior to 1960 served as Lane County's representative in the Oregon legislature. Indeed it was not until 1957 that a woman, Strong, broke new ground by serving as a Eugene city councillor. She became a councillor in 1957 and then broke new ground by challenging for the position of mayor in November 1958. The following conversations with Strong and a male councillor who served

during the 1950s, illustrate some of the strategies, adaptations and resistances which characterized gender relations in municipal government in Eugene.

I: "What were your feelings about being the first woman councillor?"

Strong: "I just felt it was where I belonged. It was other people who talked about it and said it was 'unique' and 'wonderful' and the men treated me with 'kid gloves,' you know, sort of a 'cute little thing' . . . then they got mad. I could see the shift in the eyes, and their attitude. I think they got mad at me at the end of 2 or 3 months because I dared to argue with them, or have a different view, or sum up the argument really well . . . and because I didn't vote the way the mayor would . . . I was independent. So then they got angry with me . . . then about 6 or 7 months later I had brought up something and they realized that I knew what I was talking about. That I knew more on the subject than they did. So they changed again . . . they became more respectful."

Morgan saw the councillor's response to Strong from a different angle.

I: "How did you feel about women councillors?"

Morgan: "I got along very well . . . I wouldn't be a party a few times to deals to exclude Strong."

I: "Were some male councillors opposed to her in that role?"

Morgan: "They didn't like it. She always had the 'human aspect.' This wasn't always practical for the average businessman. . . . They didn't want her to go on the rides we took around town to check something."

I: "Was the council run like an old boys network?"

Morgan: "Probably. To a degree. If she wasn't around they could tell a few 'off colour' stories, you know. I liked her. I didn't agree with her philosophy because she was very very liberal. At one time they excluded her. They used to pass the council presidency around. They voted to not give it to her when it was her turn."

I: "Oh, they did?"

Morgan: "Yes. I thought that was kind of dirty. They all ganged up and had a session when she wasn't there. That was 'small' to me--but they figured she had designs on being mayor."

Conclusion

My brief overview discussion of gender relations has sought once again to explore both the continuities with statewide and national historical themes and to appreciate the idiosyncracies of local historical events. At the level of continuities I have noted how marriage and the family served as a site of oppression and exploitation for women. In terms of idiosyncracies I have attempted to outline the specific forms of the articulation between the marriage-family dynamic and intrafamilial violence, public sphere employment and prostitution. I have also noted the role of human agency and the local resistance of women through their campaigning for rights. This local resistance serves to remind us that patriarchy is not a static modality of oppression which uniformly determines human action and consciousness.

Notes and References

¹OSJ, 7 March 1891, carried an advertisement entitled "A Woman Wants a Steady Situation in Eugene to do Housework." Also the OSJ, 27 June 1891, "Young Girl Wants a Place in a Private Family to do General Housework."

²Gu, 11 April 1895 notes the average male teacher's salary as \$37.71 per month and female salary \$30.78 per month.

³Census returns between 1860 and 1900 show a gradual influx of women into wage work. In 1860 no women in Lane County were categorized as 'gainfully employed.' By 1900 15% were gainfully employed. The involvement of women in wage work was higher in the developing towns like Eugene. We must not forget that large numbers of women, both married and unmarried, did seasonal agricultural work such as fruit and hop picking.

⁴Although precise figures are not available it seems that a relatively large number of single women moved into the expanding wage sector from the 1890s. This is suggested by the OSJ's observation that there was a 'servant girl' shortage (OSJ, 25 Oct. 1901). The passage of House Bill 39 in 1903 restricted the hours women could work in laundries, factories, workshops, stores, hotels and restaurants to 10 hours per day (Gu, 7 March 1903). This probably dissuaded some local employers from hiring women. However, there is good evidence to suggest that this legislation was widely ignored and poorly policed across the state. On an inspection visit to Eugene in 1907 the Labour Commissioner, Mr. Hoff, confirmed this. (See OSJ, 17 August 1907.)

⁵See Oral History Cassette by Leona Zilkowski, Union Organizer at the Springfield Cannery during the mid-1930s. The cassette is held at the Labor and Education Research Centre Archives, University of Oregon.

⁶See MR, 26 June 1919. Women earned from \$47.35 to \$83.25 per month. Men's wages ranged from \$125-175 per month.

⁷The Central Labour Council in Eugene made this request. See RG, 24 Jan. 1932 and Council Minutes, 8 Feb. 1932, Vol. 10, p. 115. See also a letter to the editor of the RG from one J. A. Moran arguing that married women whose husbands earned over \$100 per month should be replaced by single women. Moran argued that this was in keeping with the spirit of the National Recovery Act. (See RG, 17 April 1934).

⁸See Council Minutes, 8 Aug. 1938, Vol. 11, p. 115.

⁹See Gu, 18 April 1874. A meeting was announced to take place at Mrs. Hanchette's house. Mrs. Hanchette and her husband, Dr. Hanchette, were both active in the Women's Suffrage Campaign in Eugene. The OSJ, 24 Jan. 1880 tells us that one of these sewing societies had 50 members in 1880.

¹⁰See Session Laws 1891, 130 Section 1, which refers to school districts with populations over 1000.

¹¹Harris v. Burr et al (1898). (14 Feb. 1898; 39 LRA 768, 52 Pac 17).

SECTION JV

THE RISE OF A LOCAL APPARATUS OF POLICE

CHAPTER 11

THE STRUCTURE AND ORGANIZATION OF LAW ENFORCEMENT IN
EUGENE AND LANE COUNTY: AN HISTORICAL OUTLINE

Having traced the long term shifts in class and gender relations (Sections II and III) we are now in a position to explore the relationship between those shifts and policing developments. In order to set the scene for this exploration, Chapter 11 discusses the formation and elaboration of local policing techniques. Chapter 12 constructs the links between these techniques and other forms of governmentality.

In the course of Chapter 11 I will discuss the legislative provisions for local police and the duties those provisions prescribed; the development of a bureaucratic police organization (EPD) and the subsequent narrowing of those duties; the emergence of strategies designed to police rank and file officers themselves, i.e., (i) civil service codes and city managerialism, (ii) training, (iii) the erosion of officers' discretion; the degradation of the labour of police officers; the improvement in communications; personnel levels; the emergence of knowledge relations and the struggle for legitimacy.

Legislative Provisions for Policing

The organization of law enforcement in Oregon Country during the years of the fur trade was effected through the Hudson Bay Company. Officials of this company derived their authority from an English Royal Charter in 1670. The administration of criminal justice during the period prior to the formation of the American Provisional Government

(1843) is discussed by Tracy (1976). This administration need not concern us here. It was not until the formation of the Provisional Government that we find the first organized system of law enforcement in Oregon Country.¹

The Organic Code of the Provisional Government was based on the laws of the American territory of Iowa. Law enforcement and the judicial system formed the backbone of the Code. Under the Organic Code, a Supreme Judge, a Sheriff, four Justices of the Peace and four Constables were elected to uphold the law. The authority of a Federal Marshal was superimposed on this system when Oregon became an American territory in 1849. This marshal served the federal and district courts which heard cases involving breaches of Territorial law. The Federal Marshal was appointed from Washington, D.C. It was not until Oregon became a State of the Union in 1859 that locally elected officials were able to influence that appointment.

At county level the sheriff served as the chief executive officer and conservator of the peace. He was an official elected for two years who was aligned with party political tickets. At municipal level the Eugene City Charter (1864) empowered the Council to regulate diverse areas of social, political and economic life. The marshal, and, to a lesser extent the nightwatch, were the principal agents in this process of local regulation. Like the sheriff, the position of marshal was originally an elected one. However, from 1889 the marshal was appointed by the council.

The Duties of 19th Century Police Officers

The Sheriff

The sheriff was primarily an administrative officer who served papers for the County court, posted public notices, sold property in

relation to tax delinquencies, collected taxes and supervised elections. He was therefore a key link in the machinery of local government.² As I will argue in Sections V and VI, the duties of the sheriff were an integral part of the mediation and management of the power modalities of both class and gender. For example, by overseeing the tax system the sheriff helped facilitate the socialization of costs which created an environment conducive to the rise of capitalism. At the same time he orchestrated the range of administrative processes involved in the divorce/marital dissolution situation . This situation was underpinned by a legal ideology which sought to preserve the marital bond. In this capacity the sheriff's work was written into the rubric of patriarchy.

Aside from his administrative role, the sheriff was bound to arrest and commit to prison all persons who broke the peace, attempted to break the peace, or who were guilty of public offences.³ He was required to defend the county against those who by riot or otherwise, endangered the public peace or safety.⁴

The Marshall

Like the sheriff, the marshal had peace keeping duties. The City Charter empowered the Council to,

"prevent and restrain any riot, noise, disturbance or disorderly assemblage in any street, house or place in the city."⁵

The Ordinance drafted by the Council and policed by the marshal and nightwatch, deemed a breach of the peace to be,

"any brawl or tumult . . . assault or assault and battery."⁶

The peace keeping responsibilities of the municipal police were only one aspect of their mandate. The marshal collected municipal taxes thus guaranteeing the existence of collective financial resources.⁷ As

I have already noted, the levying, gathering and utilization of taxes was a political hot potato in 19th century Eugene.

At election times the marshal was required to make election booths available and police any illegal voting.⁸ In a very practical way the marshal managed the local voting process. This process was predicated upon a cluster of power relations connected with gender, race, residency, age and mental competency.

The marshal was also obliged to regulate the local economy through licensing procedures. This obligation impinged not only upon the direct profitability of businesses. It also touched areas of leisure and recreational activities (billiard halls, saloons), and cultural life (theatres, circuses). In a very real sense the marshal occupied a pivotal position with regard to the implementation of hegemonic codes.

At this point I will spell out the marshal's formal duties vis a vis vice. I do this to provide an administrative context for the discussions of the policing of vice in Sections V and VI. Wherever the marshal had reasonable cause to believe that prostitution was operating he was obliged to prosecute.⁹ The law on the policing of gambling, unlike the ordinance prohibiting prostitution, provided for the prosecution of negligent police officers. In other words a malfeasance clause was attached to the non-policing of gambling but not prostitution. If either the marshal or nightwatch were found guilty of malfeasance they could be removed from office by the council.¹⁰ The implication here is that police officers' connivance in prostitution was viewed less seriously than their complicity with gambling. I return to this apparent anomaly in Section VI.

In addition to the regulation of tax collection, elections, licensing and vice, the marshal was also charged with certain public health duties. In cases of an outbreak of contagious disease he was

required to place a yellow flag on the building where the contagion was located. The marshal was also obliged to remove infected persons from the community and isolate them.

As the settlement of Eugene grew during the later 19th century, the marshal played a key role in defining the boundaries of town and countryside. One way he achieved this was through animal control. In rural areas animals were an integral part of family and community life. As Eugene grew, animals entered the city as objects for sale or exchange. The movement of animals became subject to a legal code implemented by the marshal.

Prior to 1889 the marshal acted as Street Commissioner. In this capacity he regulated the placement of objects in physical space that might constitute a nuisance.¹¹ He controlled streets, alleys and public grounds and censored movement, trade and other activities in those areas. The marshal also helped facilitate the smooth, clean, safe and unhindered movement of population by ensuring sidewalks and cross walks were adequately constructed and maintained.¹² This facilitation and regulation of physical movement was another way in which the marshal marked the boundaries between town and countryside.

Fire fighting was left to volunteer fire companies in Eugene. The task of fire prevention fell to the marshal and the nightwatch. In case of fire the marshal was responsible for directing and assisting in the preservation and securing of moveable property exposed to danger.¹³ In connection with these duties the marshal was granted the right to enter and inspect a building at any time to check for violations of the fire code.

The role of law enforcement in the administration of 19th century social life did not end with the management of people, animals, objects and hazards in the physical environment. This management increasingly

incorporated notions of measured time. The marshal collected taxes within a specified time frame. He policed the whole range of issues connected with licensing with an awareness of time. The marshal even regulated certain animal movements with respect to time. For example, milch cows were only allowed to run freely in town up until one hour after sunset. This was another way in which the marshal contributed to the town/countryside demarcation. As Eugene grew, the task oriented outlook of what was originally a self sufficient farming community, gave way to the more rigorous measured time orientation of the town. This influence of clock discipline diffused to Eugene's hinterland and helped shape the dialogue between growing town and increasingly subordinate countryside.

The Nightwatch

The nightwatch controlled the town's lighting system, ensured that water pumps were in working order and watched for fire. He had the same powers of arrest as the marshal but had fewer opportunities to realize fees through tax collection, licensing, etc. Consequently his basic salary was higher than that of the marshal.¹⁴ The first municipal nightwatch in Eugene was hired in 1869 as the town began to grow in anticipation of the arrival of the OCR. The appearance of the nightwatch at this critical point reflects the diffusion of techniques of observation and surveillance from daylight to darkness.

The Formation of a Bureaucratic Police Organization and the Narrowing of Police Duties

As the local polity grew and its activities became more diversified, council committees increased in both number and degree of specialization. We can trace the beginnings of this process to the early Progressive Era. New departments appeared which took over duties

originally performed by the marshal. From the end of the 19th century local police began to lose their responsibilities in the areas of public health, building inspection, fire prevention, disease control, animal regulation, licensing, elections and taxation. Increasingly local police were directed at crime control. This narrowing of function was amplified during the 1930s as the FBI increasingly portrayed police officers as crime fighters.

The supplanting of the interests, needs and desires of individual police officers by rational bureaucratic codes can be traced to the late 19th century in Eugene. We might note the change in the office of marshal from an elected to an appointed one as an early step in this process. In the wake of the 1893-6 depression we witness the introduction of salaried policing. This development occurred during the administration of Mayor Matlock who wanted to nip delinquency in the bud by preventing disorder rather than merely arresting offenders. He observed that the new salary payments meant that the marshal and nightwatch were

"always on hand to prevent crime rather than make an arrest for fees"

and that

"an ounce of prevention was worth a pound of cure."¹⁵

The rationale behind this change was related to both local and national concerns about the issue of "order." Preventative policing strategies at local levels were especially concerned with vagrancy. In April 1898 Mayor Kuykendall observed that the salaried payment of police officers

"would enable us (the city of Eugene) to handle the tramps and other petty offenders at much less expense and in a way that is much more satisfactory to our citizens."¹⁶

The salaried officer was perpetually available for the prevention of crime or the apprehension of offenders. No longer did the officer

target specific activities such as licensing, elections, taxation and other fee generating transgressions. The gaze of local police became more generalized. From 1898 the police were to scrutinize all policed subjects in their search for the would be transgressor. It is from this time that we trace the origins of more regular patrol work. Prior to bureaucratization, the marshal and nightwatch might best be described as "selectively responsive." Bureaucratization produced more proactive forms of policing. The addition of uniforms in 1899 was a sure visual indicator to both the police and the public that policing had become more standardized and that social life had become the object of a new and more penetrating scrutiny.

The emergence of preventative patrol and uniformed officers formed the crest of the bureaucratic wave. The supervision of these activities was overseen by the Printing and Police Council Committee which was formed in 1897. By 1908 a specialized council committee was created to deal exclusively with law enforcement. This committee introduced the concept of beat-policing to the streets of Eugene in 1910. From this point on we find officers patrolling a particular locality within a set time frame.

In May 1912 the Police Committee proposed a set of rules to regulate the EPD. These rules became enshrined in Ordinance 1216 which, among other things, clarified the manner in which the Police Committee was to manage the department.

Oral history respondents have offered useful insights into the nature of police patrol activities from the early 1930s. Clousseau tells of the old style patrol in the 1930s when the police officers, using a combination of car and foot patrol, covered the town.

I: "So, in those first seven years, what did you do in the evening? Did you check premises?"

Clousseau: "Yes, we'd go back there. Actually, it was more of a door shaking business than anything else. The first night I was on duty, the sergeant took me down the alley, and introduced me to all the business houses that were open and showed me all the doors, and all that sort of thing. And it was quite a long route. It would take, oh, an hour and a half to go around it. And my job was just to patrol those alleys and try the doors and so forth. That doesn't mean that I was in the alleys all the time. I patrolled the main street as well. Checked the doors on the main street. There were only two of us. One on each side of the town. See, the town was only 16,000 population. And it wasn't too big. We were able to cover it all right. And we did that for, oh, approximately an hour. With the exception of . . . we had lights spotted around on different spots in town. And that was our call lights. If the sergeant in the office got a call that there was a burglary someplace, he'd turn that light on. And we would have to get to a phone someplace and call in. And he'd tell us where it was, and we had a car spotted downtown, and we'd run to that car and go out and see what was doing."

The intimacy of foot or bicycle patrol gave way to the more impersonal car patrol after World War II. Dixon remembered these changes.

I: "When you were policing in those early days, what sort of areas in the town did you spend your time policing on? Did you police the business district, or residential areas?"

Dixon: "Both."

I: "You policed both?"

Dixon: "Now the downtown area, we had it divided off into beats, and each man was assigned a beat."

I: "This was when you first started?"

Dixon: "Yep. So I went to work at midnight, my shift when I first started was from 12:00 to 8:00 a.m. And we checked all the doors and windows on our beat. Then, we did that for half the night. Then we'd go in the prowl car the other half a night. And the same thing happened on the other shifts. So, the prowl car was going around all the beats. Course, Eugene wasn't so big at that time that you could get it all done. Residential and business, too. And you're responsible for what happened on your beat."

I: "So if there was a burglary on your beat while you were there, you had to answer for that?"

Dixon: "Well, yea, 'How come?' And if you missed a door unlocked or a window open or something like that, then they wanted to know how come you missed it."

I: "That was a pretty tough job then. In a way."

Dixon: "Yeah, it was a lot tougher than a person realized."

I: "That's quite a heavy burden on you."

Dixon: "Yeah, it really is. Or was, rather."

I: "Were there places that you used to stop off at?"

Dixon: "Oh, yeah."

I: "Coffee houses?"

Dixon: "Restaurants, yeah. We could stop and have coffee whenever we wanted to."

I: "And was there a policy of getting to know the people in your area very well?"

Dixon: "Oh, yes. Yeah, we knew all the people pretty well in our areas."

I: "Yeah, on your beat. Is that something that's changed?"

Dixon: "Oh, yeah."

I: "You know, people don't know police officers quite as well."

Dixon: "I think it's changed for the . . . not for the better but for the worse. I've always felt that you should be down among the people on the street, and the business people, and get acquainted and let them know you're there, and if they need anything you're . . . course they've got to have the prowl cars, too, now, but I think to have a man or two on the street is really very good."

I: "And when did they, the men start to come off the street? Was that after the War or"

Dixon: "Yeah, well, pretty much after the War. I remember the day the War ended, the Japanese War. And I was the only man on the street in the daytime."

The narrowing of the duties of officers was accelerated by the appearance of a number of specialized jobs in the field of local policing. We note the use of officers to police "traffic" in the early

1920s. A detective unit appeared in 1947. A small vice squad was formed in the early 1950s. Major crime had its own task force from the early 1970s. More recently teams have surfaced to confront crimes related to drug "abuse."

Policing the Police

(i) The Rise of Civil Service and City Managerialism

We have seen how the early marshals of Eugene had considerable autonomy in terms of what and when they intervened in social life. This autonomy was eroded and when the marshal became an appointed position he was further distanced from the voter. The distancing process was accelerated by dressing officers in different clothes from the people they policed. The shift from foot to car patrol further hastened this separation of police officer from policed public.

In local government we witness the introduction of a number of management strategies designed to diminish the autonomy of police officers and to cut them off from the communities they policed. This dislocation was carried out under the guise of improving efficiency and reducing corruption. Police officers were originally appointed by ward councillors. These officers were supporters of the political machine of the councillor. In effect, officers were in the pockets of the ward bosses. This patronage based system of hiring remained in operation at the EPD until civil service hiring codes were introduced in 1936. Clousseau summarized the hazards of being a police officer prior to 1936.

I: "Can you tell me a little bit about civil service?
What its aims were? What it did?"

Clousseau: "Well the main thing it did . . . it took the police department out of politics."

I: "Had the department been embroiled in politics before (1936)?"

Clousseau: "Well, before that time you never knew from one day to the next whether you were going to have a job or not . . . because a councillor . . . if he had somebody he wanted to give a job to . . . he'd just tell the chief, he'd say "well I don't think Clousseau is doing a very good job, I think we'd better replace him." Well the Chief was hired by the Councilmen too you know and he had to do what they said and so they'd let me go and they'd hire someone in my place."

The introduction of civil service rules at the EPD meant that appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges were all subject to the review of the civil service board. From 1937 all applicants for policing positions had to take civil service tests. This rational screening process severed the ties of police officers with ward based political machines. Rule 28, Section I stated that

"No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so."

These rules therefore redefined the relationship between police officers and the local polity.

Oral history evidence shows that police officers perceived civil service as a form of protection from arbitrary dismissal. On the other hand the rules also amplified disciplinary techniques at the EPD. The Civil Service Commission introduced efficiency records on all employees in city government. These records were used as the basis for promotion, removal, suspension, demotion and reduction in rank.¹⁷ For the first time EPD officers were subjected to systematic assessment. In essence they became the objects of an emerging field of knowledge relations.

A comprehensive analysis of the discourse related to civil service lies well beyond the scope of this chapter. (I will return to certain

aspects of the civil service phenomenon in Sections V and VI.) However, a few general points can be made. The immediate reasons given for the introduction of civil service rules at the EPD appeared in a press disclosure which said that police officers had allowed local gambling and prostitution operations to continue. These revelations resulted in a scandal which made front page news in the local press for over a month in the spring of 1936. (I discuss the implications of this scandal in terms of class and gender relations in Sections V and VI.) A cluster of issues seem to have converged at this point to create a localized moral panic.

The civil service discourse therefore contained anti-vice, anti-corruption themes. It was also infused with notions of clean government. These notions were a hangover from Progressive Era initiatives to produce a fairer and a more accessible form of local representation. Another theme was that of the new image of the police officer as crime fighter. This image was constructed by the FBI and the numerous crime commissions of the 1920s. The crime fighter stereotype was linked to the movement towards preventative policing on a national scale.

The local discourse was part of a wider statewide trend towards civil service. There were correspondences and linkages to comparable themes in other Oregon cities. For example, in nearby Salem (the state capital) gambling had become a "vicious and organized racket" according to the Morning News (18 March 1936). Salem's Police Chief Minto had been indicted for malfeasance and negligence for failure to prosecute known gamblers.

Given the convergence of these local, statewide and national currents it is not surprising to witness the emergence of civil service rules in Eugene which sought to screen the character of would-be police

officers. Rule 3 Section 2 stated that no person could apply to be an officer who had

"been guilty of dishonesty, immoral or disgraceful conduct, including drunkenness or intemperance in the use of intoxicants."¹⁸

The drive towards administrative efficiency in local government continued in the post World War II period with the introduction of city managerialism. The city manager made budgetary requests to the city council on behalf of the EPD. It is during the 1945-60 period that we see a growing disconnection between the local polity and the EPD. The management of policing passed to the city manager's office although daily policing operations were still under the control of the police chief. By 1959 the specialized council committee which had overseen the management of policing in Eugene since 1897 was disbanded. The reason for this dissolution was the growing administrative expertise of the city managerialist approach, which went hand in hand with the emergence of an ever more technical form of law enforcement. A new field of knowledge in policing quickly outdistanced the limited experience and resources of the city councillors. The council became increasingly confined to legislative activities. In a sense, the eclipse of the council management committee vis a vis policing marks the coming of age of rational bureaucratic techniques in local law enforcement.

(ii) The Training of Police Officers

The growth of specialized policing knowledge required more rigorous preparation of new recruits. This preparation took the form of training which emerged at the EPD from the late 1930s. Training laid down systematic performance guidelines and expectations. These guidelines and expectations formed a bridge between the process of carefully

selecting officers and the practice of monitoring and recording working habits.

The first systematic reflections on policing methods appears to have followed fast on the heels of the introduction of civil service. In 1937 the League of Oregon Cities, Bureau of Municipal Research, sponsored a statewide conference on approaches to law enforcement. Within two years EPD Chief Carl Bergman was accused of running an "old fashioned operation" (RG, 5 and 10 May 1939). Hoover, an ex police chief, saw training as the most significant development in post World War II policing. He noted

"I think the important change had to do with training . . . the police image was greatly improved. I'll give 50% or even more of the credit to J. Edgar Hoover and the FBI and their efforts to assist local police departments."

In 1940 EPD officer Leonard Kearney was dispatched to Washington, D.C. to attend a 12-week training course run by the FBI. He returned to Eugene to share his newly acquired knowledge on the latest scientific techniques in policing with his EPD colleagues (RG, 29 Feb. 1940).

During the 1940s the field of knowledge relations in local law enforcement expanded dramatically. Within the short space of a decade we see the appearance of a sophisticated series of lectures covering a wide range of policing topics. These lectures were coordinated by organizations such as the Association of City Police Officers and the Oregon State Sheriffs Association. Presentations were given by state, local and FBI specialists, covering such topics as "Laboratory Aids to Criminal Investigation," "Interviewing," Patrol Techniques and Preliminary Investigation," "Traffic Enforcement" and "Burglary from Investigation to Court" (RG, 24 Jan. 1950). In 1950 the Register-Guard was able to conclude that,

"Police work is no longer a job for anybody with big muscles, it has become a profession which is attracting some of the

ablest and most ambitious young men from our best colleges and universities." (24 Jan. 1950)

Clousseau who entered the EPD in the early 1930s notes:

"But when I went to work, I was sworn in as a police officer, and I went in the office of the police department and the Chief stepped out of his office, he knew I was in there and he says, 'Alright, Clousseau,' he says, 'Here's your badge. And here's a gun. Go get 'em.' That was my indoctrination, you might say, into the police department itself."

I: "There was no formal training, then?"

Clousseau: "No formal training whatever. The gun he gave me, I don't think it would have shot across the street, when I pulled the trigger the fire went out the side as well as out the end, you know. And around the barrel."

Dixon also noted that when he first came on the force in 1932 there was no weapons training.

I: "Did you have weapons training? When you first went on the force?"

Dixon: "Not when we first went on. We had a pistol range upstairs in the attic of the City Hall. We used .22 pistols. We did it on our own. And then when the FBI came down here for the schools, they brought the Thompson Sub-Machine Guns and all that sort of thing. And we took training with those, and then a fellow by the name of Brice, who was a police expert in Portland, he came down here and gave us night training. Shooting at night from moving cars, and all that sort of thing. But when I first went on, there was no real program as such."

Dixon observed that there was no training on how to take evidence, gain information, etc.

I: "When you were taking evidence, before Miranda, in Eugene, what kind of procedures did you have to follow? Were there any specific guidelines?"

Dixon: "No."

I: "No? You could just talk. Have a conversation. Use what tactics you liked to get information?"

Dixon: "That's right. We had no guidelines. It was a kind of hit-and-miss proposition in those days."

The training of officers was the main change that Hoover identified during his 18 years at the EPD (1937-55). He said,

Hoover: "Better training for the police so that they at least had an awareness of what they were supposed to do. If you were just starting to work, and I'm the man you're assigned to, you're only going to learn what I want you to learn. So the training, I think, was the most important thing."

(iii) The Decline in the Autonomy and
Discretion of Police Officers

Oral history evidence clearly reveals a marked decline in the latitude enjoyed by police officers in the performance of their duties. The gradual erosion of discretion seems to date from the immediate post World War II period.

A conversation with Clousseau threw some light on this erosion.

I: "Were there times when . . . say, early on in your career when you could have made an arrest but didn't because you thought it was better not to? You thought things would be, you know, better in the future if you didn't make an arrest?"

Clousseau: "Oh, yes."

I: "Did that . . . when you made those decisions . . . did that decision get back to your captain?"

Clousseau: "Not necessarily. If I was alone, see, I made that decision and that was the end of it."

I: "Yeah. So you had a lot of power?"

Clousseau: "Yeah."

I: "Police officers today don't have that kind of power? It's not as easy to do that."

Clousseau: "No. Now, whether it was good or bad, I don't know, I think that when the police officer was able to make his own decision I believe that it worked out better."

Dixon concurred with Clousseau about the discretion of officers during the 1930-45 period.

I: "So what were the rules and regulations like for police officers in those days? Were they strict?"

Dixon: "We had a free hand."

I: "It was mostly your discretion?"

Dixon: "Mostly our discretion, yep."

I: "A patrolman on the street, he would have a lot of discretion and he would do things that the captain wouldn't know about?"

Dixon: "Yeah, yeah, yeah, yeah. I was kind of one to maybe deviate from the book a little bit, you know, on the street. Because sometimes you can get more out of a situation by talking. For instance, a citation . . . I've accomplished a whole lot more sometimes by talking rather than issuing a citation. And of course, when you don't do that you don't tell the captain, your boss about it. And maybe you release somebody that 'Well, this isn't very bad,' and 'Ol' Joe Blow, he's a pretty good guy.' You knew everybody in town, you know, in those old days. And sometimes you'd take a drunk home and his wife gives you hell for bringing him home drunk, you know. That's happened. Then I've taken them home and I've had them beat me back downtown."

I: "I see, so . . . in the '30s and the '40s, you had a lot of discretion."

Dixon: "Yeah, we had a great deal of discretion."

I: "When did that start to change? Can you remember? When did things start to get a bit tighter?"

Dixon: "Well, for instance, the War came along, and the town grew. The police force grew. The rules and regulations changed somewhat, and the town grew and there's so many . . . you didn't know everybody as you did before. I think it just naturally slid into a different type of enforcement. And they checked on you a little closer, too."

I: "Oh, really? Was this after the Second World War? They were checking on you?"

Dixon: "Yeah. Well, I mean your superior officers. We kind of kept a little closer check on them."

In spite of civil service rules and the new battery of training strictures which emerged during the 1940s and early 1950s, the EPD did not become a "disciplined organization." At different points in the chain of command officers developed their own evasive strategies and tactics to foil or frustrate the would-be rationality of a growing bureaucracy. For example, a conversation with Kojak concerning discipline during the administration of Chief Brown (1949-54) clearly demonstrates that sergeants had retained a pivotal authoritarian

position with a considerable degree of arbitrary room for manoeuvre well into the 1950s.

I: "Was discipline strict? (under Brown)

Kojak: "No--not at all. Well it was probably strict if you got Ted Brown's ire up. The sergeant I started working for had some "broad" (woman) that he was shacking up with on Ferry Street . . . so every night we'd go through the ritual . . . we'd all hit the street and the sergeant would usually hang around for maybe half an hour and then he'd disappear and you wouldn't see him again until 7:00 a.m. next morning. . . . But we had four sergeants on patrol, maybe five, but . . . anyhow when Ted Brown left and Vern Hill came on, Vern you know, coming from the state police which was a very strict regimented organization. . . . I guess it didn't take him long, and of course I only knew from what I was told . . . Vern Hill called them in and told them (the sergeants), "You guys are either going to shape up or ship out, one or the other." . . . so just a few months after that four of them left."

(Kojak's recollections on the departure of the sergeants were factually accurate. Three did resign in February 1957 and a fourth a little later that year. However, the local press gave the reason for the departure as insufficient pay (RG, 10 Feb. 1957).)

Working Conditions

We have seen how police officers' duties narrowed considerably during the course of the 20th century. The well trained officer of the 1950s was a far cry from the much more autonomous and eclectic marshal of the 1870s.

In the 19th century the office of sheriff was one of the most lucrative positions in the field of government service. At municipal level the marshal earned well above the wages of agricultural workers, manufacturing labourers, teachers and many professionals. Prior to World War II, EPD officers were paid at a higher rate than most manufacturing workers, teachers, retail store employees and labourers. As city managerialism appeared from 1945 the wages of EPD officers

declined markedly relative to other sectors of the workforce. The dissatisfaction of police officers with their earnings was reflected in the extremely high turnover rate. Of the 31 officers on the force in 1948, 22 had less than five years experience. In 1951 and 1952 the turnover rate was 50%. By 1958 the rate was still 24%.¹⁹ However, we must be careful not to attribute dissatisfaction solely to low wages. The introduction of bureaucratic codes, particularly from the late 1930s changed the face of policing and may have contributed to general disillusionment. In a sense we might argue that in some ways police officers suffered a loss of autonomy in a way comparable to workers in certain manufacturing jobs.

Quayle thought that the officers in the 1950s were poorly paid.

I: "So you felt that police officers at that time were paid enough?"

Quayle: "No. They were sadly underpaid. Probably at the bottom of the spectrum as far as salaries. I don't think a lot of the councilmen realized the danger. The efficiency of the department would have increased if you'd had better trained and better educated people as police officers. Many times police officers were ex-truck drivers. I was striving to get more college trained police officers because I felt their performance would rise accordingly. They were better with the public because they had had some of the courses in salesmanship and public relations and I thought they were entitled to take some college classes after they joined the department. Our wage was not attractive to the police officers from Los Angeles who applied up here and were pretty well trained. Probably they were way ahead of us in police work. But they couldn't afford to make the change and come here without their wife working. Pretty soon the wife was working and the family relationship was strained and divorce or separation resulted or the men moved to find another job. At that time you were competing with high price labour in the mills. So an officer, a sergeant or lieutenant, could almost make more money on the 'green chain' in a mill. Many of them did this to survive. There was a high turnover rate."

Kojak, who was hired in the mid 1950s, remembers working conditions when he first started.

Kojak: "The only thing that they furnished was the uniform."

I: "No ammunition, even?"

Kojak: "Yeah, they did, they furnished you, I think it was enough, oh . . . it was six rounds for your gun and then your belt held, I think, 12, and that was it. That's all they provided. And the pay was \$270 a month for a six-day week. And no overtime. No paid overtime."

I: "But you did overtime?"

Kojak: "Well, that was part of the job. I . . . I had not taken typing in high school so I didn't know how to type and all of the reports had to be hand typed, so I think I . . . well, at that time they started you out . . . everyone had to work 3 months at the jail. That was kind of your break-in period, just as a jailor in a jail. So I worked my 3 months there and then they put me out on parking enforcement. That was on a motorcycle. Anyway, you had to do, I think about 3 months there, on a motorcycle and then you were on patrol. So, when I went on patrol I worked six days a week, \$270 a month and . . . not being able to type very well"

I: "Took a lot longer, eh?"

Kojak: "Well, you had to write all of your reports on your own time. I mean, when you left the station . . . you went out on patrol for 8 hours and at the end of the 8 hours you'd come back in and then you had to type all of your own reports. So, what I would do is come back in and long-hand them and then type from there. And a lot of times I was there . . . 16 hours . . . cause you had to . . . it'd just depend on how many reports you had to write and how lengthy they were. You know, if it was on a homicide it might take quite a while."

The exploitation of police officers as employees was finally addressed by the formation of a police union in 1973. State law dictated that police officers could not go on strike. Many oral history respondents noted that this seriously limited their bargaining potential. The legislature also decreed that command personnel from sergeants up could not join the union. This seriously divided rank and file officers from their commanders. In spite of these limitations, local police unions secured major increases in pay and fringe benefits. A conversation with Kojak yielded valuable information on local police union issues.

Kojak: "Oh, yeah. Our unions . . . the Eugene Police Department became unionized in, I think it was 1973."

I: "So what were your opinions on that?"

Kojak: "Well"

I: "Why did that happen?"

Kojak: "Well, why it happened is, well, it's just like when I was working for \$270 a month. And no fringe benefits to speak of. And every year the mayor would say, well, we'll give all the policeman a \$5 a month raise. So I went from \$270 a month to \$275, \$280. Their hospitalization was like nothing. I mean it was"

I: "No benefits or anything?"

Kojak: "Well, I think the fringe benefits when I started was like 2% of payroll, something like that. The insurance, medical insurance and life insurance they had to carry. When I left, well, the last year I was involved with the budget, the fringe benefits, at that time, was 42% of payroll. So you can see the difference it's made. So when I started I was making \$270 a month for six days a week with no benefits and when I left I was making oh, it was \$3500 and something a month plus 42% fringe benefits and, but of course, you know I retired as a deputy chief in the department. So I went from patrolman to sergeant to lieutenant to captain to deputy chief."

The Improvement in Communications

My main interest in this discussion is to focus upon the way police surveillance was stepped up by using technology. The use of technology to improve communications meant that the police could monitor situations with the minimum number of officers. This trend towards refining communications was an attempt to maximize the efficiency of each officer. As such it was related to a growing economy of power in municipal government.

Communicating with patrol officers on their beat was a major operational problem prior to the introduction of two-way radios in 1946. An early form of communications technology was in use at the EPD from at least 1912. This consisted of a series of red call lights which were

positioned on the tops of prominent buildings. Citizens in need of assistance contacted telephone operators who switched on the lights. On seeing the flashing lights, patrol officers would contact the operator to ascertain where assistance was needed. The red flashing lights were a crude reminder or symbol of the growing presence of a system of police. Warning lights in public places distributed simultaneous images of danger and protection, offender and the police officer and order and disorder. In 1927 the telephone operators were cut out of the response chain and replaced by a desk sergeant who was better able to give more specific instructions and guidance to patrol officers. This system of call lights continued until 1946.

The warning lights could also serve to tip off would be offenders that a policing response was underway. This gave the potential offender a number of options. He or she might gamble that the flashing light referred to another situation. Alternatively the offender may risk completing the illegality before the police arrived. On the other hand the red light might produce rapid flight.

The advent of two way radios tipped the communications scales in favour of the EPD. It was no accident that this system was introduced during the early years of city managerialism. Two way radios represented an advance in expediting communications while at the same time excluding criminals from the information circuit. The nearby Springfield police department and the Lane County Sheriff's Department installed similar systems in 1947 thus greatly enhancing inter-agency liaison and information sharing.

Dixon captured some of the early problems with police communications.

Dixon: "Well, of course, when I first started, we had no advantage of car-to-car radio or station-to-car radio. We had a series of red lights suspended around town, and on the medical building they had a revolving light.

And whenever an officer was wanted the man in the building would flip the switch and that light would come on and we were supposed to call in. Well, of course, that's not really a very satisfactory arrangement as far as efficiency's concerned. But then after a while, a few years, we got a one-way radio. We had a radio in the station and a receiver in the car but no transmitter. And the desk man'd receive a call, he'd send it out and hope to heck you got it, maybe you'd hear it and maybe you wouldn't. Which was quite unsatisfactory, too. Then after awhile they got the two-way radios and that was pretty good. I think communication was one of the biggest improvements that . . . of course now with a teletype and all the direct lines to the FBI, and all that sort of . . . and of course the car equipment is better, too. We didn't have much in our cars in the line of equipment, you know. We had an old shotgun, I think, or something like that was about all. One of the things that I remember well when I was patrolman, many a night I patrolled that whole town all by myself."

I: "Really?"

Dixon: "Yeah, many a time. And in those days if you got into any trouble you just had to be able to take care of it because there was no way to summon anybody to help you. And that got a little hairy sometimes, too, you know."

Portable radios were introduced at the EPD from 1974-5. These radios gave officers more mobility than the old two-way radios which were built into the patrol cars. Cagney observed this advance.

Cagney: "And we also had the radios where you couldn't leave the car. I mean, if you left the car, you were without a radio. So now we have the portable radios that we carry with us everywhere. And that increases the efficiency. Like, before, if you heard the same alarm in a building, you could leave your car, the radio in the car, and you wouldn't have the communication with other officers, where now we have the portable radios, so that you could talk to each other when you're on separate corners and so forth. And when you saw the suspect."

Personnel Levels

Although surveillance of the policed community increased in a number of ways, it is important not to lose sight of the fact that the police officer:policed ratio increased significantly between 1930 and 1970 (see Table 11.1). There were simply more officers available per

capita from the onset of the Great Depression (I return to this point in Section V).

TABLE 11.1. To show the change in police personnel levels and population in Eugene: 1870-1970

Year	Population	Number of Police Officers	Police: Policed Ratio
1870	861	2	1:431
1880	1,117	2	1:558
1890	3,169	2	1:1585
1900	3,236	3	1:1078
1910	9,009	6	1:1502
1920	10,593	5	1:2119
1930	18,901	10	1:1890
1940	20,838	19	1:1097
1950	35,879	48	1:747
1960	50,977	76	1:670
1970	79,028	179	1:441

Growing Rationalization and the Struggle for Legitimacy

The local regime of rationality which began to crystallize at the EPD during the 20th century had important implications for the legitimacy of local policing. This growing rationality was associated with an increased use of technology (communications, cars, weapons) and the appearance of more sophisticated monitoring and investigation techniques. Among these techniques we might note the appearance in 1946 of crime statistics and police annual reports. A crime laboratory was built in 1947 to add an air of scientific credibility to investigations and to circumvent the need to have evidence processed in other facilities (e.g., FBI laboratories). An Identification Division surfaced in 1948 to coordinate the handling of fingerprints, photographs, criminal histories and personal property. By 1954 a sizable Communications and Records unit employing 10 people had been set

up. (For a discussion of the implications of these developments in terms of knowledge relations in policing see Chapter 12.)

If we look at the history of policing in Eugene it is clear that the police officer gradually became more detached from the policed community. We see this theme of growing detachment in a number of shifts, e.g., elected to appointed marshal, the wearing of uniforms, the narrowing of the nature of contact between police and public, the decline of the discretion of officers, foot patrol to car/radio patrol, ward control to Civil Service/city managerialism and the rise of increasing expertise in law enforcement. It seems from oral history evidence that rank and file police officers resented a number of these changes. This was evidenced by the high turnover of officers during the 1950s and the emergence of police unions in the 1970s.

Detachment had a number of mixed and interconnected effects. Firstly, the distancing of police from ward bosses through the introduction of civil service and eventually from city councillors by the introduction of city managerialism increased legitimacy by severing more obvious forms of favouritism or biases.

Secondly, the actual distance between police and public provided a growing space for the EPD to develop as an institution with its own momentum. This institutional expansion appeared to be justified by, and further stimulated by, the growing body of specialized knowledge which pointed to the dangers of crime and certain forms of disorder. It was no accident that the EPD became known as the Department of Public "Safety" from 1945. Again, this growing relative autonomy of policing, which was associated with a scientifically documented need to address "disorder," added to the legitimacy of the EPD. The truths about post World War II disorder were there for all to see. The massive increase in police surveillance through more sophisticated patrol, information

gathering, training, technological developments and increased physical presence was a "natural" response to the growing problems of "ordering" society. In short, the two effects that I mention above, were directed at engineering the consent of the policed populace.

A third effect of detachment worked against winning public consent. That effect was the simple fact that people no longer knew police officers. Oral history evidence clearly attests to the fact that officers' jobs became more impersonal, especially after 1945. Not only did officers not know the policed public to the degree that they had done in the past, but, the officers' interaction was different. Rank and file police had less room for manoeuvre on the street vis a vis using discretion. Their relationship with policed citizens was more bureaucratic, formal and rigid. In short, contacts were less human. This acted against the development of trust and moved the public towards suspicion. I do not wish to imply here that policing has developed in a linear fashion from intimate trusting interactions to anonymous/suspicious ones. Clearly police sensitivity to public concerns changed over time. It appears that there are some issues of disorder that the police have never been sensitive to, e.g, domestic violence. I will return to these issues in Sections V and VI.

Given the contradictory effects that I have mentioned it is not surprising that we find the EPD making a concerted effort to improve its legitimacy through community relations campaigns. Community relations emerged formally at the EPD under the administration of police chief Dale Allen (1969-75). Undoubtedly this approach emerged in part as a response to the local disturbances associated with the civil rights movement and the anti-Vietnam War campaigns. These disturbances exposed a number of conflicts of interest between demonstrators and police. However, the emergence of community relations policing in Eugene is best

seen as a response to the increasing crisis of legitimacy associated with the growing detachment of police from public in the period after World War II.

Community relations drives were seen as a failure by Furrillo.

Furrillo: "It just didn't work. The officer just didn't have the time. I really don't know why it doesn't work, but it takes too much time from the officer and . . . who are you gonna talk to? I mean, you drive around the street and you see somebody out raking their lawn do you go up and talk to them and say how are things? They don't expect you to do that and there were a lot of . . . you're generally going to get the older people that are retired, if you're doing that in the daytime. . . . I'm not saying it isn't a good idea to find out actually what's going on in the neighborhood. It's been done, of course, all over the country and there's been studies of it. But it didn't work here. I think that foot patrol and things like that, they probably worked a heck of a lot better where there were more dense populations."

Bunz noted that Community Relations was not a popular approach among officers themselves.

Bunz: "Dale Allen demanded that you be PR conscious. He started some other programmes, Community Relations Section, Crime Prevention Programs, strengthened those. Brought civilians in to do some of those jobs. I'm saying Dale Allen grew up in Eugene, Oregon. He went to school here, and he knew that community like the back of his hand and he was trying to whip the Department into that mode. He will not go down in history by many officers of the Eugene Police Department as being a good chief. But I want you to know that I am one of the few that feel that he is. I can remember vividly his going away party that we had for him on the Department. There was only about four of us that showed up out of over 100 people. Like I say, he went down not being thought of very well. But I'm telling you that those were programmes that he started. And a lot of those guys that thought he was a jerk are now saying, 'Golly, gosh, gee, I wish he was back.'"

One aspect of community relations which did catch on was the "Neighbourhood Watch" scheme (from 1974). Here, citizens report "suspicious" activity and maintain a vigilant eye on the neighbourhood. This of course saves the city government money by increasing the surveillance of the community, from within the community itself. This

development can be related to the growing economy of power in both municipal government and policing.

Conclusion

In the course of this chapter I have outlined a number of key developments in local policing arrangements. The first legislative provisions for law enforcement resulted in the formation of a local sheriff-marshal-nightwatch system that had a very wide range of duties. These duties were greatly narrowed as the EPD became a modern bureaucratic institution. The policing of the community was tightened in certain directions through the disciplining of rank and file officers. I discussed the ways this was achieved by the introduction of civil service codes and city managerialism. As officers became more specialised and better trained they began to lose some of their autonomy and discretion on the street. Their working conditions declined and during the 1950s turnover rates among officers were very high. Technological advances improved the gathering and circulation of information between officers and the storage of data on the policed community. The deployment of police power came to be increasingly tied up with the acquisition, storage, retrieval and effective utilization of knowledge. In spite of the fact that the police officer:policed ratio differed little between 1870 and 1970 (see Table 11.1) oral history evidence clearly shows that police officers experienced a marked social distancing from the community, especially after 1945. I discussed the contradictory implications of this growth of a field of knowledge relations and the social distancing of police from public in terms of a legitimation crisis. In particular I noted how the rise of community relations policing in the early 1970s was an attempt to improve legitimacy and engineer consent.

References and Notes

- ¹Oregon Country covered a much wider area than Oregon the state.
- ²The sheriff's earnings reflect his political pre-eminence. In 1880 the Lane County sheriff earned roughly \$4000. This compares most favourably with other salaries, i.e., County Judge \$700; Treasurer \$860; School Superintendent \$500 (see Gu, 1 May 1880). These salaries all compare favourably with that of the agricultural labourer who in 1882 purportedly earned roughly \$300 (see OSJ, 15 July 1882).
- ³General Laws; 13:3:968(1).
- ⁴General Laws; 968(2).
- ⁵Section 7.
- ⁶City Laws, Chapter 4. Title 1. Section 7:45 (i.e., CL:4:1:7:45).
- ⁷C.L.:3:1:6,10,11,12,13:33-5 (1883).
- ⁸C.L.:1:1:20:17 (1883).
- ⁹C.L.:4:5:4:71 (1883).
- ¹⁰C.L.:5:1:5,6:73 (1883).
- ¹¹C.L.:4:1:5:46 (1883).
- ¹²C.L.:2:4:1,2,3:27 (1883).
- ¹³C.L.:4:3:3:57 (1883).
- ¹⁴The nightwatch in Eugene in 1876 earned \$900. The marshal earned considerably more than this through salary and fees.
- ¹⁵Council Minutes (CM), 12 April 1897, Vol. 2, p. 206.
- ¹⁶CM, 11 April 1898, 2:278.
- ¹⁷Rule 22, Section 2, p. 24.
- ¹⁸Ibid., p. 7.
- ¹⁹EPD Annual Reports for 1951, 1952, 1958.

CHAPTER 12

POLICING, SURVEILLANCE AND GOVERNMENTALITY

As I have argued in Chapter 1, policing can be seen as an institutional mechanism through which particular forms of "social order" are constituted and reconstituted. In the final analysis policing is directed at the mediation and management of power relations in conflict ridden social bodies. This function of policing is administered in a number of ways and at a number of levels. In particular, police have tended to guarantee the dissemination of techniques of discipline which have sought the political docility and productive utility of individuals. We might say that the police have orchestrated what Pasquino has called the great labour of formation of the social body by encouraging certain modes of sociation. At another level the police have acted in concert with what Foucault has called carceral institutions. These institutions have hatched, housed, developed and refined a variety of disciplinary techniques that have both subjectified inmate populations and produced certain truths about criminals, the insane, the sick, etc. By producing ever more detailed knowledge about the calculable or knowable subject these institutions provided a rationale for the increasing surveillance of the lives of the general public. The police were the agents of this surveillance.

In this chapter I will discuss the relationship between policing and sociation; and, policing and carceral institutions.

Policing and Sociation: A Local Perspective

I have described the duties of the sheriff, marshal and nightwatch in Chapter 11. It is my purpose here to outline the ways in which policing encouraged certain forms of sociation and discouraged others. By noting links between law enforcement, governmentality and sociation discussed in Chapter 1 I hope to provide a context for the detailed discussion of the policing of class (Section V) and gender relations (Section VI).

Political Life

From the earliest times in the history of Eugene and Lane County, local police were intimately connected with political life. Their involvement in formal political processes was largely concerned with the orderly conduct of elections. Police were required to ensure that only qualified voters took part. Voters had to have been residents of Eugene for at least three months prior to the election. The police were thus instrumental in building up a sense of community by confirming community members as voters and excluding others. This is not to ignore the fact that a number of bona fide community members were not entitled to vote for reasons other than failing to meet residency requirements, e.g., women, persons under 21, the insane, racial/ethnic minorities (e.g., Chinese, Blacks, Native American Indians). The marshal was also required to make suitable sites available for the voting process and to furnish those sites with the requisite paraphernalia. In short we could say that local police encouraged, or at least purported to encourage, the orderly assembly of legal voters on voting days.

By the turn of the 20th century local police relinquished their role as administrators and regulators of local elections. This job was

passed on to specialized election officers in city and county government.

Economic Life

The orderly transaction of economic affairs was the stated goal of police intervention in the fields of licensing, market regulation, the overseeing of business practices, taxation, the siting of businesses and buildings, and the control of movement and placement of objects, people, vehicles and animals on the streets. Business life was to be rational, calculable and predictable. Itinerant vendors were to be licensed or fined. The flow of commodities through the streets was to be guaranteed by police. Market produce was to be inspected, weighed and/or measured. During the 19th century local police were responsible for the continued economic intercourse between growing town and countryside.

Tax collection was a major focus for the 19th century marshal and sheriff. Taxpayers were citizens who contributed to the collective whole and built up the strength of the local state. The payment and collection of taxes was another technique for the crystallization of culture.

As the 20th century unfolded and policing became more specialized the role of police in the daily regulation of business activity diminished. However, as I will demonstrate in Section V, as local law enforcement became more rational through civil service codes the police were better able to serve as the legitimate guarantors of capitalist production.

Public Order

While the accumulation of bodies for electoral or legitimate economic purposes was deemed an acceptable form of sociation, other

forms of assembly became the target of police regulation. Assemblies which directly threatened either life or health were gradually outlawed. Public brawling, riotous gatherings, spontaneous street theatre and nude bathing in the Willamette River, all came under the gaze and regulation of local police. By 1891 the city had an ordinance against the use of profane language. Even legitimate business activity was not permissible on the Sabbath. At another level we might say that public order was subject to the gaze of the clock. The movement of people, and especially children, became subject of curfew restrictions. As noted in Chapter 11, licenses were issued and taxes collected within a time frame. The movement of vehicles, trains, street cars and bicycles became subject to speed limits. These limits did not represent an attempt to "slow up" social life and thus maintain order. Rather speed limits were an effort to orchestrate and coordinate time with a view to standardizing activities. This represented the workings of disciplinary power to fix activities within predefined frames of reference. As such these regulations represented the numerical face of a rising society of normalization.

Public Health and Safety

In the same way that the activities of 19th century police tended to facilitate formal political rituals and encourage economic growth, we also find a focus on the health and safety of individuals and the community. This concern was of course related to maximizing productive capacity, but was also linked to the pursuit of happiness, longevity and life itself.

Police were actively involved in the regulation and management of contagious disease. From the time of incorporation, sociation in Eugene was to be between healthy citizens. As early as 1869 we find reports of

the city council making a house available in case of a smallpox outbreak in Eugene (OSJ, 23 January 1869). The city fathers were worried that outbreaks of the disease in neighbouring towns had created a local panic. People had become reluctant to enter Eugene for fear of catching smallpox. The setting aside of such a dwelling was the responsibility of the marshal. Likewise the marshal was the person who would physically guarantee the quarantining of smallpox carriers in a dwelling which was clearly identified with a yellow flag. A few years later we find the council issuing instructions to the marshal to remove the Phillips family from Eugene to the country because the family had contracted smallpox (OSJ, 22 June 1872).

In a similar vein the local police were the leading edge of attempts to guarantee the public safety of the citizenry. The maintenance of streets, the movement of vehicles, the placement and monitoring of buildings and the provision of fire fighting equipment, were all domains overseen by the marshal-nightwatch system.

In short the early police primed the social body by laying down relations of authority and power where none had previously existed. In this sense the police were at the forefront of the mediation and management of social life in general. As the EPD developed its surveillance capabilities during the 20th century, we witness the growing elaboration of a system of panopticism directed at crime. As we saw in Chapter 11 new channels of observation and intervention were opened up. These channels colonized new social spaces and sites and laid the groundwork for the more sophisticated intervention of increasingly specialized government agencies. These agencies in many cases took over from the police, thereby detaching that form of governmentality from the overt domain of law and order. Building control, public health, fire fighting, regulation of streets, licensing,

taxation, etc. were all removed from police jurisdiction. If the initial police regulation of these diverse areas can be seen in terms of major arteries or veins that monitor, direct and check the deployment of power in a social body, then these later developments might be described as the elaboration of a more finely tuned and less observable system of capillaries that reaches the social extremities and recesses.

We must be sure to understand that this is not a Durkheimian argument of reaffirming a commitment to the moral/legal fibre of a society. Foucault stresses the centrality of observation and the knowledge which such observation can yield in terms of intervening in one's life.

"What generalizes the power to punish, then, is not the universal consciousness of the law in each juridical subject; it is the regular extension, the infinitely minute web of panoptic techniques." (1977:224)

By opening up avenues of observation, the police and other government agencies enter into an ever more intimate relationship with the citizenry. This makes possible the checking, grading, classification and placement of individuals and families vis a vis a number of parameters which arise from hegemonic discourses that are directed at the constitution and reconstitution of "order."

As I have argued in Chapter 1, it is a political act to construct and present knowledge about criminality and disorder. At the EPD during the 20th century we witness an increasing tendency for local police to offer the community certain "truths" about crime, criminals, disorder, danger, safety, etc. These truths moved to the centre of certain hegemonic discourses that constituted frames of reference for the formation of a society of normalization. As mentioned, Foucault has called this type of society a disciplinary society.

The generation of knowledge and truth about "dangerous" individuals gathered momentum from the late 1930s. It seems to me to be of

considerable symbolic significance that a detective unit first appeared in Eugene in 1947. This appearance took place during that post World War Two period which was characterized by the massive accumulation of information about policed subjects. I have noted in Chapter 11 how the EPD became more rationalized and increased its use of surveillance strategies. The rise of operational specialization at the EPD was justified by reference to the growing knowledge about crime. For example in discussing the EPD budget for the years of 1943-6 the Register-Guard warned the community that provision had to be made for two new detectives,

"If we are going to combat the prospective increase in crime predicted by all law enforcement agencies." (April 7, 1946)

Once in place the detective unit proceeded to gather more data on policed subjects. Through this accumulation process a more detailed profile was constructed about individuals. Detection touched upon a number of areas including work habits, pleasures, family, mental health, physical health, finances, etc. I use this example only to illustrate a much more important general point; namely, that a specialized agency which sets out to locate "danger" ends up doing so much more than this. It explores that "danger" and elaborates upon it. Once detected at a certain locus in the social body, that danger becomes redefined in a more detailed way. People hitherto seen as "safe" become potential sources of danger. Agencies of government which engage in this activity essentially embark upon an endless exploration process. Numerous "disciplines" can be used as an aid and a justification here. The detective may end up entering into the labyrinth of psychiatry to construct his/her profile of the dangerous character. The identification, scrutinizing, monitoring, incarceration and rehabilitation processes all facilitate the increasing "aeration" of the social body. The concern of government shifts from the criminal act

towards the criminal character. Here we see the utility of the phenomenon of crime to government. It is not that government necessarily acts to "protect" certain sections of the populace from the evils of disorder. Rather it is the political mileage that government realizes from the increasing reconnaissance of the social body. In other words the power of government through policing is reflected in the extent to which police open up the social body and render it susceptible and vulnerable to the disciplinary gaze of normalizing judgements. It is through this mutually generative dynamic between knowledge and power, that we can come to taste the flavour of policing and its synchronicity with the heartbeat of government.

In Sections V and VI I will explore the manner in which government was effected through the policing of class and gender relations. At this point I will discuss the local relationship between policing and carceral institutions.

Policing and Carceral Institutions

I have already discussed how the police were instrumental in the creation of the local social formation. In this section I will discuss the links between the deployment of disciplinary power through policing and its exercise in carceral institutions including the state penitentiary, the state insane asylum, schools, reform schools, the militia, the poor farm and hospitals.

The State Penitentiary

The American penologists who were active in the rise of prisons during the Jacksonian era (1820-45), strongly believed that the ordered and disciplined lifestyle of the penitentiary would exert a powerful reforming effect on both criminals and society. Rothman notes,

"The prison would train the most notable victims of social disorder to discipline, teaching them to resist corruption. And success in this particular task should inspire a general reformation of manners and habits. The institution would become a laboratory for social improvement. By demonstrating how regularity and discipline transformed the most corrupt persons, it would reawaken the public to these virtues."
(1971:107)

The moral architecture of the American prison was to be an essential accompaniment to the loss of "liberty" experienced by its inmates.

We begin to see the emergence of disciplinary power in certain carceral institutions in 19th century Oregon. Specifically we see the appearance of systematic observation and surveillance, the application of the timetable and the inculcation of respect for time, training, record keeping and finally the tendency towards making normalizing judgements. Many of these strategies were later colonized by the EPD as it emerged in the 20th century.

The Oregon State Penitentiary was in operation from 1860. It received persons convicted of serious offences that warranted more than a year's imprisonment. As penal philosophy emerged in Oregon we find a growing emphasis upon training and reformation through work discipline. This stress seems to have taken off around the early 1880s. In 1881 Senate Bill 15 passed which authorized the Superintendent of the penitentiary to make contracts for prison labour. The tactics of command required to supervise this labour must have become increasingly complex as the number of prisoners increased. Between 1883 and 1892 the number of inmates increased by 94% from 210 to 407. This rise was twice as high as the accompanying increase in population. By 1893 we find inmates productively employed making bricks and stoves. More "reliable" prisoners left the penitentiary to work on state building projects (Gu, 13 May 1893). In the same year Superintendent Downing drew attention to the new trend in penal philosophy. He noted that the time was fast approaching when criminals would determine their own length of stay and

would leave their discharge date in the capable hands of prison authorities. Downing stressed that the most "advanced thinkers" of the day were looking more toward "reform" than revenge (Gu, 7 July 1893).

The Superintendent was articulating the new philosophy of indeterminate sentencing that had swept the U.S. from the 1870s (Walker, 1980:85-90). Indeterminate sentencing came to be based upon increasingly sophisticated "normalizing judgements" about the appropriateness of releasing particular inmates. These judgements derived from the growth of the human sciences. Offenders came to be seen as socially or psychologically aberrant, rather than genetically pathological. This aberrancy, unlike the inevitability of genetic determination, was reversible. The prison, through the application of disciplinary techniques was seen to hold the key to this reversal or reform process.

As metaphors for the rising strategy of government in Oregon, the significance of the prison and the asylum cannot be underestimated. These institutions held the key to the inculcation of law abiding and rational behaviour. It is not surprising that these two carceral institutions were the largest expenditures in the state budget (OSJ, 11 Feb. 1894).

The state penitentiary was one of the earliest carceral institutions in which disciplinary power was deployed. In the course of the 20th century we see a number of developments at the EPD (beat policing to time, training, the refinement of communications, the growth of specialized knowledge, etc.) which were homologous with earlier tactics used in prison. However, we must be sure to note the more direct links between the prison and local police. Both the sheriff and marshal were required by law to transport convicted felons to the state prison. This meant that local police probably had a working knowledge of penitentiary

life, schedules, rules and procedures. We might suggest that at times local police acted as vectors for the social dissemination of the rules of discipline which operated within the prison walls. It is impossible to know the influence of this knowledge gained by local police upon the direction of law enforcement. Suffice it to say at this point that we must be cognizant of a number of possible bridging links between the prison and the police. These connections stemmed not just from the similar tasks of each in the field of disciplining the social body, but rather from a possible cross fertilization of ideas that were rooted in the sharing of actual working practices. In one case, one of Eugene's nightwatchman Enoch Smith, had actually worked as a guard in the state penitentiary (OSJ, 21 April 1876).

The Insane Asylum

The marked rise of normalizing judgements in Oregon is perhaps most apparent in the emergence of the state insane asylum. Table 12-1 indicates the dramatic increase in the number of Oregonians found to be insane between 1866 and 1896. It lies well beyond the scope of this thesis to examine the content of psychiatric judgments. However, it must be said that there appears to have been a cultural relativity written into the evaluative criteria for insanity. The Guard informs us that there was a marked overrepresentation of foreigners among the ranks of the insane. In this sense normalizing judgements in Oregon appear to have resembled those in neighbouring California where we find a similar overrepresentation (Gu, 3 Sept. 1892).

From the few scattered local press references to insanity during the 19th century it is clear that not all those who were incarcerated were poor and/or non-white. For example, the OSJ informs us that Jerry Luckey became insane in October 1870. Luckey was,

"one of our most esteemed and enterprising citizens" (OSJ, 22 Oct. 1870).

The circumstances surrounding his diagnosis remain a mystery. We learn more of the process of dealing with insanity from the case of Mr. S. M. Andrews who was diagnosed insane in April 1885 in Eugene. Doctors Harris and Jones appeared before City Recorder Washburne to present their diagnoses. Based on this medical evidence the Recorder then held Andrews to be insane. Deputy Sheriff Cochran transported Andrews to the insane asylum in Salem. The OSJ reported that Andrews had become violent.⁹

In the case of insanity we witness the coordination of a number of governmental strategies. The asylum relied upon local medical practitioners, municipal courts and the police to ensure the flow of the insane into the asylum.

TABLE 12-1. The number of inmates at the Oregon Insane Asylum for certain years between 1865 and 1897

Year	Number of Inmates
1866	69
1871	144
1886	455
1892	788
1894	963
1896	1106

(NB: The increase in inmates was roughly 2-4 times greater than the corresponding increase in Oregon's population. See Appendix F.)

Schooling

The system of public (tax supported) schools came to supercede private schools from the late 1870s. This was linked to a number of shifts, not the least of which was the trend towards the social construction of youth as dependent and vulnerable. As notions of

"community order" began to surface in Eugene from around the time of the arrival of the OCR (1872) we witness a number of concerns about the idleness of youth and juvenile delinquency. In 1874 the OSJ carried a number of reports about boys aged 14-18 loafing around on street corners engaging in various forms of depravity. Complaints centred upon the adoption of unwelcome adult habits such as chewing tobacco, hanging around saloons and loitering (OSJ, 18 April 1894 and 18 July 1874). It is from around the late 1870s that we trace the emergence of a campaign of school discipline. The importance of inculcating discipline and values of citizenship was discussed at the Teacher's Institute meeting held in Eugene on September 5, 1878 (Gu, 7 Sept. 1878). By the mid-1880s we find connections being made between schooling, criminality, poverty, vagrancy, work discipline and morality. A letter in 1885 from Mr. F. E. Patterson, a school principal, stressed that up to 200 children in the area who should be attending school, were not. He wrote,

"In the face of such a state of affairs can we expect otherwise than to see our courts thronged with criminals, our almshouses filled with paupers and our streets thronged with precarious individuals of nomadic tenor, who prey continually upon the hospitality of industrious and morally disposed people" (OSJ, 5 Sept. 1885)

Within two years the state legislature had passed a bill compelling children aged 8-14 to attend school for at least 12 consecutive weeks each year (OSJ, 19 Feb. 1887). Over the next few years in Eugene record keeping emerged in the field of schooling. Frequencies of corporal punishment, attendance and lateness were noted and reported. As we can see from Table 12-2 the number of students enrolled in school increased considerably (+36%) in two years (1889-91). Over the same period the average daily attendance jumped appreciably (+59%). During this time the incidence of lateness was halved (-50%). Of great interest here is the fact that enrollment increased and time discipline improved at the

same time as corporal punishment declined (-54%). We might reasonably interpret these figures as a reflection of the rise of disciplinary power in the sphere of schooling.

TABLE 12-2. To show the annual enrollment, average daily attendance, total incidents of lateness (tardies) and cases of corporal punishment in Eugene schools between 1889 and 1891. Right hand column shows percentage change over the two year period.

School Year	1888/89	1889/90	1890/91	% Change
No. of Children Enrolled	658	762	892	+36
Average Daily Attendance	373	479	592	+59
Total Tardies	1834	1523	917	-50
Cases of Corporal Punishment	52	22	24	-54

These new disciplinary measures in the field of schooling appear to have been associated with an increasing police awareness of the "problems" presented by youth. In 1889 the city council passed two ordinances regarding juveniles. Ordinance 66 prohibited the sale of tobacco to minors and Ordinance 67 forbade the sale of intoxicating liquors. However, it is with the growing recognition of the lawbreaking tendencies of the young that we witness a number of calls for a reform school in Oregon.

Reform Schools

Boys

We can trace local calls for a boys' reform school to the mid 1880s. In 1886 the Guard drew attention to the arrest of a number of boys aged 12-15 for violations of laws. On one occasion Marshal Day had arrested five boys for gambling. Apparently the Marshal let the boys off with a lecture. A few days later three different boys were arrested

for stealing chickens and later released, again after receiving a "lecture" from the City Recorder. The Guard's response to this youthful behaviour was to advocate the establishment of a reform school (Gu, 18 Dec. 1886). Several months later three boys were jailed for throwing stones at people who were rowing a boat on the millrace (OSJ, 2 April 1887). This situation provides a marked contrast to an OSJ report twenty years earlier which tells of a group of boys throwing stones around town and smashing windows. In this case the parents were asked to control their children (OSJ, 8 March 1867; 16 March 1867). With the emergence of disciplinary techniques in schools we see the crystallization of more predictable and less arbitrary strategies for training the young. These strategies brought government intervention into familial discipline. The utilization of disciplinary power in the field of youthful deviance was introduced fast on the heels of the local campaigns for punctuality and attendance in schools. We might say that the appearance of the Oregon State Reform School in November 1891 dovetailed with the rise of disciplinary imperatives in schooling. The Reform School accommodated what the popular press called "erring" or "incorrigible" boys. Table 12-3 captures the rapid assimilation of delinquent boys between 1892 and 1895.

TABLE 12-3. The average number of inmates of the Oregon Reform School for the months shown.

Month/Year	Number of Inmates
Jan. 1892	31
Sept. 1894	96
Nov. 1895	113

Military discipline, constant surveillance and the performance of agricultural labour underlined the reform effort. However, these

inmates had not only contravened the law. More importantly there was a moral dimension to their transgressions. In order to address the social/psychological pathology of the inmates, religious instruction and Sunday School were obligatory (OSJ, 2 Nov. 1896). Moral cleansing was an integral aspect of initial normalizing recommendations made at the moment of sentencing.

Girls

It was not until the Progressive Era that the delinquency of girls came to be constructed as a social problem. Girls who came under the gaze of the Progressive Era reform movement usually did so because of their precocious sexuality (see Schlossman and Wallach, 1978).

In Oregon there was no institutional provision for delinquent girls prior to 1913. The Guard informs us that this caused a number of problems for probation officers and the juvenile court system (Gu, 22 Jan. 1913). In 1913 the state legislature provided the money for the purchase and upkeep of an industrial school for girls in Salem. Girls aged 12-25 were housed there and given an education which promoted their moral well being.

It lies beyond the scope of this chapter to examine the reform initiatives vis a vis boys and girls. However, we must note a number of links between this new move to incarcerate girls and the hiring of a police matron from January 1, 1913 at the EPD.¹ We learn from the Guard that Miss Martha Randall was to assist the EPD in dealing with young girls (Gu, 3 April 1913). Randall had previously worked in a similar capacity at the Portland Police Department (PPD). The PPD had established a Women's Protective Bureau in 1909 which was headed by Lola Baldwin.² This bureau investigated the criminal activity of girls. According to Hoffman, Mayor Albee of Portland received a petition signed

by several thousand people, complaining that Baldwin's bureau did little to find employment for these girls (1979:121). There were a number of other allegations against Baldwin including ones that she had denied girls and young women the right to legal representation and that she had used coercive tactics to incarcerate offenders.

Suffice it to say at this point that it is somewhat ironic and perhaps not coincidental that in the same years as women became eligible to vote in Oregon, they were also brought into an apparatus which targeted the reform of delinquent girls through an extension of the already expanding disciplinary network of policing. This recalls our earlier observations on the provision of formal political rights alongside the elaboration of techniques of monitoring and surveillance.

The State Militia

While the local marshal-sheriff-nightwatch system remained a small force in Eugene and Lane County during the 19th century, the formation of a state militia with units scattered across Oregon ensured the availability of a larger body of disciplined police. A bill which passed the State Legislature in 1887 provided for the formation of a militia unit in Eugene with 40-60 men aged 18-45. Within a few months the barracks were alive and military drill had been introduced on a regular basis (OSJ, 17 Sept. 1887). The scale of local operations seems to have been modest. However, other militia units in Oregon were much larger and the largest contained up to 500 men (Gu, 18 Aug. 1888).

The Regulation of Sickness and Pauperism: The Emergence of the Eugene Hospital

I have already discussed the role of the police in the quarantining of contagious diseases. In many cases the sick were also poverty stricken and unable to work. It seems as though the impoverished and/or

sick were sometimes cared for by the county rather than moved on, jailed or forced to work on the streets. In 1883 we find reports of a Chinaman with leprosy being jailed for presumably loitering on the streets of Eugene (OSJ, 26 May 1883). This man was later taken to the "farm hospital" by police officer Collins. We learn that there were five lepers at that "hospital."

The structure known as the "farm hospital" was probably the Lane County Poor Farm which was located in the northwest suburbs of Eugene (OSJ, 20 April 1889). Inmates worked on the farm to produce wheat and hay which was later sold. One report informs us that out of 11 inmates who entered the farm, 4 left, 2 died and 5 remained. This suggests that the inmates were sometimes ill as well as poor. This poor farm was later sold (1889) and the care of the poor was subcontracted out to individual providers.³

As early as 1873 we learn that the expense of keeping paupers was around 14% of the total county expenditure. The OSJ argued that while the county had a responsibility to care for the poor it ought to do so as cheaply as possible (OSJ, 19 July 1873). It is from this date that we hear calls for the purchase of a poor farm on which paupers could work. Sometime over the next decade such a farm was set up. By 1893 only 5% of the county budget was set aside for poor relief (OSJ, 7 Oct. 1893). and by 1904 the figure was only 3.6% (OSJ, 7 May 1904). This strongly suggests that the utilization of the labour power of the poor became more efficient between 1873 and 1904. However, we must also note the establishment of the Eugene Hospital in 1900 which may have acted as a means of filtering the sick out from among the ranks of the poor. This development was doubtless connected to the accidents which began to be a frequent occurrence in an economy based on lumber production. We

find numerous press references to serious injuries, loss of limbs, loss of life, etc. in the logging industry.⁴

By the end of the 19th century the police were relieved of a number of their public health duties related to contagious diseases. The hospital took over. The yellow flag which was flown by the marshal outside the residence of sick or contagious individuals disappeared as these people were hospitalized. The hospital had resident medical personnel who studied the case of each patient. This was a far cry from the more casual visit paid by local physicians in the 1870s. In short we might say that in the space of three decades or so, the sick became the objects of a specialized body of medical knowledge in much the same way as criminals became the targets of penology and the insane emerged as the objects of psychiatry.

No new major institutions emerged after the Progressive Era. In less than half a century (1865-1915) we witness the emergence of a disciplinary grid of classification which sifted out criminals, the insane, delinquent boys and girls, the poor and the sick. These subjects were increasingly created as the objects of specialized bodies of knowledge. The enclosed institutions which housed these subjects utilized the same techniques of power that were at work in the growing school system and militia barracks. As the police relinquished a number of their old duties, they too emerged as a modern era institution to be organized along disciplinary lines. As we have already seen (Chapter 11) these lines developed in very specific directions (especially crime control).

Conclusion

I have briefly discussed some of the themes evident in studies which have addressed the rise of disciplinary societies in general. In

particular I pointed out the connections between knowledge and power and the governmental implications of these links vis a vis sociality in general and carceral institutions specifically. Using these themes I have discussed two key issues in local law enforcement developments. We saw how local police were instrumental in shaping relations of power and authority during the social formation of Eugene and Lane County. In a sense I argued that police were partly responsible for writing these relations into the very fabric of social life. In a related vein I traced the connections between policing and carceral institutions in order to map out a strategy of governmentality. This strategy was directed at securing the political participation of the voter in the machinery of a formal democracy. At the same time the strategy was directed at maximizing the productivity of the wage working population. No new major carceral institutions appeared after the turn of the 20th century. From this point the police became a more rational bureaucratic organization which came to observe the social body in an ever more detailed way. Specialized government agencies took over older functions of police and extended those functions in a way which increasingly intervened in the lives of the citizenry. This I contend was the political lifeblood of local government in Lane County. In the next sections we will focus on the way in which police specifically managed the antagonisms of class and gender relations in an attempt to get closer to the mechanisms whereby police help govern modern era populations.

Notes and References

¹See Council minutes Vol. 5:205, 254.

²Lola Baldwin was the first American woman to hold full policing powers. She acquired these at the PPD in 1905.

³This was a controversial sale. The Granges strongly objected. There were a number of references to this issue. See OSJ, 5 Jan. 1889; 26 Jan. 1889; 23 March 1889; 6 April 1889; 20 April 1889; 11 May 1889.

⁴For example see OSJ, 23 Feb. 1901; 2 March 1901; 1 June 1901; 22 June 1901; 27 July 1901; 6 Sept. 1902.

SECTION V

THE POLICING OF CLASS RELATIONS IN

EUGENE AND LANE COUNTY

CHAPTER 13

POLICING AND SOCIALITY: HEGEMONIC DISCOURSES AND THE
LOCAL ENFORCEMENT OF LAW IN THE FIELD OF
CLASS RELATIONS, 1853-96

In the course of Section V I will discuss the ways in which local police were involved in the constitution and reconstitution of social order at a number of different levels. My particular focus is the field of class relations. Chapter 13 considers the place and role of law enforcement vis a vis the emerging class relations of a rising laissez faire capitalist economy. Chapter 14 addresses the growth of policing strategies amidst the consolidation of an economy based on large scale lumber capitalism. Of especial importance here is the policing of an expanding working class "in itself." Chapter 15 examines the elaboration of more rational-bureaucratic forms of police surveillance with particular attention to the enforcement of law against a proletariat "for itself."

In each of these chapters I examine policing foci in relation to various hegemonic discourses. A word of caution is in order at this point to clarify my use of Poststructuralist and Gramscian analytical tools. As noted in Chapter I I draw upon Gramsci's notion of hegemony in order to appreciate the manner in which certain conceptions of reality assume a preeminent status. According to Mouffe, Gramsci anticipated

"the conception of ideology as a practice producing subjects"
and queried,

"the general principle of reductionism which attributes a necessary class-belonging to all ideological elements."
(1979:199)

Gramsci's concern with the production of subjects, non-reductionist approaches and the working out of ideology through social practices, is akin to Foucault's focus on the emergence of regimes of truth and the linkage of these regimes to various modalities of power. For Gramsci there is a complex "articulation" between hegemony and the arena of class struggle. For Foucault there is no clear articulation between discursive formations and any social structural phenomena. Nevertheless there is a convergence here between notions of power and politics anticipated in Gramsci and those developed by Foucault. However, as Barry Smart reminds us, this convergence is at best partial. Foucault is concerned to demonstrate how regimes of truth are used by individuals in the process of governing themselves and others. This, as Smart argues, provides

"a reconceptualization of the problem of hegemony, shifting it away from the essentially humanist philosophy of action to be found in Gramsci's work to an examination of the production, transformation and effects of the true/false distinction which has been at the centre of processes of government in modern Western societies." (1986:164)

In the course of Section V I draw upon both Gramsci and Foucault in an attempt to tease out what I call hegemonic discourses. These discourses provide a framework of truth about individuals and political groupings. This framework formed a touchstone for the formulation of policing policies and practices.

In Chapter 12 I discussed the role of the police in relation to sociality in general and carceral institutions in particular. In doing so I mapped the connections between the sheriff-marshal-nightwatch system and a number of other links in the chain of government. I argued broadly that local police in the 19th century played an eclectic role in mediating and managing the antagonisms of a rising social order.

Chapter 13 has a much narrower focus and is directed towards the manner in which police sought social order in relation to certain discursive formations. I examine the relationship between hegemonic discourses concerning temperance, respectability, idleness and labour radicalism and policing policies and practices. Each of these discourses was directed at the constitution of certain forms of sociality. My interest, as I noted above, is to chart the relevance of this process of constitution to the field of class relations. This does not mean that the hegemonic discourses which I identify operate exclusively within the domain of class struggle. As I will show later, the idleness discourse, for example, had clear implications in the domain of gender as well as class relations. Rather my purpose is to point out discursive developments and policing foci in such a way as to lay bare some of the possible links between knowledge-power relations, class conflict and the selective enforcement of law.

In the course of this discussion I do not wish to argue that the hegemonic discourses directed at the constitution and reconstitution of order were serially linked in a temporal sense. It is not my argument that the discourses succeeded each other in time, although it does appear that in certain periods some discourses were more prominent than others. Neither do I suggest that the discourses were conceptually distinct and bounded off from each other. Rather I would propose that they are linked by political tendencies to manage populations and generate certain technologies of the self. I will discuss these tendencies and their relationship to the construction of social order as the local economy of Eugene and Lane County shifted towards *laissez faire* capitalism.

The Temperance Discourse and the Policing
of Saloon Culture

Saloons served as the base for ward political machines throughout 19th century America. Eugene appears to have been no exception. We find a number of councillors among the ranks of saloon owners or in the liquor business. James McClaren, a saloon owner, seems to have been a typical example. He was involved in both city and county politics during the 1870s, and, like many of the saloon culture politicians, was a Democrat. This party political leaning was not surprising given the Democrat base of support among self sufficient farmers and the connections between this mode of agriculture and leisure pastimes such as drinking.

As the town of Eugene was settled, the policing of saloon culture came to be a pivotal focus in the struggle between classes. Throughout the 1870-96 period saloon culture was the target for those members of the community who sought to introduce new forms of disciplined and refined behaviour. The sheriff, marshal and night-watch were key figures in terms of the day to day enforcement of laws in relation to the excesses of saloon culture. These officers helped mediate and manage the class struggles of the 1870-96 period by developing a discretionary strategy vis a vis saloon illegalities. These illegalities included after hours drinking, selling liquor on the Sabbath, accommodating minors and allowing gambling and prostitution on the premises (I discuss prostitution in Section VI).

As mentioned in Section III, the 1869-72 period was one of tremendous growth in Eugene. It was during this period that we witness the first concerted effort to police saloon culture. There were five arrests in April 1869 for breaking the State Sunday Closing Law.¹ An unusual spate of arrests for drunkenness took place during this period,

the liquor trade in Eugene was by far the most important single source of revenue for the municipal coffers (Walling 1884:393-405). This enabled saloon politicians to support and advocate a measured and calculated form of policing. The incursions of the temperance lobby in city government were limited by the tax benefits deriving from saloons. Within certain limits, the growth of the town depended upon the continuation of saloon culture and its inevitable illegalities.

During the 1873-6 Depression we note a period of relative tranquility accompanied by long silences in the struggle between the saloon lobby and temperance advocates. We might go so far as to say there appears to have been a temporary equilibrium established between these forces. This equilibrium was reflected in the finely tuned nature of selective policing. There are precious few press references to drunkenness arrests over these years. The hegemonic discourse associated with liquor illegalities over these years might be characterized as subterranean.

This quiet interlude in the liquor debate was shortlived. The economy of laissez faire capitalism gathered steam after the 1873-6 Depression. In 1876 news was announced that Eugene was to serve as the site for the University of Oregon (UO). While I do not intend to discuss the role of higher education in detail here, we must note a couple of points. The UO was financed by the state but was rescued from ruin on a number of occasions by the railroad magnate Henry Villard. It seems that the children of the agricultural bourgeoisie and the rising municipal bourgeoisie constituted the lion's share of the student body. Prior to its formal opening in October 1876 we learn that entry to the UO was not only dependent upon fulfilling academic criteria. According to the Guard,

"Evidence of good moral character had to be furnished" (Gu, 12 August 1876).

The UO placed a high emphasis on refinement, morality and respectability. Entry depended upon the possession of a certain cultural capital which the UO built upon and refined. The knowledge taught, tested and celebrated at the UO helped create the impression that certain forms of thinking, perceptions, taste and behaviour were naturally superior. These forms were in fact the beliefs and world views of rising bourgeois culture. We might therefore see the UO as a centre for the production and reproduction of bourgeois cultural capital. Bearing this in mind it is not surprising to find a number of concerns about the evils of saloon culture and their contaminating influences upon the university milieu. The UO itself was the embodiment of order and decorum. The drinking of alcohol was outlawed on campus. However, the influence of the UO was not confined to campus life. The city fathers were aware that the whole town had to aspire to orderliness. The overt illegalities associated with saloon life were clearly incompatible with these rising notions of orderliness. The growing presence of the UO from autumn 1876 seems to have disturbed the equilibrium established between the opposing factions in the temperance debate.

The antagonism and conflict over the place of saloon culture in a rising municipality increased when S. J. Saxon, a local saloon owner, presented a petition to the council seeking the repeal of the Sunday Closing Laws (Gu, 15 Jan. 1876).³ The council denied this request. In Oregon's leading Republican newspaper, the Oregonian, reports appeared that the Sunday Closing Law was being broken with impunity in Eugene. Saloon owners were reported to have been selling liquor via their backdoors. The Guard vigorously defended saloon culture by arguing that the Oregonian had no evidence to support its claims (Gu, 1 April 1876).

The hegemonic discourse constructed out of the struggle over temperance reached such a pitch that the municipal election of 1876 was the first ever to be contested around saloon illegalities. The temperance lobby formally identified itself as the "courthouse" faction in an attempt to conflate disciplined drinking with law and order. Nevertheless the Democrat backed saloon owners carried the day. Among the newly elected councillors was James McClaren, a saloon owner. The defeated ticket included J. G. Gray, a leading Republican who in 1877 became a partner in the chief manufacturing venture in Eugene (the Flouring Mills) and N. L. Packard who had been a financial backer of Ben Holladay's OCR. The defeat of those who favoured the rise of the economy of laissez faire capitalism attests to the strength of the local Democrat machines.

The OSJ was quick to lament that the victory of McClaren et al. represented a blow to those who favoured diligent policing. Indeed it appears as though the selective policing practices established during the 1869-73 period continued until the spring of 1878. From around Spring 1878 we begin to detect a change in the policing of saloon culture and liquor consumption. It is over the March 1878-March 1879 period that we find the first attempt to record (and later publish) annual arrest figures. The OSJ, with its concern for municipal order, notes that 12 of the 15 arrests of the year were for drunkenness (OSJ, 15 March 1879). It is possible that this reporting and the arrests themselves represent a swing toward the tighter policing of some of the illegalities associated with liquor consumption.

During this same year (1878-9) it appears that criticism had been directed at local lawyers for their anti-temperance position. Accusations had been made in the press that lawyers were opposed to temperance because a lot of their business was generated by illegalities

arising from intemperance. An anonymous lawyer addressed these charges in a letter to the OSJ in January 1879. He argued that of the 447 cases on the circuit court docket from 1874-78, only two were caused by intemperance (OSJ, 11 January 1879).⁴ This piece of research highlights the escalation of the temperance discourse and also points to the largely spurious connections between drinking and officially recorded crime from 1874-8.

As we have noted, the struggle between the saloon lobby and the forces of temperance reflected a much deeper schism in the area of class relations between those who broadly favoured agricultural self sufficiency and those who backed the economy of laissez faire capitalism. The city elections between 1879 and 1883 were all fought over the temperance issue. The emergence of Republican ascendancy in 1883 brought with it a tightening of discipline in the field of liquor illegalities. This tightening began with an ordinance which redefined the common drunkard. The number of householder's signatures required on the petition was reduced from 20 (1870) to 12 (1883). The period of time that a person had to have been observed to be in the habit of becoming grossly drunk was reduced from one month (1870) to 10 days (1883). This redefinition was not met with committed opposition from the saloon lobby. Neither do there appear to have been any more efforts to repeal the Sunday Closing Laws. These processes were clear signs of a shift in the temperance discourse. New boundaries and new notions of acceptability appear to have crystallized out of the 1876-83 period.

This hegemonic shift has to be located within wider historical parameters. As mentioned, the Republicans took control of the state government in 1884. During that same year the first transcontinental rail connections linked Oregon to the American interior. This link opened Oregon to the westward expansion of the capitalist economy. Both

settlers and new capital moved west. The local hegemony in relation to liquor was part of the emergence of a wide range of disciplinary possibilities made available to the growing municipalities. These possibilities were associated with religious, legal and moral truths. Notions of "danger" came to be polarized against the benefits of safety, stability and order. The linkage between these dichotomies and the tightening of the policing of liquor illegalities is captured by a pronouncement from the Lane County Republican Party Convention of 1884. One of the main points of the platform stressed that,

"We demand certain and speedy punishment on conviction of crime against persons and property within the state; and the right of the people to suppress the evils growing out of the indiscriminate and unlawful use and sale of intoxicating liquors." (Gu, 5 April 1884)

From 1884 the temperance discourse faded from the public eye. None of the city elections between 1884-92 dwelt on the illegalities associated with saloon culture. We might reasonably speculate that the limits of these delinquencies were renegotiated with the local assumption of municipal control by the Republicans. This probably meant that a slight shift occurred in the nature of selective policing tactics. The result of this shift might have been a lessening of the visibility of these illegalities. It was not until 1892 that the temperance discourse resurfaces in the mayoral address of Republican Mayor McClung. He noted that,

"Eugene is the acknowledged educational centre of the state and therefore we need to set an example. Tougher laws are required to set an example to those parents who might want to send their children here for school (UO) . . . we must set an example of sobriety and good order to induce this "class" to come among us."⁵

McClung's position represents a further attempt to tighten the screws upon saloon culture. It was McClung, who as Chairman of the Council Judiciary Committee, had been responsible for introducing the motion to "appoint" rather than "elect" the marshal. (1889). As I have

already noted in Chapter 11, this brought the practice of policing more into line with the managerial directives of the council. We might regard this as an important step in the development of governmentality in Eugene. McClung's 1892 address also drew attention to the remaining illegalities of saloons. In another statement he stressed that more liquor was consumed on Sundays than on any other day of the week. This antipathy towards saloons was expressed in his re-election campaign in 1893. McClung proposed that saloon licenses should only be granted if the majority of the electorate approved them. As head of the Temperance League Committee, he made this the main point in his campaign for re-election.

Other local Republicans, led by merchant Sam Friendly, were far more cautious about disturbing the fragile and negotiated power relationship concerning the regulation and policing of saloon culture. Friendly campaigned for mayor on what he called the People's Ticket. He opposed McClung's position on saloon licensing. The People's Ticket argued that McClung's approach would merely drive drinking underground rather than limit its excesses. Instead, Friendly advocated raising saloon license fees. As these two men were the only mayoral candidates in 1893 we can safely note that the hegemonic discourse on temperance had undergone a mutation between 1876 and 1892. The polarities had changed from Sunday Opening v Strict enforcement of closing laws (1876), to higher licensing (Friendly, 1893) v granting of licenses subject to electoral approval (McClung, 1893).

McClung's somewhat drastic approach to saloon culture probably cost him the 1893 election. Sam Friendly's victory attests to the enduring influence of the saloon lobby. It also attests to the fact that many Republicans saw saloons as both a source of municipal revenue and a source of disorder. Having won the election on his stance on liquor,

Friendly had to demonstrate that his administration could curb the obvious excesses that McClung was alluding to. The silence which descended upon the temperance discourse during the Friendly administration suggests that the visibility of saloon illegalities was appropriately regulated through changes in policing. This style of policing turned upon observation and containment rather than outright repression. Friendly saw the value in disciplining saloons and the liquor trade to the point where saloons were useful and politically more malleable. This approach contrasted with McClung's more repressive tactics.

The policing of saloons between 1893 and 1895 was in all likelihood more subtle, measured and calculated. As such, this tactic was part of the much wider deployment of disciplinary power. We might speculate that the police began to know more about saloon excesses without necessarily closing them down or tightly enforcing the law. The construction of drinking related illegalities as a "social problem" reflected a growing discursive concern to present rational, calculable and predictable behaviour as the most desirable *modus operandi*. What we see here is the desire to fix or regulate bodily movements, gestures, speech patterns and attitudes. However, the setting was not the enclosed institution or the workplace, but rather the traditional site of leisure for men in an economy based upon self sufficient agriculture. The eclipse of this mode of production was reflected in the mutations in the temperance discourse and the various shifts in the policing of saloons. In the final analysis this was a new call for order in the field of leisure.

The Respectability Discourse: The Policing of
Criminality, Leisure and Morality

Many homologies exist between the social construction of the respectability discourse and the political generation of the temperance discourse. Perhaps the most significant aspect of the policing of criminality, leisure and morality was the refinement of a number of selective strategies. The boundaries between criminality and leisure were particularly cloudy in the 1860s in Eugene. During this decade, social life seems to have been punctuated with an usually high number of murders and acts of violence between men (Walling, 1884). However we cannot trace the respectability discourse to the social reaction to these atrocities during the 1860s.⁶ Rather the respectability discourse emerges amidst the first great period of settlement from 1869-73. In other words the statements of this discourse emerged not as a response to the heinous nature of certain criminal acts, but, rather as a discovery of and an answer to, the character of individuals involved in various forms of minor disorderly conduct. For example, the OSJ's relative nonchalance in the face of multiple murders during the 1860s contrasts sharply with its change of tone between 1869 and 1873.

The first of a series of comments or articles on disorderly conduct appears in 1869.

"But a few evenings ago a crowd of drunken ruffians prowled through the streets at the hour of midnight . . . and visited the residences of private citizens abusing them with the most unbecoming language and even with threats of violence. . . but having . . . laws, religion and all the blessings that uninterrupted prosperity and good fortune can bestow upon us, shall we allow a name to go abroad that will designate us as barbarians?" OSJ, 27 Feb. 1869)

The policing response to this disorderly behaviour seems to have been twofold. First, at the request of the OSJ and leading businessmen the council hired D. C. Felch as nightwatch from April 1869. Second, a

small building was erected near the county jail to accommodate prisoners taken by the nightwatch. It is difficult to gauge the effect Felch had on the night life of a growing town like Eugene. According to the OSJ the town was much quieter by the autumn of 1869 (OSJ, 2 Oct. 1869). It was around this time that Felch shot one Robert Hadley in the shoulder after an argument between the two men. A year later, Felch shot Hadley three times, killing him. The Guard was critical of Felch and argued that Hadley had been both intoxicated and unarmed. An inquiry nevertheless found the killing to be justified as Hadley had apparently jested behind his own back as if to go for a gun (Walling:387).

In contrast to the OSJ, the Guard promoted forms of recreation such as horseracing, footracing, fistfighting and cockfighting. All of these leisure pursuits attracted gamblers. Gambling was also one of the excesses of saloon culture. A letter to the editor of the Guard in 1871 from a "taxpayer" reminded readers that,

"Public gambling is going on in nearly all the saloons in town." (Gu, 9 Dec. 1871)

Gambling was contrary to the new forms of work discipline that were beginning to appear in Eugene in the early 1870s. As a leisure pursuit gambling embodied a certain flippancy towards the accumulation of wealth. A good gambler was able to avoid the rigours of regular wage labour. It is not surprising therefore to find the OSJ referring to gambling as a disreputable form of recreation and linking it to the other excesses of saloon culture. Quoting from the San Francisco Chronicle, the OSJ contrasted the unacceptable excitement of the gambling table with honest work discipline.

"There are those among us to whom the excitement of the gaming table has become almost a necessity, but they are few in number compared with those who seek their bread by honest industry, and for whom the chink of the gamblers gold has no allurements" (OSJ, 10 Feb. 1872)

It seems that gambling continued in the saloons and elsewhere in town in spite of the passage of a state law prohibiting it in 1868. In all likelihood the toning down of the visible illegalities of saloon culture probably meant that saloon gambling became subterranean at certain times. This would have required the complicity of the marshal, sheriff and nightwatch. Given the fact that law enforcement officers had to post a considerable bond before entering office and that saloons were centres of machine politics, it is not unreasonable to suggest that saloon culture and police personnel were intimately connected, especially during the early period of Democrat domination. This type of relationship would help explain the selective policing of saloon illegalities in general and gambling in particular. One thing is clear: gambling was a fact of life in Eugene over the entire 1853-96 period. We find little mention of gambling after the spate of articles on it between 1870-3. The silence suggests that the limits of gambling had been renegotiated and the policing of gambling redefined. While gambling could be condemned it clearly could not be eradicated. This seems to mark one of the limits of penetration of the new techniques of discipline which emerged as Eugene became a more "settled" community.

Other cultural pursuits seem to have been undermined with greater success. We might note the promotion of certain cultural phenomena over others, through the raising and lowering of licensing fees. This administrative procedure bypassed policing and simply made more "respectable forms" of cultural life easier to present to the public. For example, in 1889 Mayor Hovey's administration raised the cost of licenses for liquor sellers from \$400 to \$500 per year and for circuses from \$35 to \$100 per performance. At the same time the cost of theatre licenses was lowered from \$15-20 to \$3-5 per performance (OSJ, 23 Nov. 1889). This differential weighting of license fees might be seen as a

system of signs which designated the cultural value of various forms of leisure. Circuses and fairs apparently attracted a disorderly element which required the temporary hiring of special police officers.

Theatrical performances on the other hand catered to a better disciplined and more law abiding sector of the community. However this support for theatre did not extend to all forms of theatre. On April 24, 1894 we learn that the council reluctantly agreed to grant a license to the Evans-Sontag Theatre Troupe.⁷ Mayor Friendly opposed the granting of this license but his legal adviser said the city did not have the right to refuse. However, the next day in a hastily called council session the mayor introduced an entirely new ordinance which restrained improper theatrical performances.⁸ This quickly became law. The Evans-Sontag Troupe was then denied the right to perform on the grounds that in the City Recorder's opinion their performance would be,

"unchaste or otherwise demoralizing in its tendency." (OSJ, 28 April 1894).

(As I will suggest later, this policing of cultural pursuits was linked to much wider currents in the field of class relations.)

The role of the press and city council in the construction of the respectability discourse was another aspect of the rise of governmentality in Eugene. The further amplification of linkages between criminality, leisure and morality continued with the emergence of the idleness discourse. It is in this direction that my analysis proceeds.

The Idleness Discourse and the Policing of Vagrancy

As the town of Eugene began to grow and the economy of laissez faire capitalism took root, a discourse developed around the phenomenon of idleness. Those unable or unwilling to participate in regular paid work became the targets of a new social stigma. This stigmatization had at least two local effects. Firstly, various legal and policing

strategies were activated and trained on the unemployed. Secondly, the creation of the unemployed as "folk devils" contributed to the general circulation of new work habits and the emergence of an association between idleness and character pathology.

The idleness discourse emerged in the aftermath of the 1873-6 Depression. The first concerns about idleness can be traced to the time of the establishment of the UO (1876) and the revitalization of the temperance discourse (1876). For example on July 9, 1877 the city council passed an ordinance against vagrancy. The law was directed at,

"all persons having no visible means of support, or lawful occupation or employment by which to earn a living."⁹

There is a marked increase in the late 1870s in the reporting of the threat posed by tramps. Numerous connections begin to be made between vagrancy and criminality. For example, when Mr. Jack Mayo was robbed of \$57 at the St. Charles Hotel in August 1879, two beggars were arrested as possible suspects. However, the City Recorder could find no evidence against them. Nevertheless, the Guard still warned,

"Citizens cannot be too careful, for the county is full of tramps." (Gu, 30 Aug. 1879)

In what was probably a reference to the same two tramps, the OSJ drew attention to the fact that two Italian beggars with \$50 in their possession, had stayed one night in the St. Charles Hotel. The OSJ informs us that the next day these men were begging again. Apparently the vagrants were "able bodied men" (OSJ, 30 Aug. 1879).

Reports like these amplified the connections between work discipline, criminality and disreputable behaviour. The apparent flippancy of these beggars towards money and their willingness to stay in a hotel one night (and possibly gamble) and beg the next day was a clear indication of their pathology. We can see this image of pathology

in the language used to discuss tramping. For example, in August 1879 the Guard warns its readers that,

"Tramps are currently "infesting" every community." (Gu, 16 Aug. 1879)

As the construction of folk devils began, we can trace important changes in the policing of idleness. In 1881 the local polity furnished law enforcement officers with a legal instrument to police tramps who used the trains to travel into and out of Eugene. It read,

"Any person or persons who shall, within the corporate limits of . . . Eugene, climb, jump or get upon, or off, of any railroad coach, car or train while in motion or switching, shall . . . be fined not less than five or more than twenty dollars, or be imprisoned in the city jail not to exceed ten days; provided nothing in this section shall apply to employees or passengers getting on or off trains."¹⁰

By 1883 the definition of vagrant had been refined and extended to include a,

"person having no visible means of support, or lawful occupation or employment, by which to earn a living; all healthy persons who shall be found begging their means of support; all persons who habitually roam about the streets without any lawful business; all idle or dissolute persons . . . shall be fined not exceeding \$100, or imprisoned at hard labour not exceeding 20 days."¹¹

As tramping was politicized and vagrants began to be seen as folk devils, the gaze of local police began to turn towards tramps. This seems to have begun in the early 1880s. Edward Bailey was arrested in February 1881 for illegally boarding a train. He was fined \$10 (Gu, 12 Feb. 1881). The winter of 1882-3 witnessed an escalation in the policing of vagrancy. At one point the OSJ reports,

"A number of very hard looking citizens have put in an appearance in this city during the last week but were promptly fired by Marshal Attebury." (OSJ, 24 Mar. 1883)

It seems that this intensification of the police focus on tramps led to vagrants developing new strategies to enter Eugene. In 1883 we find two tramps arrested for attempting to ride into Eugene on the underside of a train. This attempt at concealment may have meant that

TABLE 13.1. To show the rising disparity between arrests and convictions for various years between 1879 and 1889, as a possible indicator of the emergence of selective law enforcement strategies.¹⁵

Year	No. of Arrests	No. of Convictions	Percent Convictions	Possible False Arrests or Informal Dismissals
1879-80	20	25	89	3
1880-1	34	29	85	5
1885-6	87	31	36	56
1888-9	255	62	24	194

regard to tramping. We cannot rule out the possibility that the arrest/conviction disparity may have included other offences that were simply "false arrests." However it seems likely that the discrepancy reflects informal dismissal of tramping charges on the proviso that the tramps leave town. (As I will discuss in the next chapter, this practice of dismissing charges, subject to vagrants leaving Eugene, carried on well into the 20th century.)

Members of the chain gang, many of whom were vagrants who could not afford to pay their fines, served to disseminate simultaneous images of idleness and disciplined labour. The tramps inclusion in the chain gang was a sign of their idleness. Their shackles warned of their potential danger. This danger was associated with both the lethargy of these men and their possible criminal tendencies. This spectacle presented some of the citizens of Eugene with their own prospects in a changing economic formation. On the one hand there was the increasing "option" of selling one's labour power and being "industrious." On the other hand there was the possibility of becoming a folk devil with all the notions of exclusion that that entailed. What we see during the 1880s

is the growing presentation of a choice between on the one hand manacled labour, and, on the other, labour through self discipline.

The insertion of images of criminality into the discourse on work and idleness gave rise to a network of connections between the later 19th century hegemonic discourses. Policing was of pivotal importance here. Law enforcement officers mediated between and managed the growing numbers of displaced and marginal workers who passed through Eugene. The role of the police with regard to vagrancy became more important as a moral panic arose concerning tramping during the 1893-6 Depression. Amidst the malaise of this Depression the image of the tramp as a folk devil became a much more prominent cultural symbol. It is during this short period that we witness a growing number of convergences between the hegemonic discourses related to temperance, respectability, idleness and labour radicalism.

In his mayoral address in 1892 Mayor McClung warned of the "element arriving in all towns at the moment that cannot be checked by the limited police force."¹⁴

As the number of tramps increased over the winter of 1892-3 the OSJ recommended that state authorities force tramps to work for six months. Like McClung, the OSJ stressed the widespread threat of vagrants,

"Tramps, loafers and petty thieves are overrunning the Willamette Valley at this time." (OSJ, 28 Jan. 1893)

A number of events led to the amplification of these deviant images of tramping. There were a number of convergences between the temperance and idleness discourses at this time. For example, in August 1893 the OSJ reported that six vagrants had been camped in the brush near the Eugene Flour Mill. A drunken brawl ensued during which one of the vagrants was beaten

"nearly to death." (OSJ, 12 Aug. 1893)

Reports like this tended to create the impression that the behaviour of transients knew few bounds. Public perceptions of vagrants moved more in the direction of fear. These fears assumed the dimensions of a moral panic as the public learned of large numbers of vagrants organizing themselves in order to travel free on the trains (OSJ, 11 Nov. 1893). The police were a central component in the construction of the panic. The council hired additional night watchmen from time to time to assist in removing tramps from town.¹⁵ During the winter of 1893-4 tramping became a daily policing problem. Between 50 and 150 tramps passed through Eugene each day. In March 1894 nightwatch Matthews informed the Guard that 10-15 vagrants were lodged in the jail each night (Gu, 31 March 1893).

The idleness discourse also permeated the schools. Children in Eugene were taught to distinguish between "deserving" and "undeserving" poor. Pupils in each class were asked to report on "persons in need." Teachers then compiled needy lists and gave them to the Women's Relief Corps which supervised the distribution of food (Gu, 31 Dec. 1893). There were similarities here between learning to identify the "genuinely needy" and coming to know or recognize the nature of the criminal or insane character. Each of these related insights were based upon normalizing judgments about the true essence of subjects. Underpinning this discursive formation were concepts of social pathology and danger which we might view as being directed towards the exclusion of certain character types. These rituals of exclusion reach fever pitch as members of Coxey's Army of Unemployed passed through Eugene in late April 1894. The Army was en route to Portland in preparation for the trek east to agitate the U.S. Congress for more jobs. Marshal Eastland and the city recorder responded to the unemployed by arresting them and putting them to work on the streets (Gu, 28 April 1894). At the same

time as these arrests were being made, the SPRC temporarily refused tramps all access to trains (DG, 28 April 1894). This tactic almost certainly reduced the number of Coxeyites who gathered in Portland.

We will recall that it was during this last week of April 1894 that the city council refused to license the Evans-Sontag Theatre Troupe. This was due to the suspicion of the city recorder that the theatrical production would be "unchaste or demoralizing." We can only speculate that this theatre troupe was in some way associated with, or sympathetic towards, the Coxeyites. Again we note the linkage between respectability and idleness discourses, as well as appreciating the connections between these discourses and the rise of Populism.

The Guard and the OSJ had similar views of the Coxeyites. The Guard saw them as a menace (Gu, 21 April 1894). This convergence of viewpoints was a highly significant development in the hegemonic discourse concerning idleness. Up to this point the Guard had often articulated a political position which was critical of, or skeptical about, the disciplines associated with the growth of laissez faire capitalism. However, as the spectre of widespread malaise touched the growing town, we begin to see the appearance of moral judgments in the Guard which pathologize the characters of the unemployed, while leaving intact the rising social relations of capitalism. This realignment in the hegemonic discourse whereby the Guard and the OSJ both approached the issue of Coxeyism from the same angle was homologous to the shifts in the temperance discourse during the 1893-6 Depression. This observation suggests the existence of common underlying structures which influenced the formation of these discourses.

During this period of moral panic we can identify the beginnings of a shift from what Gramsci had called the moment of consent to the moment of coercion. The threat of disorder was used as a rationale for the

introduction of tougher policing methods. I have already noted the forced labour of the Coxeyites and the banning of the Evans-Sontag performance. Within a week of these measures we find councillor G. B. Dorris warning that the unemployed would not be fed by the city and that extra police would be hired to deal with them (DG, 9 May 1894). Local businessmen were still not satisfied with this response and they demanded additional strengthening of the municipal police. This dissatisfaction may have been an important factor in the appointment of Mayor Matlock, a Democrat, in 1895. This broke the chain of Republican mayors from 1883-95.

As I noted in Chapter 11, it was during Matlock's administration that we begin to witness the modernization of the EPD. His initial commitment to law enforcement was through measures such as providing the marshal with a telephone¹⁶ and issuing stars and clubs for special officers.¹⁷ He also came to an arrangement with the business community about the appointment of an assistant nightwatch, a Mr. Cardwell. Businessmen were to pay Cardwell's salary, but the local polity were to direct Cardwell's activities. Matlock's commitment to modernizing the local police and catering to local businessmen was all the more significant given his class background. As mentioned in Appendix I, Matlock could be seen as a member of both the well established agricultural bourgeoisie and the newer industrial bourgeoisie. His party political affiliation to the Democrats implies a stronger connection with the agricultural bourgeoisie. Matlock's mayoral victory at a time of social and economic crisis reflects the closer ties between the ascendant classes in urban and rural areas. As a Democrat, the Matlock mayoralty also reflects the homogenization of political strategies within the formal continuum of tactics ranging from Democrat to Republican. In other words we see a convergence in the field of

party politics. Matlock's Democrat philosophy was not tinged with a Populist sympathy for the unemployed. As a Democrat, he was willing to support many of the initiatives which were consistent with the rise of laissez faire capitalism. This convergence recalls the reorientation of the temperance and idleness discourses during the 1893-6 Depression. At still another level, convergences between Democrats and Republicans remind us of the growing ascendancy of town over country and capitalism over self sufficient agriculture. In the final analysis we might regard Matlock's victory as a sign of the endorsement of the idleness discourse among the ranks of more traditional Democrats.

The centrality of the law and order issue during this Depression serves to remind us of the pivotal importance of a system of police in terms of mediating and managing class relations. Notwithstanding the real effects of removing folk devils or inserting them as links in a chain gang, it seems that we ought to look elsewhere to further appreciate the effects of policing during the 1893-6 period. It is inconceivable that the small numbers of police did little more than superficially manage (in a physical sense) a certain number of the unemployed. However, we might speculate that the police acted as a vehicle for the amplification of the various discourses related to temperance, respectability and idleness. As I have argued earlier, these hegemonic discourses were part of a discursive formation directed at the dissemination of normalizing judgments and the introduction of new techniques of discipline. These techniques came to be inscribed in the field of class relations, but were not limited to that particular modality of power. It seems that we might best understand the role of policing by appreciating the part played by law enforcement in the dissemination of these techniques of power. My focus has been on the arena of class relations. In this domain the local police were

critically important actors in the attempted reformation of the human character in terms of inculcating appropriate leisure pursuits, manners, language and time discipline. The activities of the police at the interface of the "normal" and the "pathological," provided a model and set a precedent for the entire settled community. This was a political precedent towards which the community might aspire. The policing of folk devils provided a possibility for the populace to police itself in accordance with the leads given by law enforcement officers. This political precedent was part of the new grid of governmentality, which was directed at the constitution of a particular kind of social order.

Tracing the Beginnings of the Local Discourse
on Labour Radicalism

W. A. Williams has observed that in America,

"In the 1890s there was a powerful and pervasive concept afloat that the country faced a fateful choice between order and chaos." (1961:353)

Images of chaos reverberated throughout the United States in the 20 years after the initial skirmishes between capital and labour during the late 1870s. These images were also associated with urbanization and the spectre of widespread unemployment, created by two severe Depressions (1873-6, 1893-6). At local level, the issue of disorder in connection with labour radicalism was perhaps the last of the local hegemonic discourses to emerge. It is towards the birth of this discourse and the embryonic policing of labour that I now turn.

The early hegemonic discourse which emerged around labour radicalism tended to be concerned with national issues. This was understandable given the low number of wage workers in Lane County and the limited influence of local unions in the 19th century. One of the first linkages between national and local discursive currents seems to have occurred in an OSJ article which examined an arson attack on the

home of Doctor Sheldon in Eugene. This article appeared in 1887 and is clearly cognizant of images of anarchism and disorder. We might speculate that the writer had the Haymarket Anarchist bombing in Chicago (1886) fresh in his mind. The OSJ observed,

"We think the county or city authorities should offer a large reward for the discovery and arrest of the incendiary. No crime can be greater than this. Destroying property is next to destroying life, and these incendiaries, anarchists and growlers, who are always talking about the rights of labour but will not work themselves, and gratify their spite and envy by destroying or appropriating to their own use the earnings of other people, are worse in some respects than murderers." (OSJ, 3 Dec. 1887)

The references to unemployment, the refusal to work, labour activism, anarchy and serious criminality, marked the political boundaries of a new discursive formation dealing with the parameters of labour's resistance. This discourse can first be traced to the OSJ and later the Guard (prior to the 1893-6 Depression the Guard tended to be more critical of the exploitation of wage labour). However this rough polarization between Republican and Democrat newspapers began to shift during the 1890s. For example, during the 1894 National Railroad Strike, the Guard sided with employers and carried a quote from one Doctor McInturff who asserted that,

"Business must not be paralyzed. Outside the gates of every manufactory men must contract to work according to conditions specified. A strike costs too much. The greatest tyranny is the tyranny of a man like Debs . . . Pure Americans do not strike. America for the Americans should be the cry everywhere. Anarchism must die."¹⁸ (Gu, 28 July 1894)

The realignment of the Guard to the side of large employers reflects an amplification of the antipathy towards labour radicalism. Here again we see an hegemonic shift comparable to the mutations in the discourses concerned with temperance, respectability and idleness.

There was little overt conflict between employers and employees in Lane County during the 1853-96 period. The most notable large scale dispute was the fisherman's strike in the Lane County coastal town of

Florence (1895). I will briefly discuss the strike in order to highlight the local elaboration of the labour radicalism discourse. In reporting the strike the Register reconstructed and affirmed earlier elements of the discourse by devaluing the effectiveness of the strike as a form of labour resistance,

"The story as near as can be learned at present, is the old one of a few discontented labourers endeavouring to dictate to employers "business management," with the usual result of the labourers being thrown out of employment." (ER, 4 Oct. 1895)

The Register likened the strikers to criminals. We learn for example, how strikers cut the lines of those fishermen who did not support the strike. Innocent bystanders were apparently threatened by strikers. This was also the approach of the OSJ which stated that,

"The canneries have won and the fishermen are knocked out. They lose almost a season's fishing. A strike invariably goes against the strikers." (OSJ, 19 Oct. 1895)

Lane County Sheriff's deputies arrested a number of strikers for "causing a riot." At the time of the November 1895 trial the OSJ presented employers and strikers as the forces of law and order and criminality respectively. (This dichotomy recalls structural alignments between "normal" and "pathological" in the other hegemonic discourses.) Reporting on the Grand Jury hearing the OSJ commented,

"We . . . thought it should be settled whether law and order or criminal forces should rule Lane County." (OSJ, 2 Nov. 1895)

If we distance ourselves from the local press in Eugene and examine the Florence West newspaper, we get a different perspective on the strike. Firstly, the "few discontented labourers" were in fact the 119 members of the Siuslaw River Fishermen's Protective Union (SRFPU) (FW, 4 Oct. 1895). Secondly, we learn that the strikers employed "nonviolent" means to frustrate strikebreakers. Thirdly, we note that the SRFPU won the removal of transportation charges of one cent per fish levied by the cannery (FW, 18 Oct. 1895). The Eugene press failed to note this

concession won by the union. Finally we note that the 11 strikers charged with "riot" were all acquitted. The Grand Jury questioned a large number of witnesses from the strike scene and concluded that there were no charges to answer.¹⁹

The early labour radicalism discourse was fueled by only a few local incidents. The direction of the discourse and its hegemonic complexion is exposed when one considers the reporting of the Florence strike by newspapers such as the OSJ and the Register. This strike is instructive since it also directs our attention to the "localized" nature of this hegemony. In the coastal town of Florence where the cannery was undoubtedly a powerful economic force, the strike was not only reported differently in a factual sense. It was also contextualized differently in a political sense.

Policing and Sociality in 19th Century Eugene
and Lane County, Concluding Remarks

We have seen from Chapter 12 that local police in the 19th century were intimately involved in the formation of the social body. We saw how law enforcement touched diverse areas of social life concerning business activity, political life, health, safety and criminality. In a sense we might say that the police were responsible for the initial implementation of a regime of order. This regime reflected many of the imperatives of the municipal charter. As municipal culture began to crystallize we see the process of policing being directed at a number of "problem" areas in social life. I have discussed the areas of temperance, respectability, idleness and labour radicalism as focal concerns in the policing of class relations. These concerns were politically generated and discursively represented in a number of ways. I have not suggested that the discourses mechanically directed policing policies and practices. Rather I have argued for a complex articulation

between the two. In the final analysis the specific actions of police were dependent upon the idiosyncracies of individual officers who, to some degree, had their own *modus operandi*. I am therefore arguing that policing was a negotiated and discretionary strategy of government which, in part, sought the creation of disciplined policed subjects vis a vis time and work discipline, drinking habits, demeanour, language taste and politicality.

Police surveillance of "problem" behaviour was an early sign of the rise of a local disciplinary society. However, as we have seen, the local community was far from being a disciplined social body. The resistance of the policed populace was displayed through a number of strategies of evasion and subversion. At this stage in the history of Eugene we are struck by the embryonic nature of police disciplinary practices. The marshal-sheriff-nightwatch system worked at two levels. Firstly, we must note the physical regulation of tramps, drunkards, occasional strikers, etc. Secondly, we ought to be aware of the more consensual side of policing which acted to disseminate and amplify regimes of truth about individuals. These truths referred to the desirable, correct or appropriate manner of behaving. It is this second function of policing which recalls the part played by carceral institutions in the creation and refinement of normalizing judgements. This attempt to constitute normative order, as we saw in Chapter 12, provided a justification for the increasing surveillance of the social body by governmental agencies such as the police.

The rise of the disciplined policed subject vis a vis temperance, respectability, idleness and labour radicalism might be seen as the thin end of the wedge in terms of the deployment of disciplinary power by local police in the arena of class struggle. However, we must not exaggerate the surveillance capabilities of these early police forces.

It was not until the birth of large scale lumber capitalism and the rise of more legitimate forms of representative democracy in Oregon that we witness the growth of a more sophisticated and penetrating network of rational bureaucratic law enforcement. It is in this direction that my analysis now turns.

References and Notes

¹See State v. Coleman; State v. McClaren; State v. Brannin; State v. Elliot; State v. Saxon; all in April 1869 in Lane County Circuit Court.

²Gu, 24 April 1869; 3 arrests for drunkenness that week; Gu, 20 Aug. 1870 reference to only one arrest for drunkenness "this week"; Gu, 3 December 1870; 4 arrests that week. On August 12, 1871 the Guard noted 11 arrests for the month "so far." There were 2 arrests for drunkenness and disorderly conduct in the week ending 7 October 1871. Also see Gu, 17 Aug. 1872.

³Note also Saxon's conviction in April 1869 for breaking the Closing Law. (Gu, 24 April 1869).

⁴My own reading of some of these cases indicates that the number of 2 cases out of 447 is a little low. For a start it is clear that intemperance was a major issue in the divorce cases Read v. Read; Beatty v. Beatty; and Russell v. Russell. See Appendix H for details. All these cases were heard between 1874 and 1878.

⁵Council Minutes 11 April 1892; 1:429-30.

⁶There is little more than passing observations in the OSJ to the murders referred to in Walling's (1884) book. The OSJ did little more than mention Henry Deadmond's murder of 2 mining friends Isbell and Meek on 31 December 1864. Likewise the killing of Riley Deadmond by Stephen Gardner in the Long Tom Saloon drew few calls for respectable ways to solve altercations.

⁷Council Minutes; 2:61.

⁸Council Minutes; 2:61-4.

⁹City Laws, Chapter 4, Title I, Section II, p. 48, 1883.

¹⁰City Laws (C.L.) 1883: Chapter 4, Title I, Section 10, pp. 47-8.

¹¹C.L. 1883: 4, I, 11, 48.

¹²See for example OSJ, 20 Oct. 1883 and OSJ, 17 Nov. 1883.

¹³Information from Table 13.1 was drawn from Gu, 17 April 1880; Gu, 16 April 1881; OSJ, 13 April 1889; and the Mayor's Annual Address, April 1886.

¹⁴Council Minutes, 11 April 1892, 1:429.

¹⁵For example in October 1893 Frank Goodman was hired as nightwatch. One of his first jobs was the removal of 31 vagrants on October 9, 1893. See OSJ, 14 Oct. 1893 for details.

¹⁶Council Minutes, 23 May 1895.

¹⁷Council Minutes, 10 June 1895.

¹⁸Eugene Debs was leader of the striking American Railway Union who later became a Socialist Party Presidential Candidate (1912).

¹⁹The cases were State of Oregon v. Saunders, Allen, Hartley, Barber, Butterfield, Bradley, Row, Crow, Doe, Sweet and Brynce.

CHAPTER 14

POLICING THE CLASS RELATIONS OF LARGE
SCALE CAPITALIST PRODUCTION

In the last two chapters we have seen how local police were integral parts of a strategy of governmentality which was directed at the orderly management of populations and individuals. As part of this process of ensuring the governability of the citizenry, we find strategies which are consonant with the social reproduction of capitalism. The theory of governmentality includes Marxist notions of social reproduction, but, at the same time transcends them by arguing that political power cannot be derived exclusively from the workings of the capitalist economy. This stipulation is crucial for our understanding of policing as a form of governmentality, rather than solely as an aspect of social reproduction. In other words, while it is essential that we map the way in which local police facilitated the reproduction of conditions largely favourable to capital accumulation, it is even more important to stress that the passivity of local police in other areas of illegality (e.g., familial violence, rape) was also an essential part of governmental strategies. (See Section VI.)

Bearing these provisos in mind we may now proceed to examine the changing character and complexion of local policing in relation to the emergence of large scale lumber capitalism. As I have argued in Chapter 8, the proletariat became a class "in itself" during the 1897-1929 period in Eugene. The IWW and Socialists emerged on a limited scale as the leading edge of working class radicalism. At the same time the bourgeoisie became a class "for itself." These class developments took

place against the context of a polity which became increasingly more "representative," "democratic" and legitimate. As we have seen in Chapter 11, this "expansion" in the field of formal political rights was accompanied by the increased deployment of disciplinary power in the arena of local policing. My task in this chapter is to map the relationship between the rise of a proletariat "in itself," discursive developments vis a vis labour radicalism, idleness and vice (leisure), and the accompanying changes in policing policies and practices.

Many of the hegemonic images in relation to labour radicalism, idleness and vice were cradled in 19th century Eugene. However, discursive formations are subject to continual change. In Eugene we find new currents appearing during the 1897-1929 period as themes of patriotism blend with the stigmatization of labour radicalism and idleness. My appreciation of shifts in law enforcement strategies attempts to be sensitive to these new discursive elements.

As in Chapter 13, I am not suggesting that the policing of labour relations, unemployment and vice were distinct phenomena. Neither am I arguing that the hegemonic discourses associated with these phenomena were mutually exclusive. Rather I suggest that the differential targeting and stigmatization of proletarian life through both discursive elements and selective policing provides a common theme against which to grasp knowledge-power relations in the domain of class struggle. In a nutshell we might say that the hegemonic discourses and the policing strategies which they tended to nurture sought the inculcation of the capitalist work ethic; a compliance with (at best) the tenets of limited wage bargaining through unofficially recognized unions; an apolitical acceptance of one's plight should one join the ranks of the unemployed; a measured restraint and decorum vis a vis certain leisure activities.

Labour Radicalism and the Policing of
Proletariat "In Itself"

As I have documented in Table 7.3, proletarian presence in the socialized economy increased considerably between 1905 (8-26%) and 1930 (48-66%) (see Appendix S). This was accompanied by the emergence of labour organizations. The rise of the EPD as a modern policing institution stems from this period (see Chapter 11). We might appreciate this rise as an integral part of the system of local governmentality which was directed at ensuring an orderly community life. The regulation of labour was an aspect of this deployment of disciplinary power and the spectre of labour radicalism was presented as a threat to this order.

Our knowledge of the policing of the IWW and Socialists in Lane County is incomplete and sketchy. The press, for example, informs us of little if any repression. Local court records tell us nothing of the political background of persons arrested for the types of offences the Wobblies were usually charged with, i.e., public disorder, vagrancy, drunkenness, trespass, etc. This mirrors one of the problems of performing historical research using categories pre-determined by the criminal justice system. Empirical approaches can tell us how many people were arrested and charged with a particular offence. As useful as this might be, it does not tell us anything about the political consciousness of the arrested subject. For example, empiricist historical approaches cannot usually enlighten us as to whether a vagrant was a Wobbly, Socialist, union member or hobo. The shades of politicality that lie behind the subjects of crime statistics are fundamental to our understanding of class struggle. This reflects the wider schism in sociology between interpretivist and positivist methodologies. In the case of class struggle in 20th century Eugene we

cannot assume that social reality is "out there" waiting to be revealed through the manipulation of taken for granted police/court statistics. I am not arguing that local crime statistics are useless as tools for historical analysis. Clearly these numbers tell us something of criminal justice foci. Rather I am suggesting the need for "inductive reasoning" to get behind the numbers. This is a risky but worthwhile venture especially if contextualised against what we know happened in other parts of the Pacific Northwest.

It appears that soon after getting established in Eugene in March 1912 the Wobblies tested the EPD policy on street speaking. Police Chief Bristol refused the IWW permission to talk on Willamette (Main) Street. Instead the Wobblies were informed that peaceful assembly on a side street would be acceptable provided no city laws were broken and no traffic was impeded. Apparently 17 Wobblies were involved in street speaking at this time. The Guard praised what it saw as a liberal policing strategy and noted that a ban on Wobbly street speaking would have attracted IWW campaigners from across the Pacific Northwest (Gu, 28 March 1912). The Guard's position was echoed by the voting public in the November 1912 state elections. An Initiative and Referendum measure to allow public speaking subject to mayoral consent was defeated in Lane County by 3139:2872 votes (Gu, 18 Nov. 1912). Similar attempts to introduce a municipal ordinance failed May 1912 (Gu, 16 May 1912).¹

Local proletarian activism surfaced in the form of the Portland, Eugene and Eastern Railway Company (PEERC) strike in December 1912. This appears to have been the main local labour disturbance during the Progressive Era. A body of 40 strikers walked into Eugene and some attempted to harangue strikebreakers. Local police dispersed these Wobblies and ensured that strikebreakers entered the workplace. There was at least one assault during this strike and local IWW leader J. F.

Morgan was convicted and jailed (Gu, 12 Dec. 1912). Morgan later defiantly wrote to the Guard, vowing that the Wobblies would return to Eugene (Gu, 23 Dec. 1912). Although the PEERC strike received little media coverage in Eugene, it seems to have stirred enough residents to the point of formulating a petition to request an increased police presence in residential areas (Gu, 9 Dec. 1912).

In the party political arena we see an amplification of class struggle during the early months of 1913. Oregon labour unions fought off fierce resistance from employers and managed to ensure the passage of a Workers Compensation Act.² This was accompanied by a series of strikes across Oregon which indicated that the IWW were enlisting considerable support. By May 1913 we find references to Wobbly activism in lumber camps in Marshfield, Bandon, Coquille, Myrtle Point, North Bend, and Florence (Gu, 15 May, 22 May 1913). According to Foner, the IWW battle for higher wages, shorter hours and better living conditions was marked by

"beatings, arrests and raids . . . and deportations of strikers by armed vigilantes, businessmen . . . and . . . agents of lumber barons IWW organizers were rounded up by 600 vigilantes, dragged through the streets of Marshfield, beaten and periodically forced to kneel and kiss an American flag." (4:225)

Across America the entire 1897-1929 period was punctuated with a series of dense convergences between notions of patriotism and anti-labour sentiments. At a local level, an upsurge in patriotism seems to date from the 1898 Spanish-American War.³ These themes were augmented by growing fears of revolution, especially after the assassination of President McKinlay by an alleged anarchist in 1901. In response to this assassination several states passed Criminal Anarchy Laws. At a national level the 1903 Immigration Act was the first of its kind to exclude certain immigrants on grounds of their beliefs and political associations. The blending of discursive elements opposing

proletarian activism, anarchy and the immigration of political activists was also infused with the old established dichotomies of danger/safety, normal/pathological and order/chaos. Above all, labour radicals, anarchists and aliens came to be identified with criminality and a lack of patriotism. It is as an aspect of these currents that we can locate the forcing of labour radicals to kiss the American flag.

The strikes in the sawmills, railroads and logging camps in the aforementioned areas lasted for six months, from May to November 1913. Few reports of brutality directed at the Wobblies appeared in the Eugene press. This incomplete reporting of the nature of class conflict raises the possibility that local forms of repression also went unreported. Whatever the local situation, it is clear that the city council began to take the Wobblies more seriously. In April 1913 a city ordinance was passed by the Initiative and Referendum route which banned street speaking without prior mayoral consent.⁴ This represented a significant shift in the climate of public opinion.

In addition to legal strategies and vigilante tactics we must also note the beginnings of the agitation by leading businessmen for a National Guard Armoury in Eugene. This agitation seems to have begun during the period that Wobbly activism emerged. The Socialists were quick to condemn this possible drain of public funds for militaristic purposes (Gu, 20 March 1913). The Armoury was finally approved in the 1915 legislative session and was formally opened in Eugene in October 1915 (MR, 16 Oct. 1915). The new Armoury was a substantial addition to the modest militia unit established in Eugene in 1887. We might contextualize the further development of this carceral institution against the tremendous population growth of the preceding decade or so. The National Guard served to restore "order" at times of crisis. It seems that the disorder stemming from labour radicalism and the large

numbers of unemployed during the 1913-15 Depression (see next section) were crucially important factors in the timing of the appearance of the Armoury.

The initial flurry of proletarian activism (1912-14) was replaced by Wobbly attempts to organize the unemployed. It was not until the American entry into World War I that we begin to see the arrest of proletarian activists solely on the grounds of their political beliefs. MacColl notes the arrest in September 1917 of Floyd Ramp, a prominent Socialist farmer from Eugene. Ramp apparently encountered a troop train and asked the young soldiers,

"if they knew they were fighting . . . to protect John D. Rockefeller's money." (1979:144)

For these observations, Ramp was arrested under the Espionage Act and served 18 months in federal prison.⁵

In another local incident in November 1917, Lane County's Deputy Sheriff Elkins stepped in to prevent Mr. Allen Eaton from giving a speech at a Eugene church. Eaton had been a UO teacher but was dismissed after participating in the Convention of the People's Council for Democracy in Chicago in September 1917. According to the Morning Register, businessmen had been behind his dismissal. Presumably Eaton was going to talk against U.S. involvement in the war. Apparently several carloads of businessmen had turned up to heckle Eaton and prevent him from speaking. The Morning Register saw Deputy Elkins' action as a

"gross violation of freedom of speech." (MR, 22 Nov. 1917)

Although the widespread repression of labour radicals on grounds of their political beliefs is not something we can readily identify at local level, there is considerable evidence that this harassment occurred throughout the Pacific Northwest. Twenty five Wobblies were murdered by sheriff's deputies and businessmen in the lumber town of

Everett, Washington in November 1916. Three years later in Centralia, Washington a local IWW headquarters was ransacked by members of the American Legion, Chamber of Commerce and Vigilantes. Several labour radicals were murdered (O'Connor, 1981:170-98).

Hoffman and Webb (1986) inform us of the widespread police harassment of Wobblies during the 1917 lumber strike. In Portland a police dragnet operation searched for Wobblies in lodging houses and other known gathering places. IWW men were arrested on petty charges such as vagrancy, peddling handbills without a license or using profane language (1986:349). These writers note that sheriffs, national guardsmen, Spanish-American war veterans and vigilante groups harassed the IWW and raided their halls across Oregon. (This leaves open the possibility that National Guardsmen at the new Eugene Armoury might have been mobilized against local Wobblies.)

The Great Lumber Strike of 1917 fuelled more fears of anarchy, un-Americanism and communism. By taking advantage of the fact that the U.S. government needed to maintain lumber production for the war effort, the strikers won their initial demands. However, this Wobbly strategy of holding the government to ransom led to a mutation in the hegemonic discourse on labour radicalism. The discourse became further saturated with notions of patriotism and fear of aliens. This discursive realignment was made all the more possible by the nativist roots of Oregon's population. In 1917 roughly 85% of the state's residents were native born (MacColl:139). Oregon had one of the most homogeneous white, Anglo-Saxon, Protestant populations in the U.S. Enthusiasm for the American war effort ran very high. For example, Portland's per capita sales of war bonds was unequalled across the country (MacColl:138). Once the hegemonic discourse on labour radicalism became imbued with such a powerful current of patriotism, new policing

strategies began to surface. These strategies began to appear amidst the hysteria following the Bolshevik Revolution in Russia (1917) and the Socialist Revolution in Mexico (1917).

Perhaps the most salient feature of the new policing strategies was their coercive tendencies. This was a national theme in the field of policing between 1917 and 1922. The strategies culminated in the infamous Palmer Raids of January 1920 when roughly 10,000 people were arrested for various reasons by Justice Department agents. Immigration (1917, 1920) and Espionage (1917) Acts were used to deny entry, deport, prevent naturalization and suppress the distribution of radical literature in the mail. These tactics were designed to break the back of radical labour organizations and political groups. A committee of lawyers later concluded that federal agents had used torture techniques, made illegal searches, seizures and arrests, used agent provocateurs and forced aliens to incriminate themselves (Preston:219-25). By 1921 J. Edgar Hoover of the FBI had gathered information on 200,000 so-called "radicals."

Criminal Syndicalism laws were introduced in Oregon in 1919. Syndicalism referred to that tendency in the labour movement to limit the class struggle to the arena of the economy and bypass the polity. These laws were therefore directed at the IWW and its efforts to paralyze the capitalist economy through the General Strike. Under Oregon law, criminal syndicalism was defined as,

"the doctrine which advocated crime, physical violence, arson, destruction of property, sabotage or other unlawful acts or methods as a means of accomplishing or effecting industrial or political ends or as a means of effecting industrial or political revolution, or for profit."⁶

Under this law Communists and Wobblies were arrested in Oregon between November 1919 and May 1920. The number of arrests was low but the prison sentences were long (up to 10 years) and fines heavy (up to

\$1000). Most of the convictions were for mere membership of political organizations (Stone, 1933:47). These laws therefore criminalized certain forms of radicalism. The diligent enforcement of these laws overtly associated the police with the interests of employers. This continued into the early 1920s. We find EPD Chief Christensen ordering 75 Wobblies out of Eugene in October 1922 (MR, 22 Oct. 1922). In the spring of 1923 Oregon's Governor Pierce told Adjutant General White to have machine gun crews, automatic rifle experts and the gas Howitzer squads of the National Guard ready to move against the IWW during a lumber/marine strike.

The convergence between anti-labour and patriotic themes continued to the point of KKK members being granted state and city police commissions during a Portland strike in 1923. Saalfeld notes that the KKK's Black Patrol (a strong arm unit) was used to harass Wobblies and other labour radicals. On one occasion the Black Patrol rounded up four boxcars of Wobblies and shipped them out of Portland in an attempt to break an IWW led strike (1984:47). In Eugene this convergence was equally pronounced. The Klan assumed control of city appointments by winning a majority of council seats in late 1922 (MR, 22 Dec. 1922). Within months the new council had forced the resignation of the Mayor, City Attorney and Police Chief who were all Catholics.

Up to this point I have discussed the possible involvement of local police with IWW free speech campaigns and various strike situations. As Wobbly support increased I have argued that we witness a shift towards coercive policing. This shift is best contextualized against a decline in the consensual politics of Progressivism. We can locate the transition from consensus to coercion to the period from 1912-17. Coercive policing seems to have been very effective in terms of extinguishing the embryonic flames of radicalism. One of the reasons

for this effectiveness was the nativist base of Oregon's population. Another reason was the limited membership of the proletariat. Wage earners were still in the process of becoming a class "in itself." This meant that the base for activism was limited.

The Hegemonic Discourse on Idleness and
the Policing of the Unemployed

The discursive correlations between idleness and criminality continued well into 20th century life in Eugene. Following the tradition established during the late 1870s, the EPD frequently trained its gaze upon those individuals displaced from the socialized labour market. Vagrants continued to be a major policing focus from 1897. It seems that many transients were coercively dealt with by police. For example in 1897 we find that three hoboes had refused to work on the streets. Marshal Stiles chained these men to a telephone pole and later locked them up in a dark cell for five days on a diet of bread and water (OSJ, 6 Nov. 1897). This practice occurred on several occasions (OSJ, 20 Nov. 1897; Gu, 7 July 1900). The selective policing of vagrants which we traced to the 1879-89 period, continued into the early stages of machinofacture. We will remember that some transients were selected to work the streets, while others were run out of town. In March 1903 we find the Guard praising the EPD for rounding up vagrants and marching them out of town.

"This method of dealing with the vagrant element from whence nine-tenths of the crime comes . . . prevents the commission of crimes in our well behaved city." (DG, 17 March 1903)

We catch glimpses in the press of certain law enforcement strategies of some political significance. In the winter of 1903 we find Sheriff Fisk using a sweat box to extract a confession from one Harry Wolf. This device was a box in which hides, etc. were sweated dry. Wolf had been suspected of stealing a rifle and a pair of trousers

from a logging camp near Marcola (Lane County) (Gu, 7 Nov. 1903). Given that many Wobblies were tortured and/or killed in sweat boxes across the country, it is worth noting the early presence and apparent use of these devices in Lane County.

At times of economic depression we find the old schism surfacing between "deserving" and "undeserving" poor. As "genuine" job hunters sought work, the EPD sometimes provided overnight lodging in the form of a jail cell. Police "support" of the poor occasionally extended to linking the deserving but displaced worker up with a local employer. For example in 1908 hoboes rounded up by police were offered work at the Booth-Kelly Company on the construction of a new logging railroad (OSJ, 18 July 1908). Informal systems of liaison between police and employers also seems to have existed in other towns in the Pacific Northwest (Clark, N., 1970).

The lumber industry was particularly prone to cycles of boom and slump. "Cut and run" policies meant that one locality would be stripped of available lumber and economically drained before the lumber company moved on. Work therefore tended to be transient. We witness the rise and fall of whole communities. In many regions of Oregon hillsides were left bare and workers' pockets empty. In the winter logging was difficult and unemployment was common. Logging was also a very dangerous occupation. Workplace injuries and deaths were common. Nevertheless the lumber industry was the backbone of the local economy and the regulation of its labour force was of critical economic and political importance. The Wobblies realized this, and, as noted in Section III, made great strides in the recruitment of lumber workers. For the IWW, unemployment was a direct product of industrial capitalism. The destitution which accompanied loss of work became a political rallying cry.

Wobbly free speech campaigns peaked around 1912-13. From this time on the IWW devoted more energy to organizing the unemployed. Hoffman and Webb inform us that Portland police used the vagrancy laws to control the Unemployment Leagues which were organized by the Wobblies. These Leagues agitated for jobs and relief during the 1913-15 Depression. The writers note that,

"Vagrancy arrests accounted for an increasingly large proportion of the total arrests made by the Portland police . . . from 1912-15. The proportion then dropped sharply in 1916 and 1917, following the end of Unemployment League Protests." (1986:348).

By piecing together data from a variety of sources it is reasonably clear that a similar targeting of transients occurred in Eugene during the 1912-15 period. An Unemployment League run by the IWW seems to have been active in Eugene for most or all of this period. The Proceedings of the City Council in January 1916 inform us that the Unemployment League presented a petition demanding that certain City Charter Amendments be put to the electorate in April of that year.

Table 14.1 gives some idea of the shifts which took place in the official processing of people found guilty of public disorder offences. These arrest figures also tell us that the main focus of police arrest strategies was the area of public disorder, i.e., intoxication, vagrancy and disorderly conduct.

As we have noticed, the IWW arrived in Eugene in March 1912. It is from around this time that we trace a significant increase in the number of arrests for intoxication and, to a lesser degree, vagrancy. This increase is based on the frequency of arrest reports appearing in the newspapers. Municipal court records only date back to April 1, 1912 so it is not possible to compare the shift in arrests prior to this date. Given the significantly higher number of arrests between April 1912 and

April 1914 for intoxication and vagrancy it seems reasonable to trace a correlation between this phenomenon and the presence of the Wobblies.

TABLE 14.1. EPD annual arrest statistics as reflected in cases recorded in the municipal court docket between April 1, 1912 and March 31, 1917.

Offence	Period				
	Apr 1 '12 Mar 31 '13	Apr 1 '13 Mar 31 '14	Apr 1 '14 Mar 31 '15	Apr 1 '15 Mar 31 '16	Apr 1 '16 Mar 31 '17
Intoxication	332	196	57	26	23
Vagrancy	56	44	9	6	1
Disorderly Conduct	13	13	10	7	4
Assault/Battery	4	4	7	1	1
Traffic (includes speeding)	13	85	30	15	21
Prostitution	9	0	2	1	0
Begging	3	1	0	0	0
Concealed Weapons	2	2	0	0	0
Brawl	6	0	0	0	0
Peddling without License	2	1	1	3	1
Indecent Exposure	0	3	1	0	0
Smoking Opium	0	1	0	0	0
Profanity	0	4	1	2	0
Resisting Arrest	0	1	0	0	0
Domestic Dispute	0	1	0	0	0
Failure to Trim Trees	0	4	0	0	0
Smoking on Street Car	0	2	0	0	0
Gambling	0	0	1	0	0
Selling Liquor	0	0	12	0	0
Stray Animals	0	0	0	0	5

The association between vagrancy arrests and Wobbly activism is better appreciated by a more detailed analysis of the arrest statistics. The IWW opened a restroom in Eugene for unemployed men at the end of November 1912. No alcohol was allowed on the premises, presumably to avoid arrest on grounds of intoxication. On December 4, 1912 the PEERC strike began in Eugene. Towards the end of December we find a letter in the Guard from IWW leader, Mr. Morgan, saying the Wobblies would return to Eugene to engage in more activism (Gu, 23 Dec. 1912). The month of December 1912 seems to have been a critical time in terms of the conflict between the Wobblies and the forces of "law and order." My analysis of the municipal criminal docket revealed that 31 out of the 56 arrests for vagrancy over the April 1, 1912 to March 31, 1913 period

took place between December 4 and December 26, 1912. In other words in the space of three weeks we witness 55% of the year's total arrests for vagrancy. This association strongly suggests that local police used vagrancy arrests to diffuse Wobbly activism. When we look at the names of the men arrested we find a Mr. Morgan and seven others on December 4, 1912 in municipal records.

In general, the distribution of vagrancy arrests for the April 1912-March 1914 period appears to be strikingly even. The December 1912 concentration therefore stands out as a clear indicator of the EPD using the idleness discourse and its attendant laws to undermine embryonic proletarian radicalism. The decline in the incidence of vagrancy and intoxication arrests from the spring of 1914 corresponds to the demise of the Wobblies in areas such as Bandon, Marshfield and Florence. We will remember that this occurred during the winter of 1913-14. The bulk of the Wobblies probably left Lane County and the neighbouring counties at this time and perhaps headed for Portland. We might speculate that this is one reason why Hoffman and Webb found an increase in vagrancy arrests in Portland around 1915. Those Wobblies remaining in Eugene were probably involved in the organization of the Unemployment Leagues.

In addition to local crime statistics and the observations of Hoffman and Webb there is other evidence which attests to the targeting of the unemployed by the local police and courts. During the winter of 1914/15 a Prisoner's Aid Society (PAS) was formed in Eugene. This organization found work around town for what the Morning Register called "mild offenders." These men were mostly vagrants. Within a short while PAS members were writing letters to the Morning Register complaining of conditions at the jail. Estelle Mundt Hughes said living conditions at the jail were "dreadful" and pointed out that most of the inmates' only "crime" was that they had no work (MR, 13 Dec. 1914). James Fullerton,

in another letter, commented that the prisoners had been incarcerated for the "monstrous" crime of being hungry and out of work. The PAS then began to push for the creation of a city defenders office to ensure that transients received a fair trial (MR, 31 Dec. 1914). This strongly suggests that men in the Unemployment Leagues (which we know were organized by the Wobblies) were being arbitrarily arrested on somewhat "dubious" charges.

The idleness discourse gathered momentum as America entered World War I. Like the labour radicalism discourse it became infused with themes of patriotism. Other cross currents merged from a number of directions. We witness the rise of the Oregon Eugenics Movement and a growing concern with the biological roots of human deformity and criminality. The legislature created the State Board of Eugenics in 1917 and passed a law which provided for the sterilization of persons with "inferior genetic potentialities" (MR, 6 May 1917). In the area of "education" we find the first truancy officer hired by the Eugene School District in 1915. Military drill was introduced in Eugene's high schools following American entry into the war (Lawson, 21-2). At a Commonwealth conference in Eugene in May 1917 we witness the distillation of a number of these concerns alongside other well established themes from the discourses on labour radicalism and idleness. Criminality and notions of disorder seem to have been an underlying theme for the conference. We find presentations on the "Labour Problem," "Employment Bureaus," "Naturalization," "Public Schooling" and the "Offender and the Defective" (MR, 18 May 1917).⁸ It is against this background and amidst these numerous lines of intersection, that we trace the origins of the city's Idleness Ordinance which became law in May 1918. All able bodied men were required to labour for 36 hours per week at "something useful" in terms of the war

effort. Police officers were directed to enforce this ordinance diligently. The Morning Register was at pains to point out that the ordinance applied equally well to those men of property who tended to live off their income from rent (MR, 28 May 1918).

The posture of the EPD towards labour radicals served to reinforce the pervasive image of these activists as lazy, disorderly, dangerous and criminal. Although the number of officers was low and the incidents of overt repression seemingly few, we must not underestimate the symbolic importance of the department's political orientation. With regard to the unemployed it is clear that the EPD used public disorder laws to criminalize those individuals who were marginal to production. Political activists in the Unemployment Leagues were incarcerated with drunkards and hoboes. This conflation tended to rob labour radicalism of its potency as a form of social critique.

The eventual coercive dissolution of limited proletarian activism was followed by a decade of relative prosperity and economic growth. During the 1920s the voices of activism were muffled and subterranean. In Eugene we find the expanding working class wallowing in its own nativism. The regulation of radicalism and the unemployed was synchronous with shifts in the management of leisure, pleasure and underground pastimes. It is in this direction that my analysis now turns.

The Hegemonic Discourse on Vice and the Policing of Leisure

The expansion of the lumber industry and the rise of a wage working class was accompanied by the emergence of a more extensive system of vice activities. This was especially so during the period of rapid population increase between 1900 and 1910. The hegemonic imperatives of respectability and temperance clashed with the "needs" of wage earning

lumbermen to unwind and enjoy pleasures unavailable in the woods. While the economy of Lane County thrived on the exploitation of lumber, the loggers themselves were not necessarily integral parts of communities like Eugene. In many cases the loggers were single men with rough and ready survival skills. The meeting of these somewhat wayward souls with the increasingly ordered and refined townsfolk of Eugene was in effect a conflict of cultures.

This local clash of cultures mirrored the national rift between the temperance lobby and the ward based political machines. There were many dimensions to this struggle including religious (Protestant v. Catholic), party political (Republican v. Democrat), economic (rising bourgeoisie v. emergent proletariat) and cultural (urban v. rural lifestyles). As Wiebe has argued, the Prohibition Movement was led by the "urban industrial leadership" (1967:290) and the prohibition amendment (1919) was accompanied by,

"a host of predictions about sober, peaceful workmen plying their trades and minding their own business." (1967:291)

Clearly we witness homologies here between the rise of coercive policing strategies in relation to labour radicalism and the appearance of a constitutional amendment directed at the arena of working class leisure.

As we have seen, the rise of a disciplinary society in Eugene from 1897-1929 was accompanied by certain developments in the policing of labour and the unemployed. Disciplinary imperatives directed at the introduction of city managerialism and civil service procedures were unsuccessful. This was due to the entrenched resistance of ward machines. This resistance was also evident in the domain of vice. Contrary to city ordinances, a wide range of vice activities continued with the apparent connivance or acquiescence of city police officers. Examples included gambling, the Sunday opening of billiard and pool rooms, illicit tobacco and cigar sales, illegal consumption of liquor,

bootlegging, moonshining and prostitution.⁹ At various times there were campaigns against these activities and a renegotiation of the parameters of selective policing. New boundaries were formally established, temporarily adhered to and eventually broken.

The policing of vice in the 1897-1929 period continued to turn upon the issue of visibility. A key question seems to have been whether the spirit of the law was being flagrantly ignored or subtly (almost respectfully) contravened. It seems that subtle contravention of vice laws (with the complicity of the EPD) was the order of the day for most of the 1897-1929 period. This equilibrium was disturbed from time to time as different factions flexed their muscles and sought to gain new ground. Two key factions within the local polity were the "pro-patronage" and "progressive" groups. The latter advocated the disciplined policing of vice. In 1910 the Guard, siding with the progressives, argued that Police Chief Farrington had no intention of closing down the illegal games of billiards and pool played on Sundays in the backrooms of cigar stores (Gu, 24 March 1910). The Guard reminded its readers and the police chief that the purpose of regulating these games was to cut down on the disorderly behaviour of young men. Farrington was supposed to close down these games in accordance with Ordinance 972 which had been introduced in February 1910. This city law closed cigar stores, billiard halls and pool rooms on Sundays. Ordinance 972 was passed in response to a citizens petition which complained of unruly behaviour on the Sabbath.¹⁰ In March 1910 we find a petition presented to the council requesting the repeal of Ordinance 972.¹¹ At the end of March 1910 Mayor Matlock noted that all cigar stores in town had remained open on the previous Sunday and that one store owner had been arrested. This unnamed store owner addressed the council and asked if the councillors really wanted Ordinance 972

enforced. The council responded affirmatively.¹² The store owner's question alludes to the highly selective nature of policing and the finely tuned equilibrium established between the EPD and ward machines. At the next council meeting Ordinance 972 was repealed and replaced with Ordinance 984. Ordinance 984 closed billiard and pool rooms, dance halls, bowling alleys and places where box ball, card or dice games were played on Sundays. However unlike 972, 984 left the front rooms of cigar stores open on Sundays for the sale of tobacco.¹³ This legislative accommodation was a refinement in the policing of vice. The council knew that Sunday vices would continue in the backrooms of cigar stores. However, Ordinance 984 at least created the impression that the polity was distanced from vice and that the EPD had the legal authority to close down backroom games.

Attempts by progressives to introduce a local regime of rationality into city hall life often involved uncovering corrupt links between ward machines, patronage based hiring and the field of vice. One such attempt took place in Eugene during the city election of 1911. The Citizens Ticket (Progressive) led by Mr. Green, sought to place the issue of city managerialism before the electorate. Green wanted to replace the patronage system of appointments by employing a salaried expert to hire city employees. The Citizens Ticket argued that the existing mayoral administration of Mayor Berger was a machine based patronage organization. Berger's personal business interests were held to have benefitted from municipal contracts (MR, 2 April 1911). In spite of allegations of corruption Berger narrowly won the 1911 election. According to the Morning Register each cigar store in town controlled 10-20 votes of the 1500 cast. This meant that Berger had at least 200 controlled votes (MR, 5 April 1911). Green lamented that Berger's win was a victory for corrupt policing. In particular Green

argued that Berger had pandered to cigar store owners by allowing gambling to continue in backrooms. Berger was also accused of conniving with the EPD to allow three bawdy houses to operate along with their associated liquor and bootlegging activities.

The 1911 city election rocked the boat in terms of the negotiated policing of vice. Although the patronage machine narrowly won the mayoral race, two new Citizen-Ticket councillors were elected. In the aftermath of the election Berger dismissed Chief Farrington and Night Chief Blanton. These dismissals might have represented Berger's attempt to create the impression that he was getting tough on vice. In May 1912 we witness the more assertive management of policing by a Police Committee of the Council. As I have noted in Chapter 11, the committee introduced new rules for the EPD. This development marked one of the early steps towards bureaucratic law enforcement and represented another move towards the formation of a disciplinary policing organization. We might suggest that this significant move towards producing a more finely disciplined and therefore "legitimate" police department was related to at least two events in the field of class relations. The first was the arrival of the IWW in Eugene in March 1912. The second was the "get tough on vice" charade of Mayor Berger's new administration (April 1912). Nevertheless the appointment of officers remained within the patronage system. This left the EPD in an ambiguous position with regard to the needs and interests of councillors and the imperatives of an emerging bureaucratic code.

The reshuffling of personnel and the tightening up of management directives did little to dent the illegal organization of leisure. These illegalities were dispersed throughout the class system. However, the sensitivities and responsiveness of the EPD towards vice seem to have been shaped to some degree by class considerations. In the

aftermath of the Wobbly led PEERC strike in December 1912 we find Night Chief Ross arresting "high society" gamblers at the Eugene Athletic Club. Ross pushed for a revocation of the Club's license. In January 1913 Ross was dismissed by Mayor Berger. The reason given was that Ross had not been instructed to arrest the "high society" gamblers by the Police Committee. Berger also noted that Ross had inappropriately discussed the pervasiveness of illegal gambling with newspaper reporters. The Athletic Club did not lose its license and the gamblers were only fined \$25. Ross wrote to Oregon's Governor Oswald West to complain about the connivance of the local polity with organized vice operations (MR, 7 Jan. 1913).

These policing practices were at the fulcrum of class conflict at a time of tense struggle between progressives and ward politicians. As we have noted, this struggle was a microcosm of much wider class currents. A similar fate befell Ross's replacement Thompson. Thompson was himself replaced as Night Chief on February 17, 1913 for attempting to close down high society gambling. Again Berger explained that Thompson's fault lay in not pursuing policing practices laid down by the Police Committee (Gu, 3 Feb. 1913). Both Ross and Thompson had been supported by the progressive Clean City League which sought the elimination of vice in general.

It is significant that Berger seems to have had plenty of room to manoeuvre in order to remove both Ross and Thompson. This attests to the continued domination of machine politicians over progressives. It also attests to the limited utility of the new bureaucratic rules introduced in 1912. These rules were clearly unable to transcend the wishes of the pro-patronage councillors and mayor. It is ironic that Berger was able to make use of the 1912 decision to empower the police committee of the council to remove Ross and Thompson. We cannot assume

that Ross and Thompson were sympathetic to the proletariat because they sought out "high society" gamblers. Rather we might speculate that the prosecution of "high society" was a better means of dispersing images of "disciplined leisure." Neither can we assume that Berger resisted these prosecutions because he was somehow "in league" with wealthier gamblers. Finally we must be careful not to rule out the possibility that members of the progressive "Clean City League" were themselves involved in vice activities. Perhaps the only firm conclusion that we can derive from these situations is that EPD officers trod a fine line between enforcing the law and adopting codes of policing that did not infringe upon the patronage ties of the polity.

Policing a Proletariat "In Itself": Concluding Remarks

In Section IV I discussed the ways in which the EPD emerged as a more bureaucratic and disciplined unit during the 20th century. I noted that during the Progressive Era we witness the emergence of more preventative or proactive styles of policing which were based on regular patrol. These efforts were further honed by the appearance of strategies such as beat policing (1910) and a more refined system of hierarchical command (1912). These measures represented the thin end of the wedge in terms of cleaning up the image of policing which was tarnished by the blatant string-pulling of the patronage system. As we have seen in this chapter, the patronage forces remained in control and the conduct of policing continued to turn upon the vested interests of a number of city politicians.

This patronage based system of policing appears to have been sufficiently amenable to the overt enforcement of laws which acted to both produce and reproduce capitalist social relations. We have seen how local systems of police were able to frustrate the limited political

activism of labour radicals, undermine the politicization of unemployment and further negotiate the management of working class leisure. These politically generated policing strategies were consistent with the themes of the hegemonic discourses within which they were embedded. This led to the constitution and reconstitution of certain forms of social order or sociality. Order came to mean the assumption of disciplined work habits, reasonable wage negotiations, a respect for "American" political ideals and the system of representative democracy, and a certain social decorum which stressed the desirability and superiority of sobriety and the undesirability of saloon related vices. At a local level this sense of order was underpinned by a strong sense of nativism and a suspicion of newcomers. Neither the anarchy of the capitalist boom/bust cycle nor the heinous injuries occurring from the unregulated production of lumber were portrayed with any consistency as symptoms of "disorder."

The preeminence of certain notions of order provided spaces for the elaboration of local policing practices. Several of the older oral history respondents made the important point that there are so many laws on the books that an officer has to "selectively" enforce them. Hoover drew attention to this "selectivity" in the following conversation:

I: "When you were on the beat, how much discretion did you have as to the way you policed things? I mean would you, or could you have let things go without the knowledge of your superior officers? And likewise when you were Chief? Were there officers under you who would, say, in some situations, say, 'OK, I would prefer not to arrest someone. I would prefer to let this go.'"

Hoover: "It would be dependent upon the seriousness of the case, and on just how it was handled. But, yes, in my day we had a lot of discretion. If I picked you up and you have been drinking, you could recognize that you had been drinking. You didn't have an accident, though, I would elect to take you home. But I would notify the office. But I might take you home and not arrest you. And I think they're more rigid today. I think there's less of this personal contact thing. I think that, you

know, if you've got so much alcohol why you're automatically arrested. That's OK, and I have known many many young men who went to work and they couldn't, . . . they didn't have good common horse sense. You know, there are thousands of laws in Oregon on the books and what not, and if you attempted to enforce, strictly enforce every one of them, you'd go crazy. And so you have to use some common sense, even though that's the law. It's like going back to the houses of prostitution. It was the law, but the town fathers at that time decided, "I think it would be good to have a house of prostitution because we've got all these loggers coming in here, we've got the railroad construction, and I think it would be good to have it," see, and so they decide that."

During crucial times in the Progressive Era we saw how certain offences were "selected" in order to manage class relations. This selection process was complicated. In the field of labour relations we witnessed the probable use of vagrancy laws to frustrate the political objectives of the IWW. On the street, individual officers still exercised considerable discretion vis a vis the handling of transients. We have seen how some transients were arrested and jailed for vagrancy. Others were simply run out of town. On the other hand an officer may have been in a position to hook the transient up with an employer. This option may have turned on whether the officer saw the transient as "deserving" or "undeserving." Doubtless the agency of officers was at times finely attuned to the local political milieu and the presence or absence of strikes, street speaking campaigns, protests by the unemployed, etc.

In the area of leisure the EPD demonstrated considerable flexibility. We might state the obvious by saying that the hegemonic discourse in relation to labour issues was imbued with a greater sense of political urgency than the socially constructed concern with vice. While the proletariat remained a class in itself and policing remained largely tied to ward machines, the spectre of disorderly or illegal play was not such a serious phenomenon. We might add that in the newly

emerging disciplinary society, the establishment of regimes of habituation in the workplace took precedence over, and was often antagonistic to, the elaboration of a spirit of play. On the same theme, but at another level, we might argue that while men opposed each other either side of the newly erected class barricades, they shared a commonality vis a vis leisure insofar as vice activities often involved the exploitation of women (e.g., prostitution, disproportionate access of men to money for leisure activities, reliance upon wives for childcare, etc.). This commonality, unlike the class antagonisms which divided men, may therefore help us to understand how police appeared to have more room for manoeuvre in the field of vice enforcement.

In the final chapter of Section V I will address the manner in which the growing rationalization of the EPD was related to the development of a much more extensive form of proletarian radicalism.

References and Notes

¹The Guard clearly acknowledged the ordinance as the proposed "IWW speaking ordinance."

²At a meeting of Lane County Manufacturers at the Osburn Hotel in May 1914 many complaints were heard about the lack of legislative support for industry. For example W. T. Kingsley, Vice President of the Oregon Manufacturers Association, said the Workmen's Compensation Act was unsatisfactory. See MR, 10 May 1914.

³A unit of the Oregon militia, based in Eugene, was dispatched to fight in this war. For references to the patriotic fervour see Gu, 9 July 1898; Council Minutes, 10 April 1899, 2:325.

⁴Voting on the issue was 1690:1235. See Gu, 7 April 1913.

⁵Ramp was a Socialist candidate for U.S. Senator in the 1912 election. He won 11,983 votes (8.3% of the total). See Gu, 1 Jan. 1913.

⁶Chapter 12, General Laws of Oregon, 1919. Section I.

⁷Hoffman and Webb (1986) note vagrancy arrests as follows: 2190 (1912); 3314 (1915); 963 (1917).

⁸The Conference was the 9th Annual Commonwealth Conference and was held at the UO.

⁹Bootlegging refers to the making, carrying and selling of illegal liquor. Moonshining describes the manufacture of illegal liquor (often called moonshine whisky) and its smuggling or trade at night. Moonshining was common throughout rural Lane County in the 1897-1929 period.

¹⁰Council Minutes, 21 Feb. 1910; 4:246.

¹¹CM, 14 March 1910.

¹²CM, 28 March 1910.

¹³CM, 5 April 1910.

CHAPTER 15

THE INTENSIFICATION OF SURVEILLANCE BY THE EPD AND
THE MANAGEMENT OF A PROLETARIAT FOR ITSELF

We have already noted how the EPD became a more rationally organized and better disciplined unit from the mid 1930s. The historical tendency to distance police work from the overt string pulling of ward politicians improved the legitimacy of local law enforcement. This growing institutional autonomy was augmented by the application of science to policing and the rise of a specialized body of knowledge concerning "law and order" (especially post 1940). As an integral part of the network of governing a growing populace, local police played a pivotal role in opening up the social body to the eyes of government. Increasing police surveillance exposed the citizenry to the ever finer themes of normalizing judgements. These judgements affected all areas of life and involved an array of government agencies.

The moves towards increasing the political presence of police and the opening up of new avenues of observation can be related to a number of changes in class relations. Most of these changes can be traced to the Great Depression and the emergence of a highly politicized proletariat. The bulk of this chapter is devoted to mapping the relationship between law enforcement, labour radicalism, unemployment and vice during this crucial period. In short, during the 1930s we witness a dramatic increase in the numerical presence of police (per capita), the adoption of coercive management strategies and the use of anti-labour laws. As the political activism of the proletariat declined during and after World War II we note a slowing up in the per capita

growth of police presence, a marked reduction in the overt clashes between police and mostly working class men (i.e., strikes, unemployment, vice activities) but at the same time an increase in police surveillance. Chapter 15 leads us into a discussion of the relationship between governmentality, policing and class relations. This discussion addresses the role of the police in the opening up of the social body to the governmental effects of various normalizing judgements which are linked to specific hegemonic discourses.

The Policing of Labour Radicalism

The hegemonic discourse on labour radicalism remained subterranean during the prosperous decade of the 1920s. In this period we find few references to labour issues in the local press. However, with the unprecedented poverty and unemployment of the Great Depression, we witness a resurfacing and further amplification of this discourse. Of critical importance here was the expansion and politicization of the proletariat. Discursive parameters were constructed during the 1930s with unaccustomed intensity. As in earlier periods we find cross currents concerned with patriotism, aliens, anarchy and disorder.

In the early years of the Depression we hear of class discord across the U.S. The Register-Guard was quick to present the spectre of disorder brought on by communist agitation. For example in November 1930 we are informed of "rioting" in New York between police and communists (RG, 25 Nov. 1930). In the summer of 1932 we learn of four men shot and 20 injured in a riot involving police and communists in St. Louis, Missouri. In this case the communists were demanding relief from the city council (RG, 24 July 1932).

As the local effects of the Depression deepened we hear calls for the strengthening of Oregon's Criminal Syndicalism laws. The American

Legion called for the amendment of Immigration Laws to exclude alien communists (RG, 8 August 1931). As the radical wing of the proletariat began to organize we witness a number of developments in the field of labour radicalism. One such development was the Ben Boloff case. Boloff had been sentenced under Oregon's Criminal Syndicalism laws to 10 years in prison for being a member of the Communist Party. Justice Rossman held that mere membership was sufficient grounds for imprisonment. In formulating his opinion the Judge drew attention to what he called one of the mottoes of the Communists, which was,

"bullets not ballots." (RG, 12 Jan. 1931)

By the autumn of 1932 the Communists appear to have established themselves in Lane County. Walter Green of the Disabled Veterans requested that the Eugene City Council "get rid of" the communists since they were,

"stirring up disaffection."¹

In other areas of Oregon we find changes in policing strategies at about the same time as proletarian activism commences in earnest. We see the reactivation of Criminal Syndicalism laws to indict 13 Communists in Portland in October and November of 1930. The same laws were used in the spring of 1931 to close down a radical Finnish newspaper in Astoria, Oregon (Stone, 1933:63-5). In Portland, Mayor Baker and the Portland Police Department employed a spy to infiltrate the ranks of the growing Communist movement (MacColl:394).

The state police bill of 1931 advocated the merger of statewide policing activities in the fields of hunting and fishing, Prohibition enforcement, rural crime, traffic, insurance and arson. Legislators sought the formation of a well trained, disciplined and incorruptible state police force to unify the enforcement of laws in the above areas. This would bring a number of different policing agencies under the same

umbrella. The administrative streamlining would save the state \$250,000 per annum.

We can trace the calls for a state police force to a number of possible sources. It is clear that this disciplinary development was widely backed by businessmen. Farmers also supported the measure. The Lane County Pomona Grange overwhelmingly backed the bill (RG, 25 May 1931). This suggests that both bourgeois and petty bourgeois farmers sought an end to the theft of livestock and produce and the elimination of illegal hunting and fishing on their land. Labour radicals condemned the bill and warned against a state police being used against organizations of workers. The more moderate trade unions were equivocal. Calls for a state police force in Oregon were also associated with national developments in the field of law enforcement. (I have already discussed the recommendations of the Crime Commissions of the 1920s and the demands for professional policing.)

In spite of working class resistance, the Oregon State Police Bill was passed and became law in August 1931. This rationalization of policing operations at state level was akin to the later emergence of civil service codes at municipal level. Both state and local developments streamlined law enforcement and prepared police officers for a more measured, calculated and coordinated response to a variety of manifestations of disorder.

As I have noted in Section II, the wave of spontaneous strikes during 1934 seems to have been a critical phenomenon in U.S. class relations. The response of police agencies to this wave was both swift and coercive. On the West Coast, maritime employers had ridden roughshod over the rights of employees to unionize under Section 7(a) of the NRA (1933). By May 1934, 35,000 maritime workers had come out on

strike to fight for their legally guaranteed rights to organize.

According to Boyer and Morais,

"It was primarily unprecedented police brutality that turned the seamen's strike into a general strike of 127,000 San Francisco workers." (1970:283)

As the San Francisco General Strike developed, key hegemonic parameters emerged out of the struggle between the bourgeoisie and proletariat. The bourgeoisie clearly had greater access to the San Francisco press at this time. For example, J. M. Maillard, Jr., President of the Chamber of Commerce, was quoted in the press as saying,

"The San Francisco waterfront strike is out of hand. It is not a conflict between employer and employee . . . it is a conflict . . . between American principles and Un-American radicalism." (Quoted by Boyer and Morais:284)

Police violence which preceded the General Strike, gave way to police passivity in the face of vigilantism during the strike. On July 16, the first day of the General Strike, mobs of vigilantes wrecked union halls, destroyed progressive book stores and radical newspapers and ransacked Communist headquarters. For three days the city of San Francisco was paralyzed. In the aftermath of this tremendous show of proletarian resistance the maritime workers won a number of historic concessions from employers and returned to work.

In Eugene the events of the maritime strike were reported within the parameters of the prevailing hegemonic discourse on labour radicalism. On July 8, 1934 the Register-Guard commented that,

"Mob violence in any form cannot be tolerated and in this sense armed intervention of police and guardsmen to prevent picketing abuses can be justified."

At local level we also witness police passivity towards vigilantism. The Communist headquarters in Eugene were ransacked on July 20, 1934 by vigilante groups made up of businessmen and ex-servicemen. Local communists were given 24 hours to leave and were warned that if they did not depart they would be "taken for a ride."

This was clearly a death threat. The Register-Guard described the acquiescence of the EPD and Lane County Sheriff's Department as

"rather surprising." (RG, 23 July 1934)

The range of opinions expressed through the local press over the ransacking incident was clearly inscribed within hegemonic limits.

Councillor Art Hendershot was quoted as saying,

"I think we've put up with the Communists here long enough, and its time to move them out." (RG, 21 July 1934)

Reverend Cecil Ristow disagreed and argued that,

"The raids constituted the greatest breach of American ideals of freedom of speech and assembly and were the most un-American acts to occur in this city since I've been here." (RG, 21 July 1934)

The next day (July 22, 1934) the Register-Guard carried an editorial criticizing vigilantism. Over the following week a number of letters to the editor also rejected vigilantism but sought the regulation of communist agitation.

The most compelling aspects of the discursive formation around working class activism were the silences, omissions, hidden nuances and taken for granted groundrules. At no point do we find the local press exploring the systematic links between the glaring poverty, low wages and unemployment and the capitalist economy in Lane County. Instead we witness a search for the legitimate options available for controlling the radical edge of the proletariat. Vigilantism was seen as both illegal and un-American by a good number of local people. Police failure to address vigilantism also led to a questioning of the legitimacy of local law enforcement agencies. Given the disciplinary imperatives of law why did the police ignore acts of trespass, breaking and entering, criminal damage and intimidation? We might reasonably suggest that the close ties between police command personnel, the polity and certain members of the bourgeoisie, led to the adoption of a policy

of acquiescence which opposed the interests of labour radicals. While police acquiescence enabled the removal of communists, it was not seen as an acceptable mode of governmentality. There was considerable class conflict over the non-policing of vigilantism. The bourgeoisie itself was divided over the issue. It is from this time that we trace renewed calls for the adoption of more rational, predictable and reliable forms of policing. In particular we observe the resurfacing of old Progressive Era ideas on city managerialism and civil service codes in municipal government.² It is worth pointing out here the convergences between calls for rational hiring practices in the field of law enforcement and demands for the institutionalization of wage bargaining procedures.

Across Oregon we observe a series of illegal police raids on Communist and Socialist headquarters.³ The Oregon legislature passed a law in 1935 to permit the state police to become involved in labour disputes. Neuberger draws attention to the brutal treatment of striking lumber workers by the Oregon State Police (1935:162). In particular we note the reorientation of the state police under the fascist leadership of Oregon's Governor, Major-General Charles Martin.⁴

More coercive policing strategies were also evident in the policing of the retail trade and barber shop strikes in Eugene (1937-8). These struggles concerned the issue of union recognition by smaller employers. We find the EPD mediating and managing class conflict at the bourgeoisie and/or petty bourgeoisie/proletariat boundary. In November 1937 the windows of the non-unionized City Barber shop were smashed. Six plainclothes officers were hired to prevent a repeat performance. However, two days later the same thing happened again. A couple of months later a skunk oil bomb was thrown into the shop (RG, 22 Jan. 1938). In response to this property damage, liaison increased between

state, county and municipal police. The city council gave EPD Chief Bergman authority to hire

"as many plainclothes and special police officers as required to stop the rowdyism."⁵

It appears that Bergman increased manpower levels from time to time in an effort to police the class discord. Several members of the Teamsters Union were arrested for property damage as a result of the interagency police investigation. Labour leaders vigorously objected to the "strong arm" tactics of the state police who seemed to be at the forefront of the law enforcement offensive. Ray Blaine, one of the arrested union men, said his confession had been obtained by third degree methods. Although state police chief Charles Pray denied Blaine's allegations, Blaine was admitted to a Eugene hospital for treatment of a ruptured eardrum and internal head injuries. According to Blaine's affidavit, he had been denied a lawyer during questioning and had been beaten and gassed.

A conversation with Hoover, a patrol officer with the EPD at that time, confirmed the growing concern around labour issues. He stressed the political clout of Teamster's leader, Dave Beck.

Hoover: "There were some fires here, and they used these stink bombs . . . they would throw them through a window . . . it was pretty vicious. I was thoroughly frightened in those days about what was going to happen."

I: "Was that a big issue in Eugene at the time . . . do you remember?"

Hoover: "At the time it was yes. It was a big issue."

I: "And what was the police response to that?"

Hoover: "Well we just did the best we could to protect the places . . . being down in the ranks I don't know what the political ramifications might have been . . . but to have that powerful a union . . . and Beck (Dave Beck, head of the Teamsters Union based in Seattle) himself came down here . . . not to participate in that type of thing. He had people to do that, though he was here . . . and my gosh you know at that time he was a

power. Even the U.S. Senators and Congressmen would tremble at Beck's name."

The local polity was also an arena for the attempts to regulate labour. In March 1938 the city council declared an emergency and surreptitiously passed an antipicketing ordinance (8534) which had been presented by the Better Eugene Association. Under the terms of this ordinance pickets had to be members of a bona fide union. Each union was required to pay a \$5 fee for a 30-day picketing license. The union organizing the picketing had to present full details of the dispute to the city recorder along with the exact wording to be used on any placards. This wording had to be approved by the recorder before picketing might commence.⁶

At the next council meeting a number of speakers protested the clandestine passage of ordinance 8534. These speakers were mostly associated with local labour organizations. They pointed out that the Better Eugene Association was made up of businessmen and was devoted to "union busting." Professor Paul Keipe from the U.O. argued that Ordinance 8534 was a

"violation of human rights, and an abridgement of free speech and the right to protest."⁷

Two petitions were filed requesting the revocation of the antipicketing ordinance. These were denied by the council.⁸ Within days of this denial the unions filed suit to contest the legality of the ordinance (RG, 15 April 1938). The case finally reached court in October 1938 and Ordinance 8534 was thrown out as arbitrary, unreasonable and contrary to Oregon law.⁹

In a similar legislative development the city council sought to clip the wings of proletarian activism by limiting the dissemination of speeches. In July 1938 Ordinance 8541 was passed which,

"prohibited the use of power speakers, calliopes, or other noise making, music making or speech making machines."

Pronouncements were to

"be limited to making announcements of general public interest."

The City Recorder and City Attorney were to decide what was in the "general public interest." Both officials held that "partisan political campaigning" was outlawed by the ordinance.

As noted in Chapter 5, the poverty and unemployment of the Great Depression and the proletarian dissent which accompanied it, were greatly reduced by the production boom provided by World War II. At local level we find a number of changes in class relations during the 1940s. In Chapter 7 I argued that the application of technology to lumber production enabled the bigger corporations in Oregon to shift from felling to processing. This move resulted in a decline in the number of single loggers working in the woods. In the post World War II period these men moved into the expanding towns, e.g., Eugene, and worked in the processing factories. They married and had families. These men were much less able to respond to the calls of radical working class organizations. This declining proletarian radicalism was probably augmented by a considerable increase in living standards after World War II. We might argue here that the enormous profits made by U.S. corporations during the war began to trickle down and bring material improvements which sharply contrasted with the poverty of the 1930s. In a sense we could say that the American working class benefitted from the fruits of U.S. imperialism.

In addition to these factors which contributed to the erosion of proletarian solidarity and radicalism we might mention, a renewed vehemence which emerged in the post war discourse on labour radicalism. This vehemence was doubtless related to the ideology of nationalism and the rhetoric associated with American superpower status. The depiction of communists and socialists as a serious threat to the American ideals

of democracy and patriotism further weakened the position of labour radicals. This ideological depiction was a potent reactionary force at a number of levels. I have already mentioned the Taft-Hartley Act (1947) and its effectiveness in finally purging communists from labour unions. The McCarthyism of the 1950s also emanated from these reactionary forces. It lies beyond the scope of this thesis to delve into these national issues. However we must note the local effects of the national policing of proletarian activism and particularly the local decline of working class radicalism. Oral history evidence is helpful here. Luxemburg worked for the federal government and officiated at union elections in the logging industry in Oregon. Her testimony notes the gradual decline of the Wobbly-Communist influence between 1937 and 1949.

I: "So what was the condition of labour unions in Oregon? (From the 1930s)."

Luxemburg: "Well it is a country that has strong and very proud left wing labour unions."

I: "Oregon?"

Luxemburg: "Yes. And Washington. It was the country of the Wobblies."

I: "Were the Wobblies active in Eugene?"

Luxemburg: "The IWW controlled the woods pretty well When we first came out here my husband was starting a law practice I took a job working on a per diem basis for the National Labour Relations Board (NLRB) . . . running what were called the UA elections. These were the elections under the Taft-Hartley Amendment to the National Labour Relations Board . . . which watered it down and made it less acceptable to labour unions. The man in charge of the Portland office wanted me to help run the UA elections in the logging camps, sawmills and so on At that time (1948-49) I went into every logging camp and sawmill . . . up and down. There were some of the old Wobblies around and you could tell them by the way they spoke. Going on strike was 'to pack the banner.'"

I: "Were these Wobblies or ex-Wobblies involved in union activity?"

Luxemburg: "They were all members of the International Woodworkers of America (IWA) which is still the big union in the woods . . . now the other union was the sawmill workers, that's a branch of the Carpenters Union and that was at that time an AFL union, not a CIO union . . . and was not as effective or as strong or as radical as the IWA . . . it was more apt to be what they called a "sweetheart" with an employer."

Luxemburg went on to note that although the ex-Wobblies were still working in the woods in the late 1940s, they were much respected but not involved in the trade union leadership. This is consistent with national themes in labour relations which were characterized by the eclipse of labour radicals from the forefront of the unions.

When asked if she had any sympathy for the Wobbly ideals, Luxemburg answered

"I guess, sympathy for them, yes. I would say so . . . without adopting their philosophy. But more than that a feeling of outrage at the way they were treated . . . during the early days . . . they were the backbone of the company."

The policing of what was left of proletarian radicalism was essentially taken out of the hands of local agencies by national legislative developments and hegemonic rhetoric. We find few incidents of the coercive or repressive policing of labour after 1940. This was largely because the activities of labour unions had been modified and institutionalized. A few officers who recalled the policing of labour disturbances merely stressed that the job of local police was to uphold the law. The post World War II strike was "unproblematic" for these officers. They accepted the impartiality of the law and regarded themselves as objective upholders of this politically neutral code of rules. The most sympathetic position was taken by Furrillo who alluded to the police bias in favour of employers.

I: "Did you have problems with picketing or strikes or anything, where you had to act in a certain way?"

Furrillo: "Nothing that I was involved in. I know that they did have a problem with one strike, but I wasn't in on that. I think I was in the detectives then. Patrol

went down there and didn't have any big problems. For all the strikes that have taken place that we have been involved in, there haven't been big problems."

I: "The reason I ask that is because there are police historians who have argued that the police force has been there just to benefit employers in that kind of situation."

Furrillo: "I think any involvement that I've seen here, as far as police and labour unions that are on strike conditions, generally, our officers, their function has been pretty much trying to keep people apart and yeah . . . if they want to block the access to a building, then police will get the people through. And if they want to block a driveway so the trucks can't go in and out, then the police, our officers would see that the trucks could go in and out. So in essence, they're benefitting the employer more than they are the union. But usually it's . . . I would say that they're disobeying an ordinance, or a law, or something by blocking that. So they're probably in violation. And I think that's what the police officer acts on.

They've got to enforce the law. They'd probably, if the truth were known, rather not be there. They'd rather be someplace else. But . . . that's the job. It's just like going back to the so-called riot scene."

I will return to the relationship between policing and proletarian activism in the final section of this chapter.

Law Enforcement and Unemployment

As a "proletariat for itself" began to gather in Eugene, we discern a mutation in the hegemonic discourse on idleness. Labour radicalism became too widespread during the 1930s to be addressed through the use of "dubious" public disorder charges such as trumped up vagrancy arrests. The association between vagrancy, idleness and criminality diminished appreciably during the Great Depression. Social images of idleness changed. During critical periods in the past (e.g., 1873-7, 1893-6, 1913-15) we observed the appearance of notions of dangerousness to describe those men who had become marginal to production. In the 1930s images of "danger" and "anarchy" stem much more from the phenomenon of labour radicalism. The overwhelmingly large numbers of

unemployed people either passing through or residing in Eugene was a clear sign of economic malaise. No longer could poverty be systematically attributed to individual idleness. It was no longer possible to sustain a clear demarcation between deserving and undeserving poor. Many transients came to be seen as "unfortunate" and "luckless." The "truth" about these people changed. They were victims rather than reservoirs of crime and anarchy. The extent of the economic collapse was such that transients and the unemployed came to mirror the potential fate of most of the wage working population.

The role of policing practices shifted in tandem with this discursive mutation. Social conditions accommodated a style of policing which sought to diminish the visibility of the unemployed. Gone is the tendency to parade the ranks of transients before the working population. The spectacle of the chain gang did not resurface. Neither do we see the large scale arrest of vagrants. Table 15.1 highlights the remarkably low number of vagrancy arrests between 1929 and 1936. Rather than spreading images of potential disorder we begin to see the rise of a policing strategy which obscures, masks and hides the ubiquity of actual social malaise. This approach went hand-in-hand with the rise of New Deal welfarism. We see the establishment of boundaries between the employed and the unemployed. Policing contributed to this separation. The unemployed became a major law enforcement focus during the Great Depression. Table 15.1 captures the dramatic rise in the number of "vagrants" lodged overnight in the jail from 1929-33. These vagrants were not folk devils and criminals. Rather many were displaced families. Railroad police reported tremendous numbers of vagrants on freight trains. The EPD experienced a serious manpower shortage in terms of monitoring the movement of transients from the railroad yards into the town.

TABLE 15.1. To show arrest rates for vagrancy, drunkenness and disorderly conduct and the provision of overnight lodging by the EPD from 1929-36. (NA signifies figures not available.)

	Year						
	1929	1930	1931	1932	1933	1934	1936
Vagrants lodged in the jail	446	432	2649	2923	1990	NA	NA
Vagrants arrested	0	0	8	0	0	0	0
Drunkenness arrests	170	190	103	112	90	146	250
Disorderly conduct arrests	15	14	20	NA	NA	NA	NA

Dixon had joined the EPD at the start of the Depression after working as a railroad police officer with the SPRC. He talked of the origins of the transients, the extent of unemployment and his feelings about those "out of work."

I: "Would they be people who were unemployed from the lumber industry, sawmills, etc.?"

Dixon: "No, no, they were mostly coming through on the trains. One of my jobs on the railroad yards was to try to kick all those people off the trains. And there weren't too awful many in those days. But as the Depression came along, there were more and more and more people riding trains. And it finally got to the point . . . instead of putting them off the trains, you'd tell them to please get out of the way so we could switch the boxcars. They were all over the tracks and all over the yard. Men, women and kids."

I: "And they just lived down in the yards?"

Dixon: "Well, no, they were going through on the trains. Well of course they had hobo camps around in the yards. And of course we had to break them up. Felt sorry for a lot of people you know."

I: "Really hard times?"

Dixon: "Hard times. One night I talked to one of the fellows out in the yard, one of the transients going through, and he was a professor of engineering at some college. No work and down on his luck. Educated people you know. A sad thing."

Oral history respondents stressed that the transients of the 1930s were not seen as a reservoir of criminality by the EPD. Flexible policing practices emerged to allow the unemployed to stay overnight at the jail, sleep in warehouses, be transported to relief or work camps, be monitored in transient hotels or lodging houses or be moved along on the trains.¹⁰ The underlying rationale was that transients were not to be allowed to loiter in business and residential areas. Boundary maintenance between those in and out of wage work therefore turned on the issue of visibility which itself relied upon a collection of police strategies. Some of the strategies surfaced in a conversation with Clousseau.

I: "How much crime did vagrants commit in Eugene in the 1930s . . .? Was . . . it just petty crime?"

Clousseau: "No, no, . . . they might steal chickens from a farmer or something like that to eat . . . and they'd go down to welfare to get their clothes . . . some people would say . . . "Weren't you afraid of them?" . . . There was a big shed down on the other side of town . . . down about where 5th and Pearl is now. It was filled with sawdust. Well we could just figure when times were really tough . . . going down there about 5:00 a.m. and rooting out about 25-50 of them. They'd be in there sleeping, you see . . . in the sawdust. And we couldn't have them wandering around the neighbourhood. So we'd get them out at daybreak before anybody was up, and say "All right you guys, get out to the yards, get out of town." Most of them would. But as far as any great problems, no."

As I have already stressed, one of the effects of maintaining a boundary between the employed and unemployed was to limit the knowledge of those in work about the extent of social malaise. The practice of quarantining the non-resident unemployed served to diminish the receptivity of the proletariat to the ideas of political activists. It was clearly more difficult to limit the visibility of the resident unemployed. In this case the EPD appears to have developed a surveillance network of stool pigeons to map the political motives of the local reserve army of labour. Julian Strait, a candidate for Lane

County Sheriff in March 1932 and an ex-EPD desk sergeant, was critical of this spying practice. He vowed to curtail the use of stool pigeons if elected as sheriff and argued that this form of surveillance was a

"vicious practice that has done more to tear down the law and create disrespect for law enforcement than any other factor."
(RG, 20 March 1932)

Strait went on to emphasize that stool pigeons had been the cause of much bloodshed across the state and in Lane County. Instead he proposed hiring deputies of the "highest intelligence" to "ferret out crime" and to create a "scientific law enforcement program." In spite of Strait's protestations, the practice of using stool pigeons continued. Six months after Strait's campaign Mr. Wendell Paddock, President of the Workers Unemployed Council complained to the city council of the "stool pigeon methods" of the EPD.¹¹ This type of policing was a product of prevailing social conditions. The "scientific program" advocated by men like Strait was consistent with the national discourse on the need to professionalize policing.

Strait's concerns with removing the stool pigeon system were part of a much wider body of concern over the legitimacy of local policing during the Great Depression. We might observe that spying on the "organized unemployed" exposed the class bias of local law enforcement. The calls for civil service hiring and a more rational-scientific style of policing can therefore be traced to at least two roots in the field of class tension. The first was the unpopularity of spying and the second was the indifference of the EPD towards vigilante action directed at labour radicals. As I will discuss later, the introduction of civil service (1936) acted to distance the EPD from some of the more overt forms of class policing. This tended to improve the legitimacy of the EPD.

The onset of World War II and the rise in lumber production were accompanied by a marked increase in population and an ebbing of overt class conflict. Amid these social conditions we witness a resurgence of arrests for vagrancy. As DeBevoise has argued, the increase in vagrancy arrests was the most significant change in the form of crime in Eugene during the 1940s. In 1941, two vagrants per 10,000 citizens were arrested in Eugene. By 1950 that figure had increased to 82 per 10,000 (DeBevoise, 1986:72). Table 15.2 captures this trend which contrasts sharply with the low number of vagrancy arrests during the Great Depression.

TABLE 15.2. To show vagrancy arrests in Eugene between 1946-60.

Year	Vagrancy Arrests	Year	Vagrancy Arrests
1946	55	1954	NA
1947	82	1955	326
1948	219	1956	238
1949	216	1957	101
1950	296	1958	150
1951	215	1959	180
1952	264	1960	130
1953	413		

SOURCE: EPD Annual Reports. NA = Not available.

Between 1945 and 1960 the policing of vagrancy came to be inscribed within the new field of knowledge relations concerning law enforcement. In particular we witness the gathering of knowledge about transients in an attempt to construct a delinquent profile. For example the EPD Annual Report of 1948 showed that of the last 100 transients to be fingerprinted, 84 possessed prior arrest records, 40 had prior felony convictions and 5 were wanted on felony counts.¹² This type of criminogenic profile construction differed from the 1893-6 depiction of vagrants as folk devils. The post-1945 construction was part of the

growing application of science to policing. The post-1945 peaks in arrest rates for vagrancy do not even correlate with the mild labour disturbances of the period. Therefore there appears to be no question of vagrancy arrests being used (as in December 1912) as a means of breaking strikes. The types of offences committed by vagrants during and after the Great Depression appear to have remained trivial. We have to ask why the vagrancy arrest rates jumped so significantly after 1945. This seems to me to be a rather important question. A conversation with Hutch provided some clues as to how we might begin to answer it.

Hutch: "Well I don't think the transients caused a great deal of crime . . . they were theft type crimes, shoplifting . . . the thing that transients bothered most were the people that didn't like to see them sitting around on street corners, drinking a jug of wine and looking dirty . . . We'd just go down and pick them up in a paddy wagon and run them in. Book 'em for vagrancy. Course, the vagrancy law was about as unconstitutional as you can get. But it was a handy tool."

I: "Okay. Explain that. What do you mean?"

Hutch: "I mean basically for loitering, you'd go to jail."

I: "Just walking around you mean?"

Hutch: "They just failed the attitude test, that's all. They just didn't look good or something or they didn't talk right . . . they didn't have any identification and you figured . . . this guy is wanted someplace . . . because you couldn't check him out that quick . . . you'd just book him into jail for vagrancy."

Hoover discussed the EPD approach to vagrancy in the post Depression period and lamented the erosion of officer autonomy in this area.

I: "OK, what about vagrancy in the town? What was your experience of that, and what kind of crime did vagrants commit, if any?"

Hoover: "Well, we had much better control over the vagrants in those days, because we could, we just told them to 'Get Out!' of town, and they got. Today, they camp right down in the Mall and the police can't do much about it. They can talk to them, but they know how far the police can go. In our days, we just kept them moving. And that's why I'm sure you saw so many hobos, you know,

they'd get on the train and go from one city to the other. But we didn't allow them to just, we wouldn't have thought about letting them hang around on the Mall, like they do now, you know. With their music and instruments and all that type of thing."

I: "Was there a mission at the time, like the Eugene Mission now?"

Hoover: "Salvation Army always did that, yes."

I: "Salvation Army? There was that kind of system then?"

Hoover: "Oh yes, if we had, like a cold bitter night, and they would come into the police station and I was the desk sergeant or in charge of whatnot, we always had a good working relationship with the Salvation Army, and we would take them to the Salvation Army, or call the Salvation Army if it was a family, and many times, too, the city had this small fund for people who were travelling maybe with a family, and they were broke . . . to give them \$5.00 or \$10.00 to get a little ways further."

I: "So, in those days, particularly when you first started, in the aftermath of the Depression, was there a lot of vagrancy in the town?"

Hoover: "Yes. But they didn't loiter here. They didn't stay here Some of them were legitimate in that they were out of work and whatnot, but a lot of them were just professional hobos. Just hobos, and they'd travel from one town to another. And they'd get a bottle of wine, and they'd beg on the streets, you know. Or 'Can you spare me a dime?' Well, those were the ones that we got out. Now, if we warned you a couple times, and you didn't go, then we would throw you in the jail for vagrancy. But they are very leary of that nowadays. Of putting a charge of vagrancy against people. They've even questioned that law, you know."

I: "As unconstitutional?"

Hoover: "Yes. So, but it was easier in that respect. To go back to my original statement, it was easier for us in those days. But it's getting increasingly difficult for police to do their work."

I: "Was there any connection between that and say, unemployment in the lumber industry? Did some of these vagrants work in the lumber industry, then when there was a slump, they came out, no?"

Hoover: "I wouldn't say so. The true vagrant is somewhat of a bum. The vagrants that we have downtown in the Mall are not people looking for work. The guy that's really trying and looking for work, he's trying to get someplace, he can be recognized. But the typical

'bum,' the guy that's going to try to get a quarter, and two or three of them and get a bottle of wine, they can be recognized."

I: "What kind of crimes did vagrants commit? I don't know the figures."

Hoover: "Petty larceny, usually."

I: "Petty larceny?"

Hoover: "Yeah. But there's always that problem, you know, if there are enough of them. And if they get hungry enough and desperate enough, why they're going to commit a crime. And particularly, I think that sex crimes, you know, that's their, they're just going through the community and so they can maybe pick up a little girl or do something, but a true vagrant can be a problem. And if you can't move them, or you can't put them in jail, it becomes more of a problem."

What we see in these oral history statements is the spectre of the un-kempt and ill-disciplined transient. These people were not part of the formal machinery of democracy. Without a residence they could not vote. By occupying a position which was marginal to production they had not internalized the capitalist work ethic of regular disciplined wage labour. These individuals had eluded the growing system of governmentality. It is not surprising that in the post World War II period these people became scientifically confirmed as a threat to the social order. (I will develop these points in the final part of this chapter.)

Law Enforcement, Class and Leisure

The enforcement of vice laws in Eugene was selectively tightened by the introduction of civil service procedures in 1936. Prior to this moment there had been several exposes of police connivance in vice. For example in March 1930 police chief James Strait was dismissed by the council for allegedly allowing a bootlegging operation to continue (MR, 5 March 1930). The vice scandal which emerged out of the press disclosures on this matter led to calls for the breaking of patronage

ties and the introduction of civil service based hiring. These calls fell on deaf ears. On February 12, 1936 the Morning News published a report documenting the negotiated policing of houses of prostitution and gambling dens. In one case a father had been searching for his son and had been directed to a local gambling den by a police officer. The pollution of youthful innocence became a prominent cry in the ensuing moral panic. It was revealed that that particular gambling den had been operating for a number of years. A Grand Jury Investigation concluded that the EPD had been "lax" and recommended the need for "prevention" and "detection" rather than the making of arrests after a series of citizen complaints (MN, 29 Feb. 1936).

The vice scandal in Eugene in the spring of 1936 consistently made front page news for more than a month. This was by far the most extensive moral panic about vice in the history of the town. The scandal was the straw which broke the camel's back in terms of the introduction of civil service. The "lax" policing of vice came to be attributed to patronage ties. Within a few months a heated debate was under way about the desirability of introducing civil service hiring at the EPD. As noted in Chapter 11, this debate was part of a statewide movement to clean up law enforcement and make it more rational, predictable and credible. The Eugene City Council discussed this issue at great length. Councillor Simon, head of the Police Committee of the Council, argued in favour of civil service for the EPD. Councillor Harris asked whether the public might raise an initiative petition to introduce civil service by charter amendment. This option would have bypassed (and undoubtedly embarrassed) the city council. Councillor Carlson argued that it was the council's duty to bring the issue directly to the electorate. Mayor Large, a leading businessman who had the most discretionary authority to lose was more cautious. He

recommended that civil service be piloted in the Fire Department. The business community mounted greater pressure in favour of civil service. On March 9, 1936 largely as a response to that pressure, the council voted 6:2 in favour of presenting the civil service issue to the electorate in the May 1936 Primary. At the May Primary election the voters favoured civil service hiring in the EPD by a margin of 3868 to 804. By August 1936 a panel of three had been chosen by the council to serve as the Civil Service Commission. Throughout most of its life (1936-73) the Civil Service Commission was made up of two businessmen and one person from the UO.

In terms of class relations and law enforcement we must note some important themes that appear to converge in the introduction of civil service. The personal interests of Mayor Large in holding onto his ability to orchestrate a patronage based system of policing appear to have been overcome by a deeper groundswell of bourgeois pressure. We might reasonably argue that the bourgeoisie was becoming more cohesive and taking a greater interest in municipal politics. The private milking of the local polity by individual members of the bourgeoisie came to take a back seat to the calls for more respectable legitimate local government. We can read off some of these concerns for more rational-predictable policing from the arena of class struggle. I have mentioned three particular domains where policing strategies appeared to be less than "objective," i.e., labour radicalism, and the acquiescence of the EPD vis a vis vigilantism; unemployment, and the "spying" of police on the organized unemployed; vice, and EPD connivance in gambling and prostitution.

My purpose in raising these diverse themes is to emphasize that we cannot see the introduction of civil service codes as the direct outcome of the local vice scandal. A superficial reading of the local press

might suggest such a conclusion. However, when we piece together the multiple influences from the arena of class conflict a much more complex and deep seated picture seems to emerge. This situation illustrates the need to exercise considerable caution when examining primary source material. By using information gleaned from newspapers, records of the city council and oral histories it is possible to cast a wider net. When this net is framed within the history of class relations and law enforcement in general, we begin to trace links and themes that do not crystallize out of the immediate time period in which civil service emerged (i.e., 1936).

By examining the effects of more rational forms of policing it is possible to argue that it was a mosaic of class forces, rather than the vice scandal alone, which influenced the introduction of civil service. Given the widespread electoral support for civil service and the backing of the local bourgeoisie, it is not unreasonable to argue that if vice had been the sole reason for bringing civil service to the EPD, then vice conditions would have been confronted strongly after 1936 by local police. However, this does not seem to have happened. Gambling and illegal drinking were redistributed. They became ever more confidential and subterranean. (As I will show later, houses of prostitution continued to operate.) What we do see immediately after the appearance of civil service is the worst labour violence in the town's history (1937-8) and the enforcement of a number of new laws in relation to proletarian activism.

Governmentality, Policing and Class

It is the argument of this thesis that policing has been a critically important aspect of government in Eugene. The regulation of labour has been a central theme. We have seen how changes in police

strategy have been intimately associated with the rise of industrial capitalism. For example, in the 19th century we witnessed the targeting of vagrancy at a time when the wage labour market was forming. Later we saw the emergence of civil service rationality during a period of intense class conflict.

We must examine the growth of 20th century surveillance by the EPD at a number of levels. As indicated in Table 11.1, EPD personnel per capita rose significantly as a more politicized proletariat emerged during the 1930s. During this decade of intense class conflict we encounter a doubling in the number of police officers. This doubling occurred in spite of minimal population growth and a growing fiscal austerity in municipal government. This increased physical presence of police contrasts sharply with the preceding 1900-30 period during which time I have described the working class as a proletariat in itself. Between 1900 and 1930 the population of Eugene increased roughly sixfold. This increase was matched by only a threefold increase in the number of police. The increase in the police:policed ratio during the 1930s continued at a somewhat slower rate in the 1940-70 period. However by 1970 the police:policed ratio had more than doubled from its 1940 level. As I have also noted in Chapter 11, it was not only the number of officers that increased. The knowledge gathered and stored by the EPD underwent a revolution in the post 1945 period. This marked a growing surveillance at another level. If the police:policed ratio in the 1940-70 period did not increase as fast as it did during the 1930s, the massive accumulation of data on the policed public after 1945 more than made up for it.

During the 1930s we witnessed a growing police regulation in specific areas such as strike control, anti-picketing, the dissemination of information by loud speakers, etc. We also saw a renegotiation of

the parameters of vice. This was directed at the constitution of a social order based upon capitalist production techniques. The post World War II period saw marked changes in policing. We witness a growing dislocation between policing and direct class struggle, simply because class antagonism in the shape of direct confrontations had largely subsided on a local level. What we see instead is police involvement in the constitution and reconstitution of a consolidated capitalist economy which was buoyant from both the fruits of wartime profiteering and postwar imperialism. It is towards this work of ongoing reconstitution that we see the expanding field of knowledge relations in policing directed. The growth of crime statistics heightened public awareness about the dangers of disorder. In the postwar period the EPD became the Department of Public Safety. Specialized operational units, more secretive forms of communication and the maintenance of increasingly elaborate records all served to monitor public life more closely. At the same time these changes in policing encouraged the public to police themselves more carefully. The dissemination of knowledge about danger encouraged people to regulate their own lives. In a sense this was government by individualization. The policed citizenry were encouraged to take on ever more refined technologies of the self. We have seen how the vagrant was finally confirmed as a danger to the community. The public were made aware of the appropriate ways to dress, speak, behave in general, work, etc.

DeBevoise has argued that after 1945 the policed public in Eugene were

"No longer . . . so cavalier about leaving their doors open. They began to make their houses more difficult to break into, and they remembered to lock their cars. Overnight it seemed that strangers had come to make up about half of the population. Some of them were certifiably dangerous."
(1986:73-4)

The scientific affirmation of the dangers posed by strangers and vagrants encouraged the inculcation of certain norms vis a vis being committed to the capitalist work ethic and the American ideal of democracy. These norms were modelled by the selective targeting activities of police. As such, police contributed to the mediation and management of class antagonisms at two levels. Firstly their actions sought population management. This required the populace to become involved in monitoring itself. We find notions of the sanctity of private property being reinforced through the rise of neighbourhood watches and the identifying of one's own private possessions in ways that made those items retrievable from the clutches of burglars. These systems were related to an economy of power in local government. In the field of leisure we witness saloon owners themselves installing breatherlyzer kits to enable patrons to learn their blood alcohol levels before driving home. These devices might be seen as both technologies of regulation and technologies of evasion. Secondly, the post 1945 forms of governmentality and policing have sought compliance through the individual internalization of codes of behavior. At this level we witness the attempted inculcation of specific law-abiding subjectivities through technologies of the self. These codes are presented through hegemonic discourses and continue to argue for self control with drugs/alcohol, work discipline, reasonable wage bargaining, the importance of being a voting citizen, etc.

The activities of the EPD have gone beyond modelling certain techniques of political dressage. Rather they have sought to increasingly discipline the non-disciplinary spaces. The non-disciplinary spaces have become ever more detailed, especially since 1945. In the 19th century we saw how the common drunkard was so labelled, stigmatized and regulated. As police involvement with

intoxication has increased we find an ever more detailed appreciation of the character pathology of the alcoholic. Not only has the policing of saloons culminated in the insertion of norms of measurable blood alcohol levels, it has also resulted in attempts to transform character. Here we find the activities of police interfacing with a number of other social agencies, volunteer groups, etc. committed to the reformation of the dangerous individual.

These more recent examples of the selective targeting of "problem" behaviour bear a direct class relation to the old temperance discourse I identified in the 19th century. I say this because modern day moral panics about intoxication continue to be fractured across class lines. We still those individuals who are marginal to production bearing the brunt of arrests for intoxication while other forms of crime (corporate tax evasion, breach of health and safety at work legislation, industrial pollution, etc.) are heavily underpoliced.

Conclusion

In the course of this chapter I have attempted to demonstrate how the rise of more rational forms of policing can be seen as an aspect of the government of a proletariat for itself. I especially focused on the areas of labour radicalism, the unemployed and vice. My principal thrust was the ways in which police facilitated the regulation of labour. The insertion of civil service codes at a critical juncture in class relations was the thin end of the wedge vis a vis the emergence of more rational-bureaucratic forms of policing. These forms were extended after World War II and directed at the manufacture of consent through surveillance. Police monitoring opened up the social body to the growing influences of normalizing judgements in the fields of work discipline and leisure. The application of science to policing tended

to confirm the themes of normalizing judgements (e.g., vagrancy-criminality; intoxication-character pathology) and acted to boost the legitimacy of policing.

Governmentality involves more than the social reproduction of labour power and law enforcement comprises more than the mediation and management of class relations. While society may be a social body of workers, it is also a collection of patriarchal families. In the interest of adopting a wide angled approach to the historical appreciation of policing the next section of this thesis will examine the relationship between policing and gender relations.

References and Notes

- ¹CM, 11 Sept. 1932; 10:210.
- ²See for example CM, 28 Jan. 1935; 10:330 and CM, 25 Nov. 1935; 10:417 for a discussion of these issues.
- ³Similar raids occurred in other cities in the Pacific Northwest in July 1934.
- ⁴See Oswald Garrison Villard, Issues and Men in The Nation, 4 June 1938 for an analysis of Governor Martin's fascist character.
- ⁵CM, 16 Nov. 1937; 11:15.
- ⁶CM, 14 March 1938. Passed as Ordinance No. 8534.
- ⁷CM, 28 March 1938, 11:59.
- ⁸CM, 11 April 1938.
- ⁹Judge Skipworth ruled it was contrary to Chapter 355, Oregon Laws 1933 as decided in Wallace v. International Association of Mechanics et al., 155 Or, page 652.
- ¹⁰For example, a federal transient relief hotel was established in the old Yates Hotel in Eugene. The policing of this hotel was coordinated by the EPD and the Oregon State Police. The idea was "to do away with mooching on the streets and begging at doors" (RG, 13 Jan. 1933). Two men were hired as special police officers at this hotel.
- ¹¹CM, 11 Sept. 1932; 10:210.
- ¹²EPD Annual Report, 1948, page 6.
- ¹³The vagrancy law was declared unconstitutional in the early 1960s.

SECTION VI

THE POLICING OF GENDER RELATIONS IN
EUGENE AND LANE COUNTY

CHAPTER 16

GOVERNMENTALITY, POLICING AND THE MANAGEMENT OF
GENDER RELATIONS IN LANE COUNTY, 1853-1912

We have seen from Section V that governmentality was intimately concerned with the regulation of labour in a rising capitalist society. I demonstrated the part played by local policing in that process of governmentality. In Section VI I will argue that the government of gender relations in general and familial life in particular has been effected in part by what we might call police passivity. By this I mean that the non-intervention of local police into the field of gender conflict has acted to both produce and reproduce the sovereign rights of men over the bodies and souls of women. We might say that the fabric of governmentality has been characterized by a close regulation of mostly male wage workers in combination with a failure to address offences against women. This trade off has guaranteed the familial sovereignty of men in return for the regulation of those men in other areas of social life, e.g., labour radicalism, vice, etc.

As I have already stressed, the notion of governmentality transcends the state or any centralized body in society. Rather, the effects of government are keenly felt in the extremities of the social body. In Section V I emphasized the importance of local hegemonic discourses. Section VI explores the deployment of power in heterosexual and especially marital relations. In an attempt to break with traditional or total history which seeks to explain "all" in terms of the "few," I direct my attention to the experiences of those subjects hitherto marginalized or disqualified from the "past." This attempt to

replace the descending analysis of power seen in total history with an ascending analysis, is of course a political ploy rooted firmly in the present. It requires us to look beyond famous people and events and instead address the voices of the hitherto unheard.

Within the hegemony of total history, the acquisition of voting rights has frequently been portrayed as a liberating phenomenon. Suffrage amendments are typically seen as points of culmination in a progressive series of developments. With the vote in hand, newly emancipated groups are free to embark upon a course of legitimate activism in order to undo past disadvantage, discrimination and misfortune. Ruth Moynihan's authoritative Rebel for Rights is a chronological approach to the Oregon Women's Suffrage Movement. Her final chapter entitled "Freedom at Last" typifies the approach of total history by arguing that the vote was a liberating force in the lives of women. Section VI of this thesis challenges the notion that the vote can be depicted largely unproblematically as a liberating phenomenon. Rather I argue that formal political rights constitute only one aspect of a much more widely dispersed strategy of government. I also produce evidence which strongly questions whether the acquisition of the vote for Lane County women did much to alter patterns of familial violence, rape and prostitution or the policing response to those forms of illegality.

Chapters 16 and 17 respectively examine the dynamics of gender relations before (1853-1912) and after women acquired the vote in Oregon. Chapter 16 discusses the non-policing of "gendered" offences such as domestic violence, rape and prostitution. These analyses lead into a brief consideration of the relationship between patriarchy and the policing of vice and vagrancy.

Preserving the Sovereignty of Husbands: The Non-Policing
of Domestic Violence in Lane County, 1853-1912

Press silence on domestic violence continued to characterize local patriarchal discourse. There was a close correspondence between this silence and the non-policing of offences against women. Both the press silence and non-policing were crucial themes in the power relations of gender. These hegemonic silences are all the more significant given the fact that court personnel were fully cognizant of the number of divorces being granted on grounds of cruel and violent conduct. Judges, lawyers, clerks, police and court reporters could not help but be aware of the phenomenon of marital violence. In the empirical analysis which follows I raise the crucial question as to why this violence went un-policed.

As I have mentioned in Chapter 4, the data from divorce cases provides a window into marriage which would not otherwise be available. I randomly sampled 323 cases out of a total of 1166 divorces heard at Lane County Circuit Court between 1853 and 1912. The reasons for granting a divorce were coded as either "proven" (Pr) or alleged (Ag) statements. From the transcripts it is possible to tease out four main categories of reasons accepted as grounds for divorce. These were adultery, desertion, violence and cruelty. Violence and cruelty were combined by the Court as "Cruel and Inhuman Treatment." For the purposes of this study I have found it useful to distinguish between the physical and emotional aspects of spouse abuse. This distinction was important because of its implications for analysing policing foci. Reasons are therefore tabulated in Table 16.1 according to whether the husband (H) or wife (W) was proven (Pr) or alleged (Ag) to have been adulterous, guilty of desertion, violent or cruel. (Only 6 divorces out of the 323 were given for other reasons; 3 each for the sole reason that husbands were felons or alcoholics.)

TABLE 16.1. To show the breakdown of reasons for divorce proceedings contained in a random sample of Lane County Circuit Court (LCCC) divorce transcripts, 1853-1912

Spouse	Reason															
	Adultery of				Desertion of				Violence of				Cruelty of			
	Wife		Husb		Wife		Husb		Wife		Husb		Wife		Husb	
Nature of Statement	Pr	Ag	Pr	Ag	Pr	Ag	Pr	Ag	Pr	Ag	Pr	Ag	Pr	Ag	Pr	Ag
Number of Cases	2	8	8	5	50	8	87	2	4	1	68	12	21	2	112	23
% of total Cases	0.6	2.5	2.5	1.5	15.0	2.5	26.9	0.6	1.2	0.3	21.0	3.7	6.5	3.7	34.7	7.1

(See Appendix U for a bar graph representation of these results.)

I have already discussed a number of the problems associated with the above analysis (see Chapter 4). The main problem is that the level of violence reflected in the reasons for granting divorce, is only a rough guide to the actual distribution of violence within the sampled cases. As I have noted, the actual number of proven (Pr) cases of violence is probably a considerable underestimation given all the factors which would tend to militate against violent behaviour being disclosed in the transcripts.

We must not forget that empirical research provides us with a numerical sign. It is important to transcend this quantified message before we can realize its full historical import. For example, as Table 16.1 reveals, husbands deserted wives more frequently than wives deserted husbands. This information tells us nothing of the consequences of desertion. These consequences were much more serious for women than men, because wives had very limited opportunities for independent economic survival.

The category of cruelty also warrants mention since this term was applied differently to the actions of husbands and wives. By merely looking at the numbers we do not firmly grasp the gendered construction of the concept of cruelty. For example, the cruelty of husbands at

times included threatening to kill their wives. In Delaney v. Delaney (1892), Clarence Delaney had threatened to kill his wife, Carrie, many times. He had violently abused her. Clarence was eventually arrested and jailed for attempting to kill Carrie by putting strychnine in her coffee. Clarence mocked Carrie and noted that had he not been arrested for attempted murder she would never have brought a divorce action against him. He menacingly addressed her

"Carrie, you would never have testified against me. I would have shot you off the witness stand."

Under Oregon law the cruel and inhuman treatment in divorce cases had to be unmerited, unprovoked or wholly disproportionate to the provocation (Hartwig v Hartwig, 1897, 4111). This often worked against women who sought divorce on grounds of cruelty. The policy of the law was to sustain the marital relationship. In Wheeler v. Wheeler (18th Oregon, 1878, 261) the Court held that the

"Mere fact that a husband has been imprudent, overbearing and unreasonable does not necessarily constitute grounds for divorce."

That Oregon women were expected to tolerate abuse to some extent was clear from certain legal precedents. A party was not entitled to divorce on the grounds of cruel treatment when such treatment did not appear to have been

"sufficient in character to furnish a reasonable ground to apprehend "critical danger" by a continuance of the marriage."¹

Here we see the legal articulation of the finger-switch rule in Oregon.

The cruelty of wives was constructed out of their position as gendered subjects within the family. This cruelty sometimes included a failure to make meals or perform housework (Skinner v. Skinner, 1897, 4200). Another form of cruelty inflicted upon husbands by wives was a woman's refusal to bear children. For example, in Brown v. Brown (1865,

452), the defendant Simpson Brown, argued that his wife had been guilty of cruelty since she had sought out medicine to effect an abortion and had refused to bear him any more children.

As Table 16.1 indicates, roughly a quarter of the sampled divorce transcripts revealed evidence of male violence. The majority of the violence was proven (21.0%) rather than alleged (3.7%). (As I noted, it is important to remember that divorce cases containing evidence of cruelty, desertion or adultery without specific reference to violence, may in fact have been violent marriages.) In contrast we note that only 1.5% of cases reveal evidence of female violence (1.2 [Pr], 0.3 [Ag]).

The forms of violence changed little over the period. Slapping, punching, kicking, whipping and throttling were much more common than knifing, shooting and poisoning. Most violent marriages were characterized by multiple incidents of male violence. It is impossible to know just how many times wives were beaten by their husbands. On occasions the transcripts would give specific instances of battering and offer full details of time, date, place, injuries incurred, etc. Other accounts were much more general and would point to violence over a period of years. I will discuss some examples.

In Deakins v. Deakins (1856, 123) the plaintiff alleged that his wife still had a husband living by a previous marriage. He also argued that his wife had lived with felons and outlaws over the last 2½ years and that she had a vile temper. Margaret, the defendant, countered that her husband

"struck her violently and angrily in the face and knifed her." At a later date he threatened to put her on the fire. She moved out of the house onto another portion of their donation land claim and asked for a divorce on the grounds of his cruel and inhuman treatment. The

judge decided in her favour and awarded her half of the claim with costs.

On many occasions marital violence would be associated with the husband's drunkenness. This was the case in Maupin v. Maupin (1860, 410). Here Martha Maupin, the plaintiff, sought divorce on the grounds of gross habitual drunkenness (contracted during marriage) and harsh and cruel treatment. The defendant had threatened to remove their six children by force if divorce proceedings were brought. The plaintiff stated that her husband struck her with his fists and with a whip. He had often drawn a knife on her and threatened to kill her.

William Osburn was a Democrat councillor in Eugene. His wife, Laura, applied for divorce in November 1882. In Osburn v. Osburn (1882, 1469) it was revealed that William had whipped his wife and abused her physically on many occasions. He had also threatened to kill her.

Emma Belshaw seems to have endured violence at the hands of her husband, John, for many years. Her statement in Belshaw v. Belshaw (1886, 2029) was accepted by the Circuit Court judge. Her statement revealed that,

"He would absent himself overnight and when he would return, and at other times, he would manifest a very ill temper and without any cause or provocation on her part he would fly into a violent rage, shake his fists in her face and strike her with his fists and cruelly and grossly abuse her . . . and frequently called her "damned whore" . . . and ever since the marriage began he struck and whipped the plaintiff."

Railroad capitalist and state politician B. J. Pengra was also a wife batterer according to the transcripts of Pengra v. Pengra (1887, 2511). His wife, Charlotte, appealed for a divorce on the grounds that she had heart disease and just "had to get away from him." The couple married in 1849 and one wonders how long the violence lasted. Quoting recent incidents her lawyer noted that the,

"Defendant, angrily and with force and violence took the plaintiff by the back of the neck and shook her with great force."

On another occasion the defendant called her,

"a damned fool and slapped her in the face."

During another outburst he,

"grabbed her arm and turned it black/blue and threw her across the floor."

Mary Bowers obtained an order from the court enjoining her husband, Thomas, from interfering with her or her three children. As plaintiff in a divorce suit against her husband in 1893 she told of how Thomas had kicked and struck her on many occasions in addition to whipping her three times and taking his boot off and striking her with it. The 10-year-old son of the marriage supported the mother's statements. The judge granted in her favour (Bowers v. Bowers, 1893, 3298).

William Parker was held to have knowingly and willfully infected his wife, Rebecca, with venereal disease. A doctor was brought in to confirm Rebecca Parker's statements as plaintiff (Parker v. Parker, 1896, 3891). The doctor testified that Rebecca indeed had been infected with gonorrhoea and that in this case permanent damage had resulted from an infection that had spread to her fallopian tubes. The judge granted Rebecca her divorce.

In Hartwig v. Hartwig (1897, 4111) Zorada, the plaintiff, claimed that her husband had struck her with a club in a violent and vicious manner. He had then threatened to cut her throat while she was sleeping. She left him but later returned and continued to live with him for ten days after the commencement of the divorce suit. The judge construed this as "condonation" of the husband's behaviour and the divorce case was dismissed without the judge inquiring as to why the wife returned. Louis Hartwig did not even plead condonation but the judge quoted a precedent saying that this non-pleading did not matter.

Table 16.1 points to 80 divorces being granted for the reason of proven (68) or alleged (12) male violence. Most of these cases contained evidence of multiple assaults over a number of years. Given that this is a random sample of cases we might project that among all the divorce cases we would find 289 granted on grounds of male violence.² If we factor in the likelihood of "undisclosed violence" (especially in cases showing male cruelty but no overt violence) we end up with a much larger number of potential cases revealing assault, etc. As I have mentioned, we have no way of knowing whether the marriages ending in divorce reflect a representative sample of the distribution of violence within all marriages. It could be argued that those marriages ending in divorce would tend to be overrepresented by incidents of violence. However this argument stems from an ideological position which sees marriage as fundamentally "companionate." Even if we accept this dubious possibility, it seems very likely that many violent marriages never reached the divorce court. Whatever our willingness to extrapolate from the sample data, it must be said that this data alone uncovers a systematic and extreme expression of violent behaviour. If we take into account that many of the cases reveal multiple incidents of violence we are left with a vast number of assaults which appear to outweigh all other manifestations of wounding within the social body.

Both the marshal and sheriff were mandated by law to maintain the peace. This responsibility clearly covered all forms of assault including those committed within the home. The informal operation of the finger-switch rule meant that some domestic violence was deemed to be "untouchable" and beyond the legitimate domain of policing. However, as our cases have disclosed, there was an enormous grey area of violence which was clearly in excess of any type of assault seen as appropriate or acceptable under the most patriarchal of finger switch rules. Given

the possible dimensions of this grey area one therefore might expect to find wife battering represented fairly frequently in police interventions and arrests, and in court hearings/convictions. This does not appear to have been the case over the 1853-1912 period. Instead what we find is a virtually non-existent police response to domestic violence. This passivity seems to have included a reluctance to even intervene to ascertain the degree of wounding taking place. I will first discuss the few cases which reached the attention of the police or courts.

The violent breakup of a heterosexual relationship was reported by the OSJ in March 1872 (OSJ, 9 March 1872). Jim Nevels and Josie Johnson had been lovers. When Josie ended the relationship and barred her door to Nevels he broke the door down and whipped her. Nevels was jailed for this offence. Upon release he whipped her again and was then jailed for 40 days. It is likely that the jailing of Nevels would not have occurred had Johnson been his wife.

A judge in Cottage Grove, Lane County, jailed James Johnson in 1880 after Johnson had threatened to kill his wife (Gu, 17 and 24 April 1880). This was one of the few cases uncovered during this period of a wife swearing out a warrant for her husband's arrest. He was placed under bonds of \$500 to keep the peace, but these were not secured and he was jailed. He was released a week later after the judge observed,

"The old wife was found to be in no danger."

In 1894 J. W. Severs was arrested on complaint of his wife and neighbours that he had threatened to do his wife great harm (Gu, 14 April 1894). Mr. Severs was not apparently jailed or fined for this offence.

Women with no independent income and no alternative accommodation found it difficult if not impossible to bring legal charges against

their husbands for abuse. On occasions abuse victims blamed themselves for the violence and were ashamed of their stormy marriage. On one occasion in 1898 Deputy Sheriff Scott went to a house in the northwest part of Eugene to see a wife who had endured the violence of her husband (Gu, 1 Jan. 1898). The husband had apparently beaten and kicked her. The wife refused to sign a complaint because of the publicity it would bring.

A municipal judge in Creswell, Lane County, fined Frank Skinner \$50 for battering his wife, Mary. He had kicked her and struck her with his fists. Both of her eyes had been blackened (Skinner v. Skinner, 1897, 4200). The earliest record from my sample of divorce transcripts of a Eugene municipal judge convicting a husband for wife battering, dates back to the case of Eddy v. Eddy (1905, 5561). The judge jailed Walter Eddy for 36 days on assault charges and accepted the evidence of his wife, Leila, that Walter had struck her on numerous occasions with his fists. Both her eyes had been blackened and she had been dragged across the floor by her hair.

The above evidence reveals four arrests and three convictions for wife battering in 60 years (1853-1912) in Lane County. It is quite likely that there were other convictions that were not reported in the press or were handed down by municipal judges in areas of Lane County not covered by my research. Municipal Court records in Eugene are not available for the 1864-1911 period. It is therefore not possible to gauge the number of domestic assault charges. However, if later (1912-60) municipal records are anything to go by we might reasonably suspect that domestic assault convictions in the earlier period were minimal. Circuit court cases (except for the ones cited) appear to be equally barren in regard to domestic discord.

The lack of police intervention in violent marriages is as striking a phenomenon as the gendered asymmetry of the perpetrator/victim relationship. We cannot understand police reticence by reference to the workings of the criminal justice system. For example it might be suggested that police officers were not interested in domestic violence because they knew that wives were not in a position to press charges. Unless officers made an arrest and set in motion a sequence of fee generating events, i.e., serving papers, gathering witnesses, attending court, jailing, etc. they had nothing to gain financially from an intervention. However, if we look at the policing of wife battering after the introduction of salaried forms of policing (1898) we find no appreciable shift in levels of intervention. It seems to me that we have to interpret the reticence of police agencies as an aspect of patriarchy and governmentality itself.

It is clear from the divorce case data that some local politicians and police officers behaved in a cruel and/or violent manner towards their wives. I have already described the assaults perpetrated by B. J. Pengra and W. Osburn. There is also good evidence to suggest that at least two prominent police officers in Eugene committed cruel or violent acts against their wives. Nightwatchman Enoch Smith (1872-4, 1875-6) was found to have engaged in the cruel and inhuman treatment of his wife, Mahala (Smith v. Smith, 1868, 1422) (Gu, 21 April 1877).³ Richard Rush was the Marshall in Eugene (1873-4) and also served a term as nightwatch (1874-5). In Rush v. Rush (1881, 1457) his wife, Nancy, held that he had called her a "dirty bitch" and a "whore" and on a number of occasions he had alleged that Enoch Smith was the biological father of their child. On two occasions Richard Rush struck his wife with his fists. It is hard to imagine any of these men having a commitment to

arrest wife batterers, given their cruel/violent tendencies towards their own wives.

We may regard the wife battering activities of these politicians and police officers as expressions of their sovereign rights over the bodies of their spouses. This sovereignty was a right accruing to all married men in a patriarchal community. As men themselves, police officers had vested interests in not challenging the sovereign rights of husbands to beat wives. Had the officers done so they would have imperiled their own rights as men and the advantages stemming from those rights, i.e., personal services, housework, childcare, more leisure time, etc. The social silence that prevailed around the issue of domestic violence was itself a strategy of sovereign power. We might call it a strategy of non-intervention. As such police officers were in a position similar to that of a monarch who enjoys the right to pardon a condemned person. The reluctance to intervene, arrest and convict wife batterers was a key factor in the perpetuation of the most deeply rooted and systemic form of violence in Lane county.

We might raise the question as to what is special about the deployment of sovereign power in the policing of gender relations? How does this deployment differ for example from the arbitrary non-policing of vigilantism against the communists? To attempt to answer this question we must consider the history of patriarchy. The sovereign powers of men were written into the lives and language of the earliest settlers in Oregon. The patriarchal dynamic of marriage had been established long before the great labour of formation got under way and the city of Eugene emerged. Doubtless the familial roles of husbands and wives changed as the capitalist market place surfaced. However, the deployment of sovereignty within families seems to have been an early and ever present phenomenon. Is it possible that the various techniques

of sovereign power in policing trace their lineage to the patriarchal dynamic in families? Might we speculate that third degree torture techniques, the extra-legal use of violence against vagrants and Wobblies, the non-intervention in vigilante violence and the non-policing of wife battering are all techniques of sovereign power first deployed in heterosexual relationships and later utilized in other areas of the social body? I am not suggesting anything new here. Rather I am pointing to the possible assemblage of strategies of power in the domain of law enforcement which are traceable to masculinist domination in families.

Strategies of sovereign power tended to be arbitrary and unpredictable. Consequently they ran counter to the dictates of local regimes of rationality. For example the use of third degree techniques by police officers (e.g., sweat boxes, assault, etc.) illegally affected the bodies of suspects. These methods, which we can possibly trace to sovereign rights in the family, ran counter to the rise of disciplinary mechanisms in policing. As we have seen, disciplinary policing disseminated hegemonic ideas which targeted the mind not the body and sought the adoption of normative codes. To illustrate the tensions between sovereign and disciplinary modes of policing we might reconsider the policing of class relations in Eugene during the 1930s. It is possible to interpret EPD non-intervention in vigilantism as an expression of sovereignty. The introduction of "rational" civil service codes in 1936 confronted police passivity by introducing a more predictable and disciplinary code of law enforcement.

Sovereign rights often raise the spectre of domination. As we saw during the Great Depression the somewhat arbitrary decision not to confront illegal vigilantism drew sharp criticism from across the political spectrum. It seems that within an overall strategy of

governing an entire population, the deployment of sovereign power could only be effective if knowledge of its exercise was either hidden or circulated cautiously. This point goes some way towards explaining the continued resilience of techniques of sovereign (masculinist) power within families. We have noticed how in Lane County, knowledge of domestic violence was cautiously circulated in select circles, never surfacing on a regular basis in the press. At another level historians of Pacific Northwest culture have chosen to employ descending analyses of power and have not addressed domestic violence. At still another level, the thrust of mainstream functionalist sociology has been to emphasize the socialization role of the family and has disseminated images of a harmonious unit, within an ordered social whole. What we witness here is the intimate association between knowledge and power at a number of different levels. In the case of domestic violence we see coercive attempts to control women alongside an associated realm of truth which manifested itself through newspaper silences, traditional historical analyses and mainstream theoretical stances in the human sciences.

We might conclude this section by likening wife battering to vigilantism. Husbands constituted the vigilance committee. Within this patriarchal fabric of families wives were lawlessly and arbitrarily policed by husbands who in turn were only selectively policed in the public sphere by the legitimate agents of law enforcement. We can therefore discern the crystallization of a strategy of government which allocated certain Sovereign rights to voting men in return for the patriarchal domination of non-voting women.

Policing and Rape

My analysis now turns to the phenomenon of rape. Here again I employ an ascending appreciation of power in an attempt to trace another aspect of the policing of patriarchy. The phenomenon of rape, like that of domestic violence, is one where the social/historical silences speak louder than words. If we examine traditional sources such as the press and city council records, primary sources, etc., we find few references to rape. In order to make some sense out of these silences I begin by examining the legal definition of rape in 19th century Oregon as a problematic patriarchal construct.

As noted in Chapter 1, under Oregon law a husband could not rape his wife until 1978. This tells us that the context in which forced intercourse took place was more important than the nature of the act itself. This serves to remind us that when we talk about the deployment of power we do so within the framework of particular kinds of human relationships. With these observations in mind I would like to draw attention to some evidence of forced intercourse within marriage. I include this data since it seems to be an important aspect of marital power relationships. Although this forced intercourse was not defined as criminal, it does help us understand the exercise of sovereignty because it ties in with other forms of male domination. The cases I will refer to remind us that the law of rape was directed at protecting the exclusivity of a husband's conjugal rights rather than guaranteeing the sexual autonomy of women. A husband's conjugal rights gave him sexual access to his wife's body, regardless of her wishes. There are clear parallels here between the sovereign rights to sex and to beat.

Sarah Sanford recalled a catalogue of physical abuse spanning eight years (Sanford v. Sanford, 1890, 2725). Her husband had beaten and cursed her on many occasions. On April 1, 1889, she was forced to leave

her house after he had become dangerous. His anger was directed at Sarah's refusal to prostitute herself in order to provide him with additional income. She reported that her husband had forced sex upon her on numerous occasions throughout their marriage. The judge accepted Sarah's testimony and placed a restraining order on the husband.

A conversation between Mary Pyle and her lawyer provides another example of a husband forcing sex upon his wife (Pyle v. Pyle, 1887, 2622):

Lawyer (L). "What was your condition when you and Mr. Pyle were married?"

Mary (M). "I was a robust healthy woman mentally and physically."

L. "And since you've been married . . . how has Mr. Pyle treated you?"

M. "In a cruel and inhuman manner."

L. "What does that cruelty consist of?"

M. "By making me yield to him for sexual intercourse when I was unable to do so."

L. "What was the result of his unceasing demands upon you for sexual intercourse?"

M. "It brought on a disease known as inflammation of the womb."

L. "Since the disease was contracted did the defendant insist and compel you to have sexual intercourse with him against your will?"

M. "Yes."

L. "Did you remonstrate with the defendant and warn him that his brutal and inhuman demands upon you for sexual intercourse was killing you?"

[Objected to by the defendant's lawyer as "leading."]

M. "Yes."

L. "What did the defendant do when you told him that it was killing you?"

M. "He still insisted and compelled me."

L. "What did you leave the defendant for?"

[Objected to because there was no evidence to that effect.]

M. "To save my life."

As we can see from the above case law data, forced intercourse was a fact of life in some marriages. We must not lose sight of the problem of consent to intercourse in marriage. As I mentioned in Chapter 3 this notion of "consent" is problematic given women's subordinate position in a patriarchal society. One way of refining our analysis of "consent" is to adopt the notion of what Liz Kelly (1987) calls a "continuum of

sexual violence." She suggests using terms ranging from choice, pressure and coercion to force. This, Kelly maintains, enables us to take into account the experiences of women.

While focusing briefly upon forced intercourse within marriage and a possible continuum of sexual violence, I do not want to lose sight of rape as an expression of sovereign power. Above all, rape was and is a crime of power. This links it to other manifestations of patriarchy in the areas of ideology, the family, sexuality, employment, legal and political rights and prostitution.

Bearing in mind that the notion of rape is a problematic patriarchal construct we are now in a position to glance at the Lane County Circuit Court statistics on rape. For the period from 1853-1912 we find 10 cases of rape, 4 of which resulted in convictions. These conviction decisions were reached through the deliberations of all-male juries.⁴ We might speculate that jurymen asked some of the same questions that police officers asked when considering whether to intervene in domestic violence. Of key importance here might have been questions on the role of the victim (battered wife or raped woman). Did she behave in a way that illicited a display of sovereignty? Did she encourage or perhaps even deserve what she experienced? Is she being honest about the allegations? etc., etc. Unfortunately for our analysis these strategies of denial, condemnation of the victim, etc. are not available for historical inspection.

We have little concrete statistical evidence to offer on the policing of rape cases or complaints. We have no way of telling how many complaints of rape were received by police officers or how these complaints were processed. Neither do we know how many incidents of rape were hushed up by frightened or ashamed victims and/or families. The silence of the press might lead us to believe that there were few

complaints of rape. The minimal arrests/convictions would support this. However our experiences in the field of domestic violence warn us to adopt a much more cautious approach. Current disparities between official statistics and victim surveys inform us that most rapes are not even reported and that relatively few rapists end up being convicted. My tentative conclusion here is that the social/historical silence surrounding rape probably tells us more about the effectiveness of rape as a form of governmentality, than it does about the actual incidence of rape itself. (In the next chapter I will return to the policing of rape with the aid of oral history insights.)

Prostitution

Moving away from the exclusive rights of husbands to beat and force sex upon their wives, I want to turn my attention to prostitution. Here, for a price, women become the temporary property of any man. However, prostitution is linked to domestic violence and rape through the patriarchally constructed "press" silence surrounding all of these historical phenomena. I have already noted the prevalence of prostitution in Eugene contrary to the laws of the town.⁵ The widespread knowledge (especially among men) of the availability of prostitutes contrasts with this press silence.

The enforcement of laws against prostitution was highly selective . As I have noted in Chapter 11, local police could not be found guilty of malfeasance for failure to enforce laws against bawdy houses. This implied that police connivance in prostitution was taken less seriously than say for example their tacit approval of gambling.

The enforcement of prostitution laws in the growing community of Eugene seems to have turned on the issue of visibility. Only when the

conspicuousness of whorehouses exceeded a certain "negotiated threshold" do we witness police arresting prostitutes and closing down bawdy houses. This negotiated threshold was a complex social equilibrium that was shaped and maintained through the constant exercise of power in fields such as class and gender relations. It was not simply a question of visibility to the eye, although this was important. Rather it was a social visibility which touched the mind, altered awareness and exerted pressure on social phenomena such as the double standard, familial relationships, concerns about the moral pollution of youth, etc.

One of the first reports of the closure of a bawdy house in Eugene can be traced to the Depression which began in 1893. In December of that year two bawdy houses were shut down. One of the madams (Eva Gray) and two inmates (Dickie Woods and Jane Slade) were fined (OSJ, 9 Dec. 1893). It is possible to speculate here that the poverty of that Depression forced a few more women into prostitution. Given the growing patriarchal emphasis upon the moral virtues of the bourgeois wife the increased visibility of prostitution might have exerted undue pressure upon the institution of marriage by excessively flaunting the raw nerve of the double standard. It is against this intersection of class and gender influence that we can begin to comprehend the unusual police actions.

I have already discussed the attempts during the Progressive Era to clean up local and state government. In Chapter 14 I focused upon the renegotiation of the selective policing of proletarian leisure pursuits. This renegotiation was a compromise which arose out of the struggle between patronage and progressive forces in municipal government. Another one of those compromises was the high profile closure in July 1912 of 3 bawdy houses which had allegedly operated with the knowledge and consent of the Berger administration and the EPD.

In order to begin to grasp the temporary closure of bawdy houses in July 1912 we must examine the intersection of class and gender modalities of power. The ideal of the bourgeois wife as a decorative non-wage earning symbol of her husband's success continued to establish itself during the Progressive Era. Bourgeois wives were active in a number of campaigns to improve the moral fiber of society. These women attacked vice in all its forms and were increasingly active in the movement to save "wayward children." The bourgeois wife represented the epitome of female achievement. Her opposite was the impoverished prostitute who had shed the morals of monogamous marriage. Local Progressive Era campaigns around 1912 were saturated with notions of the desirability of bourgeois wifehood. As I have noted in Chapter 12, it is at this time that we see the first police matron in Eugene. Undoubtedly it was this "progressive" pressure which played a key role in forcing the hand of the Berger administration to close the 3 bawdy houses. However, the hegemonic imperatives arising from this limited group of "progressives" met with powerful resistance from the large numbers of single male wage earners who sought access to sexual pleasures unavailable in the woods. There were both class and patriarchal themes operating here. Employers needed to be sure to allow these men the opportunity to unwind. This perhaps goes a long way towards explaining the enduring presence of vice in Eugene and especially the continued operation of bawdy houses. This tendency to permit the male wage labour force to lock itself into its own pleasures was nevertheless based upon a patriarchal definition of male sexuality. Ironically, this socially constructed image of male sexuality as tending toward insatiability, emanated from the same set of gender relations to which bourgeois women were themselves a part. In a nutshell we might argue that the threat posed to the growing bourgeois ideals of marriage

by the flagrant exposure of the double standard by prostitution, did not outweigh the economic utility of satisfying the patriarchally constructed desires of male woodsmen.

There is another angle which we must explore here. We ought not to fall into the trap of arguing that the excessive visibility of prostitution always exposed the hypocrisy of marriage. This visibility may have had other effects. The obvious presence of prostitution served to offer an alternative view of women. Prostitutes, as Rosemary Tong has noted, have been traditionally viewed as the

"the quintessential bad girl." (1984:38)

The continued non-policing of prostitution in Eugene was, I contend, part of the process of maintaining the circulation of this "bad girl" image. It was through the imagery of the deviant prostitute that the "norm of marriage" and the ideal of the attentive, decorative, loyal and non-wage earning wife could be constructed, cultivated and confirmed. Herein lies the critical role of the police. It was not so much a question of police officers simply turning a blind eye to make available a market in sexual services (although this was important). Rather it was the images disseminated at an hegemonic level that provide us with another understanding of the paradox as to how prostitution was simultaneously illegal and yet not policed. The rising virtue of the new bourgeois family with all its prohibitions on women's wage work and women's sexuality required the evils of prostitution for its nurturance. The selective (non)policing of prostitution facilitated this nurturance. At the same time the non-policing of domestic violence and the legal disregard for forced intercourse within marriage, both acted to obscure the disharmony of marital relations.

Policing and Patriarchy: A Brief Observation
on Vice and Vagrancy

The above observations tend to confirm the importance of policing strategies in the maintenance of patriarchy. We are now in a position to re-examine the policing of vice and vagrancy in terms of its utility in the field of gender relations. In Section V I devoted considerable space to the calls for temperance, respectability and work discipline. My focus was firmly directed at the field of class relations. I stressed the manner in which emerging "norm expectations" were in fact part of an hegemonic discursive formation. We can now appreciate that calls for sobriety, dignified behaviour and a commitment to wage work were also associated with changes in the relations of patriarchy. Of particular importance here was the rise of the non-wage earning wife who depended exclusively upon her dignified wage earning husband as sole provider. As we have seen, these familial changes first surfaced in the ranks of the rising bourgeoisie. Drunkenness was incompatible with the notion of the husband as a reliable and regular provider. Likewise gambling and associated vices (pool rooms, billiard halls, cigar stores, etc.) were also deemed to be a drain on the "family wage." Equally contrary was the rejection of regular wage labour by men and the resort to vagrancy. The transient not only evaded the discipline of wage labour. He also shunned the idea of "settled" married life.

These are extremely important observations which go to the heart of the arguments of my thesis. They warn us against interpreting social phenomena such as gambling, intemperance, vagrancy, etc. solely in terms of their role in reproducing the social relations of capitalism. Rather we must be cognizant of the influence and intersection of multiple modalities of power. This is why I have argued for an appreciation of policing as an aspect of governmentality in general.

Conclusion

By moving towards an ascending analysis of power I have mapped some of the experiences of gendered subjects. My prime foci were the phenomena of domestic violence, rape and prostitution. In particular I showed how the selective policing of these illegalities tended to reproduce patriarchal relations. I have situated the zealous enforcement of certain laws against mostly male wage earners and the non-policing of offences committed by these men as sovereign heads of households within a complex process of governmentality. For example, the rise of vagrancy as a major focus of policing from the 1870s was associated with both the rise of capitalist work discipline and the emergence of the notion of husbands as sole providers. The policing of families was informally "subcontracted out" to male heads of household. Local police therefore sought the constitution and reconstitution of social order at a number of levels. By clamping down on certain offences (e.g., vagrancy), skillfully negotiating others (e.g., drinking, gambling) and ignoring others (e.g., domestic violence) police were able to steer an optimal path in terms of disciplining and governing individuals in a number of disparate yet interconnected social settings.

If the analysis of this chapter has shown anything, it is that we cannot look simply at what the police did in order to grasp their historical trajectory in the field of government. Rather we need to be aware that strategies of non-intervention vis a vis offences against women reflect political choices that are themselves linked to the more active policing of the male wage earning population.

In the next chapter I explore the continuities in the experiences of women vis a vis domestic violence, rape, prostitution and the failure of local police to address these illegalities. These continuities

persisted in spite of the fact that women gained access to the formal machinery of government by receiving the vote (1912). Chapter 17 therefore confronts the question of the government and policing of modern era populations by revealing that political regulation extends well beyond the domain of either denying or granting formal rights such as voting.

References and Notes

¹The legal precedents for this judgement were cited as Knight v. Knight, (31st Iowa, 451) and Von Glahn v. Von Glahn (46 Illinois 134).

²I.e., $1166/323 \times 80 = 289$.

³The Guard, 21 April 1877 informs us that Enoch Smith took his own life earlier that year.

⁴Women were denied the right to sit on juries in Oregon until 1921.

⁵Under the Oregon Criminal Code, Chapter 48, Section 635 the punishment for conviction of prostitution was 3-12 months imprisonment or a fine of \$100-500. Under Eugene's City Laws (1883), Chapter 4, Title 5, p. 70-71, municipal fines were set at \$25-100 with a maximum of 50 days in jail if the fine could not be paid.

CHAPTER 17

THE POLICING OF LOCAL GENDER RELATIONS IN THE
AGE OF FEMALE SUFFRAGE

In preceding chapters I have noted how strategies of governmentality involved both the regulation of the labour force and the management of patriarchal relations. We saw how local police selectively addressed a number of illegalities associated with growing proletarian culture, while at the same time leaving untouched the sovereign powers of men as heads of households. I continue this theme in the present chapter by showing that the acquisition of the vote by Oregon women appears to have made little difference to their experience of male sovereignty or to the policing of those sovereign excesses.

I do not wish to suggest that offering the vote to women was part of a conspiracy to create the impression that women were free, when, in reality, they experienced systematic oppression through marriage. Rather I contend that the acquisition of formal political rights by women is best seen as the outcome of an overall strategy of governmentality which sought the political compliance of individuals both in the workplace and the home. Voting rights for Oregon's women can be traced to a number of intersecting modalities of power; especially those of class and gender. To the extent that these voting rights tended to obscure the objectification of women, the franchise worked against the interests of many women. However, as the Women's Movement of the 1960s was to demonstrate, these voting rights were also used for political purposes by a number of women who resisted the techniques of power directed at sexual objectification. For example,

the Oregon marital rape law (1978) was one of the first of its kind in the U.S. This development was a significant legislative inroad into the conjugal rights of husbands. In other words the phenomenon of women's franchise in Oregon was multifaceted. The vote impinged upon a number of social issues, practices and ideas which were as diverse and dispersed as the lives and experiences of women themselves. It is for this reason that I caution against seeing the vote merely as a source of liberation or progress. Rather I contend that we need to explore data from the lives of hitherto disqualified women in order to map the policing of patriarchy. My sources of data reflect this desire to "ascend" the networkings of power. In this chapter I utilize the evidence from divorce case transcripts to excavate the experiences of women out of the home and restore them to the lens of history. My use of these transcripts goes hand in hand with materials derived from focused interviews with oral history respondents. These qualitative analyses are supplemented with an empirical examination of the reasons for granting divorce and official crime statistics.

The Failure to Police the Battering of Voting Wives

During the 1913-60 period it is rare to find anything more than isolated press references to marital discord. One is tempted to assume from the newspapers or the crime statistics that marital violence was an oddity. However, as in the 1853-1912 period, evidence from divorce transcripts exposes a much more pervasive regime of violence and cruelty perpetrated largely by husbands upon wives. By comparing Table 16.1 with Table 17.1 (below) we notice a slight increase in both proven (pr) and alleged (ag) male violence in the later period, together with a marked escalation in the levels of male cruelty (i.e., 34.7% to 55.4%). Results are taken from a random sample of 404 divorce transcripts out of

a total 15,622 cases of divorce heard at Lane County Circuit Court between 1913 and 1960. (See Appendix K for a graphical comparison of the two periods.)

TABLE 17.1. To show the breakdown of reasons for granting a divorce. (Letter code shown in Table 16.1.)

Reasons for granting Spouse Nature of Statement	Adultery of		Desertion of		Violence of		Cruelty of									
	W		H		W		H									
	Pr	Ag	Pr	Ag	Pr	Ag	Pr	Ag								
Number of cases	5	4	12	1	18	5	43	2	0	2	100	17	37	10	224	30
% of total cases	1.2	1.0	2.9	0.2	4.5	1.2	10.6	0.5	0	0.5	24.8	4.2	9.2	2.5	55.4	7.4

In examining the nature of male violence we are struck by the thematic continuities with the 1853-1912 period. We witness a number of similarities in terms of the forms of assault (punching, kicking, knifing), the nature of threats (removal of children, killing wife and/or children), the weaponry used (guns, knives, whips, hammers, fists), the traumatizing effects upon women (learned helplessness, acquiescence, taking personal responsibility, denial of severity), the strategies of resistance resorted to by battered women (legal tactics, fleeing, desertion, fighting back), the influence of economic issues (inability of women to survive in the gendered capitalist economy, reliance upon fathers for support, entry into prostitution) and the association of male violence with drunkenness and jealousy. A few examples will illustrate some of these themes.

Many wives experienced intimidation and terror as opposed to outright violence. In Lapaige v. Lapaige (1919) the plaintiff reported that her husband menacingly carried a hammer around threatening to kill her and the children (MR, 20 Oct. 1919). Other husbands were prone to extreme bouts of jealousy. In one case the plaintiff claimed that she

had been kept as a house prisoner by her jealous husband (Bigelow v. Bigelow, 1919) (MR, 12 Sept. 1919). Hazel Weisser revealed that her husband had kept her confined to the home for six weeks and intercepted her mail (Weisser v. Weisser, 1953, 43785).

Mrs. Clark in appealing for her divorce, pointed to her husband's frequent use of violence. Her statement noted that he had

"pursued a course of conduct of striking and hitting the plaintiff with great force and violence on many occasions and has many times struck her in the face and blacked her eyes . . . that he has broken her ribs and has on several occasions pulled out her hair." (Clark v. Clark, 1957, 51861)

Mrs. Strasser described her husband as insanely jealous. Her lawyer noted that Mr. Strasser had

"violently choked her and threatened to take the life of the plaintiff and laid in waiting with a gun with a view to destroying her." (Strasser v. Strasser, 1952, 40965)

In a good many cases male violence was associated with excessive alcohol consumption. In Lanless v. Lanless (1953, 43203) we learn that when the husband was intoxicated,

"he becomes mean, his temper is out of control and he curses and calls the plaintiff vile and obscene names . . . on many occasions he has kicked the plaintiff, twisted her arms and struck her with his fists on her face and body."

We also find evidence of multiple assaults by a husband in Garcia v. Garcia (1948, 34395). The plaintiff's lawyer recalled that the husband

"became intoxicated and . . . displayed an uncontrollable temper . . . and on various and numerous occasions while under the influence of intoxicating liquor . . . struck the plaintiff in the face with his fist. That on one such occasion, the defendant struck the plaintiff in public and on other occasions . . . at . . . the home of the parties."

The municipal court in Eugene and the Lane County Circuit Court reveal no more than a few convictions per year for what might have been cases of wife battering. EPD crime statistics from 1949-53 contain specific references to "offences within the family." These statistics

suggest the surfacing of a temporary policing campaign against domestic violence, especially between 1949 and 1951 (see Appendix M). (I will discuss this possible targeting of wife battering a little later.) It is clear from oral history evidence that few arrests were made for domestic violence. If we analyze the evidence of violence from the divorce transcripts we can obtain some idea of the discrepancy between the actual incidence of assault upon wives and the official arrest statistics for this offence.

Extrapolating from the random sample of divorces for the 1913-60 period we would expect to find roughly 3,867 cases with evidence of proven male violence.¹ If we bear in mind that most cases reveal multiple assaults, we arrive at a very high estimate of the possible number of assaults committed by husbands. If we extend our analysis to assaults within marriage in general, we can only speculate as to how many incidents of violence we might be dealing with.² Whatever the shortcomings and sources of error with the above statistical manoeuvres, we are left with a sense that the actual number of marital assaults per year is best understood as a multiple of thousands rather than hundreds. If we allow for the fact that a few of the disorderly conduct arrests by EPD officers were in fact charges against violent husbands (we have no way of knowing how many), then we may reasonably suggest that the arrest (not conviction) of violent husbands might be seen as a multiple of ten per year. This analysis crudely points to something of the order of a 1% intervention/arrest rate for domestic altercations. Sketchy as this evidence is, I would not hesitate to argue that it points to the single most systematic expression of unpoliced violence in the social body.

As in the 1853-1912 period, we are left with the problem of accounting for the extremely low level of police arrest or court convictions in the area of domestic violence. Oral history evidence

from rank and file police officers provides us with some leads here. A conversation with Clousseau on the policing of family altercations raised some important points.

I: "What about husband . . . beating up wife, was that an issue?"

Clousseau: "Yes we had a lot of that, but it got so it was routine to us. I didn't think that amounted to anything. You'd get a call, a man was beating up his wife and you'd get out there and find out he was half drunk and oh she would be very indignant, you know, and say that she wanted him thrown in jail. Well we'd say "all right . . . let's go." He'd say, "I'm not going with you," and he'd take a swing at the officer. So you might have to man-handle him a little bit to subdue him. And the woman that had called would say "You let him be, don't you hurt him." It got to be kind of a joke."

I: "That happened a lot?"

Clousseau: "Oh, yeah, quite often. But then there were other times when they were glad to get rid of him . . . they wanted us to stop the fight but they didn't want us to do anything to him. So we'd sometimes end up taking him to jail anyway. In those days we could take him down and release him the next day."

Starsky talked of the frustration of police officers in dealing with domestic disputes. He acknowledged the potential danger of policing family disturbances.

Starsky: "It was certainly recognized that it was a volatile thing and police officers were being shot as a result. . . . It was their experience that in 9 out of 10 cases when you got them separated and got things cooled down and tried to arrest somebody, the other spouse would object to the arrest. You never could get a wife or somebody to follow up with an arrest. . . . Most of the work was for naught. So it was frustrating for an officer."

This oral history evidence was echoed in a 1958 press report which informed the public that police officers rarely made arrests during domestic disturbances unless assaults occurred in their presence. The reason for the lack of arrests was said to be due to the fact that

"Once the complaining spouse had cooled off she won't sign a complaint." (RG, 16 Feb. 1958)

More recent evidence suggests that the enforcement of assault laws in cases of domestic violence has changed little. In a 1984 study in Phoenix, Arizona, Ferraro cites the following figures:

". . . of the 21,000 calls to the police coded as family fights in 1984, about 2,000 resulted in detective reports and about 1,250 resulted in arrest. That leaves 17,750 calls unaccounted for. Given that only half, at most, of battered women call the police, the proportion of men arrested for battering is miniscule." (In Hanmer et al., 1989:164)

Oral history respondents who were familiar with more recent events in Eugene tended to confirm the ongoing non-policing/non-arrest of violent husbands. Furrillo noted the increased use of weaponry from the 1950s.

Furrillo: "Well that's gone on . . . forever. And it still goes on. I don't see any difference today except there's more guns involved . . ."

I: "Really?"

Furrillo: "Oh, I think so. It used to be we'd seldom run into a situation with a gun being involved with a family beef. Now it's more usual than not."

I: "Really?"

Furrillo: "That's one thing the dispatchers always check on, when someone calls in they ask does he have a gun? I haven't been out on the street in quite a while but the officers tell me that just night after night after night we're coming up against a gun being involved. Maybe it isn't there when we get there, but there has been a gun."

I: "That's a frightening situation to get into."

Furrillo: "Oh, sure. Yeah. It is frightening. But I . . . basically the domestic violence is the same as it always been."

Some of the respondents noted that it was a change in the law, rather than a change in EPD policy, that has led to an increased number of prosecutions for assault arising from domestic disputes. The Abuse Prevention Act 1977, passed by the Oregon State Legislature, required police to arrest spouse batterers unless the victim specifically asked them not to. This had the effect of changing the age old process

whereby the victim was required to make a citizen's arrest and then, usually the next day, go to the police department and file a written complaint. During the first 6 months the 1977 law was in operation in Lane County, law enforcement agencies reported 205 cases of domestic assault. In all but 28 of these cases the victim apparently did not desire prosecution. This probably reflects the degree of fear experienced by battered women and their lack of suitable alternative living arrangements. The State Legislature changed the law again in 1981. From that point on police were required to make an arrest if there was any evidence of assault. This requirement was mandatory and was to be upheld even if the victim did not request an arrest to be made.

Lacey noted the improvements and the current difficulties in securing a prosecution in domestic violence cases. (Note how she likens this to the difficulties in obtaining rape prosecutions).

I: "You mentioned domestic violence. That is another area that is hazy in terms of getting someone convicted, or at least it has been in the past. I'm currently looking through Lane County Circuit Court divorce cases to gather evidence of violence within marriage that went unreported. What is your feeling on domestic disputes? Do you think women are as protected as they could be?"

Lacey: "Probably not as well protected as they could be, but certainly better than they used to be. Now we have what is called a 'Domestic Violence Act' which essentially puts us in a position that if we go out on a family beef, and there is 'probable cause' to believe that an assault has occurred then we are required to arrest one or both parties. It can be boyfriend/girlfriend residing together or who have previously resided together, common law marriages, which is good from the standpoint that whether the woman or man wants the other party arrested or not if we have probable cause to believe that an assault has occurred then we are required by law to arrest them. I know that for many there is an intimidation factor there plus probably . . . they needed to be split up from the partner . . . somebody had to leave either before the spouse was too scared/fearful to prosecute for fear of what it would do to the relationship. If you've got 6 kids at home and you are not working and your

breadwinner is standing there and whether he's 'thumped on you' or not, you're probably reluctant to prosecute. So this law gives us the support anyway to suck them out of the house, take them to jail, how long for who knows? . . . probably not very long . . . but at least it gets them out of the house long enough for the wife or husband to leave.

I think the attitude of prosecution is, in terms of those cases, a lot like that in rape cases."

I: "You mean in the sense of showing something quite clear cut and concrete?"

Lacey: "I think the concern is that . . . say . . . maybe its fine today . . . maybe the wife or girlfriend is very desirous of prosecution but how is that going to be 3 months from now when it goes to trial? I don't really know much about what goes on over there now. I don't hand carry cases over there. But in years past you could be 'thumped on' pretty darn good and . . . unless you have a pretty strong desire to prosecute and you had some well established injuries you were probably not going to get the support that you wanted in order to prosecute the individual who did it."

I: "Do you get a lot of domestic violence?"

Lacey: "Very much, very much, a lot."

I: "Mostly inflicted by man upon woman?"

Lacey: "In about 95%+ cases."

Jones commented on the possible value of having a female officer present at domestic disputes.

I: "Is there anything you bring to the job specifically as a woman? That helps diffuse situations?"

Jones: "Well, I was gonna say. . . . I remember a particular domestic disturbance that we went on. The man and the woman were fighting and we were trying to establish whether or not any physical abuse had occurred and I was talking to the woman and the male police officer was talking to the man and the man wanted to take the male police officer on. I mean right on initial contact. He wanted to take his head off. So I saw that accelerating so I stepped over by my partner 'cause I thought he was gonna get in a fight and I said well, if you fight him, you'll fight me, too. And then he looked at me, and then he started to cry. He went from angry and then he started to cry and we were able to put the handcuffs on him and for some reason, in this person's mind, he could hit his wife but he couldn't hit another woman. I think that he was sort of conditioned . . . so, sometimes it's good."

The Passive Policing of Rape

Displays of the sovereign powers of men were also evident in the area of rape. Oral history evidence clearly indicates that rape statistics represent the tip of the iceberg in terms of the actual commission of rape. EPD statistics on rape are unavailable prior to 1949 (see Appendix M). For this reason I have examined Lane County Circuit Court dockets to gain insights into the official processing of rape cases on a countywide basis from 1913-50. These results are summarized in Table 17.2.

There has been much said about the policing and prosecution of rape. The figure from Table 17.2 suggest that a significant proportion of cases were dismissed (usually by the District Attorney [DA]) or deemed to be "not a true bill." We note that only 47 out of 111 cases (42%) resulted in a definitive guilty verdict. Without knowing more about the criteria used to dismiss cases or determine that a charge was "not a true bill" it is difficult to say whether these figures reflect the operations of a patriarchal criminal justice system.

TABLE 17.2. Analysis of the outcome of rape (R), assault with intent to commit rape (AW) and attempted rape (AR) cases heard at Lane County Circuit Court from 1913-50.

	D	NTB	?	G	NG	Total	Convicted
R	19	12	9	36	8	84	42.8
AW	5	2	1	10	6	24	41.7
AR	1	0	0	1	1	3	33.3
Total	25	14	10	47	15	111	42.3

Note: D = case dismissed; NTB = not a true bill; ? = outcome of case uncertain from the transcripts; G = guilty; NG = not guilty.

However oral history evidence suggests that the reactions of police officers to rape victims, and the unwillingness of the DA to prosecute, were major stumbling blocks in the conviction of a rapist.

Columbo noted that few rape cases were prosecuted during the 1950s. He argued that this was due to the reluctance of the DA's office.

Columbo: "I don't think there are any more rapes now per capita than there were before. There are a hell of a lot more reported The prosecution is different . . . the Women's Movement blamed the police for being unsympathetic, for not doing anything about rape cases . . . well I worked rape cases We would take perfectly good "prosecutable" cases to the DA's office and you would have some deputy DA sit there and say "Ha ha ha," that is what women are made for" But to the people out on the street the police weren't doing their job."

I: "They didn't know the DA was coming out with these things?"

Columbo: "They never did. They still don't know that. . . . The DA would take the victim in and give them all the cross examination stuff. Scare the hell out of them. And then they [the victims] would back out because they didn't want to go through what they just went through with a whole courtroom of people. . . . Go into their backgrounds, you know. "What's your sexual activity?" and things they won't let them do now."

Columbo also noted that the DA's office in the 1950s was not willing to prosecute rapists who were known to their victims. Columbo pointed out that,

"The ones they are prosecuting now [1980s] . . . the married or divorced people . . . they wouldn't even look at them then."

This selective prosecution policy must have filtered out a lot of rape cases. Empirical studies strongly suggest that upward of roughly one half of rapists are known to their victims (see Amir, 1971; Bart, 1975; Curtis, 1974; Wilson, 1978; all quoted by Hill, 1982:46-7). Empirical evidence also suggests that far fewer acquaintance rapes are reported to the police (Bart, 1975). Therefore the DA's policy during the 1950s in Eugene of not prosecuting rapists who were known to the

victims, almost certainly fed into the notion that rape was an aberrant phenomenon committed by psychologically disturbed strangers. This ideological shuffle tended to distance rape from the everyday power relations of gender.

While Columbo was quite willing to acknowledge that EPD officers didn't do all of them [rape cases] right, Luxemburg, a city councilwoman, was more explicit about the role of local police,

"I think my feeling on rape was not very different from any other woman. . . . Women were not reporting rape because they were afraid to . . . the police were handling this in a very clumsy way . . . they raped them all over again in the handling of it."

In 1957 or 1958 a very well-known UO athlete raped an undergraduate student. His subsequent release provides us with useful insights into the disparity between the actual incidence of rape and the eventual conviction of rapists. Kojak was one of the arresting officers in that case. His carefully edited comments appear below.

Kojak: "Well, I think one of the most outstanding rape cases that I investigated was . . . one night we got sent out on a call up at the University . . . with a woman screaming in the middle of the night. So we go up there and of course poke around and finally determine which apartment it's coming from . . . bang on the door and they won't answer . . . but you can hear the woman screaming and a commotion inside. We finally yelled, "either open the door or we are going to kick the door in," and so they opened the door. But whoever opened the door ran into the "can" [toilet] and locked the door. We go in there and there's this young woman, she was a freshman, laying on the bed, all her clothes ripped off. She was sobbing and weeping and just hysterical . . . and we tell the guy to come out of the can or we're gonna tear the door down. We got the story, a double date. Her girlfriend and her boyfriend were going on a date so her girlfriend fixed her up with this double date. He [the rapist] ended up at her apartment, got her in the door, shut the door, slapped her alongside the face a few times, tore her clothes off, raped her . . . so anyhow we threw him in the can [jail] for rape . . . see this was on graveyard [shift] so I went home at 7:00 a.m. . . . came back that night to see what happened to this case . . . the university couldn't bust their butt fast enough to get up there and get this guy out of jail. The little freshman girl got

shipped home, back to eastern Oregon somewhere . . . it was wrong, they just flushed it."

I: "So he was never convicted?"

Kojak: "He was never even charged."³

Kojak implied that the University had somehow been involved in a cover up in this rape case. In a later conversation he said he was not sure how this occurred.⁴ It would not have been possible for the UO to make any official payment to a rape victim to persuade her not to prosecute a leading UO athlete. UO finances are audited every other year by the Secretary of State and such a payment would have been discovered. University archives contain no evidence of such a transaction.⁵ However it cannot be ruled out that a "behind the scenes" payment was made to the victim. When I questioned Columbo on this possibility, he said,

"I wouldn't be surprised if there was a payoff. Those athletes looked after each other."

Columbo went on to say that alumni of the UO who had connections with the Athletic Department could have been involved in making such a payment. Another possibility is that various interested parties who supported the rapist might have delved into the victim's past to uncover personal details which might reduce the chance of her pressing charges. The commission of rape by UO athletes during the 1950s was not, according to Columbo, limited to this one incident. Cover ups in such situations were also not uncommon.

From oral history evidence it is clear that rape has always been a crime that is seldom reported. Dreyfus discussed the phenomenon of rape on the UO campus in recent years.

I: "Now can I ask you about crimes committed against women in the community here? I've read since I've lived in Eugene over the last few years, some of the Emerald articles about crime committed against women. How has that changed over the last 30 years or so?"

Dreyfus: "I don't think that there's any way that anybody can ever tell you. Because up until the past 8 years women would not tell about crimes that were committed against them. And today I doubt that there are more than 20% of crimes against women that are ever reported."

I: "Crimes against women. Do you mean domestic violence?"

Dreyfus: "I'm talking about rape, I'm talking about sexual assaults, exposings, anything that has to do with sex that's a crime against a woman. They are very reluctant to report it because it puts them through more harrassment and does them probably more psychological damage to go through a trial and have their own characters questioned . . . "how many men have you slept with?" and all of these things . . . trying to prove that they are the guilty one and not the man that grabbed them and drug them off in the bushes and raped them. And that's something in our judicial system that's somehow gonna have to change. There is going to have to be something done if women are ever going to start reporting the things . . . right here on the campus, the women's referral service over here . . . where we may have 3 rapes or 2 rapes or 1 rape reported in a year . . . they may have 20."

I: "Yeah. That's what I've read. Something like that. That there was a big difference."

Dreyfus: "And the point that women's referral service and the women on the campus don't seem to realize is that without them giving us the information on what time of night these things occurred, what the guy looked like, what the circumstances were, where it happened . . . we are pretty well hand tied as to what we can do about it. It's like I tried to tell 'em. I don't care if you don't tell me your name or anything else. Just call me up and tell me you had this experience and where and when and what the fellow looked like so that I can start gleaning some things, gathering information on what to do to help prevent this. Now, I'm talking about actual acts committed by strangers. Now if you want to go into the full gamut of the thing, there's probably not 5% of it that's reported, because most of your rapes are date rapes."

I: "You mean, after an arranged meeting"

Dreyfus: "Yeah. That's right. Where you met at a dance or had gone to a dance together, gone to a show together, gone back to a room, and they both have had a few drinks and the guy forces himself on her. That is the biggest part of the rape. And there's nothing I can do about that. I don't have enough people to assign to go with each date. And this is the thing that the women themselves are going to have to, somehow or other, learn how to control. You get a man half drunk and he gets all sexed up. . . . I don't know how you'll ever

get him controlled. It isn't right. You're probably not that way. I'm not that way. I would not force myself on a woman . . . in the first place I would not enjoy it if I had to force myself on a woman. But there are a lot of men in this world who are very strange people when it comes to sex. And I would think it's probably safe to say that they actually have no control over themselves once it hits and starts taking over. It's almost like a Dr. Jekyll, Mr. Hyde."

A number of different sources suggested that the prosecution of rape during the late 1970s became the object of a political struggle at the District Attorney's office. Some of these issues surfaced in a conversation with Lacey.

I: "How has the reporting of sex crimes changed since you've been here? Is there more willingness to report them?"

Lacey: "There has been an attempt by women's groups, the rape crisis network and publicity, including coming from the previous district attorney's office that said we are actually going to have a rape team with an assigned 'prosecutor' to prosecute rape cases. The process has essentially been in effect and it's just reinforced the notion that sex crimes are difficult to prosecute and therefore 'I'm not going to bother.'"

I: "How much of bringing in a special rape prosecutor was just 'political'?"

Lacey: "I think a big portion of it. You have to make an allowance for them because they have a lot of cases and they probably know which ones are winnable and which ones are not. We had a DA whose statistics were very important to him."

This testimony is similar to that offered by Columbo who also drew attention to the failure of the DA to adequately prosecute rape cases. It seems that around 1977-78 a prosecutor was allocated solely to process rape cases. Oral history respondents strongly implied that this prosecutor was basically a sop to local women's groups, etc. The prosecutor added credibility to a DA's office which had a history of not diligently prosecuting rapists. Once the "rape team" was set up (1977) it soon became clear that the criteria that needed to be met in order to effect a successful conviction were very stringent. Word soon got

around that prosecuting rape was very difficult. In the long run fewer women reported rape and only the "winnable" cases came to court. The rape prosecution team therefore had two effects. Firstly, it improved the DA's conviction rate therefore making the DA look more impressive. Secondly, it appeared to lower the "rape rate" because official indicators such as prosecutions and convictions actually went down. Again this provided the DA with a political boost. This situation was described with derision by a number of police officers, including male officers. All in all this example serves to warn us once again to look well beyond the surface of crime statistics and official rhetoric concerning crime and the foci of the criminal justice system.

All of the above evidence on the policing of rape offers insights into why only a handful of rapists were convicted each year. In my later discussion of policing and patriarchy I will attempt to trace some connections between domestic violence, rape, law enforcement and the power relations of gender. Before embarking on this discussion I will briefly examine the policing of prostitution.

The Negotiated Policing of Prostitution

As I have already noted, the phenomena of domestic violence, rape and prostitution were greeted largely with silence by the local press. As in the 1853-1912 period we only witness a media panic over prostitution at points of tense intersection in various modalities of power. These panics set in motion a social reaction which redistributed rather than eradicated prostitution. For example, in spite of the closure of bawdy houses in 1911-12 (see Chapter 16) there is clear evidence that a number of houses continued to operate.⁶

Clousseau, whose experiences dated back to law enforcement in Eugene in the early 1930s, remembers the policing of prostitution.

- I: "Was there very much organized prostitution in town in the '30s?"
- Clousseau: "In the early 30s there was. That was usually a policeman's first job that he was given . . . before he was known, they'd tell him to come dressed in plain clothes and send him down to a house of prostitution."
- I: "Yeah. Oh, you mean . . . when you say house of prostitution, do you mean a private home that was operated . . .?"
- Clousseau: "Well, maybe it'd be a hotel room."
- I: "Or a bar, or something?"
- Clousseau: "A small rooming house, you know, that we knew, had, in the past, there had been prostitutes in there and it was your job to go down there, then and see if you could make one of those women. If you did, of course, you arrested her and she was taken in and fined a pretty large sum."
- I: "How do you mean 'make' one of the women? Put her into a position where she would offer sex?"
- Clousseau: "Yes."
- I: "I see."
- Clousseau: "Yeah. If she would agree to you and tell you how much that was gonna be that was good enough evidence, right there. And you immediately would show your identification. And then you'd have to take them in."
- I: "So that was fairly strictly enforced?"
- Clousseau: "Pretty much so, yeah. 'Course we know that some of it went on, anyway. And I remember, this girl, she says well, 'I know that this is gonna cost me \$300' and \$300 was a lot of money in those days."
- I: "When you say 'cost' you mean in a fine, or?"
- Clousseau: "Yes."
- I: "Yeah."
- Clousseau: "She knew that was gonna cost her at least \$300 so she wanted to give me the \$300 and just forget it."
- I: "She offered you a bribe, then?"
- Clousseau: "Well, actually, she did."
- I: "Did you have to report that as well?"

Clousseau: "Well, yes, but it didn't go on the records. Because the way she put it, she said well, that's gonna cost me \$300. But she didn't offer the money. She didn't say here, I'll give you \$300."

I: "I see. Actually, then, when you think about it, that must have been very tempting for a police officer who's only earning, what, \$125 a month, or something, in those days?"

Clousseau: "Well, at that time I was getting \$90 a month. I started out on the job at \$125 a month in 1930 but by '31, you know, everything had gone up in smoke, you might say, and the depression had really started. The bank closed and all this and that. And the city couldn't cash their bonds and so forth and they cut our wages to \$90 a month. And held it there for about five years. So this \$300 would be almost three months wages."

I: "Yeah. That's a lot of money. That must have been very tempting. There must have been incidents of that going on"

Clousseau: "Well, there may have been, but we never knew of anybody."

The negotiated policing of prostitution meant that from time to time certain "inappropriately visible" bawdy houses had to be closed. It was not until the vice scandal of 1936 that the press seized upon the prevalence of prostitution and identified it as a source of social evil. We will remember that this panic over vice was one of a number of events associated with the emergence of civil service rules in policing. In a series of front page exposes in February 1936 the Morning News drew attention to the operation of five brothels in Eugene. The newspaper argued that the police "winked at" the bawdy houses. Syphilis and gonorrhoea were said to be rampant among UO students, high school boys, loggers and married men and women (MN, 6 Feb. 1936). We learn of a man being robbed at one of the houses only to be told by police officers that he should have expected it at such a place (MN, 6 Feb. 1936). A Grand Jury Report later confirmed these stories and noted that the houses had been in operation for at least five years (MN, 29 Feb. 1936). Julian Strait, an ex-EPD officer, was said to have heard gossip that all

the smaller hotels in Eugene were involved in prostitution (MN, 18 March 1936).⁷

The scandal concerning the high visibility of prostitution in Eugene took place at a time of dense convergences in the fields of class and gender relations. We will remember that civil service rules surfaced at the EPD as part of the introduction of more disciplined law enforcement strategies. Patronage ties between ward politicians and police officers were severed. Civil service procedures were directed at producing more reliable and predictable forms of policing. We have already seen how this more bureaucratized type of law enforcement was operationalized in the arena of class conflict. The existence of prostitution over and above the historically negotiated threshold was one of the arguments used for introducing civil service codes. Doubtless the poverty of the Depression pushed more women into selling their bodies. As usual the heightened visibility of prostitution put undue pressure on the double standard. By raising a cluster of other concerns including the moral pollution of youth, public health fears and the spectre of the viciousness of vice, the Morning News tended to obscure the exposure of the double standard.

Whatever the civil service rules did to disconnect the hiring of police officers from ward councillors and whatever the Morning News articles did to sensationalize prostitution, the fact remains that bawdy houses continued in Eugene in much the same form after 1936. This fact is clear from oral history evidence. Hoover informs us that the bawdy houses were alive and well in 1937.

I: "What about organized crime and prostitution?"

Hoover: "Well in the year of 1937 we had four . . . houses of prostitution operating."

I: "When you say operating, what do you mean?"

Hoover: "I went to work and I was made aware that they were there and that I didn't respond to calls there, unless I was asked to by my sergeant. And they [sergeants] always took care of that situation. But we never had any problems . . . with the houses . . . and they were a great source of information. Now when the war came in 1942 . . . the military . . . said "No houses" . . . and even though the city here had allowed it, tolerated it, they were closed."

I: "What kind of information did you used to get from these places?"

Hoover: "We were looking for you and you robbed a bank in Portland and we had some tip that you were here, that's [the brothel] a good likely place you might show up. If you're laying around here and you've got a little money, you're going to visit one of those places. So we'd just say, you know, "Be on the lookout for this guy." We would give them a good description, a picture if we had it. And they would cooperate. They'd call us and say, "The man was here last night" or . . . if they could they'd say, "He's here." They were very good about it."

I: "Was it a question of you saying to them, 'Ok, look, you know you operate here against the law, but if you're willing to play ball with us, give us information.'"

Hoover: "You didn't have to tell them that. They knew that . . . if the madam said to the girls, you know, "If you see this guy and here's his picture," they cooperated."

I: "Those houses existed prior to 1937?"

Hoover: "Oh, yes, oh, sure . . . there wasn't any great fuss in the churches and what not. See, but they were very low key, very quiet."

The introduction of civil service procedures had little impact on the phenomenon of prostitution. This is not surprising given the fact that the survival of bawdy houses depended not upon the patronage system, but rather upon the particular form of patriarchy which prevailed in the late 1930s. This form of patriarchy transcended the organizational changes at the EPD brought on in 1936 by civil service codes. The "bad girl" image of the prostitute continued to circulate through the social body as a retinue of johns filed through the bawdy houses. This sale of sex was a reference point for the hegemonic

reaffirmation of the normality of the wife. The reaffirmation process tended to obscure the pivotal political significance of a husband's conjugal rights. Selective policing therefore facilitated the perpetual distancing of the prostitute from the wife, thereby hiding the similar relations of power which underlay the prostitute-john/wife-husband dynamic.

As Hoover notes, the only time we witness a concerted closure of bawdy houses prior to 1947 was during World War II. During the war we witness a tension between two energies. On the one hand we have the need to preserve the male body as a fighting machine. On the other we see the "rights" of men to purchase sexual services. Military officials complained to the Eugene City Council that more cases of venereal disease had been contracted by soldiers using Eugene, than soldiers who frequented the much larger cities of Portland and Seattle. Under the threat of Eugene being declared out of bounds to military personnel, the city council supported the initiative of military officials to close houses of prostitution (RG, 27 Dec. 1943).

After World War II the bawdy houses re-opened. Starsky suggested that Police Chief Pittenger colluded with this re-opening and benefitted from it financially.

I: "What about changes in prostitution? What was the situation in the 1940s and on through?"

Starsky: "Well it didn't really become eradicated in Eugene, that is the organized . . . brothels themselves . . . until Keith Jones. . . . He had undertaken and the council said 'let's get rid of these whorehouses.'" [See Appendix P for a list of Police Chiefs.]

I: "What year are we talking about now?"

Starsky: "That was 1947 or 1948."

I: "How many whorehouses are you talking about?"

Starsky: "Oh four or five . . . but it only took a few days to eliminate them. Before that, now the Police Chief . . . I'm fairly certain, was receiving a little bit of a

kickback. And there were times I'm told, and I was never on any of those raids or anything, but I was pretty well told that somebody was tipping them off on those raids; they'd go up there and didn't find anything."

I: "This was back in the early 40s or late 30s?"

Starsky: "In 1945-47 . . . there's very little question in my mind that Mr. Pittenger allowed prostitution."

Oral history evidence suggests that between 1947 and 1949 there was a rather abrupt change in the policing of prostitution. Bawdy houses were closed altogether. This marked the end of nearly a century of organized prostitution which had always existed contrary to city and state law. As we have seen the visibility of prostitution had been minimized by a low profile or non-existent press coverage. The 1947-9 closures under new chief Jones did not mean the end of prostitution in Eugene. However, the closures did hail the end of the overt sale of sexual services through bawdy houses. This meant that the EPD was no longer directly linked to madams and pimps in a mutually beneficial relationship. During the 1950s prostitution became much more surreptitious. Columbo captured this shift and noted that the EPD only targeted prostitution when it took the form of streetwalking. Once again we observe the importance of visibility and the pressure it placed upon the double standard. At the same time we witness the intersection of class and gender issues. Streetwalkers (and their clients) tended to be the poorest parties in the market for sexual services.

I: "Starsky was saying to me that in the earlier-mid 1940s he thought there was some police connivance in prostitution."

Columbo: "Interesting. That was before my time and I guess I would have to say, yeah, I've heard those stories too. But I think we've always had taxi cab drivers connected with some prostitution. Through the years on a couple-three different times we had street walkers. But I think always in the major hotels or bars . . . we've had a combination of both. You've just got the girls working the bars . . . and you're never going to get away from that. There was also a time when we had

the Eugene Hotel down at Broadway and Pearl . . . and that was the "going" hotel and they had a men's club upstairs. The bell hops there, I know, had prostitution. But it was the kind that they called a number, somebody came from the university and went to the hotel room."

I: "Pretty much underground?"

Columbo: "Yes. Not visible at all. We have always had prostitutes working the West Coast. And they had books. And they would come into town and make a phone call to a used car or car dealer and he would say, "Well Judy's in town" and that kind of thing. . . . We have arrested the pimp and some of the prostitutes in those kind of things. And we have through the years, confiscated, oh I can think of about 5 or 6 prostitution books . . . the court has sealed those books . . . because it listed all the local business people."

I: ". . . You mean local businessmen who were using these women?"

Columbo: "Mm hm. And those books normally gave the person's name, his phone number, what business he was in, the price he was generally willing to pay and the type of acts he wanted to do."

I: "So it was very detailed?"

Columbo: "Yea, and it naturally listed attorneys, doctors, dentists. Car salesmen were very prominent, in it Yea so you can't say "Eugene hasn't had prostitution," because its always had prostitution. It's just "at what level?" . . . The only time we ever really got the heat on prostitution is when they started walking the streets."

The post-World War II shift in the policing of prostitution raises a number of issues which lead us into our discussion of policing and patriarchy in general.

Governmentality, Policing and Patriarchy

I have already noted the rise of knowledge relations in policing between 1945 and 1960. The gathering of data on the policed community and police officers themselves became a prominent aspect of the frugal deployment of disciplinary power at the EPD. Improved communications, training, scientific technology, operational specialization and

extensive record collection all generated a vast amount of information. In the face of this surge of rational data the EPD could no longer accommodate its pre-1947 policy of "winking at" bawdy houses. The growing science of policing was therefore incompatible with the non-enforcement of laws against bawdy houses. Bearing this in mind helps us understand the "dispersion" of prostitution between 1947 and 1949. As we have seen, the sale of sexual services continued but the modus operandi of the prostitute and her client became more evasive and subterranean.

We cannot simply attribute the dispersion of prostitution to the use of increasingly more scientific, and therefore legitimate, forms of policing. We must also look at the operation of disciplinary mechanisms in other fields. Shifts in the lumber industry seem to have been particularly important here. In Section II I noted the technological displacement of woodsmen and their subsequent utilization in the manufacturing establishments associated with the diversifying wood products industry. The desire on the part of lumber barons to seek greater workplace control of the post-Depression workforce meant that the number of single loggers decreased appreciably. These displaced loggers moved into towns like Eugene and entered the proliferating network of families. Their previously nomadic work habits were routinized. We might say the same of their sexual desires. The assumption of conjugal rights by the ex-woodsmen appears to have contributed to a decline in the need for organized houses of prostitution. In a sense we might suggest that a shift in the economy of capitalism fed into the replacement of prostitutes by wives. Once again these observations remind us of the numerous intersections between patriarchy and capitalism.

I will now proceed to highlight some of the other links between policing strategies and the power relations of gender.

As I noted in Chapter 10, the New Deal sought to introduce the concept of the family wage. This wage was supposed to enable a male breadwinner to support "his" wife and children. The state welfare provision of Aid for Dependent Children (ADC) was based on the premise that single mothers could not financially support their children. This premise reflected women's position in the gendered capitalist economy. In Lane County there was a 250% increase in the number of ADC cases between 1939 and 1959 (population increase over this time was only 135%). About two-thirds of the children in the ADC files were classified as "continued absence of husband or father" (RG, 24 Sept. 1962). In these cases the fathers had absconded and failed to make financial support payments. From 1945 these cases of non-support began to place a heavy burden on the Lane County welfare system. By 1955 the ADC component represented one-sixth of the total welfare budget in Lane County. As rational bureaucratic techniques arose in local government we begin to witness attempts to trim the welfare budget. One of these attempts to streamline welfare expenditure took the form of the police pursuit of non-supporting fathers. What we see here is the rise of disciplinary strategies in local government impinging upon the power relations of gender. By the late 1950s we find a large increase in the number of non-support cases being taken up by the DA.⁸ By 1961 we see the introduction of administrative screening for all ADC cases. This policing of families resulted in a considerable saving in welfare payments and a large increase in the money paid out by absentee husbands or fathers.⁹

This condensation of disciplinary codes in the field of welfare provision made an important contribution to the hegemonic discourse on

marriage. The prosecution of non-supporting fathers acted to affirm the notion that it was fathers who were financially supportive and mothers and children who depended on those fathers. We see a number of parallels here with the policing of vagrancy and gambling. In all these cases we witness the enforcement of laws against men who were not living up to their calling as financial providers.

The increased number of non-support cases in circuit court after 1945 points us towards much wider shifts in the field of gender relations. A number of pieces of evidence suggest that post-war family life emerged as a point of intersection of a number of lines of tension. I have already noted the entry of women into the wage labour market during the 1940-5 period and their subsequent return to unpaid household labour from 1945-50. In particular I stressed the resistance of women to being squeezed back into the home. This resistance was most marked among women who had broken new ground in the field of wage labour. As Honey (1984) has argued this flux of women into and out of wage labour was associated with a highly sophisticated hegemonic discourse. In Lane County this gendered flux of employees was linked to a number of important short term changes in the area of domestic violence, rape and prostitution.

If we break down the random sample of divorce cases into shorter chronological periods, we find an apparent rise in the levels of both male violence and cruelty, especially between 1946 and 1950.¹⁰

It seems that women used a variety of forms of resistance to cope with what appears to be an increase in male violence. The increased violence and cruelty may have reflected the attempts of husbands to coerce their wives back into the subordinate position of non-wage earners. This violence may also have reflected the influence of wartime experiences on men. Either way, many women may have selected

divorce as their form of resistance. We note a phenomenal increase in the divorce rate in 1946 (see Appendix J). It was in 1947 that we learn of two battered women murdering their husbands in order to protect themselves.

Mrs. Harrington killed her husband as he slept after he'd beaten her and threatened to kill her on three previous occasions (RG, 14 March 1947). Likewise Helen Rookard shot and killed her husband after he had beaten her and threatened to take her life.¹¹ These two incidents were very unusual affairs in the history of Eugene and their occurrence within the space of six months in 1947 may be another index of a heightened tension in gender relations.

Compared with the negligible population growth in Eugene during the Depression, we witness a 72% increase in population during the 1940s. Appendix L shows the tremendous growth in the town between 1946 and 1950. The demographic expansion meant a huge increase in the number of families living in Eugene. The management of gender struggles within these families seems to have emerged as a temporary problem in the search for discipline within the social body. It is amidst this burgeoning base of patriarchy that we trace what appears to be a new but temporary strategy at the EPD. This strategy seems to have been directed at modifying the visibility of male sovereignty and reducing overt marital discord. We must be sure to situate this shift within the overall move towards more scientific forms of policing. We will remember the police campaign to close the bawdy houses which tended to take pressure off of the double standard (1947-9). In the field of domestic violence we note the mysterious appearance of the arrest category "offences within the family" (1949-51) (see Appendix M). Unusually, in 1949 there were 150 arrests for this offence. Likewise we observe the gaze of police agencies being directed at the phenomenon of

rape. The EPD made 13 arrests for rape in 1949 compared with only 15 for the entire decade of the 1950s. In Lane County 20% of the arrests for rape made between 1913 and 1950 were made from 1947-9.

I am not suggesting here that police agencies suddenly became aware of phenomena such as domestic violence and rape and instituted a campaign to eradicate them. Rather I contend that we witness a mutation in the mediation and management of gender relations between 1945 and 1950. This mutation was linked to the growing science of policing and the deployment of disciplinary power. These were processes connected with governing a growing population which was fractured along a number of lines of tension, e.g., class, gender. Disciplinary power sought the adherence to norms through the adoption of roles. This adoption was contingent upon the circulation of certain regimes of truth about gender relations. The new disciplinary codes adopted by the EPD sought compliance with gendered roles through consensus rather than coercion. This approach clashed with the established regime of male sovereignty in the field of gender relations.

The tension between sovereign and disciplinary power was further complicated by the operation of the sovereign powers of police officers themselves. As we have seen from oral history evidence, officers tended to have little interest in domestic altercations. I am not suggesting that the deployment of disciplinary power at the EPD sought the eradication of wife battering, rape and prostitution. Rather I would argue that the operationalization of rational techniques in policing tended to mediate and manage patriarchal relations in very specific ways. For example the temporary campaign against domestic violence seems to have failed, perhaps because of the patriarchal interests of male officers themselves. Wife battering continued to permeate marital relations throughout the 1950s. It seems that the expanding number of

families in Eugene remained "governable" through male heads of household. However, the policing of families at that time was inconsistent with the open availability of prostitution. Hence we witness a tightening in that area and a closure of bawdy houses. A newly expanding patriarchal grid did not apparently need a constant and rather blatant reminder of the existence of the double standard. The temporary policing focus upon rape may have served as a potent reminder to wives of their relative "safety and security" in the home. Here again we see policing as a subtle and indirect mechanism for glorifying the "normal" by publicizing "the criminal." This is all the more likely given oral history evidence that the EPD and the DA's office were only interested in rape by "strangers." The fact that most rapists were known to the victims never reached the light of day. Likewise the later administrative policing of non-supporting fathers acted to distribute images of the male provider and breadwinner. We may conclude from these suggestions that the local police did not simply orchestrate the reproduction of a static structure of patriarchy. Rather law enforcement officers were an integral part of the relations of gender. As such they tended to be instrumental in changing the lines and directions in which power was exercised as the network of patriarchy was continually recrystallizing in a myriad of forms.

I have argued at a number of points that the rise of a disciplinary society in Eugene went hand in hand with the emergence of more rational forms of policing. The increasingly scientific approach to crime and policing after World War II was associated with the much wider historical tendency to constitute subjects as the objects of knowledge. This tendency was itself linked to the growing prominence of positivism in the human sciences. I would go as far as to say that the hegemony of positivism has been a potent source of government in the field of both

class and gender relations. The imposition of a grid of observer categories upon human actions, thoughts and experiences is in itself an exercise of power. We might say that this allegedly objective appreciation of social life is the methodological accompaniment of the descending analyses of power used in traditional history. Denial of human agency became incorporated into the science of policing in Eugene. This incorporation had important effects in the field of gender relations. It is in the 1945-50 period that we witness the rise of "comprehensive" crime statistics. These statistics scientifically delineated the frequency of phenomena such as rape and domestic violence. In the field of gender relations, as elsewhere, this scientific codification became the embodiment of what Dorothy Smith has called "conceptual imperialism" (1987:88). Not only were these statistics wildly inaccurate in terms of presenting the actual levels of male violence, but they were also divorced from the conceptual schematas of the very women who were the victims of coercion.

Lubricating the Friction Between Sovereign and Disciplinary
Forms of Governmentality: Pornography and Local Policing

The tension between scientific/disciplinary policing and the traditional sovereign rights of men was eased in part through the surfacing of new hegemonic themes in the domain of gender. The violent excesses of traditional male rights were clearly incompatible to some degree with more precise, measured, predictable and reliable forms of law enforcement. Disciplinary power sought the toning down or obfuscation of these excesses. Pornography emerged as an important hegemonic theme which sought to redirect men and women into gendered roles. The local pornography market grew tremendously after World War II and kept pace with the expanding national market. The underlying message of pornography was the objectification of women's bodies. We

might speculate here that the increased availability of pornographic material dovetailed with and tended to compensate for, the local dispersion of and reduced access to prostitution. The imagery of pornography was a means of shaping and governing the sexual desires of men in a manner which did not involve the overt buying and selling of flesh. This growing world of fantasy provided access to innumerable sexual possibilities for men. These possibilities reinforced the submissiveness of women insofar as they depicted women as the compliant recipients of the male gaze. At another level we might argue that the local proliferation of pornography parallels the creeping application of positivism in the human sciences in general and policing in particular. In both cases "social reality" is constructed, filtered and presented through predetermined grids of representation. The depiction of the possibility of sexual fulfillment through fantasy and the expression of the frequency of different types of crime, e.g., rape, domestic violence are both arrived at through the coded obfuscation of power relations.

At local level a policing campaign against obscene material surfaced during the late 1950s. In January 1958 the DA's office issued a decree giving store holders 10 days to remove indecent and lewd publications from newsstands (RG, 21 Jan. 1958). The DA drew up a list of 21 magazines which contravened the state's obscene and indecent publications law. (According to the Register Guard, Playboy was not on the banned list.) The first arrest under the obscenity law took place in April 1958. William Jackson of the City News Centre was indicted for selling a book called The Strange Three. This case was finally decided by the Oregon Supreme Court which upheld Jackson's conviction (RG, 19 Oct. 1960).¹² I will briefly discuss the minor moral panic over the issue of pornography because it seems to have had a direct bearing on

the policing of gender and the normalization of certain tenets in the field of sexuality.

The DA's attack on hard core pornography stemmed from his belief in the sanctity of the traditional patriarchal family (RG, 24 Nov. 1960). Hard core pornography was tinged with violence and as such seemed to touch a nerve in the field of gender relations. Obscene materials portrayed heterosexual relations in terms of a diagram of power with the sovereign male in a dominant role. This flew in the face of the notion of the patriarchal family as a harmonious unit with spouses willingly performing "complimentary" roles. By not addressing the widespread availability of soft core pornography this local policing campaign tended to affirm the "innocent playfulness" of magazines like Playboy. We see a familiar theme in the deployment of disciplinary power by police agencies. By politically targeting a specific narrow area of deviance we witness the opening up of the social body to the discursive imperatives of normalizing judgements. It seems to me that the significance of this entire campaign was not the banning of a limited range of pornographic material. Rather I contend we witness in this moral panic the subtle accommodation and acceptance of pornography in general. This I would argue tended to reinforce the power dynamic between men and women of subject/object, observer/observed and signifier/signified.

Conclusion

As I have said on a number of occasions, it is not necessarily what the police did which alerts us to their disciplinary function. What requires our attention is the political generation of policing foci. This generative process produces a complex form of selective surveillance. The non-policing of domestic violence, rape and prostitution facilitated the circulation of hegemonic images which

tended to depict the power relations of marriage as normal, natural and inevitable. We may go as far as to say that the EPD (itself made up almost entirely of men) tended to collude with the sovereign powers of men. However, the tendency to instill a belief in the "harmoniousness of companionate marriage" ran up against the excesses of wife battering, widespread rape and the open sale of sex in organized bawdy houses. These contradictions emerged at a critical juncture during the post-World War II period. Between 1945 and 1950 the rational imperatives of a more scientific form of policing experienced a legitimation crisis when faced with the non-policing of male violence. For a short period it appears that some of the excesses of male sovereignty were exposed. This put immense pressure on the newly evolving science of policing. The law enforcement response was swift. The EPD closed down bawdy houses and temporarily (and superficially) confronted rape and domestic violence. These stop gap measures lowered the visibility of tensions in the arena of gender.

As the critical juncture passed we witness the rise of pornography. The policing of this phenomenon was conducted in a way that reinforced the signifier/signified power relationship between men and women. At another level the pursuit of non-supporting fathers reminds us of the myriad of diverse techniques available to disseminate gendered social norms.

We must guard against implying that the growing science of policing imposed a rigid disciplinary grid on the field of gender relations. It is also inappropriate to argue that the basic incompatibility between sovereign and disciplinary powers was resolved in favour of the former. While it is clear that rape and domestic violence continued we must not lose sight of the resistance of women. The policing of gender which seems to have surfaced publicly for the first time from 1945-50,

resurfaced again during the 1960s. Marital rape became a crime in Oregon from 1978. From 1981 police officers were required to arrest wife batterers whether or not battered women signed complaints. I do not mention these later shifts as evidence of any historical progression. Rather I raise them to point to the fact that the policing of patriarchy has never been static.

Working "up" from the experiences of women and the operation of micropowers to an appreciation of strategies of policing helps us to grasp the ongoing ebb and flow of power throughout the social body. The arguments of chapters 16 and 17 suggest that the conflating of women's suffrage with women's liberation is a product of the knowledge relations associated with the gender struggle itself. This conflation tends to obscure the fact that processes of government involve much more than phenomena such as voting, the passage of legislation, etc. In Section VI I have tried to show that policing is an integral aspect of the government of modern era populations. At the local level my evidence suggests that the failure of the police to confront the sovereign powers of men has gone hand in hand with the ability of police to selectively target a number of illegalities associated with, and socially constructed out of, the emergence of proletarian culture.

Notes and References

¹I.e., proportion of sampled cases showing violence (P) multiplied by total population of cases (T).

i.e., $P = \frac{100}{404}$ $T = 15622$.

∴ Projected estimate = $\frac{100}{404} \times 15622 = 3867$.

²Most marriages over the 1913-60 period did not end in divorce. As Appendix J shows, the highest divorce rate for that period in Lane County was 7.1 per 1000 population (1946). This means that the number of divorces in any one year was a small fraction of the total number of marital relationships.

³Parts of Kojak's interview have been edited because the information he provided left no doubt as to the identity of the rapist.

⁴Telephone conversation, 27 Feb. 1987.

⁵Conversation with UO archivist Keith Richard, 6 March 1987.

⁶See MR, 24 May 1914 and council minutes, 25 July 1916, 6:181.

⁷Julian Strait was working as a merchant patrol officer at that time.

⁸In 1957, 22 cases of non-support were prosecuted. By 1960 the number had increased to 84 cases. There were 64 criminal convictions for non-support in 1960 compared to only 26 in 1959. The increase in non-criminal convictions from 1959-60 was 282 to 340. See RG, 21 Nov. 1960 and 29 Jan. 1961.

⁹Note the increase in support payments by husbands or fathers from \$303,075 (1959) to \$450,000 (1960).

¹⁰These breakdowns are impressionistic and are not intended to be statistically significant.

¹¹See RG, 30 Oct. 1947. Both Mrs. Harrington and the other woman, Helen Rookard, were found guilty of manslaughter.

¹²Prior to the Supreme Court's decision the state obscenity law had been declared unconstitutional by Circuit Judge A. T. Goodwin who initially heard the Jackson case. Goodwin's decision was reversed by the Supreme Court by a 4:3 majority.

CONCLUDING REMARKS

In the course of this body of work I have outlined some of the ways in which local police in Lane County have been agents of a process of governmentality. My interest has been to show that law enforcement has been concerned with both the social reproduction of the capitalist order and the perpetuation of patriarchal relations.

It is clear that the nature of policing changed profoundly from the time of the earliest white settlement in Lane County. We saw how the broad mandate of the 19th century marshal and sheriff served to orchestrate the great labour of formation of the town of Eugene. In particular I noted how local police acted to discipline the non-disciplinary spaces. This function linked the police to a number of carceral institutions which had appeared as a means of classifying and ordering the growing population. This system of classification was part of a process of governmentality which sought to insert norms of behaviour in a number of areas related to health, work discipline, leisure, disease, education, etc. In the field of class relations I explored the manner in which police facilitated the deployment of the disciplinary power of government. They did this by acting as a conduit or model for the dissemination and ongoing amplification of hegemonic discourses related to temperance, respectability, idleness and labour radicalism. In these areas it was not so much the physical regulation of bodies which elicited a rising governability. Rather it was in the attempt to inculcate certain technologies of the self that we find the more deeper seated governmental effects of police. The attempts to govern through the insertion of "legitimate" and normative codes of sociation was indicative of an economy of power in municipal rule. In a

nutshell this strategy produced the greatest effects in terms of fostering governability by employing only a small number of officers.

The initial reconnaissance of the social body by local police during the 19th century served to install relations of power and authority where none had previously existed. By the turn of the 20th century the duties of local police diminished and became more specialized. Law enforcement work in areas such as licensing, public health, elections, animal control, taxation, building inspection and supervision of fires was taken over by the newly emerging bureaucratic departments in municipal government. This freed the EPD for reconnaissance work in a number of areas related to deviance, criminality, dangerousness and other forms of abnormality which appeared to "threaten" social order. My interest has been to demonstrate how the activities of police were directed at the mediation and management of the antagonisms and conflicts which were endemic to capitalist production. As the EPD grew we witness it becoming an increasingly more autonomous unit in the process of government. I especially noted the significance of the adoption of civil service hiring techniques and the rise of scientific methods as means of improving the legitimacy of policing. I traced the crucial appearance of civil service to the intersection of a number of currents in class relations.

While I devoted considerable space to the selective targeting by police of rising proletarian culture, I also stressed the role of police in reproducing patriarchal relations. In the field of gender we are struck by the remarkable absence of police intervention in offences involving women. This passivity guaranteed the sovereign rights of men over women. The non-policing of domestic violence, rape and prostitution ensured that women, and especially wives, were arbitrarily policed by men in general and husbands in particular. In other words we

witness the operation, at another level, of a second economy of power. The policing of women was subcontracted out to individual men. In families the non-intervention of police was tantamount to acquiescence in vigilantism. The management of women, even after women won the vote, was not a major concern of local police. These historical continuities in the field of the policing of gender relations forms a sharp point of contrast to the growing gaze and reconnaissance of local police in the arena of class relations. The rise of scientific knowledge in policing and the elaboration of increasingly sophisticated and ethereal techniques of surveillance barely impinged on the entire domain of families and heterosexuality in general. My evidence strongly suggests that the policing and government of male wage earners was achieved, at least in part, by extending to those men certain sovereign rights over women. This seems to be a reasonable way of interpreting the consistent passivity of police vis a vis gendered illegalities given the growing surveillance activities of police at a number of other levels.

While I have argued that police sought the constitution and reconstitution of "social order" at a number of levels, I have not suggested that the local rise of a disciplinary society resulted in the formation of a "disciplined" social body. I have been keen to demonstrate the importance of human agency and the continuous operation of strategies of resistance among wage earners, women and police themselves. This is a very important stipulation since it distinguishes my appreciation of policing as an aspect of governmentality from Durkheimian type models of social control which have at their heart a tendency to stress conformity to a core of commonly agreed upon values. My analysis is based on a conflictual view of society which argues that the construction of "order" is itself a political process.

If this research tells us anything, it is that we must move away from seeking out the function of the police by analyzing what the police do. As the non-policing of patriarchal relations shows, we must be alive to what the police do not do that they might conceivably do. We must also be aware that the governmentality effected through policing is not necessarily to be found at the point of application of law enforcement strategies. Often the effect is displaced, delayed and hidden. This effect only comes into view when we analyze the linkages between wider power relations and forms of policing. The role of police as mediators and managers of power relations means that their main function tends to be latent rather than manifest. In the text I referred to this form of government as ethereal.

In the final analysis this study is "a history" of law enforcement in Eugene and Lane County. Given the myriad of power relations over time there are doubtless many blind spots. Some of these blind spots reflect the exigencies of space, others mirror the age old problem of not being able to see the wood from the trees. Other researchers would surely produce a different history. The type of history I have tried to write defies the writing of "the history" of policing in this unique locality.

APPENDICES

APPENDIX A

ORAL HISTORY MATERIALS

Letter of Introduction to Respondents

2069 West 17th Ave.
Eugene, Oregon 97402

Dear Sir:

At the moment I am teaching part-time in the Eugene area and also working on my research degree in political history from London University in England. My research subject is the "History of Law Enforcement in Lane County and Eugene." As I have very little knowledge of what it is/was like to be a law enforcement officer, I approached the Crime Prevention Department of the Eugene City Police for assistance. Both Lieutenant Eric Mellgren and Sergeant Tim McCarthy have been most helpful and they suggested that I contact you about the possibility of arranging an interview so that I might learn something of your experiences and recollections as a law enforcement officer of long standing.

For your interest I have enclosed a sample of some of the questions/issues that I would like to talk about. These questions/issues are obviously not exhaustive and if we were able to meet I'm sure different ones would arise. As a means of ensuring that the conversations are completely and accurately written up, I would like to record them. In my final thesis officer's names would not be used and comments would be attributed to Officer A, Officer B, etc.

In the near future I will be telephoning you to see if you would be comfortable and willing to talk about your law enforcement experiences. If you are, perhaps then we can arrange a mutually convenient time and place to get together. In the meantime, should you have any further questions concerning my research, you can either call Sergeant McCarthy at the Eugene City Police who is aware of what I'm doing and knows some background information, or you can call me at my home on 345-1557.

I look forward to having the opportunity to talk with you.

Yours sincerely,

Neil Websdale

APPENDIX B

SAMPLE QUESTIONS USED AS THE BASIS FOR FOCUSED INTERVIEWS
WITH RESPONDENTS WHO HAD BEEN POLICE OFFICERSThe History of Law Enforcement in Eugene and Lane CountySample Questions

- Would you give me some idea of your career background?
- How long have you been/were you a police officer?
- What kind of jobs did you do as an officer?
- In your opinion, how has policing changed? What have been the major developments in your time?
- Has there been an increase in bureaucracy? How has this affected the efficiency of the police force?
- What factors generally affected the way in which the police worked/work?
- How important are financial/budget limitations when it comes to law enforcement?
- What should be the priorities of an effective police force? What is the role of the police force in society? How do you think the money should be spent? How has the allocation of money to policing changed in your time?
- In what way did court decisions affect the nature of your work?
- Do you feel that the courts have always supported the efforts of police officers?
- Over the last decade or so, there have been increasing attempts to "improve" relations with the community. What are the reasons for this and have these initiatives been successful?
- What are your feelings on footpatrol or more street-based policing?
- Do you think the police have become more distanced from the community over the years? In what ways has community support changed?
- What were the major crimes that you've had experience with? What do you think have been the main causes of crime? Which groups of people within the population have been committing the most crime? Where were the major crime areas within Eugene? How have changes in the crime rate over the years been related to the economy? What effect

does/has the boom/slump cycle had in Oregon? In the past how many transients have been involved with crime?

During which period did the police prepare themselves for dealing with crowd disorder? In what ways have the police been used to control crowds? Has there been any policing of labour strikes or trade union activity in the area over the years? How has computer technology and the general increase in information services helped with general surveillance work? Do you think there has been a threat to civil liberties here?

What were the relationships between senior and junior officers? When the police force was smaller were officers closer? Was there a more informal atmosphere or were things stricter and more rigid? How have the employment rights, conditions and interests of police officers changed? In what way did the city government regulate the activities of the police? What did police officers dislike most about their work? What aspects of your job did you enjoy the most and the obtain most satisfaction from?

How did police contact with schools change as the amount of juvenile crime increased? Do you think police have a role to play in schools?

There seems to have been an increase in crimes against women in the last few years, particularly involving rape. Has there been a significant change in this crime category during the time you've been/were an officer? What has been the police policy towards domestic disputes?

What conflicts if any, did you/have you experienced in your police work? Have you ever felt that you were executing and upholding laws that you did not agree with? Did you ever feel that there were things the police should have been doing that they were not able to do? What changes in society in general have made/would make the job of the police easier?

APPENDIX C

INTERVIEW SCHEDULE WITH CITY POLITICIANS

The knowledge of councillors concerning law enforcement issues determined the number of questions asked from the interview schedule used with police officers. In addition to these questions, other issues were raised connected with municipal government. Many specific situations were discussed but the direct questions asked in such cases have not been included below. This exclusion was necessary to maintain the confidentiality of the respondents. Consequently only general questions appear below.

What were your reasons for becoming a councillor?

Describe your background. Financially? Educationally?

Which committees did you serve on and what did these committees do?

What powers did the Mayor exercise? Did the council merely rubber the mayor's decisions?

What can you tell me about the way city employees were treated? Paid? Represented?

What was the relationship between the council and the city manager?

What was the background? Political leanings? of the city manager?

How did you campaign for office? Did you ever feel obligated to those who campaigned for you?

Describe the processes involved in the allocation of funds to the EPD.

Would it be fair to say that the business community were overrepresented on the council? (Discuss business-council connections.)

Was the city council run like an "old boys" network? (If appropriate ask questions on prostitution.)

What was the role of women in city government generally?

What do you know of the fraternal societies in town?

Where did the real power lay on the council? Which committee positions were the most sought after?

What were your opinions of the EPD?

Figure D-2. General map of Oregon. (Source: Dodds 1977)

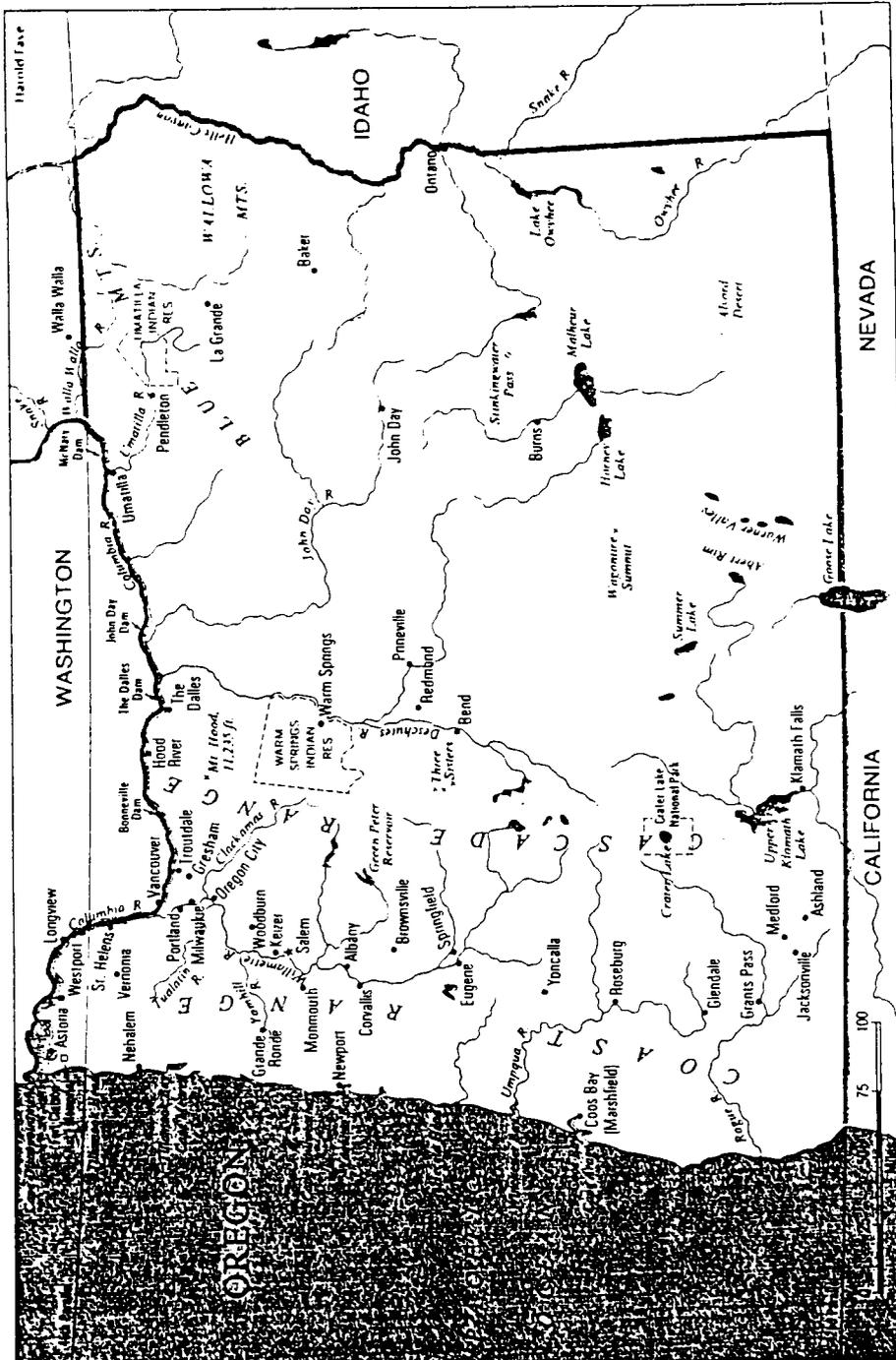
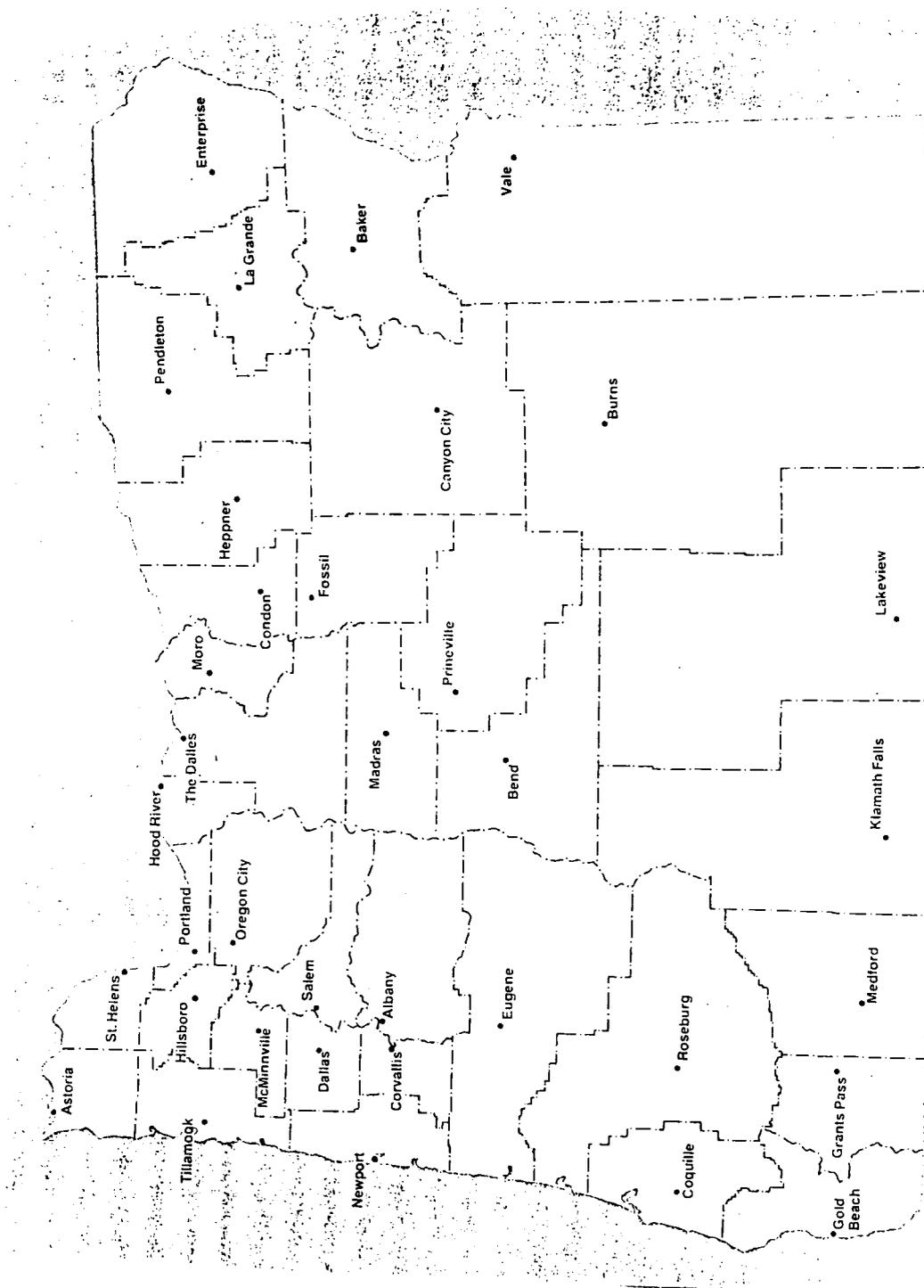


Figure D-3. The Counties of Oregon. (Source: Patton 1976)



APPENDIX E

KEY WORDS CARD FOR ORAL HISTORY RESPONDENTS

Introduction - Career, jobs, status

Policing - influences, budget, bureaucracy, efficiency, training,
discipline

Style - organization, patrol, specialization, community contact,
technology, surveillance

Criminality - cause, criminals, areas, rate, economy

Relationships - senior officers, negotiation - discretion, unions, civil
service, patronage, city council

Satisfaction - civil liberties, dislikes, role

Women - rape, domestic violence, prostitution, officers, matron

Courts - judges, lawyers, interrogation

Politics - personal, departmental

APPENDIX F

POPULATION OF EUGENE, LANE COUNTY AND OREGON FROM
1860-1960

Date	Eugene	Lane County	Oregon
1860	circa 600	4,780	60,000
1870	861	6,426	68,000
1880	1,117	9,411	175,000
1890	3,169	15,198	270,000
1900	3,236	19,604	490,000
1910	9,009	33,783	675,000
1920	10,593	36,166	700,000
1930	18,901	54,493	925,000
1940	20,838	69,096	1,100,000
1950	35,879	125,776	1,550,000
1960	50,977	162,870	1,750,000

Source: U.S. Census Data.

APPENDIX G

NEWSPAPERS USED

Abbreviation Used in Footnotes	Newspaper	Date of Publication
DH	Democratic Herald	March 1859-1861
DR	Democratic Register	March 15, 1862-Sept. 20, 1862
EN	Eugene City News	March 10, 1866-June 9, 1866
ECR	Eugene City Review	Nov. 1, 1862-Oct. 16, 1865
GU	Eugene City Guard	Oct. 24, 1867-Feb. 4, 1899 (Title changed to Eugene Weekly Guard)
PJ	Pacific Journal	June 17, 1858-Dec. 1858
PP	Peoples Press	Jan. 1859-1861
CH	Eugene City Hawk	July 31, 1873-June 20, 1874
DG	Eugene Daily Guard	Dec. 8, 1891-Nov. 15, 1930; this ran concurrently with the weekly and twice a week Guard and later merged with the Eugene Register to form the Eugene Register Guard
EN	Eugene News (daily) Eugene Oregon Emerald	Nov. 6, 1931-May 8, 1942 Sept. 29, 1909-continuing
OSJ	Eugene, Oregon State Journal	March 12, 1864-May 29, 1909
WR	Eugene Weekly Register	April 3, 1889-Dec. 7, 1899
MR	Eugene Morning Register	Sept. 15, 1895-Nov. 17, 1930
RG	Eugene Register Guard	Nov. 18, 1930-continuing
SR	Eugene State Republican	Jan. 1, 1862-April 11, 1863
NNW	The New Northwest	5th May 1871-87
ER	Eugene City Register (weekly)	Oct. 7, 1885-March 27, 1889

APPENDIX H

LANE COUNTY CIRCUIT COURT DIVORCE EVIDENCE

Part I. Legal Cases from Random Sample of Divorce Case Transcripts.

(1). 1853-1912. The total number of divorces indexed over this period was 1,166. The size of the sample was 323. The number of cases giving a random sample of sufficient size to be within a 5% statistical margin of error is 290. Sampled cases are listed here in case number order.

Wells v Wells (1856), 93
Deakins v Deakins (1856), 123
Bagley v Bagley (1957), 133
Mead v Mead (1862), 272
Nelson v Nelson (1961), 284
Massey v Massey (1861), 296
Johnson v Johnson (1862), 298
Norwood v Norwood (1961), 365
Goodman v Goodman (1969), 422
Bushnell v Bushnell (undated), 431
Brown v Brown (1965), 452
Guerin v Guerin (1965), 509
Eubank v Eubank (1867), 554
Brack v Brack (1868), 662
Hawkins v Hawkins (1959), 705
Turpin v Turpin (1870), 776
Miller v Miller (1870), 1118
Goodwin v Goodwin (1869), 1176
Allen v Allen (1869), 1181
Brown v Brown (1869), 1205
Read v Read (1876), 1318
Smith v Smith (1868), 1422
Benson v Benson (1868), 1437
Robinson v Robin (1874), 1453
Henderson v Henderson (1871), 1454
Bates v Bates (1884), 1455
Allen v Allen (1883), 1459
Lynn v Lynn (1881), 1464
Sullivan v Sullivan (1874), 1466
Edmundson v Edmundson (1882), 1468
Breen v Breen (1881), 1474
Rickel v Rickel (1879), 1475
Briggs v Briggs (1887), 1483
Renfrew v Renfrew (1875), 1495
Enea v Enea (1868), 1496
Ecleston v Ecleston (1869), 1498
Russell v Russell (undated), 1499
Carter v Carter (1866), 1500
Montgomery v Montgomery (1868), 1502
Odell v Odell (undated), 1508
Despain v Despain (1871), 1509

Mounts v Mounts (1871), 1510
Wilsey v Wilsey (1868), 1511
Bates v Bates (1882), 1540
Beatty v Beatty (1876), 1549
Allen v Allen (1881), 1550
Clit v Clit (1883), 1551
Hays v Hays (1877), 1559
Conger v Conger (1879), 1587
Baker v Baker (1885), 1588
Feldvert v Feldvert (1875), 1594
Smith v Smith (1877), 1595
Stickels v Stickels (1883), 1769
Mays v Mays (1877), 1772
Davis v Davis (1869), 2005
Gearhart v Gearhart (undated), 2006
Lawrence v Lawrence (1867), 2009
Goodman v Goodman (1870), 2012
Bramlett v Bramlett (1884), 2017
Page v Page (1875), 2018
Shaub v Shaub (1886), 2020
Cummins v Cummins (1874), 2021
Belshaw v Belshaw (1886), 2029
Thompson v Thompson (1871), 2031
Adams v Adams (1880), 2032
Strouse v Strouse (1884), 2034
Goodman v Goodman (1886), 2049
Allen v Allen (1876), 2057
Underwood v Underwood (1873), 2058
Neall v Neall (1883), 2068
Fisk v Fisk (1888), 2286
Davis v Davis (1888), 2306
Belknapp v Belknapp (1889), 2312
O'Hagen v O'Hagen (1889), 2320
Carman v Carman (1889), 2321
Hyland v Hyland (1887), 2326
Burneson v Burneson (1886), 2382
Lyon v Lyon (1888), 2488
Ward v Ward (1887), 2497
Pengra v Pengra (1887), 2511
Redford v Redford (1887), 2528
Armour v Armour (1884), 2537
Hanson v Hanson (1888), 2540
Hazelton v Hazelton (1871), 2543
Wartsbaugh v Wartsbaugh (1885), 2602
Pyle v Pyle (1887), 2622
Warren v Warren (1887), 2626
Morris v Morris (1887), 2630
Miller v Miller (1886), 2631
Frazer v Frazer (1888), 2633
Dunning v Dunning (1890), 2708
Conkle v Conkle (1890), 2717
Brown v Brown (1890), 2718
Sanford v Sanford (1890), 2725
Aldrich v Aldrich (1891), 2799
Harrison v Harrison (1891), 2876
Couch v Couch (1890), 2883
Steale v Steale (1891), 2896
Phillippi v Phillippi (1891), 2904

Rupel v Rupel (1891), 2906
Miller v Miller (1891), 2911
Clayton v Clayton (1891), 2928
Evans v Evans (1891), 2929
Forrest v Forrest (1890), 2937
Dunlap v Dunlap (1891), 2990
Zumwalt v Zumwalt (1891), 2998
Gordon v Gordon (1891), 3005
Day v Day (1892), 3068
Sellers v Sellers (1892), 3069
Scott v Scott (1892), 3114
Steams v Steams (1892), 3176
Krentz v Krentz (1892), 3197
Robinson v Robinson (1892), 3207
Maxwell v Maxwell (1892), 3214
Davis v Davis (1892), 3223
Hart v Hart (1892), 3255
Skaggs v Skaggs (1893), 3277
Scott v Scott (1893), 3292
Bowers v Bowers (1893), 3298
Hawley v Hawley (1894), 3459
Freeman v Freeman (1894), 3460
Haskins v Haskins (1894), 3530
Shankwiler v Shankwiler (1894), 3559
Delaney v Delaney (1892), 3583
Severn v Severn (1894), 3605
Alexander v Alexander (1895), 3645
Millard v Millard (1895), 3671
Slocum v Slocum (1895), 3690
Marcott v Marcott (1895), 3706
Anderson v Anderson (1895), 3741
Crow v Crow (1895), 3746
Daken v Daken (1895), 3748
Brown v Brown (1895), 3763
Abbott v Abbott (1895), 3801
Guthrie v Guthrie (1896), 3820
Westbrook v Westbrook (1896), 3890
Parker v Parker (1896), 3891
Lonsbery v Lonsberg (1896), 3892
Rawlings v Rawlings (1896), 3893
Domeyer v Domeyer (1896), 3931
Jacoby v Jacoby (1896), 4012
McLeod v McLeod (1897), 4013
Wilson v Wilson (1897), 4066
Livermore v Livermore (1897), 4073
Criss v Criss (1897), 4085
Hartwig v Hartwig (1897), 4111
Blackburn v Blackburn (1897), 4158
Skinner v Skinner (1897), 4200
Ruffin v Ruffin (1898), 4244
Snyder v Snyder (1898), 4285
Neet v Neet (1898), 4314
Baier v Baier (1898), 4318
Parsons v Parsons (1898), 4319
Almont v Almont (1898), 4330
Slayton v Slayton (1898), 4338
Hubbard v Hubbard (1898), 4370
Carns v Carns (1899), 4371

Johnson v Johnson (1899), 4388
Condray v Condray (1904), 4412
Dixon v Dixon (1899), 4429
Smith v Smith (1899), 4437
McMahan v McMahan (1899), 4440
Hines v Hines (1899), 4441
Edwards v Edwards (1899), 4474
Holt v Holt (1899), 4476
Lincoln v Lincoln (1900), 4485
Deering v Deering (1899), 4496
Harris v Harris (1899), 4514
Bush v Bush (1899), 4533
Stingley v Stingley (1900), 4549
Boag v Boag (1900), 4550
Cowgill v Cowgill (1900), 4556
McGrath v McGrath (1900), 4558
Lamb v Lamb (1900), 4581
McCarthy v McCarthy (1900), 4615
Safely v Safely (1900), 4639
Rodelheim v Rodelheim (1900), 4644
Smith v Smith (1900), 4651
Overton v Overton (1900), 4670
Freemont v Freemont (1901), 4690
Edwards v Edwards (1901), 4731
Lingo v Lingo (1901), 4739
Kendall v Kendall (1901), 4770
Ackerly v Ackerly (1901), 4771
Vaughan v Vaughan (1901), 4790
Anderson v Anderson (1901), 4804
Platt v Platt (1902), 4813
Pohl v Pohl (1902), 4816
Hepner v Hepner (1902), 4839
Hiltabiddle v Hiltabiddle (1902), 4862
Smith v Smith (1902), 4864
Bump v Bump (1902), 4896
Dammon v Dammon (1902), 4906
Close v Close (1902), 4907
Fields v Fields (1902), 4917
Mongold v Mongold (1902), 4938
Thompkins v Tompkins (1903), 4955
Brauti v Brauti (1903), 4964
Rickman v Rickman (1903), 4969
Ward v Ward (1903), 5014
Buell v Buell (1903), 5026
Michael v Michael (1903), 5033
Vorce v Vorce (1903), 5057
Becker v Becker (1903), 5080
McCurdy v McCurdy (1904), 5164
Hinton v Hinton (1904), 5179
Deadmond v Deadmond (1904), 5209
Risley v Risley (1904), 5275
Weaver v Weaver (1904), 5349
Russell v Russell (1905), 5386
Hemenway v Hemenway (1905), 5388
Harms v Harms (1905), 5393
Cook v Cook (1905), 5395
Rickman v Rickman (1905), 5398
Ward v Ward (1905), 5431

Thatcher v Thatcher (1905), 5446
Jenkins v Jenkins (1905), 5465
Gosser v Gosser (1905), 5474
Ireland v Ireland (1905), 5482
Huston v Huston (1905), 5483
Logsdon v Logsdon (1905), 5490
Lakin v Lakin (1905), 5495
Davis v Davis (1905), 5519
Drake v Drake (1905), 5528
Rybolt v Rybolt (1905), 5529
Weist v Weist (1905), 5534
Wheeler v Wheeler (1905), 5540
Lorimer v Lorimer (1905), 5544
Bushey v Bushey (1905), 5546
Eddy v Eddy (1905), 5561
Williams v Williams (1905), 5590
Ramp v Ramp (1906), 5618
Christy v Christy (1906), 5621
Farrow v Farrow (1906), 5647
Gersbach v Gersbach (1906), 5658
Monroe v Monroe (1906), 5667
Frazer v Frazer (1906), 5670
Horton v Horton (1906), 5714
Palmer v Palmer (1906), 5726
Collins v Collins (1906), 5759
Martin v Martin (1906), 5793
Spaulding v Spaulding (1906), 5817
Hogan v Hogan (1906), 5828
Leathers v Leathers (1906), 5844
Ward v Ward (1906), 5848
Pinney v Pinney (1906), 5849
Harper v Harper (1907), 5915
Croner v Croner (1907), 5952
Johnson v Johnson (1907), 5974
Ross v Ross (1908), 5980
Traver v Traver (1908), 5990
Cotton v Cotton (1907), 5991
Cook v Cook (1907), 5995
Whitsett v Whitsett (1907), 6028
Kilborn v Kilborn (1907), 6074
Clement v Clement (1908), 6076
Churchill v Churchill (1908), 6078
Norris v Norris (1908), 6123
Thomas v Thomas (1908), 6130
Bainbridge v Bainbridge (1908), 6136
Beebe v Beebe (1908), 6142
Gilstrap v Gilstrap (1908), 6200
Summers v Summers (1908), 6215
Parry v Parry (1908), 6221
McKee v McKee (1908), 6222
Clements v Clements (1908), 6279
McFarland v McFarland (1908), 6281
Phelps v Phelps (1909), 6397
Cockerly v Cockerly (1909), 6444
Waddle v Waddle (1909), 6470
Baker v Baker (1909), 6476
Duffy v Duffy (1909), 6490
DeBoest v DeBoest (1909), 6513

Beem v Beem (1909), 6518
Dankjer v Dankjer (1909), 6527
Brokaw v Brokaw (1909), 6608
Barnard v Barnard (1909), 6721
Coburn v Coburn (1910), 6748
Wilkes v Wilkes (1910), 6758
Clymer v Clymer (1910), 6771
Harrison v Harrison (1910), 6778
Schober v Schober (1910), 6842
Condon v Condon (1910), 6843
Michael v Michael (1910), 6855
Murdoch v Murdoch (1910), 6856
Griffin v Griffin (1910), 6864
McCord v McCord (1910), 6867
Sanders v Sanders (1910), 6880
Grace v Grace (1910), 6881
Anderson v Anderson (1910), 6942
Lemon v Lemon (1911), 6944
Hahn v Hahn (1911), 6955
Pepin v Pepin (1911), 6985
Wiltse v Wiltse (1911), 6988
Dobson v Dobson (1911), 7011
Matteson v Matteson (1911), 7029
Watkins v Watkins (1911), 7048
McCart v McCart (1911), 7073
Tobey v Tobey (1911), 7085
Lyons v Lyons (1911), 7150
Parsons v Parsons (1911), 7173
Carroll v Carroll (1911), 7191
Curran v Curran (1911), 7231
Anderson v Anderson (1911), 7302
Perkins v Perkins (1911), 7305
Metcalf v Metcalf (1911), 7412
Griffin v Griffin (1911), 7416
Abbott v Abbott (1911), 7442
Thornton v Thornton (1912), 7454
Sharp v Sharp (1911), 7469
Stuart v Stuart (1911), 7474
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DuBruille v DuBruille (1911), 7508
Dompier v Dompier (1912), 7521
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Foust v Foust (1912), 7730
Howard v Howard (1912), 7748
Carter v Carter (1912), 7795
Davis v Davis (1912), 7819
Rightmier v Rightmier (1912), 7848

(2). 1913-60. The total number of divorces indexed over this period was 15,622. The size of the sample was 404. The number of cases giving a random sample of sufficient size to be within a 5% statistical margin of error is 376. Sampled cases are again listed in case number order.

Armstrong v Armstron (1913), 7991
Carmichael v Carmichael (1913), 8000
Seales v Seales (1913), 8028
Goodman v Goodman (1913), 8057
Dompier v Dompier (1914), 8484
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Clark v Clark (1915), 9400
Hodge v Hodge (1915), 9688
Johnson v Johnson (1917), 10572
Korn v Korn (1917), 10969
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Hurlburt v Hurlburt (1924), 15139
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Rice v Rice (1924), 15397
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Potter v Potter (1925), 15610
Claridge v Claridge (1925), 15738
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Bonar v Bonar (1926), 16230
Calloway v Calloway (1926), 16561
Nickum v Nickum (1926), 16603
Ceats v Ceats (1926), 16724
Lewis v Lewis (1926), 16774
Doyle v Doyle (1927), 17338
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Brock v Brock (1929), 19515
Endrup v Endrup (1929), 19569
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Truxler v Truxler (1930), 20397
Roach v Roach (1931), 20986
Huck v Huck (1931), 21172
Baumgartner v Baumgartner (1931), 21328
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Lodge v Lodge (1932), 21720
Stroud v Stroud (1932), 22161
Lemley v Lemley (1933), 22308
Kerr v Kerr (1933), 22769
Roach v Roach (1933), 22545
Simmons v Simmons (1934), 22874
Toftdahl v Toftdahl (1934), 23085
Ceruti v Ceruti (1935), 23123
Cummins v Cummins (1935), 23382
O'Laverty v O'Laverty (1934), 23400
Winfrey v Winfrey (1934), 23563
Haynes v Haynes (1935), 23586
Martin v Martin (1935), 23665
Duprez v Duprez (1935), 23689
McClelland v McClelland (1935), 23743
Shannon v Shannon (1935), 24028
Johnson v Johnson (1936), 24195
Hoyt v Hoyt (1936), 24517
Hadley v Hadley (1936), 24564
Pollock v Pollock (1936), 24587
Brown v Brown (1936), 24711
Whipps v Whipps (1937), 24833
Smith v Smith (1937), 24860
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Davis v Davis (1938), 25447
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Zimmerdahl v Zimmerdahl (1941), 28015
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Phillips v Phillips (1941), 28262
Junkin v Junkin (1942), 28427
Est v Est (1942), 28456
Landrus v Landrus (1942), 28635
Wood v Wood (1943), 28643
Maher v Maher (1942), 28664
Shouse v Shouse (1942), 28834
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Harmon v Harmon (1942), 28902
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Gibson v Gibson (1943), 29076
Bard v Bard (1943), 29179
Bradford v Bradford (1943), 29399
Roush v Roush (1943), 29405
Bowman v Bowman (1943), 29406
Pruett v Pruett (1943), 29444
Daley v Daley (1943), 29479
Atnip v Atnip (1943), 29559
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Tuttle v Tuttle (1944), 29994
Buss v Buss (1944), 30077
Doak v Doak (1944), 30085
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Werner v Werner (1944), 30089
Foley v Foley (1944), 30110
Henderer v Henderer (1944), 30228
Ishmael v Ishmael (1944), 30237
Gabriel v Gabriel (1944), 30394
Sues v Sues (1944), 30410
Wilson v Wilson (1944), 30702
Moody v Moody (1945), 30818
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Hansen v Hansen (1945), 31669
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Keck v Keck (1946), 31769
Davis v Davis (1946), 31889
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Cannon v Cannon (1946), 32015
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Lehr v Lehr (1946), 32046
Brubaker v Brubaker (1946), 32075
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Rauch v Rauch (1946), 32102
Foster v Foster (1946), 32218
Shelton v Shelton (1946), 32221
Mather v Mather (1946), 32251
Thompson v Thompson (1946), 32337
Witchcraft v Witchcraft (1946), 32496
Albright v Albright (1946), 32511
Pitman v Pitman (1946), 32646
Mehuron v Mehuron (1946), 32664
Stone v Stone (1946), 32670
Compton v Compton (1946), 32804
Hill v Hill (1946), 33075
Hardisty v Hardisty (1946), 33112

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Rose v Rose (1946), 33169
Bowden v Bowden (1946), 33179
Hutchins v Hutchins (1946), 33201
Beebe v Beebe (1947), 33377
Gordon v Gordon (1947), 33442
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Sawyer v Sawyer (1953), 41801
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Prather v Prather (1953), 42006
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Fowler v Fowler (1952), 42240
Yeager v Yeager (1952), 42286
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Burnett v Burnett (1953), 44617
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Willard v Willard (1954), 44792
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Ross v Ross (1954), 45179
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Mills v Mills (1954), 45433
Gundrum v Gundrum (1954), 45527
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Henager v Henager (1956), 45935
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Lockard v Lockard (1957), 51682
Hutchinson v Hutchinson (1957), 51711
Martinson v Martinson (1957), 51815
Clark v Clark (1957), 51861
Johnson v Johnson (1957), 51929
Weatherley v Weatherley (1957), 52101
Turner v Turner (1957), 52143
Thompson v Thompson (1957), 52369
Sorg v Sorg (1957), 52583
Blake v Blake (1957), 52634
Schlachter v Schlachter (1957), 52702
Cerkoney v Cerkoney (1958), 53099
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Simmons v Simmons (1959), 54575
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Tonoli v Tonoli (1959), 57526
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APPENDIX I

MAYORS OF THE CITY OF EUGENE, OREGON

The mayors of Eugene with dates in office and details of occupational status and any other political positions: 1864-1969 (class membership in parenthesis).

Mayor	Dates	Notes on occupation and any other political offices (class membership in parentheses)
J. B. Underwood	Oct. 1864- April 1869	Big property owner. From late 1870s involved in brokerage and buying/selling gold and silver. Railroad interests. Also Republican representative for Lane County, 1878-80. (Bourgeoisie)
A. S. Patterson	April 1869- April 1873	Mercantile businessman. Part owner of the flouring mills. Postmaster 1869-84. Incorporator of Springfield and Siuslaw Railroad Co. (1881). Leading Republican. (Bourgeoisie)
J. Ware	April 1873- April 1875	Began a Republican newspaper in Eugene, <u>People's Press</u> , in 1858. Property owner. Owned farm near Irving and a stock and fruit farm in the Mohawk Valley. Land office businessman. (Agricultural Bourgeoisie)
B. F. Dorris	April 1875- April 1877; April 1879- April 1881	Owned hardware business in Eugene (1868-86). Sold out and entered real estate and insurance. Regent of UO for 10 years (1876-86). State representative (1878-80). Councillor and City Recorder. (Bourgeoisie)
G. B. Dorris	April 1877- April 1879	Practiced law for 54 years in Eugene. City councillor for 12 years. Democrat representative and senator from 1870. (Petty bourgeoisie)
T. G. Hendricks	April 1881- April 1883	Mercantile businessman until 1884. Formed First National Bank in Eugene in 1886. Big city and county property owner. City councillor 1865-6, 1868-70, 1877-9. Lane County Democrat Senator 1880-4. County Superintendent of Schools 1872-8. (Bourgeoisie)

Mayor	Dates	Notes on occupation and any other political offices (class membership in parentheses)
F. B. Dunn	April 1885- April 1889	General merchandise businessman. Owned a number of farms. Hop and wool buyer. First President of Board of Trade. Active Republican. (Bourgeoisie)
A. G. Hovey	April 1889- April 1891	Merchandising and milling businessman. Founder and President of Lane County Bank in 1884. Vice President of Siuslaw and Eastern Railroad Co. One of first organisers of Oregon Republican Party. State Senator 1862-6. Postmaster 1867-79. (Bourgeoisie)
J. H. McClung	April 1891- April 1893	General merchandise storeowner. Businessman. Incorporator of Springfield and Siuslaw Railroad Co. (1881). Served two terms in state legislature (1874-8). Superintendent of Lane County Mercantile Association. Active Republican. (Bourgeoisie)
S. H. Friendly	April 1893- April 1895	Wealthy merchant. Handled most of the wheat and hops grown in Lane County. Owned general merchandise store. Director of Eugene Packing and Canning Co. Regent of UO. Active Republican. (Bourgeoisie)
J. D. Matlock	April 1895- April 1897; April 1907- April 1910	Wealthy farmer and stock raiser. Director of Eugene Lumber Co. Big landowner. Active Democrat. City councillor for 10 years. (Agricultural bourgeoisie/ bourgeoisie)

Mayor	Dates	Notes on occupation and any other political offices (class membership in parentheses)
W. Kuykendall	April 1897- April 1899	Wealthy doctor. Director of local hospital from 1908. Active Republican. (Bourgeoisie)
T. W. Harris	April 1899- April 1901	From 1884-1904 had the largest medical practice in Lane County. Owner of roughly 3000 acres of timberland. President of Eugene Water Company. Republican (Bourgeoisie)
G. R. Chrisman	April 1901- April 1905	Owned several farms. Cattle and wheat producer. Started private loan company. Chairman of Lane County Republican Committee. In 1886 he was one of the first incorporators of the First National Bank. One time President of Eugene Water Co. Tax returns show him to be one of the richest men in the county. (Bourgeoisie)
F. M. Wilkins	April 1905- April 1907	Drugstore owner, 1878-99. Diverse business interests. Director Eugene Water Co. (Bourgeoisie although in early days a member of the Petty Bourgeoisie)
F. J. Berger	April 1910- April 1913	President and manager of hardware store. Director of Merchants Bank for two years. Active Democrat. City councillor 1907-9, 1909-10. (Bourgeoisie)
D. E. Yoran	April 1913- April 1915	Real estate and insurance business 1891-2. Shoe store owner. President Eugene Merchants Association 1905-10. Postmaster 1922-35. (Bourgeoisie)
W. A. Bell	April 1915- April 1917	Manager Pacific Finance Corporation. (Bourgeoisie or contradictory class location at Bourgeoisie/proletariat interface)
C. O. Petersen	April 1917-	Property manager. Owner of Eugene Excelsior April 1923 Co. (Bourgeoisie)
E. B. Parks	May 1923- Dec/ 1925	Warehouse and storage company owner. Active Republican. (Bourgeoisie)
E. V. Lee	Dec. 1925- Jan. 1927	President of real estate co. (Bourgeoisie)
A. L. Williamson	Jan. 1927- Jan. 1929	Company owner. (Bourgeoisie)
H. E. Wilder	Jan. 1929- Jan. 1931	Building contractor and accountant. (Bourgeoisie)

Mayor	Dates	Notes on occupation and any other political offices (class membership in parentheses)
E. Large	Jan. 1931- Jan. 1945	Leading merchant and businessman. Co-owner of general merchandise store. President of League of Oregon Cities. Active Republican. (Bourgeoisie)
E. L. McNutt	Jan. 1945- Jan. 1949	Road contractor. Rancher. (Urban and agricultural Bourgeoisie)
V. E. Johnson	Jan. 1949- Jan. 1957	Partner and manager of Johnson Furniture Co. Director of Retail Furniture Dealers of Oregon 1927-49. (Bourgeoisie)
J. McGinty	Jan. 1957- Nov. 1958	Manager, lumber company. (Bourgeoisie or contradictory class location)
E. Cone	Nov. 1958- Jan. 1969	Partner and manager of the Cone Lumber Co. (Bourgeoisie)

APPENDIX J

NOTES ON DIVORCE RATES FOR LANE COUNTY AND OREGON

(o) Lane County. This table provides the divorce rates in Lane County from the 1853-59 period until 1960. Note that rates up to and including 1919-21 are estimates based on my random sample of divorce case transcripts. The derivation of these estimated rates is explained below.

<u>Year(s)</u>	<u>Rate</u>	<u>Year</u>	<u>Rate</u>
1853-59	0.4	1940	2.7
1869-71	2.5	1941	3.5
1879-81	0.8	1942	4.0
1889-91	1.6	1943	4.4
1899-01	1.8	1944	4.5
1909-11	1.6	1945	5.6
1919-21	2.9	1946	7.1
1926	3.5	1947	3.9
1927	3.6	1948	4.3
1928	3.2	1949	3.8
1929	3.0	1950	4.0
1930	2.6	1951	4.1
1931	1.9	1952	3.9
1932	1.9	1953	4.2
1933	1.9	1954	3.7
1934	2.3	1955	3.5
1935	2.9	1956	3.5
1936	3.5	1957	3.2
1937	2.8	1958	3.3
1938	2.1	1959	3.7
1939	2.6	1960	3.2

Source from 1926-60: State Division of Health Statistics. 1986.

The Derivation of Estimated Annual Divorce Rates for Lane County
Over Specified Time Periods from 1853-59 to 1919-21

In this section I will outline the steps taken to arrive at the estimated divorce rates. I will then show the calculation of these rates for each period. We begin by finding the number of divorces appearing in the random sample of cases for the specified years (N) (e.g., 1853-59). To calculate the average number of sampled cases per year (D_1) over each of the years of the period, divide N by the number of years (n).

$$\text{i.e., } D_1 = \frac{N}{n}.$$

For example, for the 1853-59 (inclusive), $N = 4$, $n = 7$

$$\therefore D_1 = \frac{4}{7} = 0.57$$

To extrapolate from the random sample to the total number of divorces for this period (D_2), we multiply D_1 by the ratio (R) of the total number of divorces (1166 for 1853-1912 and 15622 for 1913-60) to the sampled divorces (323 for 1853-1912 and 404 for 1913-60), i.e., for 1853-1912, $R = \frac{1166}{323}$ or 3.61; for 1913-60, $R = \frac{15622}{404} = 38.67$.

3.61; for 1913-60, $R = \frac{15622}{404} = 38.67$.

$$\text{i.e., } D_2 = D_1 \times R$$

for example for the 1853-9 period

$$D_2 = 0.57 \times 3.61 = 2.06$$

To find the number of divorces per capita we divide D_2 by the population (P) of Lane County during the specified period, i.e., D_2/P .

To adjust to the standard rate of divorce per 1000 of population (D_3) we multiply D_2/P by 1000

$$\text{i.e., } D_3 = D_2 \times 1000/P.$$

For example, for the 1853-9 period, $P = 4780$.

$$\therefore D_3 = \frac{2.06 \times 1000}{4780} = 0.43.$$

Calculation of D_3 for each specific time period.

$$\underline{1869-71} \quad D_1 = \frac{N}{n} = \frac{14}{3} = 4.66$$

$$D_2 = D_1 \times R = 4.66 \times 3.61 = 16.82$$

$$D_3 = \frac{D_2 \times 1000}{P} = \frac{16.82 \times 1000}{6426} = 2.61$$

$$\underline{1879-81} \quad D_1 = \frac{6}{3} = 2$$

$$D_2 = 2 \times 3.61 = 7.22$$

$$D_3 = \frac{7.22 \times 1000}{7411} = 0.77$$

$$\underline{1889-91} \quad D_1 = \frac{20}{3} = 6.67$$

$$D_2 = 6.67 \times 3.61 = 24.08$$

$$D_3 = \frac{24.08 \times 1000}{15,198} = 1.58$$

$$\underline{1899-1901} \quad D_1 = \frac{29}{3} = 9.67$$

$$D_2 = 9.67 \times 3.61 = 34.91$$

$$D_3 = \frac{34.91 \times 1000}{19,604} = 1.78$$

$$\underline{1909-11} \quad D_1 = \frac{44}{3} = 14.67$$

$$D_2 = 14.67 \times 3.61 = 52.96$$

$$D_3 = \frac{52.96 \times 1000}{33,783} = 1.57$$

$$\underline{1919-21} \quad D_1 = \frac{8}{3} = 2.67$$

$$D_2 = 2.67 \times 38.67 = 103.25$$

$$D_3 = \frac{103.25 \times 1000}{36,166} = 2.85$$

$$\underline{1929-31} \quad D_1 = \frac{11}{3} = 3.67$$

$$D_2 = 3.67 \times 38.67 = 141.92$$

$$D_3 = \frac{141.92 \times 1000}{54,493} = 2.60$$

NB: I include the value of D_3 for 1929-31 as a guide as to the validity of my extrapolation procedure. My estimate in fact corresponds exactly to the official divorce rate which was arrived at by using all the divorce cases and not just a random sample.

(ii) Oregon

<u>Year</u>	<u>Rate</u>	<u>Year</u>	<u>Rate</u>
1926	3.6	1943	4.8
1927	3.5	1944	5.4
1928	3.4	1945	6.5
1929	3.4	1946	7.6
1930	3.0	1947	4.7
1931	2.5	1948	4.4
1932	1.8	1949	4.2
1933	1.9	1950	3.9
1934	2.3	1951	3.9
1935	2.3	1952	3.9
1936	2.5	1953	3.9
1937	2.6	1954	3.7
1938	3.0	1955	3.6
1939	3.2	1956	3.4
1940	3.2	1957	3.0
1941	3.7	1958	3.2
1942	4.2	1959	3.4
		3960	3.2

Source: State Division of Health Statistics, 1986.

APPENDIX K

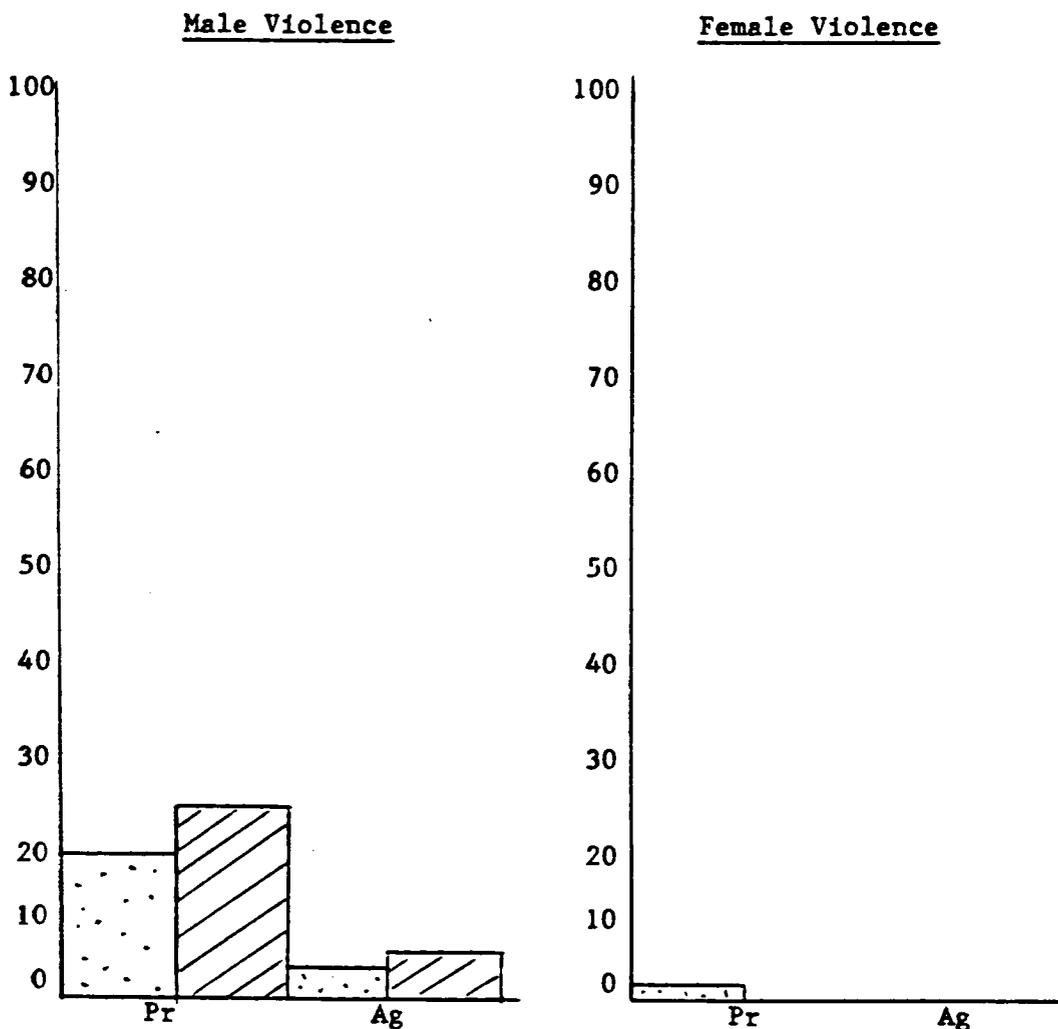
BAR GRAPH REPRESENTATION OF DIVORCE CASE DATA

Bar graphs to show shifts in the reasons for granting divorce from the 1853-1912 period to the 1913-1960 period.

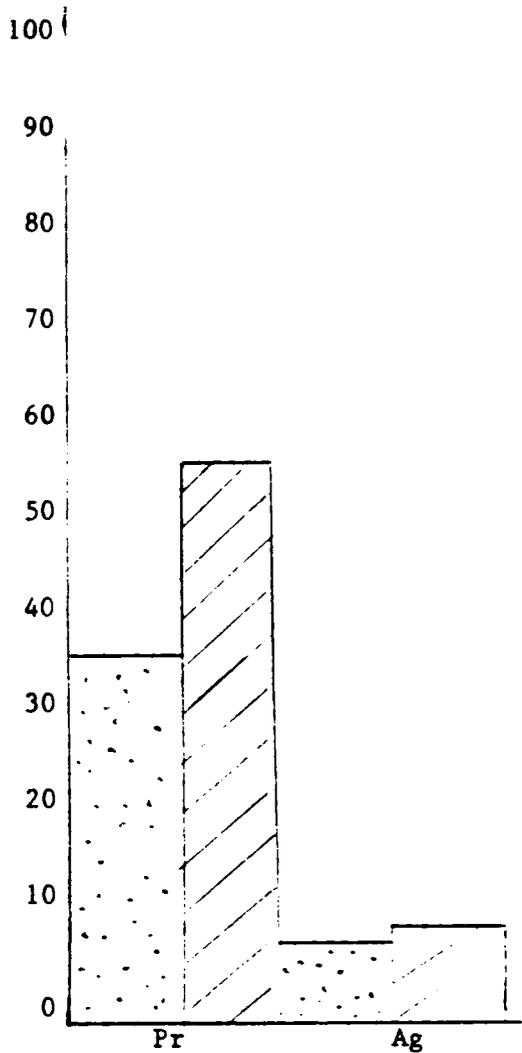
Code 1953 -1912 = [dotted pattern]

1913-1960 = [diagonal line pattern]

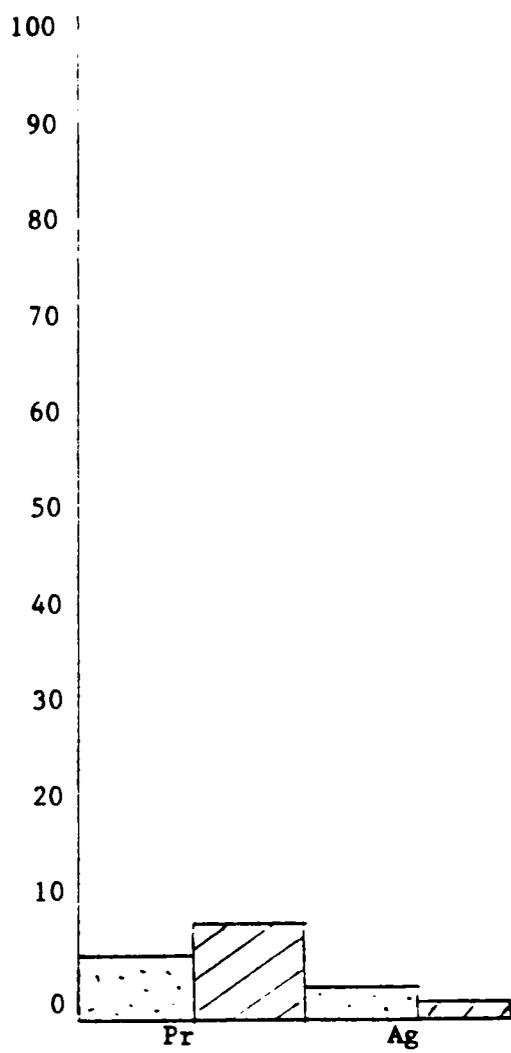
Vertical axes denote percentage of cases from the sample showing evidence of violence, cruelty, adultery, and desertion (see below. The notations on the horizontal axes refer to proven (pr) or alleged (ag) evidence.



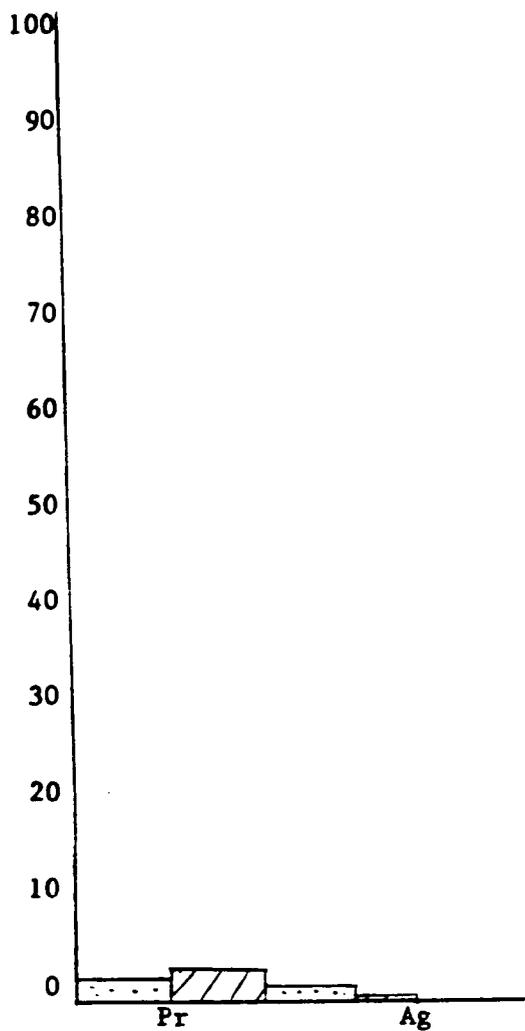
Male Cruelty



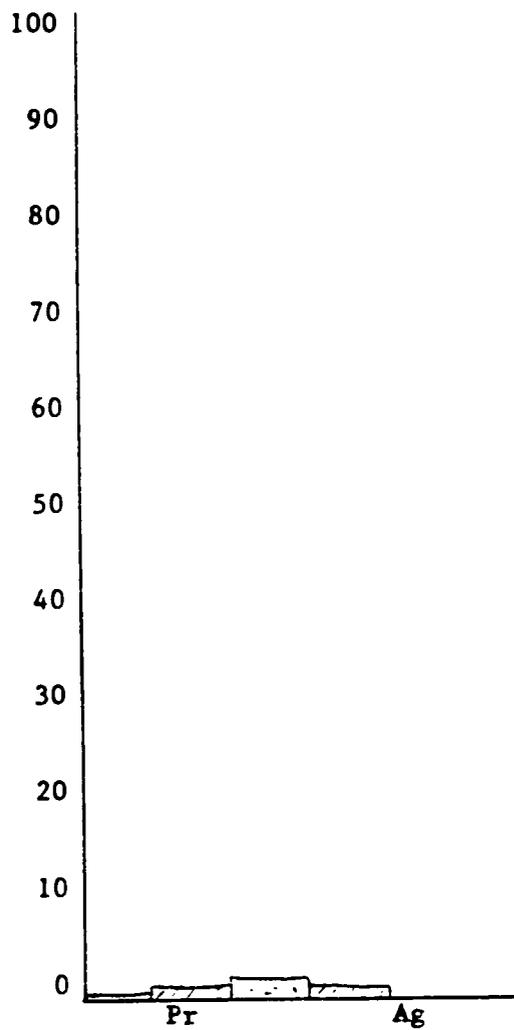
Female Cruelty



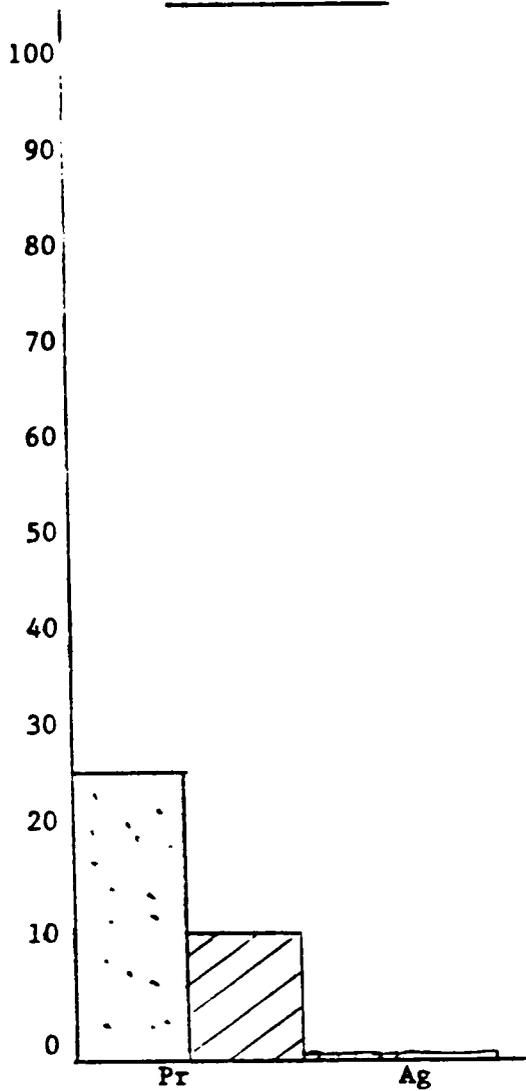
Male Adultery



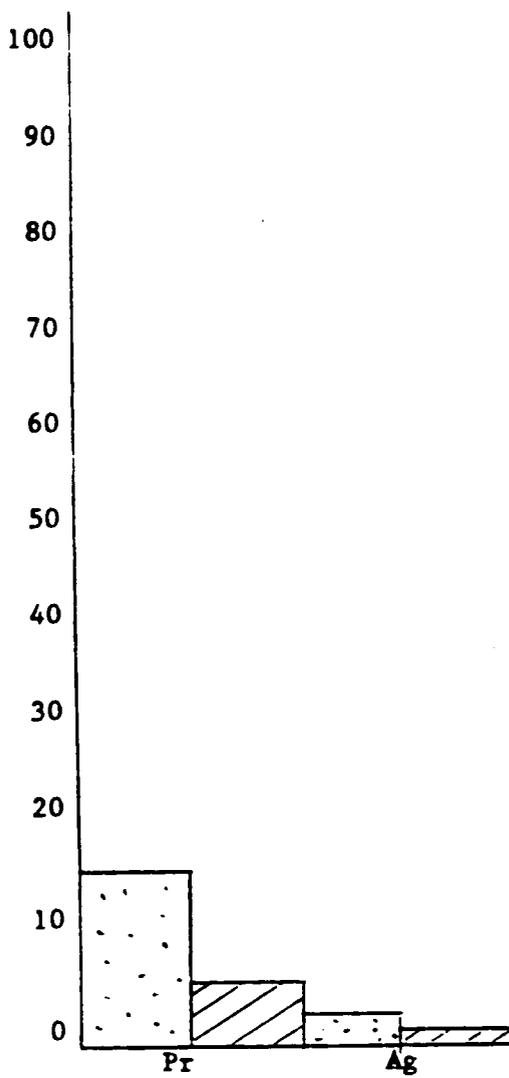
Female Adultery



Male Desertion



Female Desertion



APPENDIX L

THE GROWTH OF EUGENE: AS REFLECTED BY THE VALUE OF BUILDING
 PERMITS ISSUED BY THE CITY COUNCIL, 1914-56

Year	Amount (\$)	Year	Amount (\$)
1914	412,363	1934	203,082
1915	112,931	1935	217,473
1916	159,461	1937	530,112
1917	102,097	1938	555,800
1918	62,816	1939	603,479
1919	233,850	1940	1,033,322
1920	726,491	1942	191,292
1921	363,232	1943	139,511
1922	942,617	1944	549,930
1923	1,137,920	1946	2,600,000
1924	2,734,705	1947	3,600,000
1925	2,610,605	1948	7,882,914
1926	1,545,500	1949	5,100,000
1927	1,434,742	1950	8,682,315
1928	1,277,189	1951	6,500,000
1929	947,876	1952	3,100,000
1930	829,877	1953	4,300,000
1931	350,982	1954	4,800,000
1932	157,151	1955	4,571,654
1933	161,890	1956	8,390,067

Source: Municipal Government Records.

APPENDIX M

CRIME STATISTICS 1946-60

Offences	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
Homicide	0	1	0	0	0	0	3	0	0	1	0	0	3	0	0
Rape	Unk	Unk	Unk	13	0	NA	1	1	NA	0	4	4	3	0	2
Aggravated Assault	14	22	18	9	4	18	27	4	NA	8	13	8	2	5	9
Simple Assault	NA	NA	NA	23	7	10	2	19	NA	NA	NA	8	17	26	44
Robbery	8	14	13	15	16	13	7	3	NA	8	9	5	11	3	12
Burglary	98	80	109	211	167	133	115	121	148	188	167	164	156	178	296
Larceny (Grand \$50)	72	76	126	135	121	115	107	139	NA	99	126	235	284	136	171
Larceny (Petty \$50)	488	420	670	463	397	467	617	532	NA	482	599	793	870	728	795
Auto Theft	130	103	121	123	84	110	97	77	74	56	58	63	72	66	79
Embezzlement/ Fraud	Unk	Unk	Unk	17	11	3	1	30	NA	NA	NA	NA	16	69	68
Forgery/Counter- fitting	41	73	83	69	167	95	27	43	NA	NA	NA	NA	5	12	24
Prostitution/ Vice	NA	NA	NA	4	5	7	2	3	NA	NA	NA	NA	3	0	1
Other Sex Offences	NA	NA	NA	149	90	46	30	6	NA	NA	NA	NA	39	60	72
Drug & Liquor	NA	NA	NA	12	15	150	93	81	NA	NA	NA	NA	98	128	269
Drunkenness	729	1011	818	806	915	682	875	957	NA	962	826	756	715	761	654
Disorderly Conduct	Unk	174	228	139	174	219	186	138	NA	149	124	153	77	64	83
Vagrancy	55	82	219	216	296	215	264	413	NA	326	238	101	150	180	130
Bicycle Theft	NA	NA	NA	307	180	207	201	287	236	188	212	240	312	419	607
Receiving	NA	NA	NA	10	12	14	5	2	NA	NA	NA	NA	5	11	6
Carrying Weapon	NA	NA	NA	3	8	1	2	2	NA	NA	NA	NA	6	4	11
Offences within Family	NA	NA	NA	150	79	13	15	1	NA						

Source: EPD Annual Reports.

Note: Unk = Unknown; NA = Not Available

APPENDIX N

THE NUMBER OF POLICE OFFICERS IN THE EPD: 1864-1960

<u>Year</u>	<u>Personnel</u>
1864-9	1
1869-95	2
1895-1907	3
1907-8	4
1908-11	5
1911-14	7
1914-25	5
1925-29	7
1929-30	9
1930-31	10
1931-37	13
1937-39	15
1939-41	17
1941-5	19
1945-6	29
1946-7	NA
1947-8	38
1948-9	49
1949-52	NA
1952-4	48
1954-5	62
1955-6	NA
1956-7	66
1957-8	68
1958-9	70
1959-60	76

NA denotes figures not available.

APPENDIX P

THE MARSHALS AND POLICE CHIEFS OF EUGENE WITH DATES IN OFFICE

Dates	Officer	Dates	Officer
1864-5	C. H. Fox (Marshal)	1890-1	Stevens
1865-6	G. Lakin	1891-5	R. Eastland
1866-7	B. Hutchinson	1895-7	H. Day
1867-8	L. Miller	1897-1901	J. Stiles
1868-9	T. Morgan	1901-3	S. Scott
1869-71	T. Dunton	1903-4	J. Stiles
1871-2	W. Stoops	1904-5	A. Gilbert
1872-3	R. Patterson	1905-6	J. Stiles (Police Chief)
1873-4	R. Rush	1906-11	E. Farrington
1874-5	T. Warnick	1911-13	J. Bristol
1875-7	R. Patterson	1913-24	C. Christensen
1877-9	P. Farrell	1924-7	W. Judkins
1879-81	J. Attebury	1927-31	J. Strait
1881-2	O. Moore	1931-3	R. Hall
1882-4	J. Attebury	1933-45	C. Bergman
1884-5	W. Durant	1945-7	K. Pittenger
1885-6	C. Roberts	1947-9	K. Jones
1886-90	H. Day	1949-55	T. Brown
		1955-9	V. Hill
		1959-69	A. Ellsworth

APPENDIX Q

THE SHERIFFS OF LANE COUNTY WITH DATES IN OFFICE

Date	Sheriff	Date	Sheriff
1851-2	L. Howe	1886-90	J. Sloan
1852-4	J. Robinson	1890-4	J. Noland
1854-6	R. Walker	1894-8	A. Johnson
1856-8	J. McCabe	1898-1903	W. Withers
1858-60	H. Howard	1903-6	F. Fisk
1860-2	J. Meador	1906-13	H. Bown
1862-4	T. Brattain	1913-15	J. Parker
1864-6	W. Haley	1915-19	D. Elkins
1866-8	Not available	1919-25	F. Stickels
1868-70	J. Meador	1925-8	F. Taylor
1870-4	J. Poindexter	1928-33	H. Bown
1874-80	S. Eakin	1933-42	C. Swarts
1880-2	J. Shelly	1942-53	O. Crowe
1882-6	J. Campbell	1953-61	E. Elder

NB. Prior to statehood the sheriff's term of office was one year. From 1860-1921 the term was two years and four years since then.

APPENDIX R

A TENTATIVE OVERVIEW OF THE CLASS STRUCTURE OF LANE COUNTY
FOR THE YEARS 1905, 1930 AND 1960

As I have mentioned at a number of points, a Marxian class analysis tends to militate against the quantitative delineation of class boundaries. However, in an attempt to identify broad changes in class structure I have utilized data on occupations to generate a rough Marxian classification of class. Appendix S is divided into three sections in order to explain the derivation of the class structure for each of the years in question.

(i) 1905

Occupational data was drawn from a Report of the Oregon Labour Commissioner for 1905.¹ Needless to say there are many problems in allocating a class position to individuals, even if they have the same occupation. For example, from the data available it is impossible to tell whether a barber is a paid employee and perhaps a member of the proletariat or whether that barber owns his own shop and is a member of the petty bourgeoisie. Were clerks in Eugene in 1905 members of the petty bourgeoisie or did they have the kind of responsibilities and autonomy which would warrant placing them in a contradictory class location between the bourgeoisie and proletariat? Given the limits of this study it is impossible to answer these questions. My analysis therefore allows for the possibility that all 25 barbers in Lane County in 1905 could have either been members of the proletariat or of the petty bourgeoisie. In other words the class structure produced here

reflects the upper limits of class membership. I also include an estimate of the lower limit, for example, the lower limit estimation of the membership of the petty bourgeoisie would exclude all barbers, assuming that these barbers were all wage workers. This of course is inaccurate but again it provides us with some useful frames for comparison.

TABLE R.1. To show the class structure of Lane County in 1905 through occupational groupings.

Occupation	Member- ship of Each Occu- pational Group	Maximum Possible Number of Workers Located in the Below Classes					Contra- dictory Class Location
		Bour- geoisie	Petty Bour- geoisie	Prole- tariat	Farmers	Agricul- tural Laborers	
Abstractors	2		2				
Accountants	3		3				
Agents	8		8				
Architects	3		3				
Assayers	3		3				
Attorneys	37		37				
Bankers	11	11					
Barbers	25		25	25			
Bartenders	11			11			
Blacksmiths	64		64				
Bookkeepers	18		18				
Bricklayers	12			12			
Brickmakers	1		1				
Bakers	7		7				
Butchers	24		24				
Carpenters	190		190				
City Officers	10		10				
Clerks	92		92				92
Cooks	9			9			
Coopers	1		1				
Contractors	17		17				
County Officers	9		9				
Commercial							
Travellers	3		3				
Cashiers	3		3	3			
Capitalists	7	7					
Cruisers	7			7			
Cabinetmakers	2		2				
Candumakers	2		2				
Captains	2		2				
Cannerymen	1			1			
Cigar Dealers	3		3				
Dentists	11		11				
Doctors	34		34				
Druggists	18		18				
Dairymen	9	9		9	9	9	
Draymen	13			13			
Editors	6		6				
Electricians	6		6				
Engineers	66		66				
Expressmen	2			2			
Farmers	2640				1640		
Ferrymen	1		1				
Foundrymen	4			4			
Firemen	6			6			
Factorymen	2			2			
Fruit Dealers	2		2				
Fishermen*	2		2	2			
Foremen	5						5
Gardeners	11		11				
Gunsmiths	2		2				

Occupation	Member- ship of Each Occu- pational Group	Maximum Possible Number of Workers Located in the Below Classes					
		Bour- geoisie	Petty Bour- geoisie	Prole- tariat	Farmers	Agricul- tural Laborers	Contra- dictory Class Location
Harnessmakers	8		8				
Hop Men	19			19			
Hotel Keepers	17		17				
Housemovers	1		1				
Ins. Agents	5		5				
Jewelers	12		12				
Janitors	6			6			
Journalists	2		2				
Labourers	748			748		748	
Landlords	1	1					
Laundrymen	7			7			
Linemen	1			1			
Liquor Dealers	7		7				
Liverymen	16		16	16			
Loggers	84			84			
Lumbermen	55			55			
Machinists	9			9			
Managers	1						1
Manufacturers	10	10					
Masons	5		5				
Marble Cutters	1		1				
Merchants	172	172	172				
Mechanics	23		23	23			
Musicians	4		4				
Millmen**	41			41			
Millwrights**	8		8				
Millers**	20	20		20			
Miners	116		116	116			
Ministers	40		40				
No occupation	32						
Nurses	1			1			
Nurserymen	4			4			
Opticians	1		1				
Operators	4			4			
Painters	35		35				
Photographers	6		6				
Printers	15		15				
Publishers	2	2					
Plasterers	4		4				
Plumbers	12		12				
Precinct							
Officers	1		1				
Paperhangers	1		1				
Pilots	1		1				
Porter	1			1			
Peddlers	1		1				
Piano Tuners	1		1				
Prospectors	1		1				
Real Estate							
Dealers	31	31	31				
Restaurant							
Keepers	4		4				
Railroad							
Employees	41			41			
Reporters	2		2				
Retired	67						
Ranchers	47	47				47	
Repairers	1		1				
Sailors	1			1			
Salesmen	9		9				
Saloonkeepers	18		18				
Sawyers	9		9	9			
Shoemakers	14			14			

Occupation	Member- ship of Each Occu- pational Group	Maximum Possible Number of Workers Located in the Below Classes					
		Bour- geoisie	Petty Bour- geoisie	Prole- tariat	Farmers	Agricul- tural Laborers	Contra- dictory Class Location
Stagedrivers	1			2			
Stockmen	16				16	16	
Stenographers	1		1				
Stonecutters	1		1				
Surveyers	9		9				
Solicitors	4		3				
Speculators	3	3	3				
Stemboat Men	1		1				
Superintendents	4		4				
Tailors	5		5				
Tanners	5		5	5			
Teachers	45		45				
Teamsters	59			59			
Timbermen	2			2			
Tinners	4		4				
Federal Employees	24		24	24			
Undertakers	3		3				
Upholsters	2		2				
Vets	2		2				
Wagonmakers	1		1				
Warehousemen	1			1			
Watchmen	2			2			
Woodmen	1		1				
Wooddealers	1		1				
Waiters	2			2			
Woodcutters	7			7			
Woodsawyers	5						
Totals	5444						
(i) Maximum membership		313	1393	1435	2712	773	102
(ii) Minimum membership		31	964	435	2640	0	6
(iii) Max. % membership		5.7	25.6	26.4	49.8	14.2	1.9
(iv) Min. % membership		0.6	17.7	8.0	48.5	0	0.1

*This figure appears to be very low. As noted in Chapter 13, the Siuslaw River Fishermen's Protective Union had 119 members in 1895.

**These 3 categories were especially difficult to classify. Millmen were probably paid employees who worked in the mills. A millwright usually refers to a person who designs, builds or installs mills or their machinery. However this term might also describe an employee who installs, attends, or repairs the shafting, belting and other machinery in a mill. Either way I decided that this was skilled work with a considerable measure of autonomy. As a result I placed millwrights among the petty bourgeoisie. A miller refers to the person who owns or operates a mill. For this reason I placed the mill owner among the bourgeoisie, whereas an "operative" would in all likelihood be an employee. For this reason I also categorized millers among the proletariat.

(ii) 1930

A rough outline of class structure was drawn from census data which enumerated the numbers of workers in particular sectors of the economy. This tells us little of job categories within each sector. In particular there is no indication of the number of individuals who owned and/or controlled the means of production. This made the identification of the bourgeoisie very speculative. Classifying all forestry workers or members of the proletariat is obviously crude and misleading. However, knowing that most foresters were wage earners, means that their placement in the proletariat is the most suitable compromise given the fact we do not know more figures on the forestry sector. Likewise the sweeping designation of independent hand trades among the ranks of the petty bourgeoisie may also be misleading. However, knowing that the majority of the workers were artisans, this placement seemed to be the most appropriate. As in 1905, I have attempted to overcome some of these problems by outlining the possible lower and upper limits of class membership.

TABLE R.2. To show the class structure of Lane County in 1930 through occupational groupings.

Occupation	Member-ship of Each Occupational Group	Maximum Possible Number of Workers Located in the Below Classes					Contra-dictory Class Location
		Bour-geoisie	Petty Bour-geoisie	Prole-tariat	Farmers	Agricul-tural Laborers	
Farmers	3339				3339		
Farm Managers & Foremen	35						35
Farm Waged Laborers	1004					1004	
Forestry	1907			1907			
Fishing	19		19	19			
Extraction of Minerals	143			143			
Building	932		932	932			
Clothing	52			52			
Bakeries	112			112			
Slaughter & Packing Houses	23			23			

Occupation	Member- ship of Each Occu- pational Group	Maximum Possible Number of Workers Located in the Below Classes					Contra- dictory Class Location
		Bour- geoisie	Petty Bour- geoisie	Prole- tariat	Farmers	Agricul- tural Laborers	
Food Manuf. Automobile Factories & Repair Shops	216			216			
Iron & Steel Industry	157			157			
Saw & Planing Mills	196			196			
Woodworking/ Furniture Ind.	2390			2390			
Printing, Pub- lishing & Engraving	61		61	61			
Paper & Allied Industries	152		152				
Textile Industries	13		13				
Independent Hand Tools	77			77			
Other Manufact. Industries	150		150				
Construction/ Street Maint.	302			302			
Garages, Greasing Sta.	426			426			
Postal Service	214		214	214			
Steam & Street Railroads	149			149			
Telegraph & Telephone	1146			1146			
Other Transp. & Communication	222			222			
Bank & Brokerage	265			265			
Ins. & Real Estate	170	170	170				
Auto Agencies & Filling Sta.	267	267	267				
Wholesale & Retail	316		316	316			
Trade Industries	2170		2170	2170			
Public Service	78		78	78			
Recreation & Amusement	256		256	256			
Other Profess. & Semi Prof. Services	241			241			
Semi Prof Serv., Hotels, Rest- aurants, etc.	1873		1873				1873
Laundries	813			813			
Domestic & Personal Serv.	173			173			
Totals	846			846			
(i) Maximum membership	20691	437	6671	13902	3339	1004	1908
(ii) Minimum membership		0	315	9856	3339	1004	35
(iii) Maximum % membership		2.1	32.2	66.3	16.1	4.9	9.2
(iv) Minimum % membership		0	1.5	47.6	16.1	4.9	0.2

(iii) 1960

TABLE R.3. To show the class structure of Lane County in 1960 through occupational groupings.

Occupation	Member- ship of Each Occu- pational Group	Maximum Possible Number of Workers Located in the Below Classes					Contra- dictory Class Location
		Bour- geoisie	Petty Bour- geoisie	Prole- tariat	Farmers	Agricul- tural Laborers	
Tech. Engineers	267		267				
Med/Health Workers							
Salaried	819		819	819			
Self-Employed	435		435				
Teachers	1731		1731				
Other Professionals							
Salaried	2993		2993				2993
Self-Employed	372		372				
Farmers & Farm Managers	1182				1182		
Managers, Officials & Proprietors	5719	5719	5719				5719
Clerical & Kindred Workers	6519		6519	6519			
Sales Workers	4271			4271			
Construction							
Craftsmen	2161		2161	2161			
Foremen	1244						1244
Mechanics & Repairmen	1809			1809			
Metal Craftsmen	729		729	729			
Other Craftsmen	2358		2358	2358			
Operatives & Kindred Workers	10355			10355			
Private Household Workers	1464			1464			
Service Workers	4918			4918			
Farm Labourers & Foremen	639					639	639
Industrial Labourers	6218			6218			
Occupation not Reported	1302						
Totals	57505						
(i) Maximum membership		5719	24103	41621	1182	639	10595
(ii) Minimum membership		0	5798	29035	1182	639	1244
(iii) Maximum % membership		9.9	41.9	72.4	2.1	1.1	18.4
(iv) Minimum % membership		0	10.1	50.5	2.1	1.1	2.2

Source: U.S. Census 1960, Vol. 1, Part 39 (Oregon), p. 146, Table 84.

Note

¹Report of Labour Commissioners (1905). Bureau of Labour Statistics. J. R. Whitney, State Printer, Salem, Oregon.

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